

INDONESIA FOCAL POINT FOR LEGALLY BINDING TREATY ON BUSINESS & HUMAN RIGHTS



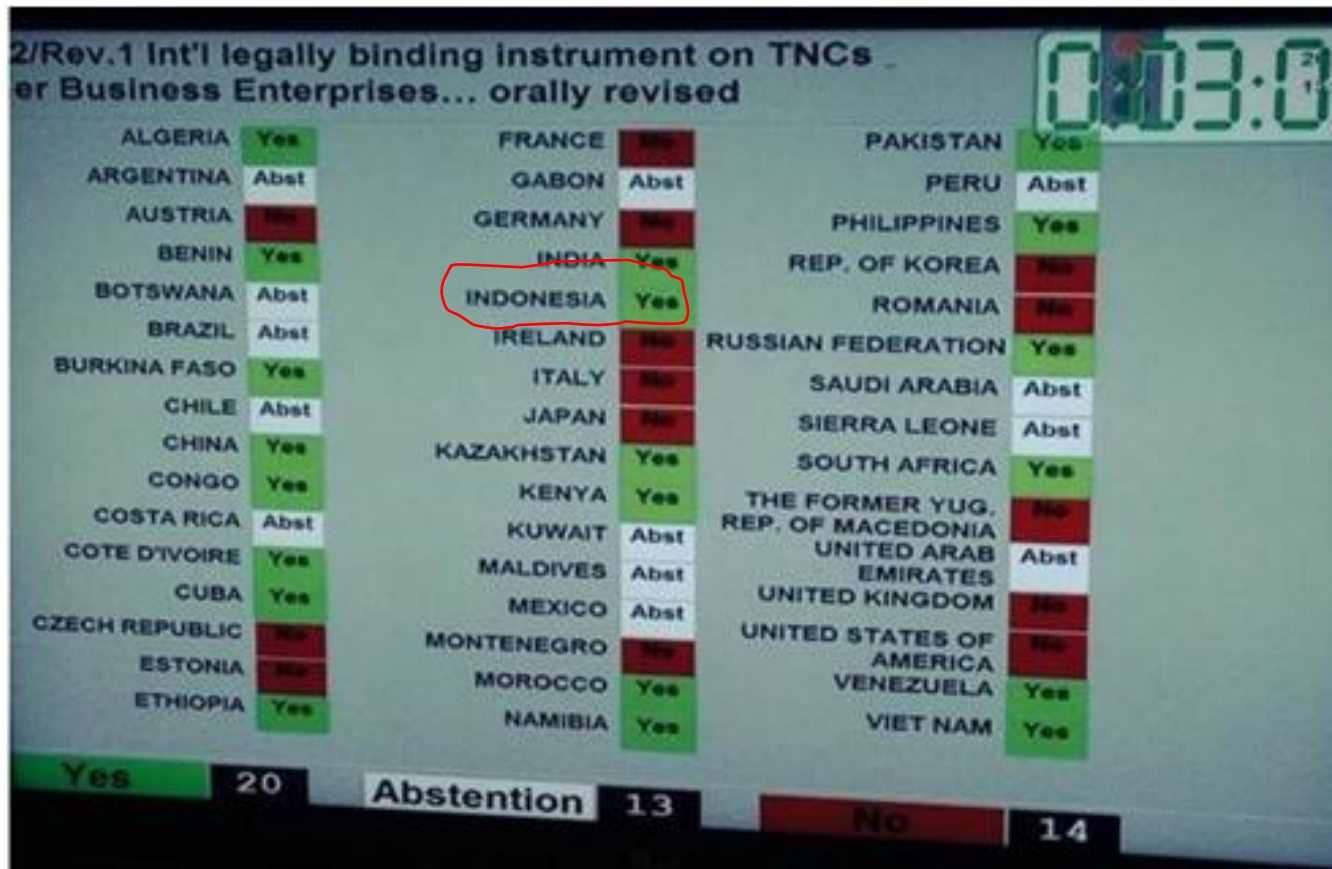
SEJARAH

- Perjuangan membentuk Sistem HAM Internasional Yang Mengikat TNCs
- **1970-1994:** Terbentuknya United Nations Centre on Transnational Corporations (UNCTC) dan Intergovernmental Commission on Transnational Corporations (ICTC) → UN Code of Conduct for TNCs
- **1998-2004:** WG dibawah UN Sub-Commission on the Promotion and protection of Human Rights → Draft Norms
- **2005-2011:** UN Human Rights Council mengadopsi The Guiding Principles on Business and Human Rights pada 2011.
- **2013-Now (Recent Development):** the UN Human Rights Council mengadopsi [Resolution 26/9](#), yang memberikan mandat untuk membentuk open-ended Intergovernmental Working Group (IGWG) untuk membahas pembentukan legally binding instrument on business and human rights.



UN RESOLUTION 2014

- **Proposal dari negara Amerika Latin dan Afrika Selatan 2013:** Mendorong sebuah binding treaty untuk mengatur aktivitas Korporasi, termasuk memberikan sanksi hukum terhadap pelanggaran yang dilakukan Korporasi - **20 negara sepakat, 13 abstain, dan 14 menolak**



KENAPA BINDING TREATY???

- The lack of binding obligations upon corporate activity leaves a regulatory gap --- khususnya terkait dengan “States Extraterritorial Duties” dan International Corporate Structures
- Lemahnya mekanisme remedy dalam meminta pertanggungjawaban korporasi.



PERKEMBANGAN IGWG

- IGWG sudah melakukan 5 session sejak 2015-2019. IFP Berpartisipasi beberapa kali dan ikut memberikan intervensi secara langsung, bahkan membuat Side Event di Jenewa soal Indonesia.
- Hingga saat ini IGWG sudah mengeluarkan draft teks konsolidasi versi kedua yang akan menjadi bahan negosiasi di putaran sesi keenam di tahun 2020.



THE GOVT OF INDONESIA ENGAGEMENT ON THE BINDING TREATY

- The positive approach has been taken by Government of Indonesia in the 3rd session of Intergovernmental Working Group (IGWG) last year. They were very active in giving inputs in the discussion of the draft.
- Indonesia attaches great importance on the issue of Business and Human Rights. The government of Indonesia realized that they should ensure that the investment activities of Transnational Corporations (TNCs) are not jeopardizing the rights of our community.
- **At least, there are some inputs made by Indonesia from the 3rd Session:**
 1. **General Framework:** the international legal instruments to be referred in this section should be those which are universal and agreeable to many states, especially refer to the Declaration on the Right to Development.
 2. **Scope of Application:** the objective of the instrument is to address the gap in the international legal system, negotiations must focus on elaboration of elements regulating TNCs this is because of complex corporate structure and international dimension of their operations, TNCs may avoid their responsibilities for human rights violations. The aim here is to resolve the issues by the international operations of TNCs and their ability to commit violations in some countries where there are no access to effective remedy.

Intervensi Pemerintah: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/OralInterventions/Indonesia-Reflectionsontheimplementation.pdf> <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/OralInterventions/Indonesia-Subject1.Generalframework.pdf> <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/OralInterventions/Indonesia-Subject2.Scopeofapplication.pdf> <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/OralInterventions/Indonesia-Generalstatement.pdf>



INDONESIA FOCAL POINT



IFP part of International Network: Treaty Alliance & Global Campaign to Dismantle Corporate Power.

In Regional level IFP formed and leading in the Asia Task Force for LBI together with other organizations in Asian countries i.e. Philippines, Myanmar, and India.

Indonesia – Indonesia Focal Point on Binding Treaty terbentuk tahun 2015:

Indonesia for Global Justice - Indonesian Human Rights Committee for Social Justice (IHCS) - Mining Advocacy Network (JATAM) - Institute for Policy Research and Advocacy (ELSAM) - People's Coalition For The Right To Water Indonesia (KRuHA) – Pusaka – Indonesia Peasant Union - Sawit Watch – Bina Desa - Peoples Coalition for Fisheries Justice (KIARA) - International NGO Forum on Indonesian Development (INFID) – WALHI – KontraS - Indonesia Peasant Alliance – Woman Solidarity

