



**PRESS INFORMATION – FOR IMMEDIATE RELEASE    28 November 2011**

**Agribusiness and Human Rights in Southeast Asia Workshop brings together Human Rights Commissioners, indigenous peoples' representatives, academics and NGOs from across the world**

A landmark workshop, “Human Rights and Business: Plural Legal Approaches to Conflict Resolution, Institutional Strengthening and Legal Reform”, is taking place at the Santika Hotel, Kuta, Bali, from today until 1 December 2011, convened by the Indonesian National Commission on Human Rights (Komnas HAM) and supporting NGOs SawitWatch and Forest Peoples Programme. The event will be attended by over 60 participants, from the National Human Rights Commissions of the Southeast Asian region, the ASEAN Intergovernmental Human Rights Commission, notable academics, representatives of indigenous peoples, as well as members of supportive national and international NGOs.

Nur Kholis, Deputy Chairperson of the Indonesian National Human Rights Commission (Komnas HAM), said,

*“We are taking this initiative in collaboration with the other human rights commissioners of South East Asia as a way of ensuring a more balanced approach to development based on respect for peoples’ rights, with an emphasis on the need to secure livelihoods and the right to food.”*

The meeting will focus on the challenges of ensuring respect for the rights of indigenous peoples and rural communities in the context of the rapid expansion of agribusiness, notably the palm oil sector, while recognising the right to development and the need to improve the welfare and situation of rural people. Statements will be made by the UN Special Rapporteur on the Right to Food, Olivier de Schutter, and Justice Raja Devasish Roy, Member of the UN Permanent Forum on Indigenous Issues (UNFPII).

Norman Jiwan, Head of Mitigation for the palm oil monitoring NGO, SawitWatch, said,

*“Our studies show that where rights are poorly respected, protected palm oil tends to expand at the expense of indigenous peoples, the rural poor, women, migrants and workers. It is imperative that States take stronger measures to secure favourable outcomes for people.”*

While broad-based business can, under the right circumstances, provide skills, opportunities and improved livelihoods for indigenous peoples and rural communities, un-transparent deals, exploitative working conditions, poor safety standards, displacement and tenure insecurity can also severely undermine their human rights. The growing role and impact of the corporate sector, both within countries and across borders, has placed the issues of business and human rights firmly on the agenda of the United Nations and regional human rights bodies.

Marcus Colchester, Director of the international human rights group Forest Peoples Programme, said,

*“While businesses themselves need to adopt responsible policies, legal frameworks also need to be strengthened to oblige their compliance with international human rights norms.”*

The three related objectives of the meeting are to:

1. Lay the basis for the development of regional human rights standards for agricultural expansion in Southeast Asia with particular reference to palm oil. This will be based on international human rights standards and the ICC Edinburgh Declaration.<sup>i</sup>
2. Identify opportunities for using plural legal approaches for securing rights, especially in land, of indigenous peoples and other customary law communities.
3. Build mutual understanding between Human Rights Commissioners and regional lawyers, human rights activists and supportive NGOs, in support of the work of the Asia Pacific Forum for National Human Rights Institutions.

Jannie Lasimbang, Commissioner on the Malaysian National Human Rights Commission (SUHAKAM), said,

*“The Conference will contribute towards strengthening the work of National Human Rights Institutions and others in fulfilling human rights, particularly for indigenous communities, and those who are affected by the entry of business interests that do not recognise customary rights to land.”*

An important new study being launched at the workshop is also expected to be a major talking point: *“Divers Paths to Justice - Legal pluralism and the rights of indigenous peoples in Southeast Asia”* reveals that the majority of Southeast Asian countries already have plural legal systems and to some extent custom is recognised as a source of rights in the laws of a number of them through their constitutions and other laws. National and international courts have affirmed indigenous peoples’ customary rights in land. And all these countries have endorsed and ratified key international human rights laws and treaties. Thus the basis for securing indigenous peoples’ rights through a revalidation of customary law exists. The study makes clear that ‘legal pluralism’ is not an arcane field of analysis for academics but lies at the heart of indigenous peoples’ struggles for the recognition of their rights.

An expected outcome of the workshop will be a “Bali Declaration on Agribusiness and Human Rights in Southeast Asia” which will encourage governments and legislatures in the Southeast Asia region to ensure that they take urgent steps to reform national laws and policies relating to land tenure, agrarian reform, land use planning and land acquisition so that they comply fully with their countries’ human rights obligations, including the right to food, the right of all peoples to freely dispose of their natural wealth and resources, and the right not to be deprived of their means of subsistence.

Dr. Nirun Phithakwatchara, National Human Rights Commissioner of Thailand, said,

*“In order to achieve the goal of social justice, it is critical that community rights be widely mainstreamed and deeply enrooted as a way forward towards the creation of politics firmly rooted in democracy.”*

Ends.

## NOTES TO EDITORS

“Human Rights and Business: Plural Legal Approaches to Conflict Resolution, Institutional Strengthening and Legal Reform” Workshop is taking place at Hotel Santika Premiere Beach Resort Bali, Jalan Kartika Plaza, P.O. Box 1008, Tuban, Kuta – Bali, Indonesia.  
Tel. (62-361) 751267, Fax. (62-361) 751260, 761889.

**Two Press Conferences will be held on 28 November 12–1pm, and 1 December 1–2pm, at the Hotel Santika Premiere Beach Resort Bali.** For further details please contact Norman Jiwan, Mobile: +62 81315613536, E-Mail: [norman@sawitwatch.or.id](mailto:norman@sawitwatch.or.id).

**Contact persons at the Workshop:**

Nur Kholis, Komnas HAM. Mobile: +62 8127107577. E-mail: [nurkholis70@yahoo.com](mailto:nurkholis70@yahoo.com)

Norman Jiwan, Mobile: +62 81315613536, E-Mail: [norman@sawitwatch.or.id](mailto:norman@sawitwatch.or.id)

Andrie Djailani, Mobile: +62 81281923923. E-mail: [andri.djailani@komnasham.go.id](mailto:andri.djailani@komnasham.go.id)

**Workshop Organising Bodies:**

- **Indonesian National Commission on Human Rights (Komnas HAM):** Jl. Latuhjarhary No. 4B, Menteng, Jakarta Pusat 10310. Tel: +62 213925230, ext. 208. Fax: +62 213925227.
- **SawitWatch:** Taman Bogor Baru Blok C1 No 10, Kel Tegalega, Kec Bogor Tengah, Indonesia, Tel/fax: +62 251 8311841, E-mail: [info@sawitwatch.or.id](mailto:info@sawitwatch.or.id), [www.sawitwatch.or.id](http://www.sawitwatch.or.id)
- **Forest Peoples Programme:** 1c Fossey Business Centre, Stratford Road, Moreton-in-Marsh, England, GL56 9NQ Tel: + 44 1608 652893, Fax: + 44 1608 652878, E-mail: [marcus@forestpeoples.org](mailto:marcus@forestpeoples.org). [www.forestpeoples.org](http://www.forestpeoples.org)

***Divers Paths to Justice: Legal Pluralism and the Rights of Indigenous Peoples in Southeast Asia*** by Marcus Colchester and Sophie Chao (eds.) with Ramy Bulan, Jennifer Corpuz, Amity Doolittle, Devasish Roy, Myrna Safitri, Gam Shimray and Prasert Trakansuphakon: [www.forestpeoples.org/topics/rights-land-natural-resources/publication/2011/new-publication-divers-paths-justice-legal-plu](http://www.forestpeoples.org/topics/rights-land-natural-resources/publication/2011/new-publication-divers-paths-justice-legal-plu)

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- **Asia Indigenous Peoples Pact (AIPP):** 108, Moo 5, T. Sanpranate, A. Sansai, Chiang Mai, 50210. Thailand. Tel: +66 (0)53 380 168, Fax: +66 (0)53 380752. E-Mail: [aippmail@aippnet.org](mailto:aippmail@aippnet.org). <http://www.aippnet.org>
- **Forest Peoples Programme:** 1c Fossey Business Centre, Stratford Road, Moreton-in-Marsh, GL56 9NQ, England. Tel: + 44 1608 652893, Fax: +44 1608 652878. E-mail: [marcus@forestpeoples.org](mailto:marcus@forestpeoples.org), [sophie@forestpeoples.org](mailto:sophie@forestpeoples.org). [www.forestpeoples.org](http://www.forestpeoples.org)
- **SawitWatch:** Taman Bogor Baru Blok C1 No 10, Kel Tegalega, Kec Bogor Tengah, Indonesia. Tel/fax: +62 251 8311841, E-mail: [info@sawitwatch.or.id](mailto:info@sawitwatch.or.id). [www.sawitwatch.or.id](http://www.sawitwatch.or.id)
- **RECOFTC - The Center for People and Forests:** P.O.Box 1111, Kasetsart University, Bangkok 10903, Thailand. Tel: +66 (0)2 940 5700, Email: [prabha.chandran@recoftc.org](mailto:prabha.chandran@recoftc.org). [www.recoftc.org](http://www.recoftc.org)

With support from the **Rights and Resources Initiative:** 1238 Wisconsin Avenue NW, Suite 300, Washington, DC 20007, USA. Tel: +1 202 4703900. Email: [info@rightsandresources.org](mailto:info@rightsandresources.org). [www.rightsandresources.org](http://www.rightsandresources.org)

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<sup>i</sup> From 8–10 October 2010, representatives from around 80 countries attended the 10th International Conference of National Human Rights Institutions in Edinburgh, which resulted in the ‘Edinburgh Declaration’. The Edinburgh Declaration calls for more national and international monitoring of businesses’ compliance with human rights law. The awareness of companies, governments, campaigners and individuals regarding corporate responsibility must be raised as these institutions have an important role to play in supporting companies and victims of potential human rights violations.