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HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 14 February 2023

A/TO: Mr. Hamid Sharif
Managing Director
Asia Infrastructure Investment Bank - AIIB

FAX:

EMAIL: information@aiib.org; sangmoo.kim@aiib.org

DE/FROM: Beatriz Balbin
Chief
Special Procedures Branch
OHCHR

FAX: +41 22 917 9008

TEL: +41 22 917 83 41 / +41 22 917 9738

E-MAIL: ohchr-registry@un.org

REF: AL OTH 133/2022 (PLEASE USE THIS REFERENCE IN YOUR REPLY)

PAGES: 14 (INCLUDING THIS PAGE)

OBJET/SUBJECT: **JOINT COMMUNICATION FROM SPECIAL PROCEDURES**

Please find attached a joint communication sent by the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on extreme poverty and human rights.

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SPECIAL RAPPORTEURS, INDEPENDENT EXPERTS & WORKING GROUPS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9543 / +41 22 917 9738 • FAX: +41 22 917 9008 • E-MAIL: registry@un.org" ohchr-registry@un.org

Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on extreme poverty and human rights

Ref.: AL OTH 133/2022
(Please use this reference in your reply)

14 February 2023

Dear Mr. Sharif,

We have the honour to address you in our capacities as Special Rapporteur on the rights of Indigenous Peoples; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 51/16, 44/15, 43/4, 50/17, 43/14, 43/16, 50/6 and 44/13.

We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on the information we have received[1]. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice

[1] Further information about the communication procedure is available at: http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx.

considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning allegations of human rights violations surrounding the Mandalika urban development and tourism project. Previous concerns have been expressed concerning the implementation of this project by the Special Procedures in AL OTH 17/2022 and AL OTH 24/2021. We remain extremely concerned about the situation in the Mandalika region.

According to the information received:

The Mandalika urban development and tourism project ("the Mandalika project") is a major project implemented by the Indonesia Tourism and Development Corporation ("ITDC"), an enterprise fully owned by the Government of Indonesia, in the Mandalika region, Central Lombok Regency, West Nusa Tenggara Province.

The project was approved in December 2018, amidst conflicts as a result of alleged involuntary land acquisition and resettlement of the Sasak Indigenous Peoples in preparation for the project. It is alleged that the project moved forward without comprehensive social and environmental assessments and meaningful and inclusive consultations or the free, prior and informed consent of the Sasak Indigenous Peoples who have been affected by land confiscations, forced resettlement, and coercion and intimidation by security forces since 2018.

Worth over US$300 million in total, this project is largely funded by the Asia Infrastructure Investment Bank ("AIIB"), which provides 78.5 per cent of its funding in loans (US$ 248.4 million). It is alleged that the AIIB failed to exercise due diligence and ensure that the risks of involuntary resettlement and forced evictions of Indigenous Peoples were avoided, minimized, or mitigated prior to loan approval. It is submitted that the AIIB did not conduct and make public a comprehensive land survey in the project area as a precondition of project approval, relying instead on the ITDC's claim that over 92.7 per cent of the land was free and clear of any disputes.

West Nusa Tenggara is one of the provinces in Indonesia with consistently high poverty rates. 85 per cent of Lombok's inhabitants are Sasak Indigenous Peoples with their own language, culture and traditions. The Sasak peoples account for over 99 per cent of the total population in four villages of the Mandalika region (Kuta, Sukadana, Mertak and Sengkol). The majority of the Mandalika residents are farmers or fishers, relying on natural resources as their source of livelihood. Many of them live in poverty and struggle to meet their basic needs including access to food, clothing, education, adequate housing and adequate health care.

Allegations of forced evictions, involuntary resettlement, and increased militarisation

The Mandalika International Circuit, a motorcycle racetrack, is marketed as a touristic highlight for the island. There is a high degree of homelessness as a result of involuntary resettlement in the areas surrounding the newly built racetrack.

Despite assurances by AIIB and the ITDC that permanent resettlement would occur within 12 months of relocation, approximately 100 people from an estimated 36 households remain in self-built temporary shelters, almost 3 years later. Essential public services guaranteed by AIIB and ITDC, such as trash collection, were delayed by over a year. Permanent homes in the Ngolang resettlement site are still under construction, cramped together on a hillside in between mountains. The project-affected communities were not involved in the design of the resettlement site, nor did they have a say in deciding its location. The first few involuntarily resettled families who have moved into the permanent resettlement site have been informed that they would be required to pay a monthly payment of 300,000 IDR (currently around US$ 20) towards home ownership. Neither AIIB, nor ITDC have informed them for how long they would be required to make such payments. They were under the impression that these new homes would be provided for free as part of compensation for the lands and homes they have lost due to the Mandalika project. This is placing already indebted and impoverished families at risk of homelessness (for non-payment of these amounts) and further extreme poverty. In addition, there is no running water, and involuntarily resettled families are being asked to pay for a water pump themselves.

During the March 2022 Moto Grand Prix race ("MotoGP"), members of the Indonesian police and security forces camped in the homes of project-affected households whose land was being disputed by ITDC in surrounding areas. The Sasak Indigenous Peoples were prevented from asserting their land rights and demanding fair compensation and dispute settlement. Approximately 36 families (almost 100 people) have remained in the area, forced to live alongside a construction site in proximity to the racetrack

In Ebunut village, Sasak households opposing the terms of the involuntary resettlement were forced to wear bracelets during the race days in order to travel through security checkpoints set up near their village. Bracelets were distributed in limited quantities with some households not receiving any and were only valid for two checkpoint entries, severely restricting freedom of movement. The increased presence of security forces and restrictions during the MotoGP has had adverse effects on the lives of the Sasak, with some parents keeping their children home from school out of fear that they would lose the bracelets and not be allowed to return to their homes.

Similar to the MotoGP race, the freedom of movement of communities around Mandalika was curtailed during the November 2022 World Superbike ("WSBK") race. Local officials distributed stickers to be used to pass through checkpoints. It is reported that the number of stickers allocated was again insufficient, cutting Sasak members off from their livelihoods and restricting women's ability to purchase essential supplies for their children.

Those whose livelihoods relied on fishing, cattle raising, and running small market stalls complained that the compensation offered for involuntary

resettlement was not sufficient restitution to replace their income levels, putting them below the poverty line. School was suspended in some cases because parents were unable to pay for tuition, school supplies and uniforms. The resettlement action plan proposed by the AIIB and the ITDC promised that those whose livelihoods had been affected by the project would receive job training. While some community members living in self-built temporary homes found day labor work at nearby construction sites, without any protection or training, most farmers and fishers are struggling to sustain their livelihoods.

Reports of increased intimidation and coercion to clear the land surrounding the Mandalika International Circuit were made prior to the November 2022 WSBK race. Project-affected communities raised concerns regarding the task force for the acceleration of resettlement of land disputes ("SATGAS"). SATGAS comprises members of both the police and provincial army, which have reportedly intimidated and coerced Indigenous People in Mandalika into ceding their lands.

In addition to losing their homes and traditional lands, some project-affected households have also experienced a breakdown in family and Sasak community relations as a result of their relocation. Residents of the Kuta, Sengkol, Mertak, and Sukedane villages in Pujut sub-district in the Mandalika area were not able to relocate near their extended family and neighbors.

It is further alleged that road conditions around the Mandalika race circuit have worsened dramatically after the construction of the racetrack, and the ITDC and the AIIB have made no efforts in improving the conditions. What used to be a 10 minute ride now takes more than 30 minutes. Sasak women have expressed concerns that it would be unsafe for them to travel in the dark on poorly maintained roads.

Allegations of restrictions on civic space and freedom of expression

Ahead of the November 2022 WSBK event, Sasak community members set banners on their property and distributed flyers to visitors of the Mandalika region, highlighting the negative impacts of the Mandalika International Circuit on their lives and livelihoods. Indonesian security forces entered the properties of affected community members to take down the banners.

In addition, a planned protest in front of the Mandalika Circuit was cancelled due to concerns regarding the safety of participants, some of whom were called or visited by the police and asked to avoid participating in protests. In response to community protests, senior officials from the regional police held a meeting with village leaders from Mandalika following the WSBK event.

Ahead of the G20 Summit in Bali, Indonesia, activists from the Indonesian People's Assembly ("IPA") organised a nationally coordinated protest on 15 November in 15 provinces, including in Lombok. The protests opposed the restriction of civic space around the G20 Summit and the inequitable trade agreements and investments from developed countries that could lead to the destruction of natural resources and labour violations in Indonesia. In Lombok, the demands were tightly intertwined with advocacy messaging

focused on the human rights implications of the Mandalika tourism development project.

Meaningful consultations and right to obtain information

Concerns remain that the affected Indigenous Peoples are not being informed or consulted in a meaningful manner about the Mandalika project. Three consultations took place on 7 July 2022, 3 August 2022, and 6 October 2022. It is reported that Major General Djaka Budhi Utama, the Deputy Minister for Political, Legal, and Security Affairs who holds a leadership role within the land acquisition task force, requested a meeting with four village leaders on three days' notice. The representatives who attended the meeting had not been selected by the Indigenous communities. Only three project-affected community members independently attended the meeting after hearing about it from their village leaders. Although Ministry officials said they would address the Sasak's concerns, they did not take the time to do so in-depth or listen to their perspectives. The meetings were not translated into Sasak, which made it difficult to participate in the discussions.

Threats and intimidations against Sasak human rights defenders

Reports received further suggest that the Sasak opposing the ITDC's land acquisitions and movement restrictions have been subject to intimidation, harassment, and threats. During the March 2022 MotoGP race, three Sasak members were arrested in connection with social media posts criticising the Indonesian government for restricting their movement. According to these reports, the protestors were told by the police that they would be arrested again if they posted any more comments critical of the security forces and had to pay 2 million Indonesian rupiah in bribes to be released. Others who were investigating and monitoring the Mandalika project were subjected to intimidation by unidentified individuals, allegedly linked to the government.

During the WSBK race, security forces set up check points and entered residential areas in Ebunut and Ujung Lauk villages to allegedly intimidate residents involved in protest activities and remove their banners and billboards. Although there have not been any reports of serious altercations, many residents are living in fear after the events they experienced during the previous race.

It is alleged that prior to the 15 November start of the G20 Summit, local police forces committed a sweep of the secretariat of student unions where protest materials were being held, and seized posters, banners, and leaflets with slogans criticising the G20 and calling for a resolution to the land disputes in Mandalika.

On 15 November, there was a protest in Mataram against the G20 Summit and the lack of resolution to the land disputes in Mandalika. The protests were quickly dispersed by local police forces. Fourteen activists were arrested and asked to sign a document pledging not to take part in any other protests until the conclusion of the G20 Summit. Sasak members were in route to Mataram to join the protest when police dispersed the crowd and warned against continued protests.

While we do not wish to prejudge the accuracy of the above allegations, the information described above raises serious concerns that the 2022 World Superbike race and subsequent G20 Summit has led to further threats to the land security of the Sasak people and increased acts of intimidation against Sasak human rights defenders. Multilateral banks, such as the AIIB, have obligations to respect human rights and to ensure, at minimum, that they do not finance projects that contribute to human rights violations and abuses. To this end, it is incumbent on the AIIB to carry out human rights due diligence in order to identify, prevent or mitigate any adverse human rights impacts of projects they finance.

In the present case, we express serious concerns about reports that AIIB approved its financing of the Mandalika project without proper due diligence and is failing to adequately supervise the ITDC's compliance with internationally recognized human rights standards. In particular, we are deeply troubled by the fact that the Mandalika project has led to and resulted in forced evictions and the affected Sasak communities are left without effective remedies, adequate housing and living conditions. Rather than contributing to sustainable development that benefits the local population of the region, the project is allegedly fueling the pattern of aggressive land acquisition under coercion without prior consultations or adequate compensation, forced evictions, involuntary resettlements, restrictions on the rights to freedom of expression and of peaceful assembly, and loss of livelihood and cultural life for the Sasak people.

The AIIB has effectively ignored our previous recommendations to carry out human rights due diligence in preventing or mitigating human rights violations in connection with the Mandalika project. Furthermore, the alleged criminalization and intimidation of local residents and human rights defenders who have opposed the project or its implementation for its detrimental impact on the affected communities, is a cause for further concern. We are concerned that such actions have resulted in the silence of and have deterred human rights defenders from protecting and promoting the rights of others, contributed to a harmful and intimidating effect on civil society more broadly. By financing a project that appears to violate international human rights law and standards, the AIIB may be complicit in human rights violations associated with the acts of its client.

Finally, we draw your attention to the joint communication sent on 4 March 2021 (AL OTH 17/2022) on the situation of the implementation of the Mandalika project which raised serious concerns about the AIIB's failure to comply with its environmental and social due diligence responsibilities under its Environment and Social Framework (ESF); minimize and mitigate impacts; and monitor compliance with its environmental and social obligations. We would also like to draw your attention to the 8 March 2022 letter of the Special Rapporteur on extreme poverty and human rights (Ref: AL OTH 17/2022) which clarified concerns, presented further observations on the alleged forced evictions and referred to conflicting claims regarding the request of consent of the affected households and communities, the compensation for loss of land, properties and livelihoods, and the conditions of resettlement, in line with international human rights law.

The Special Rapporteur also recommended that the AIIB appoints an independent mediator to "facilitate mediation among different parties, with a view to reconciling conflicting claims and finding mutually agreeable solutions" (para. 26).

However, while the AIIB did formally commit, in conversations with the Special Rapporteur on extreme poverty and human rights (most recently in a conversation held on 2 August 2022), to appoint an independent and impartial mediator, we are concerned that no progress has been made in this regard since that date, allegedly due to the unwillingness of the ITDC and the Government of Indonesia to take seriously the concerns expressed.

In connection with the above alleged facts and concerns, please refer to the Annex which details applicable international human rights law and standards relevant to the present allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please explain what measures have been adopted to ensure that the AIIB as well as your clients and business partners possess adequate awareness, knowledge and tools to identify and report human rights abuses, including those alleged in the present letter, throughout your operations.

3. Please provide information on whether and to what extent the AIIB publicly discloses how it is addressing human rights risks and impacts connected with investment activities.

4. Please describe the guidance, if any, that the AIIB has provided to your clients and partners, such as ITDC, on how to respect human rights throughout their operations in line with the UN Guiding Principles on Business and Human Rights. This guidance may include measures, inter alia, conducting human rights due diligence, consulting meaningfully with potentially affected stakeholders, and remediating any negative impacts.

5. Please provide information as to any steps taken by the AIIB to verify that the ITDC has engaged in genuine, meaningful and inclusive consultations with the Sasak People, to assess the impacts of the Mandalika urban development and tourism project on the Sasak as an indigenous people as well as to avoid any potential adverse impacts and mitigate risks. Please provide evidence that consultation(s) with affected populations, other than the Sasak Tribe Customary Council alone, was carried out. Further, please indicate when the consultations were held, who participated in them, and the conclusions of the consultation.

6. Please provide information as to what human rights due diligence policies and processes have been put in place by the AIIB to monitor and supervise ITDC's compliance with the United Nations Guiding Principles on Business and Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples.

7. Please provide information about the human rights due diligence policies and processes put in place by the AIIB to identify, prevent, mitigate and remedy adverse human rights impacts of the Mandalika project, in line with the United Nations Guiding Principles on Business and Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples.

8. In the AIIB's letter dated 3 May 2021, AIIB indicated that it is involved in the preparation by ITDC's consultant of environmental and social documents (gap analysis, land study, RPF, RAP, ESMP, IPDP). Please provide information on the results of these environmental and social impact studies carried out in relation to the Mandalika project and any actions taken to redress adverse impacts found in these studies.

9. Please provide information on any steps taken by the AIIB to ensure that the Sasak people who have been removed from their lands have access to effective remedies and can obtain adequate compensation for any affected property, regardless of whether or not they enjoy formal land rights.

10. Please provide information on whether there is a security personnel management plan in place for the Mandalika project. If so, kindly provide us a copy as well as information as to how said plan is being implemented.

11. In the AIIB's response dated 3 May 2021, it stated that the "AIIB has not, to date, found any evidence of coercion or direct use of force or intimidation relating to land acquisition and resettlement under the Project itself". Considering the new information on the threats and intimidations against Sasak human rights defenders outlined in this communication, please indicate any remedial action taken by the AIIB vis a vis the victims and/or their families, specifically in light of the recommendations provided to business in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on the adverse impact of business activities on human rights defenders (A/HRC/47/39/Add.2).

12. In response to a recommendation to the AIIB to appoint an independent and impartial mediator to facilitate mediation among different parties, the AIIB, on 3 May 2021 stated that it "will encourage ITDC and the GOI to engage an experienced facilitator not involved with the Project (or the MotoGP Circuit) or the Bank, who would facilitate a workshop to be convened by ITDC and to which a representative from AIIB would be invited to participate)." Considering that the proposed workshop facilitator's duties are starkly different from the duties of the proposed independent mediator, we would like to reiterate our request for further information on any steps taken by the AIIB to appoint an independent mediator to reconcile conflicting claims and find a mutually agreeable solution.

This communication and any response received from you will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Please be informed that letters on this matter are also being sent to the Permanent Mission of Indonesia, as well as to the Indonesia Tourism and Development Corporation – ITDC, Vinci Construction Grands Projects, Accor, EBD Paragon, Dorna Sports, and to the states where they are domiciled, regarding their involvement in the above allegations.

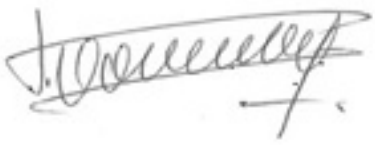
We would like to ask you to bring this letter to the attention of the Board of Governors.

Please accept, Mr. Sharif, the assurances of our highest consideration.

José Francisco Cali Tzay
Special Rapporteur on the rights of Indigenous Peoples

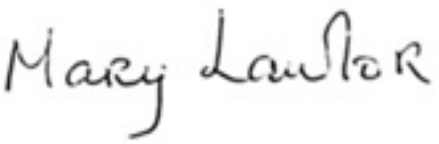
Pichamon Yeophantong
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression



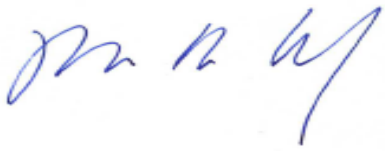
Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context



Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons



Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and while we do not wish to prejudge the accuracy of these allegations, we would like to draw your attention to the international norms and standards applicable to the present case.

At the outset, we wish to underline that, as an international investment bank with international legal personality, the AIIB is bound by human rights obligations under general rules of international law (International Court of Justice, *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt*, Advisory Opinion (20 December 1980), I.C.J. Reports 1980, 73 at 89–90 (para. 37)). Moreover, Member States retain their international human rights obligations when acting through an international organization (International Law Commission, articles on the Responsibility of International Organizations with Commentaries (A/66/10) art. 58(2) at 91, para. 5). States that borrow from international financial institutions and multilateral development banks also continue to be bound by their own international human rights obligations in the context of development projects financed by them. This gives rise to a clear due diligence responsibility on the part of the AIIB not to facilitate violations of their human rights obligations or those of borrowing States.

We would like to draw your attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, and which are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of the role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights.

According to the Guiding Principles, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations and does not diminish those obligations.

Furthermore, it exists over and above compliance with national laws and regulations protecting human rights. Principle 13 has identified two main components to the business responsibility to respect human rights, which require that "business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts." Principles 17-21 set out the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when "business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."

Bearing in mind these responsibilities of international financial institutions to respect human rights, we would like to draw your attention to human rights norms guaranteed under international human rights instruments. Specifically, we would like to recall the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP sets out international human rights standards relating to Indigenous Peoples' rights. Article 26 asserts the right of Indigenous Peoples to "the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Article 32 affirms that indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and resources and that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources".

UNDRIP furthermore specifically prohibits forcible removal of indigenous peoples from their lands or territories without their free, prior and informed consent, and provides that relocation could take place only after agreement on just and fair compensation and, where possible, with the option of return.

We also wish to draw your attention to article 17 of the Universal Declaration of Human Rights (UDHR), which guarantees everyone the right to own property and the right not to be arbitrarily deprived of their property. Furthermore, article 25.1 of UDHR and article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognize the right of everyone to an adequate standard of living for himself and his family, including housing. In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights clarified that this right to housing should be seen as the right to live in security, peace and dignity. It indicates that the right to housing includes, among others, legal security of tenure guaranteeing legal protection against forced evictions, harassment and other threats. Upon her visit to Indonesia, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, specifically recommended that "Land policy should protect the interests of low-income households, indigenous communities and communities occupying land based on customary (adat) law" (A/HRC/25/54/Add.1, para. 81).

In both General comment 4 and General comment 7, the Committee affirmed that forced eviction are prima facie incompatible with the requirements of the Covenant.

In this regard, we also wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (NHRC/4/18, annex 1), which specify that evictions must be authorized by law and ensure full and fair compensation and rehabilitation. All potentially affected groups and persons have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.

We also wish to draw attention to the report of the previous Special Rapporteur on the right to adequate housing (A/74/183) in which she stated that, for Indigenous Peoples, the concept of home is not just about a built structure where one lives, but is about one's place on the planet, defined through one's lands, resources, identity and culture, which in turn requires that the right to housing must be interpreted and applied in a manner that is responsive to Indigenous Peoples' experiences of housing and home.

Additionally, we would like to draw your attention to articles 1, 2, 6 (1), 9, 19, 20 (2), 21, 22 and 26 of the International Covenant on Civil and Political Rights (ICCPR), which provide for the right to self-determination, the right to life, the right to liberty and security of person, the right to freedom of expression, the right to be free from discrimination, the right to freedom of peaceful assembly and of association, and the right to equality before the law.

The right to freedom of opinion and expression protects all forms of expression and the means of their dissemination, CCPR/C/GC/34 para. 12. The seizing of protest materials constitutes a restriction on the rights under article 19 (2) and must therefore comply with the requirements under article 19 (3) in that they must be taken in accordance with the law, serve one of the legitimate aims exhaustively listed in art. 19 (3), and be necessary and proportionate. Article 21 states that the right of peaceful assembly should be recognized, and that no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Additionally, under the provisions of article 22, everyone shall have the right to freedom of association with others.

And finally, the United Nations Declaration on Human Rights Defenders states that everyone has the right to promote and to strive for the protection and realization of human rights. We would also like to recall article 5 (a), which provides for the right to meet or assemble peacefully and article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights.