

# Koalisi Selamatkan Teluk Jakarta



Jakarta, 28 October 2016

Subject : Joint Letter of Concern on the Government of the Netherlands Support on Reclamation of 17 Artificial Islands and NCICD Project in Jakarta Bay

To the Honourable:

Prime Minister of the Netherlands, H.E. Mark Rutte

Minister of Foreign Trade and Development Cooperation of the Netherlands, H.E. Ploumen

Minister of Infrastructure and Environment of the Netherlands, H.E. Melanie Schultz van Haegen

State Secretary of the Netherlands, H.E. Dijksma on Infrastructure and Environment

We hope this letter finds you well.

We undersigned, Indonesian Traditional Fisherfolk Union (KNTI), Jakarta Legal Aid Institute (LBH Jakarta) and Women's Solidarity for Human Rights (Solidaritas Perempuan) write this letter on behalf of Save Jakarta Bay Coalition. We have joined forces with a number of other civil society organizations (see below) under the name of Save Jakarta Bay Coalition to stop the reclamation of 17 artificial islets in Jakarta Bay. Together we believe that development efforts should always include respect for human rights and for protecting the environment for the sake of future generations. With this letter we wish to inform you of the matter and to request a conversation with you during your upcoming visit to Indonesia.

In November 2013, during your last trade mission to Indonesia, you presented the idea of a combined flood protection-land development plan for the Jakarta Bay that would take the shape of Indonesia's national symbol, the Great Garuda. With financial support from the Netherlands, a Dutch consortium has developed a Master Plan for National Capital Integrated Coastal Development (NCICD). This was presented by Minister Melanie Schultz van Haegen in Jakarta in April 2014. A joint venture of Dutch dredging companies has been awarded a contract to design and construct the artificial island for Pluit City off the coast of Jakarta. Based on this information, we realise that your government is interested in and supportive of the NCICD project.

The Dutch government regards the UN Guiding Principles on Business and Human Rights (UNGPs) and OECD Guidelines for Multinational Enterprises as integral elements of its foreign and human rights policy. The Dutch government is an OECD member and has made a binding commitment to implement the OECD Guidelines. The Dutch government has publicly stated its expectation that Dutch companies operating abroad should respect the UNGPs and OECD Guidelines, and that they should conduct due diligence to identify, prevent, and mitigate any potential adverse impacts of their operations. In 2012, the Dutch government became the second government worldwide (after the UK) to deliver its commitment to develop a national action plan (NAP) for business and human rights to implement the UNGPs.

We write you this letter because we believe that your support for the NCICD including the reclamation project raises questions of a potential conflict with your commitment to the UNGPs and OECD Guidelines as mentioned above. Specifically, there are concerns of livelihood loss and infringement of human rights, irreparable environmental damage and a bribery and corruption case which we would like to bring to your attention.

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Primarily, we worry about the effects that the Jakarta reclamation project has and will have on traditional coastal communities along the entire Jakarta Bay. Land reclamation will contaminate coastal areas and make fishing grounds unreachable for fisherfolk. Already, the cost of fishing has increased while the fish catch has declined significantly. The impact of reclamation will especially be harmful for the women in the fisherfolk communities who will be affected in both their economic and their nurturing activities. Declining fish catches will also threaten the access to food for the inhabitants of Jakarta. Such harmful effects are clearly in violation of the International Covenant of Economic, Social and Cultural Rights (ICESCR). To make matters worse, the land reclamation project didn't have any Strategic Environmental Assessment (SEA/KLHS), has had no public participation in the process of the Environmental Impact Assessment (EIA) and there was no fulfilment of the rights to information on the potential threats of environmental damages and losses.

Furthermore, the reclamation project will cause environmental damages throughout Jakarta and far beyond. By hindering the outlet of the 13 rivers discharging in Jakarta Bay, the reclamation project will exacerbate, rather than solve, the floods which occur yearly during the rainy season. This flooding is compounded by land subsidence in North Jakarta and by sedimentation and river siltation due to indiscriminate pollution of Jakarta's rivers, factors which are not taken into consideration in the current plans. The reclamation and the proposed sea dike will also limit the flushing capacity of Jakarta Bay, leading to a significant decline of the water quality and possibly turning it into a vast cesspit. Already mass fish death has occurred in Jakarta Bay due to oxygen depletion. Construction activities will also destroy the coral and mangrove forests which form a breeding ground for fish and a wildlife refuge for birds.

The sourcing of over 600 million cubic meter of sand required for the land reclamation will destroy the ecosystems of the locations in the Indonesian archipelago from which it is mined. Protests have already occurred in Lontar village, Banten province, where Dutch companies Boskalis and Van Oord were mining sand. We would also like to point out that the land reclamation is surrounded by a corruption case which has resulted in the imprisonment of the CEO of property developer Agung Podomoro Land (APL). This bribery case is linked to forced evictions of coastal communities; in 2015 alone there were 113 cases of forced evictions that occurred in Jakarta affecting 8.145 families and 6.283 micro businesses.

The Dutch are well known for their flood mitigation measures. These measures adopt a complex approach, which follows the principles of environmental and social protection and good governance. What is happening in Indonesia is entirely the opposite. In our opinion the Jakarta Bay reclamation project disrespects sustainable policies and good governance. The Jakarta administration and central government have a poor track record when it comes to respecting international legal obligations. We support and highly appreciate your commitment to business and human rights issues. However, if your government and the Indonesian government insist on building NCICD, there will be more thousands of people among fisherfolk and particularly women fishworkers who will lose their livelihood entirely. The environmental effects will also be irreparable and irreversible.

We request to meet you in Jakarta during your upcoming visit to Indonesia on 21 – 23 November 2016 to have a deep conversation with you on this matter. We would greatly appreciate the opportunity to discuss a more participatory model of development for the Jakarta Bay, a model for which the Dutch are well known. Once again, we support your commitment to business and human rights issues and invite you to honour these commitments for the case of the Jakarta Bay.

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Awaiting your reply at your earliest convenience.



Marthin Hadiwinata

Chairperson of National Executive Board  
Indonesia Traditional Fisherfolks Union (KNTI)

Yours sincerely,



LEMBAGA BANTUAN HUKUM  
JAKARTA

Nelson Nikodemus Simamora

Public Interest Lawyer of  
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Puspa Dewy

Chairperson of the National Executive Body Women's Solidarity for Human Rights  
(Solidaritas Perempuan)

On behalf of Save Jakarta Bay Coalition  
Indonesian Traditional Fisherfolk Union (KNTI), Muara Angke Traditional Fisherfolk Community,  
Paguyuban Nelayan Pengolah Perikanan Muara Angke, Jakarta Legal Aid Institute (LBH Jakarta),  
Women's Solidarity for Human Rights (Solidaritas Perempuan), Indonesia Center for  
Environmental Law (ICEL), Rujak Center for Urban Studies, Indonesian Forum for Environment  
(WALHI Jakarta chapter), People Coalition for Fisheries Justice (KIARA), Indonesian Legal Aid  
Foundation (YLBHI), and Dompot Dhuafa Legal Aid Center, Yayasan Lembaga Bantuan Hukum  
Indonesia.

More information on this subject can be found attached in the annex to this letter. For further  
questions, please do not hesitate to contact Marthin Hadiwinata at [hadiwinata.ahmad@gmail.com](mailto:hadiwinata.ahmad@gmail.com) /  
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81280564651.

Cc:

Ms. Khadija Arib, Speaker of House of Representatives of the Kingdom of the Netherlands  
Mr. Rob Swartbol, Ambassador of Kingdom of the Netherlands to Indonesia and Timor Leste

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