

PT. Toba Pulp Lestari - Tobafiber Division

Standard Operating Procedure

SOCIAL CAPITAL

Free Prior Informed Consent (FPIC)

Document No. : TPF-SOC-8011B-PR

Date of Rev./Number of Rev. : 21

April 2017/0

Free Prior Informed Consent (FPIC)
(Padiatapa)

Date of Previous Rev. : None

Issue : 0

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01. PURPOSE

As a guideline in the implementation of First Prior Informed Consent (FPIC) as a respect for community's rights over customary land/forest.

02. SCOPE

This procedure shall apply to all operational areas of PT. Toba Pulp Lestari, Tbk Fiber Division.

03. RELATED DOCUMENTS AND REFERENCES

- Indonesian Law No. 41 of 1999 on Forestry
- Indonesian Government Regulation No. 45 of 2004 on Forest Protection
- Regulation of Directorate General of Production Forest Sustainable Management No: P.14/PHPL/SET/4/2016 concerning Standard and Guideline on Implementation of Assesment against Performance of Production Forest Sustainable Management and Verification of Timber Legality.
- TPL Tobafiber ISO 14001 Environmental Management System Manual
- Tobafiber Division OHSAS 18001:2007 Occupational Health and Safety Management System Manual
- Tobafiber Support Service, Emergency Response Preparedness, TPF-FSS-5005B-PR

04. RELATED FORMS AND/OR ANNEXES

- FPIC Dissemination Attendant List TPF-SOC-8027-FM
- Minutes of FPIC Events TPF-SOC-8028-FM
- FPIC Agreement TPF-SOC-8029-FM
- Claim, Grievance, and Illegal Logging Logbook TPF-SOC-8001-FM
- Claim, Grievance, and Illegal Logging Report TPF-SOC-8002-FM
- FPIC-based Handling Action Plan TPF-SOC-8030-FM
- Monthly Recapitulation on FPIC-based Handling, TPF-SOC-8031-FM

05. DEFINITIONS

- 1) **Forest** shall mean a unity of ecosystem in the form of a large stretch of land containing biological resources dominated by trees in its natural alliance, which cannot be separated from one another.
- 2) **Customary forest** is the forests located within the territories of indigenous peoples.
- 3) **Indigenous peoples** are communities living on the basis of their ancestral origins from generation to generation on indigenous territories, who have sovereignty over land and natural wealth with a customary law that governs socio-cultural life and indigenous organisations that govern the survival of their communities.
- 4) **Free** shall mean free and non-coercive condition.
- 5) **Prior** shall mean a certain project or activity must first obtain community consent before it is permitted by the government.

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- 6) **Informed** is the widely open information about the project to be run both the cause and effect.
- 7) **Consent** is the consent given by the community itself.
- 8) **FPIC or Padiatapa** i.e. free, prior and informed consent is one of the mechanisms developed to strengthen the rights of indigenous peoples and/or local community over natural resources, including to respect, protect, fulfil and enforce the rights of indigenous peoples over their natural resources in any action taken by outsiders to indigenous peoples.
- 9) **External party** includes Individual, Government (Village, Sub-district, District, Provincial and Central) or Non-Government (indigenous leaders, community organisations - *ORMAS*, Local, National and International Non-Governmental Organisations).
- 10) **Mass organisation** is a social group formed voluntarily by the public, both legal entities and non-legal entities, on the basis of commonality of activities, professions, goals that serve as a means of public participation in the State development.
- 11) **Non-Governmental Organisation/NGO** is an organisation founded by individual or group of people who voluntarily provide services to the general public without the intention to gain profit from its activities.
- 12) **Problematic Land** is the land within the concession area on which a dispute exists between the community, individuals and legal entities (Company, Village Cooperative, etc.).
- 13) **Land dispute with the genuine community (Genuine Community)** is the land within the concession area that has long been occupied and managed by the community prior to the issuance of concession permit.
- 14) **Land dispute with other company (Genuine Company)** is the land within the concession area which utilisation permit is overlapping with other companies.
- 15) **Land dispute due to government recommendation** is the land within the concession area, in which there is also a license for other uses on the recommendation of District, Provincial and Central Government.
- 16) **Inliving land** is a reforested community land pursuant to a government recommendation after being given a compensation (*pago-pago*).
- 17) **PKR** - People's Wood Plantation is a joint profit sharing programme between the company and the community of landowners outside the concession area.

06. RESPONSIBILITY

- 1) **Sector Manager** shall jointly perform and responsible for monitoring the claims, grievance handling process with FPIC handled by sector according to the agreed recommendations, and reporting any handling progress to the management.
- 2) **Sector Manager** shall submit monthly recapitulation on FPIC-based handling to the HO Socap Manager and the Management.
- 3) **Assistant Socap Sector Manager** shall be responsible for:

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- a. Reporting claims, grievances to be handled with FPIC along with supporting documents to Sector Manager and jointly implementing FPIC
- b. Communicating responses in accordance with the results of sector meetings to the Sector Manager and HO Socap Manager.
- c. Preparing monthly recapitulation on FPIC-based handling and reporting it to the Sector Manager.

4) Socap Sector Assistant shall be responsible for:

- a. Receiving and performing data collection on every claim, grievance according to the SOP.
- b. Examining and analysing any claims and grievance to be handled with FPIC and reporting it the Assistant Socap Sector Manager and FPIC Team.
- c. Planning and preparing the meeting/consultation with related parties and reporting it to the FPIC Team.
- d. Together with Assistant Socap Sector Manager approaching and inviting the related parties to attend the meeting with the FPIC Team.
- e. Documenting all forms of communication (internal and external) on the FPIC-based handling of any cases i.e. claims, grievances.
- f. Ensuring that all claims, grievances are responded according to this procedure.

5) PKR Department is responsible for:

- a. Running every FPIC process in accordance with this procedure for the development of new areas of People's Wood Plantation (PKR)
- b. Explaining clearly and fully to the community about the positive and negative impacts of the PKR cooperation.
- c. Approaching the community with FPIC principles.

07. PROCEDURE

1) FPIC Implementation

- a. Socap Sector Assistant conducts social analysis (Demography, Topography, and Stakeholders)
- b. Socap Sector Assistant shall be responsible for planning, preparing and inviting the community to attend preliminary consultation meeting
- c. Sector Socap and Sector Manager/PKR Team shall conduct preliminary consultation or dialogue with indigenous peoples/community groups and, if necessary, mapping of areas where FPIC will be implemented with the community.
- d. The community holds a deliberation amongst themselves upon the preliminary consultation.
- e. Socap Sector Assistant shall provide additional information or clarification if needed by the community as a consideration in making a decision.
- f. Socap Sector shall facilitate further consultation/dialogue relating to the deliberation conducted by the community.

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- g. Socap Sector and Sector Manager/People's Wood Plantation Team make a decision themselves and inform it to the indigenous peoples/community group.
- h. 1. If the community agrees with the decision that has been made, Assistant Socap Sector Manager shall prepare the cooperation documents, enabling the project implementation
- 2. If deemed necessary and for the agreement to have strong legal force, then the cooperation document shall be legalised before a public notary.
- 3. If the community disagrees and re-consultation is still possible otherwise, if it's impossible then the FPIC process shall be ceased.
- i. Socap Sector Assistant shall implement Grievance Mechanism in accordance with the SOP.
- j. Socap together with selected community members shall monitor the implementation of FPIC and conduct an evaluation.
- k. For each meeting, Socap Sector shall prepare evidence (attendant list, photo, news event, record, and minutes) of the meeting.
- l. If any problem occurs after the implementation of FPIC, Socap Sector shall respond it by Grievance Mechanism in accordance with the SOP
- m. If the indigenous peoples/community groups accept the decision, then Socap Sector shall update the FPIC-based Handling Action Plan.
- n. At the end of each month, the Sector Socap shall prepare Monthly Recapitulation on FPIC-based Handling. At the latest on the 3rd day of each month (electronic copy via e-mail and signed hard copy), shall be reported to the HO Socap Manager.

08. RECORD KEEPING

HO Socap Manager and Assistant Socap Sector Manager shall be responsible for keeping the following records for 5 years:

- | | |
|--|-----------------|
| <input type="checkbox"/> FPIC Dissemination Attendant List | TPF-SOC-8027-FM |
| <input type="checkbox"/> Minutes of FPIC Events | TPF-SOC-8028-FM |
| <input type="checkbox"/> FPIC Agreement | TPF-SOC-8029-FM |
| <input type="checkbox"/> Claim, Grievance, and Illegal Logging Logbook | TPF-SOC-8001-FM |
| <input type="checkbox"/> Claim, Grievance, and Illegal Logging Report | TPF-SOC-8001-FM |
| <input type="checkbox"/> FPIC-based Handling Action Plan | TPF-SOC-8030-FM |
| <input type="checkbox"/> Monthly Recapitulation on FPIC-based Handling | TPF-SOC-8031-FM |

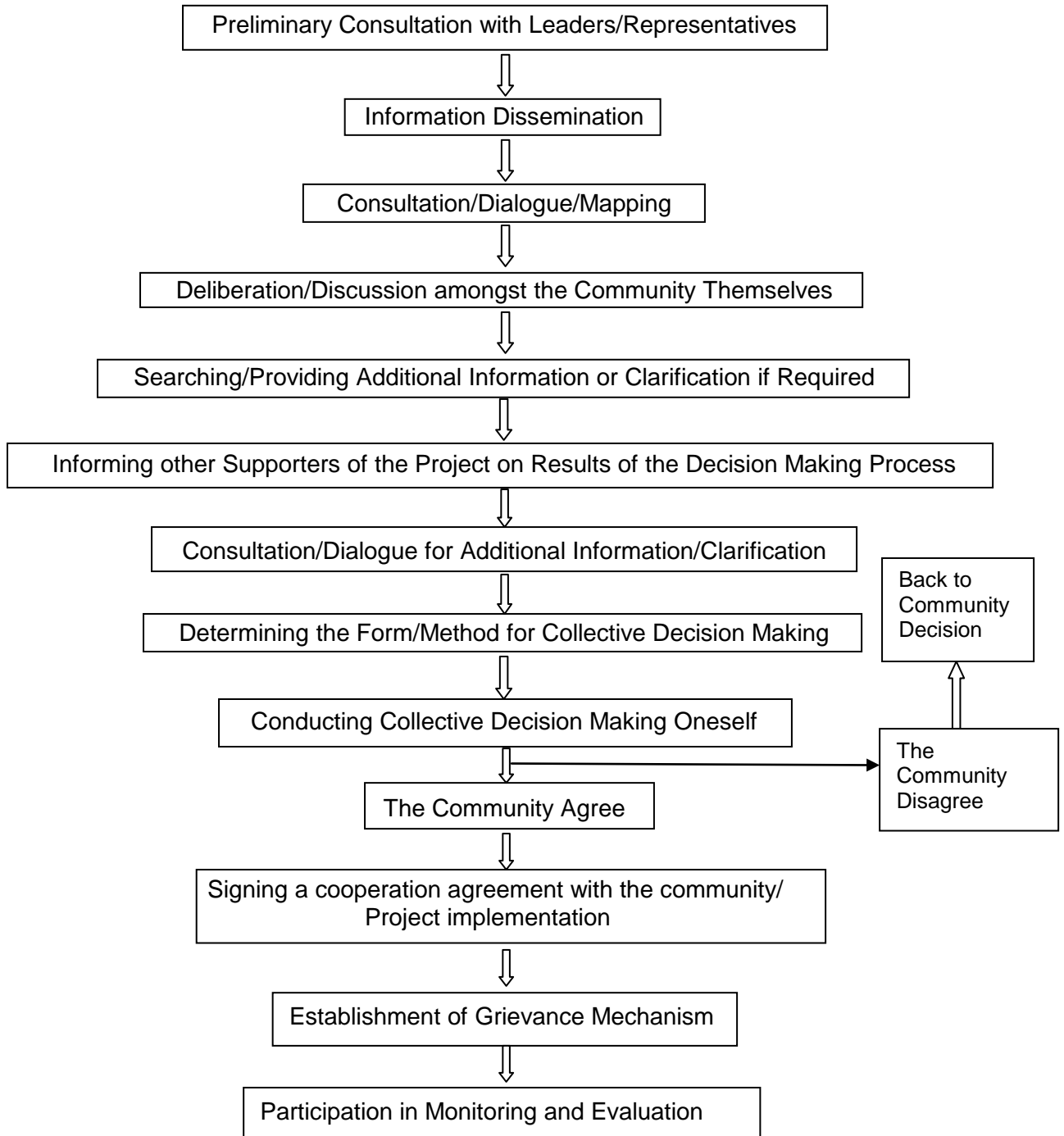
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FPIC PROCESS FLOWCHART



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Tobafiber Division Nursery, Land Preparation, Planting, Treatment, Harvest and Pulp Production Flowchart

Nursery Process in Porsea

