



5 June 2013

Mr. Effendy Sumardja

President Director

PT Restorasi Ekosistem Konservasi Indonesia (PT REKI)

Dear Pak Effendy,

This is a joint letter to you from two organisations who cooperate on activities in Indonesia to support the rights of forest peoples. Scale Up is based in Riau, and over the last eight years has assisted many communities affected by oil palm and pulpwood plantations to assert their rights, and to negotiate with project developers. Forest Peoples Programme has its headquarters in the UK, and over the last twenty years has cooperated with indigenous peoples and civil society groups in Indonesia on community rights issues ranging from mining and logging, to oil palm plantations and REDD projects.

Over the last two years, Scale Up and Forest Peoples Programme have met on several occasions with the staff of REKI, with Batin IX community members affected by REKI's operations and with NGOs in Jambi concerned about the social impacts of REKI's operations. In May last year, we convened a meeting in Jambi which brought together representatives from some of the affected communities with representatives from REKI, the provincial government and local NGOs. The meeting reviewed problems that have arisen between REKI and the Batin IX communities, and discussed possible ways to resolve these problems. For a brief report on the meeting, please see: <http://scaleup.or.id/publikasi-koran2012/pub-koran-110712%282%29.html>

At that meeting, the representatives from the communities and from REKI agreed to meet again to prepare for mediated negotiations to resolve outstanding issues related to the rights of the communities to their customary territories, and the impact of REKI's license and restoration activities. Although a follow up meeting was held in September 2012, it did not lead to a mediation process. We understand that the communities that were involved in the June and September 2012 meetings are still concerned about REKI's impact on them, and are interested in reaching agreements with REKI through a process of mediated negotiations.

In May this year, Scale Up Director, Harry Oktavian, and FPP's policy advisor, Patrick Anderson, met with staff of PT. REKI in Jambi (Pak Julius, Yuda and Desri) and Jakarta (Worm Sorensen and Brad Sanders) and discussed the current relations between REKI and Batin IX communities. The PT REKI staff informed us that REKI does respect the rights of indigenous peoples to give or withhold their Free, Prior and Informed Consent (FPIC) to developments that will affect them, and that REKI is still interested in the use of mediated negotiations as a mechanism to assist affected communities and REKI to reach agreements. PT REKI staff further informed us that REKI and several of the communities are currently negotiating agreements that will define the rights and responsibilities of each party. We were concerned, however, to learn that the communities do not have ready access to legal advice, that they have not been assisted or accompanied in the negotiations by parties



of their choice, and that no independent observers have been attending the negotiations. These conditions mean that any resulting agreements will not conform with the right of the communities to give or withhold their Free, Prior and Informed Consent.

Mr Sorensen informed us that his position as Executive Head of REKI is interim, and that his contract may not be extended beyond the middle of this year. We are therefore writing to you, as the President Director of REKI, to ask if REKI intends to respect the rights of the Batin IX communities affected by its operations, in particular their right to FPIC and their rights to the lands, territories and resources that they customarily own, occupy or otherwise use.

If REKI intends to respect the rights of the Batin IX communities, FPP and Scale Up would be willing to engage with REKI and the communities to assist in learning about each other's rights and responsibilities, and to consider ways to reach agreements which recognise and respect those rights and responsibilities. We will make the same offer of assistance to the affected Batin IX communities, and if both parties are interested, we would suggest that an assessment is made to look into the rights of Batin IX communities within the REKI concession, and how those rights are being affected by REKI's operations. We would recommend that the assessment follow the approach set out in the [Whakatane Mechanism](http://whakatane-mechanism.org), which was developed by the IUCN to assess the situation for indigenous peoples in protected areas and, where people are negatively affected, to propose solutions (see <http://whakatane-mechanism.org>).

We look forward to the possibility of collaboration with you towards the resolution of conflicts in PT REKI based on respect for rights and livelihoods of the Batin IX people.

Sincerely,

A handwritten signature in black ink, appearing to read 'Harry Oktavian'.

Harry Oktavian
Scale Up

A handwritten signature in blue ink, appearing to read 'P Anderson'.

Patrick Anderson
Forest People Programme