



Forest Peoples Programme

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Dear Tim,

We were very glad to meet you and your team in Palangkaraya last week and again in Jakarta today and thank you for making the time to brief us on the plans for the Kalimantan Forest Carbon Project (KFCP).

During the meetings you asked us for advice on how to make sure that the project respects the right of the indigenous peoples to give or withhold their Free, Prior and Informed Consent with respect to the KFCP. Following our discussions with you, we would like to suggest the following.

- The KFCP should make clear who in the project the communities can address themselves to who can actually make decisions about suggestions that they have made
- Make a clear written commitment to the communities that the project agrees to treat with them as owners of their customary lands
- Make a clear written commitment to the communities that the project agrees that no project activities will go ahead on their lands without their free, prior and informed consent (FPIC)
- Make sure that the community have understood all written texts provided for them in Bahasa Indonesia
- The community should be sure that texts in Bahasa Indonesia and English both have the same meaning (good translation from English to Indonesia), for which they should have time to get advice from independent parties or persons.
- Ask each community to elect a representative group to coordinate between themselves and the project
- Hold minuted meetings in each community agreeing the process that the project will pursue in the future to ensure FPIC and respect for land rights prior to implementing further actions
- Such a process should include a clear, documented sequence of agreed actions which might include the following elements:
 - Participatory mapping, or review of participatory maps that the communities have already produced, to ascertain the extent of community lands
 - Participatory impact assessments to ascertain how proposed project activities will affect the environment, rights and livelihoods of the communities (eg forest restoration, tree planting, canal blocking, fire prevention etc.)

- Processes for agreeing payments, compensation and benefit sharing, including possible livelihood enhancement projects for the communities in line with their expressed preferences
- Mechanisms for insuring communities against risks (eg if funds for payments for environmental services fail to materialise)
- Meetings to clarify the legal status of the land from the government point of view and proposed changes in its legal status to provide security to the communities that their rights will be respected in the future
- Provision of information about the project and its intentions
- Procedures that will be followed to get agreements about proposed activities
- Participatory procedures for monitoring and assessing project performance including monitoring the implementation of the above
- Grievance mechanism that can be used by the community in the case of unforeseen shortcoming or consequences of implementation

Once such a process has been agreed, the project should then be in a better position to actually engage in planning and negotiations with the communities to reach agreements on implementing the proposed activities.

To effectively engage with the KFCP, the affected communities will need independent information and advice. We recommend that the KFCP create a fund or mechanism so that the communities can contract independent legal, social and environmental advice to assist them in evaluating and responding to the KFCP's plans and offers.

Our impressions, based on our surveys, workshops with the communities and village meetings, is that as it stands the KFCP faces some serious challenges in its dealings with the communities. The KFCP is coming into an area that has experienced over 15 years of outside interventions by logging companies, the Rice Mega-Project, plantations, other top-down conservation projects none of which, in the view of the community members we have met, paid adequate attention to their welfare, livelihoods and rights. Given this history, and the fact that some initial experimental activities under the KFCP project have been done without careful community preparations, a major investment of effort is needed by the KFCP consortium if it is to gain the trust of the communities.

We will be happy to provide further information about these ideas and we look forwards to further dialogue to explore these matters as they evolve. We would also like to confirm that Pusaka, for its part, is prepared to help facilitate direct engagement between the KFCP and the communities, subject to their prior agreement.

Yours sincerely

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cc. Communities and local NGOs.