



Open Letter to Asia Pulp & Paper

2 October 2015

Ms. Linda Wijaya
Managing Director
Asia Pulp and Paper

Dear Ms. Wijaya,

After the murder of Indra Pelani, Lubuk Mandarsah community and farmer's union member in February 2015, Rainforest Action Network (RAN) and other NGOs conveyed alarm and suspended their active involvement with Asia Pulp and Paper (APP) on the implementation of its Forest Conservation Policy (FCP). Since then, six members of APP owned PT Wira Karya Sakti (WKS) security forces have been indicted for the crime.

RAN has been monitoring APP's response to this tragedy. The initial steps APP has taken in relation to Mr. Pelani's killing show that the company is taking the issue very seriously. APP has suspended forestry operations and security personnel in parts of PT WKS District 8, cooperated with investigations by the police, National Human Rights Commission (KomNasHam) and civil society, and has shown responsibility in providing traditional compensation to the community of Lubuk Mandarsah during a restorative justice ceremony held in May, 2015. The company has also committed to a review of security across its operations, though the scope and terms of the review have yet to be made public.

We look to these independent investigations as well as to ongoing independent monitoring across the company's land bank to guide APP and to help inform RAN's priorities. We also look to APP to build on what they have done, share information and take robust and comprehensive action relating to Mr. Pelani's murder and implementation of its FCP. To be most effective, this action will need participation from a broad range of stakeholders. With this in mind, and with this letter, RAN is committed to a provisional re-engagement with APP.

Considering the urgency of addressing APP's widespread land conflict and third party deforestation across its concessions, and, given the need to address security, corruption and other issues underlying Mr. Pelani's murder as well as to prevent human rights violations in future, additional transparency and accountability and improved stakeholder engagement is vital. There is so much important work yet to be done to effectively address these issues and implement APP's FCP. Success, measured by independently verified improvements on the ground, will require that APP and stakeholders share information, have dialog, provide critical and constructive feedback and work together in a respectful and open way.

RAN has reviewed the draft independent civil society investigation of Mr. Pelani's case sent to APP and others. We've done additional research and analysis on Mr. Pelani's murder and APP's performance on social issues with NGO partners. We also await the results of the National

Human Rights Commission investigation of the case. Given the urgency and breadth of the issues above and involved in implementing APP's FCP, we have developed the following recommendations to APP. We offer these to APP, buyers, investors and others as ongoing areas for improvement, monitoring and engagement. We are hopeful that robust implementation of these recommendations will help address the underlying causes of Mr. Pelani's murder, prevent future tragedies and support the implementation of APP's FCP.

The following recommendations are not pre-conditions for our re-engagement with APP, but rather, the areas where we hope to see positive outcomes and improvements on the ground. These will inform our ongoing engagement.

1. Share the results of the security review with credible stakeholders and invite and use their input relating to SOPs, contracts, management, composition and compensation incentives, etc.
2. Respond promptly to investigations of Mr. Pelani's murder from KomNasHam and civil society organizations, share APP's action plans for preventing future human rights violations, for addressing their underlying causes and invite and adopt stakeholder input on these plans.
3. PT WKS and APP acknowledge and respect the land rights of Lubuk Mandarsah and other communities by giving management rights over areas mapped as community lands, by halting operations in and enclaving these areas when requested by communities and by advocating that government recognize community rights and tenure over these areas.
4. Prevent intimidation and ensure the safety of farmer's union and community members and NGOs threatened by WKS and eliminate the use of plain clothed security (such as the Unit Reaksi Cepat/ Rapid Reaction Unit members of which have been indicted for Mr. Pelani's murder) in all APP and supplier concessions.
5. Welcome and invite civil society advocacy and organizing efforts supporting Lubuk Mandarsah and other rural communities in conflict with WKS in Jambi and with APP and its suppliers in other provinces. Ensure community advisors/NGO partners are available and included in the development and implementation of APP's conflict resolution action plans and broader strategy.
6. Undertake a re-organization of corporate structure, staff performance and salary metrics in order to deliver verifiable improvements. Clearly assume responsibility and maintain accountability for implementation of the FCP at the Forest Management Unit (FMU) level - including placing staff at all supplier FMUs who have the technical knowledge and professional expertise to direct and oversee FCP implementation and who have the institutional authority, seniority and respect to do so effectively.
7. Work with credible stakeholders to develop agreed improvements to APP's grievance mechanism and SOPs relating to security, FPIC and conflict resolution as well as APP's conflict resolution strategy and action plans. For example: develop a process for consulting and coming to agreement with communities and their NGO advisors on how specific conflicts will be resolved, on the next phases of APP's social conflict resolution program and on time-bound performance targets and milestones for its

implementation.

8. Revisit and improve the Integrated Sustainable Forest Management Planning (ISFMP) process and ensure that High Carbon Stock assessments are consistent with the HCS assessment toolkit and include participatory mapping of community land claims and use for each concession area. Current ISFMPs are using HCS assessment data that does not include community land claim and land use data, instead assuming any land claim or land use data will surface through the social conflicts data being fed into the ISFMP process. This approach fails to provide comprehensive data on community land use and claims, instead only including areas where there has already been conflict. This sets the stage for future conflict and third party deforestation and degradation.
9. Prioritize resolving land/social conflicts and addressing on-going deforestation and forest degradation by third parties as this is often linked to internal corruption, protection rackets and unauthorized or illegal land speculation and business activities associated with security contractors and local government and authorities. These same parties are sometimes involved in perpetuating or provoking conflict. APP must involve and come to agreement with stakeholders on strategies and action plans to resolve conflict and address third party deforestation.

I understand our teams and other stakeholders will meet on Monday 5 October 2015 to review implementation of the FCP. I look forward to getting your feedback on these recommendations and to learning the results of the meeting.

Sincerely,



Lindsey Allen
Executive Director