



Forest Peoples Programme

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4 June 2009

Neil Franklin
Sustainability Director of PT.RAPP
Jakarta
Indonesia

Dear Neil,

It has come to our attention that RAPP is making offers to the communities of Teluk Meranti and Teluk Binjai concerning the establishment of community oil palm plantations, and that RAPP is seeking their approval of that offer in exchange for community support for RAPP's HTI plans which will cover a large proportion of the customary territories of these communities on the Kampar Peninsular.

We wish to inform you that this approach appears to not to be in line with the principle of Free, Prior and Informed Consent for a number of reasons.

As we have discussed, RAPP's efforts to obtain permits for HTI from district, provincial and national governments before consulting with the relevant communities of the Kampar Peninsular violates the principle of obtaining consent from potentially impacted indigenous communities Prior to any development decisions. As a sign of good faith towards the communities and the principle of FPIC, we would expect RAPP to fully divulge its plans for the Kampar Peninsular before any attempt to begin negotiations with communities that will be affected by those plans, so that the communities are adequately informed.

Indigenous communities also have the right to choose their own leaders and systems of representation and to be consulted via those representatives and institutions. RAPP may not have undertaken sufficient effort to determine how the communities of Teluk Meranti and Teluk Binjai wish to be consulted, and how they wish to represent themselves in any discussions or negotiations with RAPP. In this regard, before RAPP presents information on its plans and before it attempts to negotiate with them, it is essential that RAPP make efforts to determine how these communities traditionally make decisions, and to find out through which community institutions and mechanisms these communities wish to be consulted.

We note that in March 2007, the then Director of RAPP, Rudi Fajar, informed an international meeting in Riau organized by the Forest Dialog, that RAPP would respect the principle of FPIC in establishing new plantation areas and resolving land conflicts with communities. In September 2007, the United Nations General Assembly adopted a Declaration on the Rights of Indigenous Peoples which is explicit on the right of indigenous peoples to FPIC, meaning the right of indigenous communities to give or withhold their free, prior and informed consent to proposed developments that may impact their customary lands. In 2008, The Forest Dialog published, Intensively Managed Planted Forests; Toward Best Practice, which recommends that businesses engaged in IMPF should follow the principle of FPIC. We understand, however, that RAPP is yet to develop a policy on FPIC.

We recommend that RAPP adopt a policy on FPIC as soon as possible. In this regard, we are ready to provide information to assist RAPP in framing a policy and implementation steps on FPIC. We attach a guide on FPIC for oil palm companies, which, although it was designed for a different sector, contains much information that we think is relevant to RAPP and its plans in the Kampar Peninsular. Also attached are The Forest Dialog report, Intensively Managed Planted Forests; Toward Best Practice, and the UN Declaration on the Rights of Indigenous Peoples.

Sincerely,



Ahmad Zazali
Executive Director
Scale Up



Dr. Marcus Colchester
Director
Forest Peoples Programme

Cc :

1. Ketut Wirabudi, Corporate Affair Director of PT. RAPP
2. Thomas Handoko, Director of PT.RAPP
3. Local Community (Teluk Meranti, Teluk Binjai, Pulau Muda)
4. Subdistrict head (Camat) of Teluk Meranti
5. Local, National and International NGO