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Forest Peoples
Programme

Forest Peoples Programme

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Jouko Virta
President Global Fiber Supply
APRIL Management Pte Ltd.
Singapore

November 23, 2009

Dear Jouko Virta,

Thank you for your letter to Marcus Colchester of 22 September, which you state is a reply to our letters to you and your colleagues sent in May, August and September.

Unfortunately, your letter does not answer the request for information in our May letter, which asked for:

1. A clear statement from PT RAPP (APRIL) that the company has now adopted a policy in line with FPIC.
2. Clarification of the procedures that PT RAPP is using to adhere to FPIC.
3. Clarification of who are the responsible and suitably authorised persons in PT RAPP that the communities should deal with to secure recognition of their lands and other rights and ensure that FPIC is adhered to.
4. Copies of the Standard Operating Procedure currently being used by PT RAPP in dealing with local communities
5. The Project Development Document which has been elaborated by a consultancy for securing a conservation concession in the core area.

We were able to visit the communities of Teluk Binjai, Teluk Meranti and Pulau Muda on the Kampar Peninsular in late October and must report that PT RAPP's actions have created a dire situation for each of these communities. Contrary to your assertion that the communities support your operations, we found that in each village the communities were in serious internal conflict, with a significant proportion of community members in disagreement with their leaders who, we were informed, are now being paid by RAPP and have agreed that RAPP can start to develop the infrastructure for plantations on their community's customary lands.

Your letter states that APRIL is committed to resolving any community disputes and land use conflicts amicably through the application of the principles of free, prior and informed consent. We must note that APRIL's actions in the Kampar fail to respect each aspect of the principle of free, prior and informed consent. Although APRIL has been developing its Kampar Ring concept for several years, when we visited these communities in May, no one we met had been informed of your plans. Indonesian law does not prohibit a company from communicating with communities about its aspirations and plans before it receives all necessary permits from government. Indeed, environmental impact assessments, which are necessary at an early stage of planning a large scale plantation development, require consultation with potentially affected communities. We learned on our October visit that a large proportion of the members of the three communities still had not been informed about RAPP's plans that will impact their customary lands on the Kampar Peninsular and were also not informed about the deals which RAPP had made with some of their leaders. For a community to freely give its consent to a development plan, its members must be able to trust their leaders, and this is impossible if their leadership are receiving payments from the developer which is seeking a community's consent.

We note that in a letter to RAPP from 20 October, the team of 49 from Teluk Meranti, which is made up of representatives selected by each section of this community, requested that RAPP stop its actions until there is an agreement between the community and RAPP. On our visit in late October, we learned from representatives of the team of 49 that their request that RAPP stop its actions included the actions that RAPP is undertaking within the Teluk Meranti community, in particular RAPP's efforts to select a negotiation team from leaders of the community, and payments to those individuals.

We understand that earlier this week the Indonesian Minister for Forestry suspended the permits for RAPP's operations in the Kampar Peninsular which involve roading, drainage and port construction in peat areas, due to questions about the validity of the permits previously issued for areas with peat soils more than three meters in depth. Given this suspension, we ask APRIL and RAPP to use this pause in its operations to reconsider its approach in the Kampar Peninsular to respect the request of the team of 49 from Teluk Meranti, and undertake immediate steps to respect the principle of free, prior and informed consent. We await your response to our request for information from 11 May.

Sincerely,



Marcus Colchester
Director, Forest Peoples Programme



Ahmad Zazali
Director, Scale Up

CC:
Communities of the Kampar Peninsular
The Forest Dialogue Steering Committee
World Business Council for Sustainable Development
HCV Resource Network
NGO's