

Rejoinder by AwasMIFEE, 3 September 2015

The article on awasMIFEE was a translation of an article posted by Yayasan Pusaka, a Jakarta-based NGO which promotes the rights of forest peoples, with a particular focus on Papua. Their website is by no means defunct, but does seem to go down from time to time. I think it is clear from the article that it was reporting the fact that the trial had started, and the allegations that some of the people who had been involved in the demonstrations. It wasn't an investigation into the veracity of those allegations. The purpose of the awasMIFEE website is to draw attention to how the growth in the plantation industry in West Papua in recent years is causing conflict with indigenous communities there.

Nevertheless, the important issue here is that a land dispute exists, and that land dispute has resulted in two people in prison after being arrested on a demonstration. That such a dispute should emerge so soon after forest clearance begins shows that there was a problem with the Free Prior Informed Consent. Either it was not conducted properly, or it has failed.

Genuine non-coercive negotiations to use indigenous land are a long process, and would require a commitment of several years before starting work. If it is not clear which village or clan has rights over the land, then there needs to be a process of participatory mapping, and reaching consensus about the result. The whole community needs to be involved, not just customary leaders, women as well as men. Other indigenous people who may not hold the customary rights but would nevertheless be affected by the development also need to give their consent. As people are economically dependent on the forest a plan needs to be developed for alternative incomes, and this should be seen as a process of building trust. But this takes time, even understanding the implications of the changes a plantation would bring would require a long process facilitated by a neutral party. The landowners should be able to set the terms of the deal and any compensation, and have the right to refuse anything they think is not in their interests.

My experience in Papua is that companies will meet their legal obligation to negotiate with indigenous people and give some compensation, but no more than minimal engagement - the objective is getting signatures on a piece of paper. Compensation is rarely more than \$30 per hectare, often much less, and certainly in no way commensurate with the value of the forest to indigenous people over the 30-year tenure period of the plantation. Promises to build

community facilities and provide decent employment are often broken once permission has been obtained. Representatives of the military often accompany plantation company representatives on their visits to communities, which has an intimidating effect, especially in Papua, which has a history of being a militarised zone. A rushed process means that conflicts break out between communities, either because some villages have been awarded compensation and others haven't, or between people who want to accept the compensation money, and others who want to refuse the plantations.

If ANJ is trying to do things differently, it hasn't shown this. In their response, ANJ haven't given a detailed description of what action the PT PPM took as part of the FPIC process, and their only information related to FPIC given in documentation supplied to the RSPO as part of the New Planting Procedure were the dates of 'land acquisition' between April and July 2013 (just a few months after ANJ bought the PT PPM and it became an RSPO member) and signatures of indigenous leaders. If the company believes it has engaged in a proper FPIC process, it really should provide further documentation of how it interprets FPIC and further details about the process it engaged in for the PT PPM concession, it would greatly help to understand the context of this case.

To respond to a few of the other points raised. It is expensive to travel from the plantation location to Sorong, the nearest city, so it appears many of the demonstrators have been students with family links in the area who are living in the city. To me this seems completely reasonable, their future is also connected to that land.

Concerning the forest, obviously several thousand hectares of forest have been cleared, and it is still forest destruction, even if it was described in a RSPO submission and environmental impact assessment beforehand. In fact, ANJ violated the RSPO new plantings procedure by clearing forest before giving notice under the procedure, starting in March 2014, which was highlighted by the NGO Greenomics in July 2014. The RSPO notification was only published in October that year.

I agree that information is lacking, and that in disputes like this, the ideal would be to be able to publish in-depth investigations that can provide a more objective view of the background to the conflict. However, this needs a strong network of civil society groups which can carry out such investigations. There are several difficulties in Papua which make this more difficult. One is the cost of travel in the island. The other is that the frequent human rights problems connected to

the ongoing conflict in Papua mean that the existing human rights organisations are overstretched. In the absence of such reports, it is nevertheless important to draw attention to the fact that these conflicts exist.

ANJ is understandably anxious to protect its reputation, at a time when there is also pressure on palm oil trader companies not to buy from ANJ because it is engaged in deforestation in West Papua. However, the forest is also home to indigenous people and their needs must come first, and if people are ending up in prison because of a conflict with the company, then the company needs to face up to the fact that somewhere along the line it is doing something wrong. Currently, almost every new plantation in Papua brings conflict in its wake, and that is an unacceptable situation.