



Challenges for the FSC Remedy Framework Social Baseline Assessment Process: Case Studies

Lan Mei, Patrick Anderson, Rudiansyah, Harry Oktavian and Angus MacInnes
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Executive Summary

The Forest Stewardship Council (FSC) published its new Remedy Framework (RF)¹ in 2023 as a “ground-breaking” procedure to address past social and environmental harms caused by forestry companies. The RF applies to forestry companies that previously violated FSC’s standards and now seek FSC association and certification once more. Re-association with (and possible certification by) FSC requires both the company itself as well as other companies FSC finds to be within the same corporate group to implement the RF.² Asia Pacific Resources International Holdings Ltd (APRIL), a member of the Royal Golden Eagle (RGE) corporate group, is the first company to pursue implementation of the RF, and the corporate group is (at the time of writing) engaged in part two of the seven-part RF process.

The second part of the process requires a baseline assessment of social and environmental harms that might need to be addressed. In 2024, a company called Remark Asia was contracted to conduct the baseline assessments for APRIL’s group’s operations in North Sumatra, while Hatfield Indonesia was contracted to conduct the baseline assessments in Riau and North and East Kalimantan. At the time of publishing this report in June 2025, Remark Asia has reportedly already completed the baseline assessments in North Sumatra; the baseline assessment report has been shared with APRIL and the FSC, but neither Remark Asia, APRIL, nor the FSC have released the report for review by impacted communities or the public. Meanwhile, Hatfield’s contract expired and was not renewed and Remark Asia has now been engaged to continue the assessments in Riau and Kalimantan.

FSC and APRIL, as well as the independent assessors, Remark Asia and Hatfield Indonesia, have received significant criticism from environmental and social NGOs arguing that the Remedy Framework has not been properly implemented thus far. Some of the criticisms have centred on the implementation of the baseline assessments. In November 2024, FPP, Bahtera Alam and YMKL, together with local partner organisations, visited several communities affected by APRIL’s group’s operations to understand how the implementation of the social baseline assessment has been carried out on the ground. FPP and partner organisations visited a total of nine communities: five in North Sumatra, where the baseline assessments had reportedly been completed; two in Riau; and two in East Kalimantan.

The findings from this sampling of communities reveal significant challenges in the social baseline assessment process, and in the Remedy Framework process more broadly. The communities visited highlighted that in the social baseline assessment process thus far, there has been: 1) a lack of information-sharing with communities and thus limited transparency around the process; 2) a failure to meet with all communities impacted by APRIL group concessions, let alone obtain FPIC for the baseline assessment, as required by the RF; and 3) a lack of a practical methodology for accurately documenting all harms to be remedied.

Of the nine communities visited, only the two communities visited in Riau had heard of the FSC, APRIL, or the Remedy Framework prior to the FPP team’s visit. Other communities expressed a complete lack of knowledge about the FSC as an entity or the RF as a process, revealing the failure of the FSC and APRIL to ensure at the outset proper information-sharing with communities to enable them to engage in the process. The only formal information-sharing about the RF process has taken place in limited sessions held in districts or the four provincial capital cities (Samarinda, Medan, Pekanbaru, and Tanjung Selor), which primarily targeted civil society organizations, with a few invited representatives from administrative villages included in some, but not all, instances. APRIL is now piloting a capacity-building process with 15 communities in Riau, but there are in the meantime hundreds of impacted communities who are yet to receive support to understand the RF process.

None of the communities visited by FPP and partner organisations had been visited by any independent assessor, including the communities in North Sumatra where the social baseline assessment had reportedly been completed. One contributing factor is that the independent assessors only considered administrative villages (*desa*) when they compiled their list of potentially affected communities; they did not visit rightsholder communities which may differ by governance, population, and land area from the administrative village.³ None of the communities had been asked for their free, prior, and informed consent to any part of the RF process.

Finally, it was clear from the community visits that even if the independent assessors had visited the rightsholder communities, the limited time they had allocated for such visits, with just one day for information-gathering, would have restricted their ability to gather accurate information regarding harms that communities have been suffering since 1994. Communities shared information with FPP about collective and individual harms including violations of land rights, restrictions on traditional livelihoods, damage to cultural and spiritual sites, negative health outcomes, and threats, harassment, intimidation, and criminalization. The brief visits by the FPP team – one day for information-gathering and one day for verification – were insufficient to do more than gather an overview and summary of some of the harms suffered.

At the time of FPP and partner organisation visits to communities and at the time of publishing this report, several public reports of active human rights abuses implicating companies in APRIL’s corporate group have been published. In particular, there have been several reports over the course of several months regarding one member of APRIL’s corporate group, PT Toba Pulp Lestari (PT TPL), intimidating, harassing, and criminalizing Batak Toba community members in North Sumatra. PT TPL has in turn issued statements stating that local NGOs and individuals claiming to represent indigenous communities have blocked their operations and engaged in violent protests.

The major shortcomings in the social baseline assessment process thus far, and the intense conflict between one of the companies involved in the RF process and indigenous communities, mean that FPP, Bahtera Alam, and YMKL are calling for a suspension of the implementation of the Remedy Framework process until the process can be improved. At a minimum, improving the social baseline assessment process requires (more complete and detailed recommendations can be found in the [Recommendations section](#) of this report):

- The ceasing of threats, intimidation, harassment, and criminalization of indigenous communities by members of APRIL’s corporate group.
- The establishment and roll-out of a dedicated mechanism for information-sharing with impacted communities about the FSC Remedy Framework process.
- A revision of the social baseline assessment methodology in line with international best practice to ensure that harms are documented accurately and comprehensively. It is likely this will require communities to be able to play a role in documenting harms themselves, with review by the independent assessors, given the limited time independent assessors are able to spend in each affected community.
- Direct communication with the customary leadership of communities, and collaboration with local civil society organisations and community-based organisations to better understand customary practices and governance structures.

¹ The FSC has published two Remedy Frameworks. One (FSC-PRO-01-007) applies to companies that had violated FSC’s Policy for Association, version 2, while the other (FSC-PRO-01-004) applies to companies that violated FSC’s Policy for Association, version 3. The only Remedy Framework process that is active at the time of writing is the Remedy Framework applicable to companies that violated FSC’s Policy for Association, version 2, and this report will use the term “Remedy Framework” to refer to that process.

² See FSC, “FSC’s updated Policy for Association ensures integrity in the FSC system”, 4 October 2022, <https://ca.fsc.org/ca-en/newsfeed/fscs-updated-policy-for-association-ensures-integrity-in-the-fsc-system>: “A corporate group will now be defined as the totality of entities to which an associated organization is connected by “control”. The definition of control includes but is not limited to ownership. The concept of control adopted by FSC is aligned with the Accountability Framework Initiative’s (AFI) [definition](#).”

³ Although the rightsholders are indigenous and other customary communities that are governed according to customary tenure systems, the independent assessor did not visit communities following their customary structures. Instead, they visited the villages established under the government administrative system. While in some cases, these administrative villages correspond to customary communities, in many cases, they do not; one administrative village may contain multiple customary communities, and some customary communities may be living across more than one administrative village. Rightsholder communities consulted for this case study indicated that, while the independent assessor may have visited their administrative village, they were unaware of such a visit.

Introduction

The Forest Stewardship Council (FSC) is a multistakeholder organisation that promotes sustainable forest management through the certification of companies and products that adhere to its environmental and social standards. It self-describes its certification as “the world’s most trusted mark for sustainable forestry”.⁴ Companies who adhere to its Policy for Association can “associate” with the FSC and apply for FSC certification. Companies found to be in violation of the Policy for Association would be disassociated. Before 2023, there was no option for disassociated companies to rejoin the FSC. However, in 2023 the FSC released a new Remedy Framework which set out a process by which disassociated companies could remedy past violations and re-associate with the FSC.

Asia Pacific Resources International Holdings Ltd (APRIL) is the first company to begin the process of implementing the FSC’s new Remedy Framework to seek re-association with the FSC. In 2013 APRIL was disassociated from the FSC following allegations of large-scale deforestation.⁵ APRIL and all members found by the FSC to be within its corporate group must successfully implement the Remedy Framework to be able to re-associate with the FSC. As identified by the FSC, APRIL’s corporate group consists of ten entities within the Royal Golden Eagle Pte Ltd (RGE) corporate group: eight business groups – APRIL, APR, Asia Symbol, Sateri, Asian Agri, Apical, Bracell, and Pacific Energy – and two business units, as well as a sibling company, PT Toba Pulp Lestari (PT TPL).⁶

The FSC Remedy Framework, as applicable to APRIL and the identified members of its corporate group, requires a seven-part process towards remedying the harms that led to disassociation.⁷ At the time of writing, the APRIL group is in the midst of part two of this process, which involves the preparation of social and environmental baseline assessments. The first step in the process involved the establishment of systems and procedures to implement the RF.

The FSC and APRIL have both received criticism from environmental and social NGOs arguing that the Remedy Framework has thus far not been appropriately implemented. One notable critique has been that the RGE group is continuing to cause environmental and social harms, and the FSC should not allow APRIL to pursue the RF – and thus re-association with the FSC – while such harms are ongoing. Some NGOs have published reports arguing that the RGE group is linked to “shadow” groups and companies such as PT Mayawana Persada which have engaged in deforestation activities and customary rights violations considered unacceptable by the FSC.⁸ These reports have called for the suspension of APRIL’s Remedy Framework process until such unacceptable activities cease.⁹

In June 2024, APRIL hosted a Stakeholder Forum to discuss progress of the implementation of its Remedy Framework process thus far. At that forum, participants raised concerns about the baseline assessment process, noting, among other things, that there needed to be a more robust and transparent methodology for the baseline assessments; that the independent assessors need to spend more time with affected communities; that independent assessors need to respect the right of communities to FPIC; as well as raising questions around potential conflicts of interest and independent of the assessors.¹⁰ Community spokespersons present also emphasized the need for the independent assessors to map the

extent of customary rights and to engage with locals critical of the companies. During the Forum, FSC stated that it had taken note of the concerns raised, including regarding the allegations of conflicts of interest of the assessors. It also shared that it was developing FPIC indicators for the Remedy Framework process which would be shared by the end of 2024.¹¹ APRIL reported that not all rightsholders had been identified, but that when they had been, the independent assessors would meet with affected communities to discuss the results of their assessments.¹² It was also noted that the work of the independent assessor – PT Hatfield Indonesia – in Riau and Kalimantan had been paused.¹³ (Since the Forum, the baseline assessment process in Riau and Kalimantan has restarted, with Remark Asia as the contracted independent assessor.)

There have been no public updates regarding the baseline assessment process since APRIL’s Stakeholder Forum. According to information the FPP team received from APRIL, the social baseline assessment for PT TPL’s concessions in North Sumatra was completed by November 2024 by Remark Asia and submitted to the FSC Secretariat. At the time of publishing this report in June 2025, this baseline assessment still has not been released, or even shared with the impacted communities, and the authors of this report have not been able to access a copy of the baseline assessment, despite several requests to Remark Asia and the FSC. In December 2024, Remark Asia responded to a request for information, explaining that FSC procedures require that the baseline assessment undergo third party verification before it can be published, and that they are under a Non-Disclosure Agreement with the FSC which prevents them from sharing any information directly. They noted that third-party verification for the completed baseline assessment had not yet begun.

FSC did not respond to multiple requests for the release of the baseline assessment report. Upon learning that FSC had contracted Remark Asia to undertake baseline assessments in Kalimantan despite the concerns that had been raised about its assessment work in North Sumatra, FPP, together with partner organisations Yayasan Masyarakat Kehutanan Lestari (YMKL) and Bahtera Alam, filed a formal complaint to the FSC, Remark Asia, and APRIL in February 2025 concerning the deficiencies in the implementation of the Remedy Framework thus far.¹⁴ Following the submission of the complaint and a follow-up email requesting release of the baseline assessment, the FSC noted that “The baseline report contains sensitive and protected confidential information that cannot be shared. A summary of the baseline will be published as a component of the approved Concept Note in Section 23.6, Chapter 3.”¹⁵ The referenced Concept Note would be APRIL’s concept note for their remedy plan, which must be based on the harm analysis report produced incorporating the results of the environmental and social baseline assessments.

The social baseline assessment of the concessions of APRIL subsidiaries PT Riau Andalan Pulp & Paper (PT RAPP) in Riau, PT Adindo Hutani Lestari (PT AHL) in North Kalimantan, and PT Itci Hutani Manunggal (PT IHM) in East Kalimantan are in progress; the desktop assessment has been completed, and site visits are yet to be conducted. The desktop assessment was completed by Hatfield Indonesia, and the site visits will be completed by a different assessor. Social NGOs learned in late January 2025 that the assessor contracted to complete the social baseline assessments in Riau and Kalimantan is Remark Asia.

The many concerns and questions raised, particularly around the conduct of the social baseline assessment, called for a more in-depth investigation and public information regarding the process. A team from FPP, together with Bahtera Alam, YMKL, and other local partner organisations, visited several communities in November 2024 to learn about their experiences of the social baseline assessment process. This report distils findings from a small sample of communities and shares lessons learned for the continued implementation of the FSC Remedy Framework process, both for APRIL and for future companies that may be pursuing this process. Although this report was intended primarily to document, through a case study format, specific concerns about and recommendations for improvement of the social baseline assessment process, it also documents allegations of human rights violations, both past and ongoing. Such information has been published at the request of the communities visited.

⁴ FSC, “What’s in a label?”, <https://fsc.org/en/what-the-fsc-labels-mean>.
⁵ FSC, “Asia Pacific Resources International Holdings Ltd. Group (APRIL)”, <https://connect.fsc.org/current-cases/policy-association-cases/asia-pacific-resources-international-holdings-ltd-group>.
⁶ Ibid.
⁷ FSC, “FSC Remedy Framework: FSC-PRO-01-007 V1-0 EN: Enabling certification and association, Governed by the Policy to Address Conversion V1-0 and the Policy for the Association of Organizations with FSC V2-0”, 15 March 2023.
⁸ See Yayasan Auriga Nusantara, Environmental Paper Network, Greenpeace International, Woods & Wayside International, and Rainforest Action Network, “Deforestation Anonymous: Rainforest destruction and social conflict driven by PT Mayawana Persada in Indonesian Borneo”, March 2024, <https://www.greenpeace.org/static/planet4-international-stateless/2024/03/3fb4c6b2-deforestation-anonymous.pdf>; Rainforest Action Network, “Massive Deforestation and Accountability Issues Remain at Royal Golden Eagle Group”, 15 August 2024, https://www.ran.org/forest-frontlines/massive-deforestation-and-accountability-issues-remain-at-royal-golden-eagle-group/?_gl=1*2g5r26*_up*MQ..*_ga*MTkxNzY3NDI3NS4xNzMyNjU1OTgz*_ga_5DXDCWRIWZ*MTczMjY1NTk4Mi4xLjEuMTczMjY1NjAxNS4wLjAuMA; and Greenpeace International, Under the Eagle’s Shadow, 20 May 2025, <https://www.greenpeace.org/static/planet4-international-stateless/2025/05/31292ae8-under-the-eagles-shadow-report-2025-p4-.pdf>
⁹ Ibid.
¹⁰ APRIL, “APRIL Stakeholder Forum on FSC Remedy Full Forum Report”, August 2024, https://remedy.aprilasia.com/wp-content/uploads/2024/08/Full-Report_ENGLISH-APRIL-Stakeholder-Forum.pdf, pp. 14-18.

¹¹ Ibid, pp. 16-17.
¹² Ibid, p. 16.
¹³ Ibid, p. 11.
¹⁴ See [Annex B](#)
¹⁵ Email from Julian Nierentz, Program Manager (Case Management), FSC International, dated 20 March 2025. See [Annex K](#).

Methodology



Teams comprised of staff from FPP, YMKL, Bahtera Alam, and local partner organisations spent several days visiting communities in North Sumatra, Riau, and East Kalimantan to learn more about their experiences of the social baseline assessment being conducted as part of APRIL’s Remedy Framework process. The teams visited four communities (though met with representatives from five) in North Sumatra together with AMAN Tano Batak; two villages in Riau together with Bahtera Alam; and one community in East Kalimantan together with AMAN Kalimantan Timur. Each visit lasted one day and involved a group interview and discussion with the community members present. Although not all members of the community were present in each meeting, the *ketua adat* (customary leader) of each community as well as other members of the *lembaga adat* (customary governing institution) was present in each meeting. In February 2025, FPP and local partner organisations visited the same communities (this time visiting all five communities in North Sumatra) to verify and update the information in this report. AMAN Kalimantan Timur also visited a second community in East Kalimantan that had heard of this research and expressed a desire to have their information included in this report. The FPP team reached out to communities through local civil society or community-based organisations who work closely with the communities and sought permission for each visit from the customary leadership (*ketua adat* or *kepala adat*) of the communities. Each team member followed the same questionnaire¹⁶ asking for information regarding any rights violations members of each community experienced and regarding the community’s engagement in the social baseline assessment process.

The FPP team sought and obtained permission to take notes and to include information obtained from the group interview in this report. The draft text was validated by the communities before publication.

The FPP team had also given FSC, APRIL, Remark Asia, Hatfield Indonesia, PT TPL, PT RAPP, and PT IHM an opportunity to comment on the contents of this report. FPP received replies from FSC International, APRIL, PT TPL, and Remark Asia. FSC’s reply was limited to comments regarding the characterization of the requirements of the FSC Remedy Framework, and its comments have been taken into account and addressed in the final report. The replies from APRIL, PT TPL, and Remark Asia are published in this report as Annexes F, H, and J, respectively, together with cover notes addressing the concerns raised in Annexes E, G, and I.

16 Attached in Annex A.

North Sumatra

Background: The Batak Toba struggle against violations of their rights by PT TPL



Area of natural forest near a river cleared by PT Toba Pulp Lestari (TPL). Toba Pulp Lestari in Parmonangan Subdistrict, North Tapanuli Regency, North Sumatra Province. (Photo: Hengky, AMAN Tano Batak)

a. The Batak Toba

The Batak Toba are an indigenous people inhabiting northern Sumatra, primarily around Lake Toba. Batak Toba traditionally identify themselves by their clan (*marga*) and village (*huta*), and communities are often named after their ancestral founder (*ompu* means “grandfather” in the Batak Toba language). Their traditional governance and tenure systems are intimately connected, with the *huta* often referring to both a political and territorial unit. Villages (*huta*) are governed by village elders collectively known as the *raja ni huta* and through well-defined systems of customary laws and traditions. Typically, the customary leadership (*ketua adat*) includes the elders of the different clans (*marga*) within the village. The traditional governing structures of the Batak Toba do not align well with the State-imposed administrative governance structure, nor do customary village boundaries align with administrative village (*desa*) boundaries, not least because many villages have been encouraged by the government to resettle near to roads and services. Notwithstanding, the Batak Toba maintain an intimate relationship with their lands, which provide a source of resources for subsistence as well as for spiritual practices.



Clear-cutting of natural forest for eucalyptus plantation by PT Toba Pulp Lestari (TPL). Toba Pulp Lestari in Huta Tornauli, Manalu Dolok Village, Parmonangan Subdistrict, North Tapanuli Regency. (Photo: Hengky, AMAN Tano Batak)

b. PT TPL

PT Toba Pulp Lestari (TPL) is a publicly-listed company in Indonesia which operates almost 168,000 ha of pulp and paper plantation concessions in North Sumatra.¹⁷ Although both companies deny the relationship,¹⁸ PT TPL has been found by the FSC to be a member of the wider corporate group of Royal Golden Eagle (RGE) and thus APRIL.¹⁹ PT TPL was first incorporated in Indonesia in 1983 as PT Inti Indorayan Utama. The company’s concessions overlapped Batak Toba lands and there have been widespread reports of the violence that the company employed to quell protests against its operations in the 1980s and 1990s.²⁰ The company changed its name to PT Toba Pulp Lestari in 2001 in an apparent rebranding attempt, but there continue to be allegations of human rights violations committed by the company.

¹⁷ APRIL, “Impact Areas: North Sumatra”, <https://remedy.aprilasia.com/impact-areas/north-sumatra/>.
¹⁸ See “Statement on RGE’s Engagement with TPL”, 25 April 2022, <https://www.rgei.com/attachments/article/1805/RGE%20statement%20on%20TPL%25%20April%202022.pdf> and Toba Pulp Lestari, “TPL Statement on Rainforest Action Network Report”, 21 March 2024, <https://www.tobapulp.com/wp-content/uploads/2024/03/tpl-statement-on-rainforest-action-network-report.pdf>.
¹⁹ FSC, “Asia Pacific Resources International Holdings Ltd. Group (APRIL)”, <https://connect.fsc.org/asia-pacific-resources-international-holdings-ltd-group-april>.
²⁰ See, e.g., Wikipedia, “PT Inti Indorayan Utama”, https://en.wikipedia.org/wiki/PT_Inti_Indorayan_Utama.

North Sumatra

Community Experiences of the Baseline Assessment of Social Harms in PT TPL’s Concessions



Communities in North Sumatra—such as Sihaporas, Sigala-gala, and Ompu Ronggur—shared their experiences of the social baseline assessment in the context of PT Toba Pulp Lestari (TPL) operations.

The five Batak Toba communities of Natumingka, Sihaporas, Dolok Parmonangan, Sigala-gala Lobunauli, and Ompu Ronggur are all located within or adjacent to PT TPL’s concessions in North Sumatra. Four of the communities, or at least the administrative village (*desa*) in which the community was located, were identified by Remark Asia as a potentially impacted community that the social baseline assessment process would require they visit, and all five hold customary land rights in the villages (*desa*) identified by Remark Asia.

In total, there are 18 *huta* or indigenous communities identified by Badan Registrasi Wilayah Adat (BRWA) and AMAN Tano Batak whose customary lands overlap with PT TPL’s concession. These 18 communities’ customary lands span 35,121 ha, of which 25,531.01 ha is overlapped by TPL’s concession, spread across 5 regencies: Toba, North Tapanuli, Humbang Hasundutan, Simalungun, and Samosir. The 5 *huta* visited for this report customarily own lands spanning 6,786 ha, of which around 3,725 ha is overlapped by PT TPL’s concession.

BRWA database of indigenous lands

Badan Registrasi Wilayah Adat (BRWA)²¹ is an organisation that compiles data on indigenous peoples’ customary lands in Indonesia. The organisation was formed by a coalition of community-based and civil society organisations to address the need to document data and information on indigenous peoples’ lands.

The BRWA maintains a database of indigenous peoples’ customary territories. The database contains information about the history, population, customary land use practices, customary governance institutions and rules, and land features and boundaries of each community that is registered. Indigenous communities must first register their information with the BRWA, and then BRWA will verify the data submitted by the community. Both of these steps must follow a process published by the BRWA.²² The database notes whether information for a particular community is only registered or verified. It also documents whether communities have received formal recognition from the government of their existence as an indigenous people and/or their lands. While not all indigenous communities have registered with BRWA, BRWA data can give an indication of the scale of recognition of indigenous land claims across the country.

a. Natumingka

The customary community of Ompu Raja Duraham Simanjuntak Natumingka is located in the Borbor subdistrict of Toba district in North Sumatra. The administrative village (*desa Natumingka*) corresponds to the customary community of Natumingka (*huta Natumingka*), and the village was identified by Remark Asia as one that was potentially impacted by PT TPL’s concessions.²³ Although the customary community is located within one administrative village, the administrative head of the village (*kepala desa*) is not one of the customary leaders (*ketua adat*). The community still adheres to their customary tenurial system and customary rules, some of which are documented in the public BRWA database.²⁴ They note that the community’s lands have been recognized since the 1950s by the then-government’s reforestation program (*reboisasi*), and that at the time the government had promised to return the land to the community.

The community has been struggling to protect their lands from PT Indorayan/TPL since 1997. Community members reported that since the company first entered their lands, it has never reached out to meet with the community to ask their permission to work on their lands. Instead, it brought in police to intimidate and threaten the community to give up their lands. One elder recalled that in those days, community members were threatened with rifles and told that if they wanted to stay alive, they should abandon their lands. He stated that, “We are ready to die for our lands here... If we don’t fight for this place, what will we leave for our children?”

The community estimates that about 1,156 ha of 2,406.26 ha of traditional lands, which included forests growing with frankincense (*kemenyan*), coffee farms, and other crops, were all destroyed by the company. The company’s operations bulldozed over the community’s graveyards as well as former settlement sites. The plantation operations also introduced pests which have damaged community crops, including coffee and rice, that community members have planted outside the concession. The community has also noticed that their water seems polluted, and there are landslides every year which make it dangerous for their children to walk to school.

In 2018 the community began reclaiming their lands by replanting in some areas where PT TPL had finished harvesting trees. This has led to increased cases of intimidation and criminalization by the company. At least three community members were reported to the police in 2020, although they were released without charges. In 2021, one woman reported that while she was clearing land for planting, she was forcibly taken to the PT TPL office and coerced into signing a letter which stated that she would not manage her lands anymore. She was held at the office for a full day and never received a

21 BRWA in English is the Customary Territory Registration Agency.
22 See BRWA, “Prosedur”, <https://brwa.or.id/pages/prosedur>; BRWA, “Pedoman Registrasi Verifikasi: Masyarakat Adat dan Wilayah Adat”, <https://brwa.or.id/assets/image/rujukan/1639145265.pdf>.
23 Letter from Remark Asia to YMKL and CSO Coalition, 5 April 2024.
24 BRWA, “Wilayah Adat Huta Natumingka”, <https://brwa.or.id/wa/view/a055a2k0WDN2NmM/>.

copy of the letter she was forced to sign. In May 2021, a dozen community members protested the forced planting (*tanam paksa*) by PT TPL in their customary land. TPL employees working in the area, with police and military members watching, threw stones at the protestors and beat one of the women with a stick. The women in the community report that they feel traumatized by such violent reactions to their defense of their land rights and they are afraid of further physical violence.

In late 2024, the community of Natumingka organized to confront the social responsibility officer of PT TPL regarding their land rights. They signed an agreement on 7 November 2024 stating that: both parties recognize the community’s rights over their customary lands; the community grants the company permission to harvest eucalyptus trees on their customary land; and that the company would not plant eucalyptus trees on their lands once they have harvested those already growing. This was the first time the community had made any agreement with PT TPL, who had never sought the community’s permission to work in their lands. The company harvested the last of the eucalyptus trees in the community’s lands in November. In December 2024, PT TPL sent a letter²⁵ to local government officials complaining about parties ‘claiming’ to represent indigenous communities disrupting their operations in eight named locations. One of the locations named is in Natumingka and states that TPL believes the community is trying to claim 1,158 ha of the company’s concession. The community expressed grave concern about this claim by PT TPL, as the information they have indicates that PT TPL’s concession overlaps with 600 ha of their customary lands. The community notes that many areas claimed by PT TPL are areas with village homes and gravesites, and they worry that this expanded claim includes more important areas within their customary lands. The company brought heavy equipment into Natumingka soon after this letter was shared to begin clearing land for new plantings. Natumingka residents fear that the company has no intention of upholding their agreement with the village and plans to escalate the intimidation, violence, and destruction of their lands.

Over the years, some families have left the community to look for livelihoods elsewhere. The presence of PT TPL has caused internal community divisions, with about 30 of 150 families, including the administrative head of the village (*kepala desa*), choosing to work with the company. As a result of the 30 families breaking customary law and giving up their lands to the company, the customary leadership of the community (*ketua adat*) sanctioned those families by disowning them. In effect, this means that those families have lost their right to join in the management and use of communal lands within the community’s customary lands. They can only manage their own individual family plots.

Only a few community members had heard of the FSC prior to the FPP team’s visit, and none had heard of Remark Asia. The customary leaders of the community (*ketua adat*) had not received any communication from Remark Asia, APRIL, or FSC regarding the Remedy Framework process nor regarding the baseline assessment. Although the community holds a deep distrust of PT TPL, they expressed their openness to meeting with Remark Asia or another independent assessor to participate in the social baseline assessment for the FSC Remedy Framework process. They reported that the only remedy they would be willing to accept is for the company to leave their lands and to urge the government to recognize and respect the community’s customary lands. This could include the company writing a letter to the government asking that it excises the community’s lands from the company’s concession.

25 See Annex D.

b. Dolok Parmonangan

The community of Ompu Umbak Siallaggan, *huta* Dolok Parmonangan is located in the administrative village (*desa*) of Pondok Bulu, in Dolok Panribuan subdistrict, Simalungan district, North Sumatra. Pondok Bulu hosts five hamlets (*dusun*), of which Ompu Umbak Siallaggan is the fifth. (Note that there is also a separate administrative village (*desa*) named Dolok Parmonangan. Both administrative villages Dolok Parmonangan and Pondok Bulu were listed on Remark Asia’s list of potentially impacted communities.) The administrative head of the village (*kepala desa*) is not from the Ompu Umbak Siallaggan community. The community still closely follows their customary laws and has documented some of these traditions in the public BRWA database.²⁶

PT TPL first entered the customary lands of Ompu Umbak Siallaggan in 1984. No representative from the company has ever approached the community to ask permission to operate on their lands. The company’s concession overlaps 425 ha of the community’s 851 ha of customary land, and the company’s operations destroyed the gardens that community members had planted with *pete* (a type of bean), *jengkol* (a type of bean), jackfruit, and other crops. When community members continued to plant sweet potatoes in their customary lands, the company sprayed their fields with pesticides and herbicides which killed their plants. The community’s water sources have also been polluted by the company’s operations through soil erosion and the use of pesticides and herbicides, and community members can no longer fish in the rivers flowing through their lands. They fear that the company’s fast-growing Eucalyptus trees and climate change are compounding these impacts, as freshwater springs in their uplands have dried up and disappeared.

Community members also attribute increased human-wildlife conflict to PT TPL’s operations; they note that the company’s operations have shrunk wildlife habitats, leading forest-dwelling rats, boars, and monkeys to come into their gardens and into the village seeking food. The community plans to restore two-thirds of their lands to forest once they regain full control over their customary lands.

The community has begun reclaiming their lands by planting in areas where the company has finished harvesting trees. This has led to frequent cases of intimidation, harassment, and criminalization.²⁷ It has been a frequent occurrence for PT TPL security, accompanied by police and military personnel, to push women around while they are planting in their fields. Community members are also being reported by TPL to the police and arrested if they try to take wood from their customary lands to build homes.

Community members report that incidents of physical violence and criminalization increased beginning in 2018, at a protest led by the community. Towards the end of 2022 into early 2023, several homes burnt down without a reasonable natural explanation. The customary leader of the community (*ketua adat*) Sorbatua Siallaggan was imprisoned for 9 months in 2024 on charges that he was occupying land belonging to PT TPL, although those were his customary lands. He had been sentenced to two years in jail and fined IDR 1 billion but won his appeal at the provincial level court. The government is now appealing his acquittal to the Indonesian Supreme Court (*Mahakam Agung*).

On 2 December 2024, there was a serious incident in which several community members were injured by PT TPL security.²⁸ The community members were protesting the community’s imminent destruction of their watershed area, which is the primary source of water they rely upon. Since 2006, the company has damaged two of the community’s watersheds, and the community has had to find new sources of water within their lands. The community felt that they had to protect this third water source, which is also located in a protected forest area (*hutan lindung*). During the December 2024 protest, PT TPL security threw stones at the community members, hitting one man on the head, cutting one under the lip, and cutting one woman on her ear. One man was pushed into a ditch and submerged in mud. PT TPL issued a statement on the same day, suggesting that the community members involved in the protest were “claiming” to represent Ompu Umbak Siallagan

²⁶ BRWA, “Wilayah Adat Huta Utte Anggir Dolok Parmonangan”, <https://brwa.or.id/wa/view/V2xtOVZEcl83LUQ>.
²⁷ As just a few examples, see, e.g., AMAN, “Perempuan Adat di Garda Depan Perlawanan terhadap TPL”, 19 July 2022, <https://aman.or.id/news/read/1436>; Bakumsu, “AncamanKriminalisasi Terhadap Masyarakat Adat Sihaporas, DolokParmonangandiSimalungunSertaHutaTorNaulidiTapanuliUtara”, 5February 2020, <https://bakumsu.or.id/ancaman-kriminalisasi-terhadap-masyarakat-adat-kasus-sihaporas-dan-dolok-parmonangan-di-simalungun-serta-huta-tor-nauli-di-tapanuli-utara/>; Tempo Witness, “Masyarakat Oppu Umbak Siallagan Hadang Intervensi PT TPL”, 15 July 2022, https://witness.tempo.co/article/detail/5057/masyarakat-oppu-umbak-siallagan-hadang-intervensi-pt-tpl.html?fbclid=IwY2xjawl28qleHRuA2FlbQlxMQABHQwSOVyuVWOZUtJy5OroJn1c867ApmRTFMZvPdIMkDuSVJBxN9FP5oQ_aem_LUWLYcsMFhWe5_1YtJk1Mg.
²⁸ See AMAN, 2 December 2024, <https://www.instagram.com/rumah.aman/reel/DDEb3echRdw/>.

and that they were the ones acting violently.²⁹ Community members report that it is not a new tactic for the company to place the blame on them and to cast doubts on their legitimacy. They report feeling that the company does not seem to hesitate to resort to violence, and brutal and inhumane treatment. Although the community has reported this incident to the police, there has been no response from the authorities. Community members report feeling lots of anxiety and fear, because even the authorities appear to be supporting the company’s violent actions against their lands and persons. Since that 2 December protest, there have been several other incidents of violence enacted by PT TPL against community members,³⁰ and another statement issued by PT TPL blaming the community for disturbing the company’s operations.³¹ The community has formally petitioned the local government to step in to protect them from these acts of violence.³²

PT TPL’s longstanding incursion onto the community’s lands has caused internal community divisions. More than half of the families in the community have abandoned their customary governance and tenurial system and are now either working for the company or have otherwise given up the struggle to reclaim traditional ownership of their lands.

None of the community members the FPP team met with had heard of FSC or Remark Asia before the FPP team’s visit. The community expressed their willingness to engage with the FSC and to meet with Remark Asia should they be approached through their customary institutions (*ketua adat*). However, they were firm in expressing that the only remedy they would accept is full recognition of their land rights and for the company to leave their lands, and to cease criminalizing community members.



Excavator activity transporting eucalyptus logs in the Pollung area, Humbang Hasundutan Regency, North Sumatra. (Photo: Hengky, AMAN Tano Batak)

²⁹ PT TPL, “TPL’s Response to the Group Claiming to Represent the Indigenous Community of Ompu Umbak Siallagan Forcing Entry into PT Toba Pulp Lestari Tbk’s Concession Area”, January 2025, <https://www.tobapulp.com/wp-content/uploads/2025/01/December-02-2024-TPLs-Response-to-the-Group-Claiming-to-Represent-the-Indigenous-Community-of-Ompu-Umbak-Siallagan-Forcing-Entry-into-PT-Toba-Pulp-Lestari-Tbk.pdf>.
³⁰ See, e.g., Aktual Online, 31 January 2025, <https://www.facebook.com/www.aktualonline.co.id/videos/intimidasi-terhadap-masyarakat-adat-dolok-parmonangan-oleh-security-pt-tpl-saat-/904193735122681/>; AMAN Tano Batak, 30 January 2025, <https://www.facebook.com/share/v/12EtcwfMboe/>; AMAN Tano Batak, 5 February 2025, <https://www.facebook.com/share/p/12GyFZ7P5he/>; AMAN Tano Batak, 10 February 2025, <https://www.facebook.com/share/v/19xbceuR5t/>; AMAN Tano Batak, 30 January 2025, <https://www.facebook.com/share/p/1Eb4tuxcor/>.
³¹ PT TPL, “Operational Disruption at TPL Aek Nauli Sector”, January 2025, <https://www.tobapulp.com/wp-content/uploads/2025/01/January-29-2025-Operational-Disruption-at-TPL-Aek-Nauli-Sector.pdf>.
³² AMAN, “Masyarakat Adat Dolok Parmonangan Minta Perlindungan Pasca Bentrok dengan Toba Pulp Lestari”, 12 February 2025, <https://www.aman.or.id/news/read/2015>.

c. Sihaporas

The community of Ompu Mamontang Laut Ambarita Sihaporas is located in Pematang Sidamanik subdistrict, Simalungan district in North Sumatra. There are five hamlets (*dusun*) located in the administrative village (*desa*) of Sihaporas; four are a part of the community of Ompu Mamontang Laut Ambarita Sihaporas, comprising approximately 200 families, and the team from FPP visited one of these. Some of the community’s customary rules and history are documented in the BRWA database,³³ as well as in other sources which describe the community’s seven important rituals which are carried out to honour and connect with their ancestors and with the creator (*Ompu Mula Jadi Nabolon*).³⁴

The community shared that their ancestors have occupied these lands since the 1800s. Raja Ambarita first moved to the area from *kampung Ambarita* on Samosir Island. He found that the land was unoccupied, though there were communities bordering it on all sides. He made agreements with the neighbors, including the community of Sipolha which belonged to the *marga* Manik; the community led by Raja Siantar; and the community led by Raja Tanajawa. They all agreed on the boundaries between their lands and agreed on customary laws governing the land, which included the rule never to buy or sell their lands. To mark their agreement, they sacrificed and prayed over two bulls, which turned into rocks (*batu sidua-dua*) that mark the boundaries of Sihaporas.

According to the oral history shared by their elders, in 1913, the community – then, the fifth generation of Sihaporas community – made an agreement with the Dutch colonial government. The Dutch agreed to rent their land to plant pine trees (*pinus*) for a number of years and then to return their lands to the community. Before the agreement went into effect, Indonesia gained its independence.

The community has been opposing the takeover of their customary lands by PT TPL since 1998, after the fall of the Suharto regime, when they felt they had the freedom to speak up for their rights. They have sent many letters and complaints to the government over the years but with minimal response. In 2000, a team from the regional parliament (DPRD) finally responded to their petitions by coming to check if Sihaporas still existed. The government team affirmed the community’s existence but found that all crops except bamboo were poisoned by herbicides, and they recommended that the government try to resolve the community’s conflict with PT TPL. The Bupati (regent) of Simalungun at the time told them that his authority only allowed him to help the community by recognizing 150ha, or less than 10%, of their land.

In 2018, they were finally able to meet with the Minister of Forestry and Environment, Siti Nurbaya Bakar, in Medan. She told them that registration with the BRWA was a requirement for recognition of their customary land. They took her advice and followed the process to map their customary land and register it in the BRWA, who also verified their registration. Once they had their certificate of registration, the community went back to meet with the Minister to tell her that now that they had their certificate from BRWA, and that they planned to start working on their lands. The Minister told them, however, that first the government had to cancel the concession status. The community has not received any further communication from the government since; the concession has not been cancelled.

PT TPL’s concession overlaps around 1,287.22 ha of the community’s 2,093 ha of traditional lands. The bamboo, coffee, *jengkol*, avocado and other crops that the community planted on those lands were all destroyed by the company. Any crops the community plants are also threatened by wild pigs and monkeys, who have lost their habitat in the forest and increasingly destroy community-planted crops in search of food.

The company’s operations have also polluted their water sources and the environment. The community reports that one time, they found ten empty bottles of Confidor insecticide in their waterway and dead fish in the river. Company workers set up camps near the community’s springs used for drinking water and would use the area as a toilet and shower. Community members reported getting sick after drinking the dirty water; some community members also died from an illness that resulted in congestion and an inability to breathe, though it is unclear if this is related to drinking the polluted water. Although the community reported their loss of access to clean water to local authorities, the government has done nothing to address the problem.

³³ BRWA, “Wilayah Adat Huta Sihaporas”, <https://brwa.or.id/wa/view/cEZqN2Jka2VweEk>.
³⁴ See, e.g., PW AMAN Tano Batak, “Tradisi Manganjab Warisan Leluhur Sihaporas”, 26 Mei 2023, <https://tanobatak.aman.or.id/tradisi-manganjab-warisan-leluhur-sihaporas/>; Tribun Medan, “Menilik Sejarah Ompu Mamontang Laut Ambarita”, 27 August 2024, <https://medan.tribunnews.com/2024/08/27/menilik-sejarah-ompu-mamontang-laut-ambarita?page=all>.

In addition to these health impacts, the lack of access to clean spring water and to their forests has made it difficult for the community to carry out their rituals, which rely upon these natural resources. In particular, there is a specific fish endemic to their springs and streams, *ihan*, of which ten are needed in one of the community’s seven core rituals, and the fish are increasingly difficult to find. Another type of fish used in rituals, *ikan porapora*, as well as particular leaves, have also been harder to find. Rituals also require pure water sources, which no longer exist. The community plans to protect a quarter of their customary land as natural forest if they are able to regain control of their lands in order to protect these natural resources.

Sihaporas community members reported experiencing intimidation, harassment, violence, and criminalization at the hands of PT TPL. They reported instances over the past three decades of receiving verbal death threats, being beaten, having shots fired at them, and being kidnapped. Many of these cases have been widely reported in local and international media and by NGOs.³⁵ These incidents include one arrest in 2003; three arrests in 2004; and two arrests in 2019 – all for occupying their own lands without permission. In 2022, community members blockaded a road used by PT TPL in protest at the company’s destruction of their forests, and in response, security personnel from PT TPL and members of the local police came to break up the protest by beating the protestors.

On 22 July 2024, several community members were reportedly abducted by unannounced intruders at around 3am in the morning. They were sleeping at an outpost (*sopo*) that the community had built in their customary lands to protect the new crops they were planting. The community reported that those sleeping there were beaten and handcuffed, and two were subjected to electric shocks by tasers, in front of their children who were also sleeping at the post at the time. The intruders were wearing plainclothes and they arrived in a private vehicle and a PT TPL vehicle. The community members only realized the intruders were the police once they fired a warning shot into the roof. Once the intruders left, the community members remaining at the outpost found that the tyres in their motorcycles had been slashed, making it impossible for them to pursue the intruders. It was only later that the rest of the community learned that those who were taken away had been arrested. Four of those community members were later prosecuted and charged with occupying PT TPL’s concession and assaulting PT TPL workers. In late January, they were all found guilty of crimes including occupation of land without permission and violence against persons and property. Two were sentenced to 10 months in jail; one to 1 year, 1 month; and one to 2 years, 2 months. The community plans to appeal the conviction of the latter. During the trial, the *ketua adat* of the community was named as a fugitive from justice (DPO) even though he was not present at the time the prosecutors allege the crime took place.

As is the case with several other communities, this community claims that its social cohesion has been ruptured by PT TPL. About half of the families in the community have abandoned customary law and no longer participate in the struggle to claim their land rights.

None of the community members we met with had heard of FSC or Remark Asia before the FPP team’s visit. They expressed willingness to engage with the FSC and to meet with Remark Asia should they be approached through their customary institutions (*ketua adat*). However, they were firm in expressing the view that the only remedy they would accept is for the company to recognize their land rights, to leave their lands and to ask the government to return their lands to them, as well as to stop criminalizing community members.

³⁵ See, e.g., BBC News Indonesia, “Ditangkap saat lelap, tiga anggota masyarakat adat Sihaporas jadi tersangka kasus dugaan pengeroyokan pekerja PT TPL”, 25 Juli 2024, <https://www.bbc.com/indonesia/articles/c0jq9lqp0wvo>; Fair Planet, “Criminalised for defending land: Indigenous struggles in North Sumatra”, 6 September 2024, <https://www.fairplanet.org/story/criminalized-for-defending-land-indigenous-struggles-in-north-sumatra/>; Human Rights Monitor, “Two indigenous women from Sihaporas Lamtoras injured due to joint forces intervention in customary land dispute in North Sumatra”, 24 August 2022, <https://humanrightsmonitor.org/news/two-indigenous-women-from-sihaporas-lamtoras-injured-during-joint-forces-intervention-in-customary-land-dispute-in-north-sumatra/>; Ayat Karokaro, “Indonesian indigenous land defenders jailed in fight with pulpwood giant”, 9 March 2020, <https://news.mongabay.com/2020/03/indonesia-indigenous-land-sumatra-toba-pulp-lestari-rge/>.

d. Sigala-gala Lobunauli

The indigenous community of Sigala-gala Lobunauli is a community located within the administrative village (*desa*) of Sabungan Ni Huta IV in Sipahutar subdistrict, Tapanuli Utara district, North Sumatra. There are four *huta* in the administrative village, with Sigala-gala and Lobunauli comprising two *huta* who are descended from the same ancestor, and together form one customary community. There are lands within the administrative village’s boundary that customarily belong to other communities. Sigala-gala still adheres to their customary rules and traditions, and some of these are documented in the BRWA database.³⁶

The community reports that their land rights were recognized by the central government through the *reboisasi* program. Their elders remember that they had an agreement with the government dating back to 1978 in which the government agreed that the land would be used by the forestry department (*Dinas Kehutanan*) for 35 years to plant pine trees (*pinus*) and after which the land would be returned to the community. As the community recalls, their agreement with the government was that community members would work on the program.

During the 1980s or 1990, the community became aware of a project that was clearing forest and building a road in their customary lands. Some community members were themselves paid per hectare to help clear the forest, and community members assumed this was part of the *reboisasi* agreement they had with the government. One of the elders recalled that 1992 was the first time he saw a sign stating that the land belonged to PT Indorayan. At the time, he was unaware of who or what PT Indorayan was, and he still thought this was all part of the same *reboisasi* agreement they had with the government. It was not until later that the community understood that this land clearing was not for work under the *reboisasi* program, but rather, it was for PT Indorayan’s (later renamed PT TPL) pulp and paper concession.

The company never informed the community of their plans, let alone consulted or sought their permission. The community also notes that this concession was given to the company without their agreement or awareness. Since that initial land clearing process in the early 1990s in Sigala-gala Lobunauli’s customary lands, there has been ongoing clearing of new forest by the company which has destroyed the community’s frankincense (*kemenyan*) agroforests.

The community reports that in recent years, the company has become more violent towards the community’s farms and property. Community members report that in 2023, PT TPL company cleared and burned community farms, already planted with corn and pineapple, and destroyed grave markers and housing sites.

Around 857 ha out of the 1,436 ha of the community’s traditional lands are inside PT TPL’s concession. The community’s coffee and frankincense (*kemenyan*) trees, which were not in the concession have started producing lower yields. Although it is not entirely clear what the decreased crop production is caused by, community members attribute this to the company’s operations degrading the environment in the area. They also feel that climate change may be compounding these impacts. Also, the community’s rice fields have been damaged by landslides, which they attribute to erosion caused by the company’s plantations.

Community members have noticed that pesticides from the company’s plantation wash into their sources of drinking water, and community members have seen increased cases of rashes and skin disease. The local government ran some water tests in 2020 which confirmed that the water in the Aek Nalas River is unsafe to drink, and that in fact that it was also affecting the quality of the water distributed through government water reservoirs.³⁷ However, the government have taken no actions to follow up on the results of those tests and the water remains polluted and unsafe to drink.

Sigala-gala Lobunauli community members have been reclaiming their lands by planting in areas where the company has finished harvesting trees. Since they started reclaiming, they have experienced increased threats from PT TPL. In 2023, five sleeping structures (*sopo*) that the community had built in their fields were burned down, and fields they had planted with crops including corn and pineapple were sprayed with herbicides which killed their crops. A sacred site, a grave site called *goa tengkorak*, has also been destroyed in recent years because of road widening that the community associates with PT TPL’s operations.

36 BRWA, “Wilayah Adat Sigalagala Lobunauli”, <https://brwa.or.id/wa/view/TlBIRFNkTFk4TOE>.

37 Antara Sumut, “PDAM: Dugaan pencemaran sumber air oleh TPL ancam kesehatan 30 ribu jiwa warga Taput”, 9 November 2020, <https://sumut.antaranews.com/berita/346628/pdam-dugaan-pencemaran-sumber-air-oleh-tpl-ancam-kesehatan-30-ribu-jiwa-warga-taput?>.

The community of Sigala-gala Lobunauli faces internal divisions as a result of PT TPL’s encroachment on their lands. Currently more than one third of families in the community no longer actively endeavour to reclaim their land rights. They stated that they have been manipulated into a conflict with neighbouring communities. Specifically, they reported that they were manipulated by their administrative village head (*kepala desa*), a business partner with PT TPL, who convinced them to join a farmers’ group (*kelompok tani hutan*) around 2018 by offering them farming lands in the concession. However, it transpired that those lands were the customary lands of other communities. As a result, Sigala-gala initially opposed the customary forest (*hutan adat*) application of their neighbouring community. They have since rescinded their objection after finding out that the lands being offered to them were not their own customary lands.

The community reports that in August 2024, the administrative government of the village (*pemerintah desa*) issued land ownership letters (*surat kepemilikan tanah, SKT*) to certain individuals who now claim to own the land over other members of the community who have customary rights over those lands. Later that month, one of those individuals used this SKT to file a civil lawsuit against three fellow members of the community to assert his individual rights over the lands. Community members suspect that the individual is supported by PT TPL to advance this claim, and that the goal of establishing control over the land will be to establish a partnership scheme (*kemitraan*) with PT TPL. The community feels that they have been distracted by the court case, which has involved many hearings over the past few months, and in that time, the company has used this opportunity to open up another new area in Dolok Nabota (Aek Bila) to plant, also in the community’s customary lands.

The community noted that none of them had ever heard of the FSC or Remark Asia before the FPP team’s visit. The community reported that they are willing to meet with Remark Asia to share information for the baseline assessment. However, they noted that the only remedy they are willing to discuss is a return of their customary lands.

e. Ompu Ronggur

The community of Ompu Ronggur Simanjuntak is located in administrative village (*desa*) Sabungan Ni Huta II in Sipahutar subdistrict, Tapanuli Utara district, North Sumatra. Sabungan Ni Huta II is not on Remark Asia’s list of potentially affected administrative villages. A significant portion of Ompu Ronggur’s customary lands are located within the administrative boundaries of Sabungan Ni Huta IV, however, which is where the community was formerly located. The community moved their residential location in the years following national independence upon the suggestion of the government to better access education opportunities. The community still adheres closely to their customary laws and traditions, and still uses and considers the lands located in *desa* Sabungan Ni Huta IV as their customary lands.

Since PT Indorayan/TPL began operating on its lands, the community has lost over a quarter of its traditional lands to the plantation. In 2019, the community worked with a national labour union, Serikat Buruh Perkebunan Indonesia (SERBUNDO), to submit a complaint to the International Labour Organization (ILO), alleging that the Government of Indonesia had violated its commitments under ILO Convention No. 111 by discriminating against the community’s traditional occupations.³⁸ The complaint detailed how PT TPL’s operations had both reduced the amount of frankincense (*kemenyan*) available to harvest as well as damaged the ecosystem to the extent that the remaining frankincense trees produced lower amounts and quality of resin, leading to an 80% decrease in income. Today, the community feels that climate change may be compounding the loss of frankincense (*kemenyan*) production, with strong winds and high heat resulting in both a reduced production of resin and longer drying times for the resin. The community also reported reductions in income from decreased rice yields, both as a result of the reduced areas available for planting as well as the damage of rice paddies by regular flooding which occurs because of the forest clearance. In addition, the complaint described decreased harvesting of timber products traditionally used to build homes; decreased numbers of game animals available for hunting; and the loss of the occupation of weaving floor mats and bags from *bayon* (a non-timber forest product).³⁹

38 FPP, “ILO111 Submission – Ompu Ronggur”, 4 August 2020, <https://www.forestpeoples.org/en/report/2020/ilo111-submission-ompu-ronggur>.
39 Ibid. See also Marcus Colchester, “The Toba Batak and Toba Pulp Lestari: seeking remedy through the International Labour Organisation”, Forest Peoples Programme, 4 August 2020, <https://www.forestpeoples.org/en/briefing-paper/2020/toba-batak-and-toba-pulp-lestari-seeking-remedy-through-international-labour>; “Indonesia’s state-authorised land grabs discriminate against indigenous peoples and destroy forests” (Video), 20 September 2020, <https://www.forestpeoples.org/index.php/en/global-finance-trade/video/2020/video-indonesias-state-authorised-land-grabs-discriminate-against>.



PT Toba Pulp Lestari (TPL) signboard on the customary land of Huta Simenakhenak in Habinsaran, Toba, North Sumatra. (Photo: Hengky, AMAN Tano Batak)

In 2023, PT TPL damaged the main bridge the community used to access the forests where they harvest frankincense (*kemenyan*), and to this day the company has not repaired that bridge. The community is only able to access the area using a small bridge they built themselves, which can only accommodate two-wheeled vehicles.

Ompu Ronggur has also, similarly to other communities, experienced contaminated water sources. They have to rely upon rainwater for drinking when working in their customary lands in Sabungun Ni Huta IV, and they have to pay the local government in Sabungan Ni Huta II to provide drinking water every month. They also report increased cases of human-wildlife conflict because of the destruction of natural habitats. Wild boars and monkeys often enter community farms and destroy their corn, bean, and rice crops. The loss of income from traditional activities has made it difficult for families to send children to school, and the community has seen a decrease in education rates. In the past year, about six students (out of approximately 30 school-age children) were unable to graduate high school (SMA) because their families could not afford to continue sending them to school. Of those who did graduate, only five have been able to pursue educational opportunities after SMA. In the past, the income families made from their frankincense (*kemenyan*) harvest allowed more youth to access tertiary education opportunities.

Community members reported that the company has at various times burned down community members’ homes and cottages in their fields. Ompu Ronggur members also reported cases of intimidation and criminalization, with community members being called to report to the police station over accusations of occupying PT TPL’s land. To date, no community members from Ompu Ronggur have been formally arrested and charged with crimes. The community of about 100 families remains united and committed in their struggle to claim their land rights.

Until the FPP team’s visit, community members had never heard of the FSC or Remark Asia. They reported that they would be open to meeting with an independent assessor, but that they do not want to negotiate about remedy with the company. The primary remedy that the community wants is for the company to return their customary lands to them. They expressed a willingness to negotiate about restoration of the forest and environment, but they observed that they did not trust the company not to further destroy their gardens in the process. They noted that the company will not need to negotiate with them on which lands to return, because the Ministry of Forestry (former Ministry of Forestry and Environment) already has records of the community’s customary boundaries.

Riau

Background: Community struggles to defend their land rights against PT RAPP

a. Indigenous peoples and customary communities in Siak and Meranti Districts, Riau

The Suku Anak Rawa and Akit indigenous peoples occupy the Siak and Meranti Districts in Riau along with other local communities who have long-established villages in the area. The Suku Anak Rawa (Swamp Children Tribe) traditionally owned and used the lands along the coast from Sungai Kumpai to Sungai Lakar, and today, three different villages live within their ancestral territory.⁴⁰ The oral history of the Suku Anak Rawa recount their presence in the area long before Dutch colonisation,⁴¹ and they are officially recognized as *masyarakat hukum adat* by the local government.

The Akit are an indigenous people inhabiting the islands of Padang and Rangsang in small hamlets which are linked within the administrative system to larger Malay villages.⁴² The Akit believe that in their ancestral past, they shared common origins with the Suku Anak Rawa as well as with the Malay people, and that they are all descendants of peoples who migrated to southeast Asia from China.⁴³ The Akit have yet to be recognized by the local government as *masyarakat hukum adat*.

Both the Akit and Suku Anak Rawa maintain and follow customary laws regarding land tenure and continue to engage in customary land and resource management and use, as well as hold spiritual ties to their lands. The Suku Anak Rawa and Akit coexist together with Malay and other communities, some of whom self-identify as indigenous peoples and some of whom are not indigenous. Some of these communities adhere strongly to customary land tenure systems and laws, while others do not. All hold varying rights to land that have been negatively impacted by PT RAPP.

b. PT RAPP

PT Riau Andalan Pulp and Paper (PT RAPP) owns about 448,000 ha of pulp and paper plantations in Riau Province.⁴⁴ It has been operating since 1995 and currently runs a vertically integrated pulp and paper mill, supplied by its plantations as well as others. Since the inception of operations, PT RAPP has faced accusations of land-grabbing and destruction of forest and livelihoods.⁴⁵ There have been criticisms of the lack of transparency in the award of concessions to the company, including over areas designated as protected forest.⁴⁶ The company has had its forestry permit revoked by the Indonesian government more than once for violations in relation to environmental violations, in particular in connection with the burning of peatland.⁴⁷

⁴⁰ Marcus Colchester, Patrick Anderson, Harry Oktavian, Rudiansyah, and Hasri Dinata, “Customary Rights in APRIL plantations: Findings from a field study”, 2023, <https://www.forestpeoples.org/sites/default/files/documents/Customary%20Rights%20in%20APRIL%20plantations.pdf>, pp. 22-25.

⁴¹ Ibid.

⁴² Ibid, pp. 31-35.

⁴³ Ibid.

⁴⁴ Ibid, pp. 9-11.

⁴⁵ BankTrack, “APRIL: Indonesia”, <https://www.banktrack.org/company/april>.

⁴⁶ Transparency International, “A Silent Protest in Pulau Padang”, 28 November 2011, <https://blog.transparency.org/2011/11/28/a-silent-protest-in-pulau-padang/>.

⁴⁷ See, e.g., APRIL-Watch, “APRIL concession permit suspended”, 11 September 2016, <http://aprilwatch.blogspot.com/2016/09/april-concession-permit-suspended.html>; Fergus Jensen, “APRIL halts Indonesia paper unit ops as forestry permit revoked”, Reuters, 21 October 2017, <https://www.reuters.com/article/us-indonesia-april/april-halts-indonesia-paper-unit-ops-as-forestry-permit-revoked-idUSKBNICPOST/>.

Riau

Community Experiences of the Baseline Assessment of Social Harms in PT RAPP’s Concessions



In Riau, communities including Bagan Melibur and Penyengat were visited to understand local perspectives on the social baseline assessment near concessions operated by PT Riau Andalan Pulp and Paper (RAPP).

Bagan Berlibur and Penyengat are two coastal villages in Riau that have been impacted by the pulpwood plantations and barges of PT RAPP. These two villages have been selected by APRIL to receive training and support on the remedy process from the multi-stakeholder NGO, Forum Komunikasi Kehutanan Masyarakat (FKKM) Riau. Bahtera Alam (BA) has been contracted by FKKM Riau to provide training and support to these two communities, as well as to the Malay-Akit village of Mekar Delima.

a. Bagan Melibur

The village of Bagan Melibur was founded in 1916 by Javanese families from Malacca. The community used to practice *adat* based on Javanese and Malay traditions, implementing customary law and practices. It has a population of 2,500 with some 625 households, and an administrative area of 1,740 hectares. The livelihoods of about 300 families were damaged by RAPP/APRIL’s pulpwood plantations, including their farming, forest product harvesting, and fishing. In all, some 700 hectares of community lands were taken over by RAPP’s operations.

The village has been active since 2009 in protesting RAPP and petitioning the government to demand that its lands not be included in APRIL’s concession. The community is still hoping that its lands can be excised from APRIL’s concession.

Village leaders were aware that Hatfield Indonesia had been contracted by the FSC to conduct a baseline assessment of the impacts of APRIL’s operations in Riau. They had attended a brief meeting with Hatfield in another district capital. The village expressed its interest to participate in the Remedy Framework process so that the harms their members have suffered can be remedied, and so that community lands can be returned to the control of the community. The process of assessing harms that have occurred over the past fifteen years for the 300 households and the community as a whole



The Akit people of Tanjung Padang discuss the FSC Remedy Framework with Bahtera Alam. (Photo: Bahtera Alam)

will likely require hundreds of hours of work. The community questioned how this would be done during the assessment process, but noted they were prepared to work with Bahtera Alam to document these impacts themselves, if that would be acceptable. They asked whether the scope of harms considered would include the impacts of the company-owned harbour and barges, which have damaged community fishing boats and nets as well as community mangroves.

b. Penyengat

Penyengat is a community of Suku Asli Anak Rawa. According to their own history, the Suku Asli Anak Rawa has always lived in the area. Today, within their customary territory, they claim rights to the lands between Sungai Rawa and Sungai Belat and inland to the sacred lakes of Tasik Belat and Tasik Metas.⁴⁸ The village of Penyengat has about 600 families with some 2,000 residents. The village is recognised by the government as a *kampung adat*, a customary village, and indicative mapping shows that the area of the village is around 150,000 hectares.

The community reports that 14,000 hectares of community forests were taken over by PT RAPP and cleared for acacia plantations. This damaged the livelihoods of many of the families, due to loss of access to their forests, rivers and farms. A report published last year detailed the community’s history and the impacts they have experienced from PT RAPP’s operations. The report noted that PT RAPP’s operations devastated the community’s livelihoods: there has been reduced game hunting, inland fishing, sago stands,⁴⁹ and forest products.⁵⁰ The community’s primary cash income, from ocean fishing, has been curtailed by the company’s shipping operations. Company ships have smashed into fishing vessels, nearly killing fishermen in the process, or otherwise damaged fishing nets.⁵¹ The company has brought some positive changes as well, including scholarships for students.⁵²

The community is aware of the FSC remedy process and is willing to participate in the impact assessment and negotiations for restoration and restitution. Village leaders were aware that Hatfield Indonesia had been contracted by the FSC to conduct a baseline assessment of harms in APRIL’s operations in Riau. Leaders from Penyengat attended a brief meeting in the district capital with Hatfield, and now await further information about the baseline assessment. They raised questions about the scope of harms to be assessed, and whether the impacts to their fishing operations and community mangroves can be included.

The community has known some of the staff of Bahtera Alam for 15 years and is interested to receive training and support from BA so that it can participate effectively in the remedy process.

⁴⁸ Colchester et al., “Customary Rights in APRIL plantations: Findings from a field study”, pp. 22-25.
⁴⁹ A “sago stand” refers to a unit of a cluster of sago palm growing together.
⁵⁰ Colchester et al., “Customary Rights in APRIL plantations: Findings from a field study”, pp. 27-28.
⁵¹ Ibid.
⁵² Ibid.

East Kalimantan

Background: Indigenous peoples’ struggle to defend their land rights against PT IHM



Communities such as Kedang Ipil and Baliq Sepaku in East Kalimantan were engaged by representatives from AMAN Kaltim to document their views on the social baseline assessment in relation to PT ITCI Hutani Manunggal (IHM).

a. Indigenous peoples and customary communities in East Kalimantan

The Baliq (Balik)⁵³ are an indigenous people inhabiting East Kalimantan in the area proposed as the site of the new capital city of Indonesia (*Ibu Kota Nusantara* or “IKN”). In 1975, the government implemented a transmigration program in which transmigrants, primarily from Java, moved into Baliq customary territory, specifically in Sepaku, and the government redrew and renamed many of the Baliq people’s customary borders and landmarks. Although the Baliq still actively claim their land rights and know their lands, the Baliq people’s customary territorial borders are still not recognized by the government, which has divided their customary territory into separate administrative areas.

There is little reliable data on the Baliq population. Although government sources suggest that the Baliq account for a mere 5% of the population in the area around the IKN,⁵⁴ or that the Baliq are “extinct”,⁵⁵ the Baliq people question the accuracy of the low population figure and contest the extinction narrative being claimed by the government. Importantly,

⁵³ Although commonly spelled as “Balik”, this report uses the spelling used by the Baliq community of Sepaku.
⁵⁴ Comments made by a representative of the IKN Authority during The Forest Dialogue (TFD): Ecosystem Restoration Field Dialogue, held in East Kalimantan on 23 April 2024, in response to questions raised by participants on the presence of indigenous peoples within the IKN.
⁵⁵ Comments made by Balikpapan Mayor Rahmad Mas’ud during Borneo Culture Week, September 14-16, 2024

the most recently published census does not record ethnicity. Ethnic identity, omitted since 2000, has only recently been reintroduced in certain surveys conducted by the Central Bureau of Statistics (BPS). Nowadays, many Baliq choose not to self-identify as Baliq, to avoid discrimination, and there has been a significant amount of Baliq intermarriage with other ethnic groups. Currently only about 60 households openly self-identify as Baliq. The Baliq who are openly and actively fighting for recognition of their rights emphasize that they are very much an existing indigenous people who still practice their customs and traditions.

The Baliq people’s lands are affected not only by PT IHM’s concession, but also by two palm oil concessions and a forestry concession holder,⁵⁶ as well as by the new IKN.

The Sumping Layang are an indigenous people inhabiting Kutai Kartanegara, East Kalimantan. The name Sumping Layang comes from two words: *sumping* (“tassles”) and *layang* (“flying”). The introduction of monotheistic religions into the community led to divisions within the Sumping Layang peoples, with some embracing the new faiths, while others continued to practice their ancestral beliefs and traditions. The term Kutai Adat Lawas refers to those members of the Sumping Layang community who continue to practice their traditional customs and heritage.

b. PT IHM

PT ITCI Hutani Manunggal (PT IHM) is a subsidiary of APRIL which operates a concession area of approximately 161,000 ha in East Kalimantan. The company was born out of the ITCI group, or PT International Timber Corporation Indonesia Kartika Utama (PT ITCI KU), which managed a logging concession in East Kalimantan for plywood production in the 1960s.⁵⁷ The ITCI group received a preliminary license to operate a paper and pulp plantation in East Kalimantan in 1993 and established a new company, PT ITCI Hutani Manunggal, together as a joint venture with State enterprise PT Inhutani I, to operate the concession.⁵⁸ PT IHM received the full plantation license in 1996.

PT IHM has in its history been sanctioned at least twice for causing forest fires. In 1997/98, PT IHM claimed that fires had destroyed about 50,000 ha of its plantation; there is some speculation that this claim may have allowed the company to access funds from the government’s Reforestation Fund by reporting burnt plantation areas that were actually natural forest regrowth areas.⁵⁹ The company was one of many sanctioned by the central government for causing the devastating fires burning across Kalimantan and Sumatra in 1997/98.⁶⁰ At the same time, Baliq community members were reportedly accused by the company of starting those fires, and as a result, communities were forced to stop their traditional rotational farming practices. Community members note that their rotational farming system was a traditional practice that allowed the land to regenerate nutrients in between plantings, and that they rotated through their same customary lands rather than expanding into new areas to plant. PT IHM was again implicated in forest fires in 2015, and the company was again sanctioned by the central government over its actions.⁶¹ The company in turn again blamed local villagers for the burning and reported them to local police.⁶²

APRIL group’s beneficial owner, Sukanto Tanoto, reportedly obtained ownership over PT IHM in 2004-2006.⁶³

⁵⁶ See concession data for palm oil HGU holders PT Agro Indo Mas and PT Palma Asia Lestari Mandiri, and forestry HPH holder PT ITCI Kartika Utama, in Nusantara Atlas, <https://nusantara-atlas.org/>
⁵⁷ Romain Pirard and Christian Cossalter, “The Revival of Industrial Forest Plantations in Indonesia’s Kalimantan Provinces: Will they help eliminate fiber shortfalls at Sumatran pulp mills or feed the China market?”, CIFOR, Working Paper No. 37, 2006, https://www.cifor-icraf.org/publications/pdf_files/WPapers/WP-37Pirard.pdf, pp. 5-12.
⁵⁸ Ibid.
⁵⁹ Ibid.
⁶⁰ Paul K. Gellert, “A Brief History and Analysis of Indonesia’s Forest Fire Crisis”, https://www.researchgate.net/profile/Paul-Gellert-3/publication/44296317_A_Brief_History_and_Analysis_of_Indonesia’s_Forest_Fire_Crisis/links/54c804420cf289f0cecf2176/A-Brief-History-and-Analysis-of-Indonesias-Forest-Fire-Crisis.pdf, pp. 83-84.
⁶¹ Indonesia Civil Society Coalition, “Universal Periodic Review (UPR) Indonesia 2016 Shadow Report on the situation of the right to a clean and healthy environment and rights to land and housing in Indonesia for the 27th Session of the UN Universal Periodic Review for Indonesia”, footnote v.
⁶² Ibid.
⁶³ Koalisi Anti Mafia Hutan et al., “Sustaining deforestation: APRIL’s Links with PT Adindo Hutani Lestari Undercut “No Deforestation” Pledge”, 2020, <https://environmentalpaper.org/wp-content/uploads/2020/11/2020-10-06-Sustaining-Deforestation-APRIL-Adindo.pdf>, p. 19.

East Kalimantan

Community Experiences of the Baseline Assessment of Social Harms in PT IHM’s Concessions



A Baliq woman harvests padi gunung—a traditional upland rice variety. Once widely cultivated, this local dryland rice now survives only on the Baliq peoples ancestral lands. (Photo: AMAN Kaltim)

a. Baliq Sepaku

The indigenous community of Baliq Sepaku lives in several villages located within the Sepaku subdistrict of Penajam Paser Utara district, East Kalimantan. Some families have received individual land title certificates over specific parcels of land, but the Baliq are advocating for recognition of their communal land rights. Although many external influences have begun to erode Baliq culture, Baliq communities continue to adhere to customary decision-making rules and practices.

A company named PT International Timber Corporation Indonesia Kartika Utama (PT ITCI KU) initially began clearing Baliq lands in 1971, and PT IHM continued these activities after it was issued a concession in 1996. Large-scale land clearing for PT IHM’s plantation operations began in the early 2000s. Neither PT ITCI KU nor PT IHM ever consulted let alone sought the consent of the Baliq people for their activities. The Baliq additionally report that whenever there are consultations about any projects with communities in the region, their customary leaders are not invited because the government does not recognize the Baliq as an indigenous people; instead, the regional government appears only to recognize the Paser and a few other indigenous or non-indigenous local communities.

The Baliq Sepaku community reports that from the moment the company arrived, they began attempting to erase the Baliq people’s way of life. The company built roads cutting through the natural landscape of Sepaku and installed large rocks at the bottom of the Sepaku River and its tributaries, thereby preventing communities from using their customary way of travel, which was by boats operated by punt poles. The community believe that the company installed these rocks to prevent the theft of logs that the company loaded onto barges for transport by river.

PT IHM has on at least one instance deliberately razed community orchards. PT IHM also reported community members to police for engaging in their traditional rotational farming techniques, which involved burning some areas of land for planting as others were left fallow for years. Community members allege that PT IHM in some instances deliberately set fires to support the narrative that customary burning practices were responsible for damaging the lands. In the 1990s, Baliq communities led protests against PT IHM’s operations. The police and mobile police brigade (Brimob) supported the company and carried weapons, raising the risk of violence at the protests. The ongoing criminalization of the community’s traditional farming practices has led many community members to switch to planting oil palm, resulting in a loss of the community’s traditional livelihood of rice (*padi gunung*) cultivation, which was last harvested in the community six years ago.

PT IHM’s operations have harmed the community’s hunting grounds and led to the disappearance of specific trees and other forest resources which are integral to the community’s cultural practices. In particular, the community have become unable to find *pakis* (a type of fern) which was an important source of food for the community. Similarly the loss of medicinal plants (*obat kampung*) as well as the loss of rattan, prevents women from engaging in traditional weaving (*anyam*) practices. This disruption has meant that the Baliq people’s practice of their traditional rituals has nearly ceased.

The Baliq assert that company’s operations polluted the Sepaku River, which the community relied upon for drinking water. At one point, community members were finding discarded bottles in the river, which they believe contained pesticides that poisoned the water. When this issue was raised publicly, the company began requiring workers to bring bottles back to their camps. The community has noticed that fish stock in the river have decreased, and they attribute this to the pollution of the waterway. The community believe that a seeding facility operated by PT IHM at Sungai Suring is the largest contributor to the pollution of the Sepaku River, as the chemicals used in the facility end up in the waterways. This facility occupies a sacred grave site.

The Baliq Sepaku community believe that the chemicals used by PT IHM are also negatively affecting their fruit trees; many fruit trees have died, while others no longer bear fruit, seemingly sterilized by the chemicals in the water and the soil.

The Baliq report that access to their lands became more restricted after 2020. In 2022 they found PT IHM clearing more community lands, and they now need permission from company security personnel to enter their own lands.

Prior to the FPP team’s visit, community members had never heard of the FSC, nor of PT Hatfield. They are open to meeting with an independent assessor, but they are firm that the result of any remedy process must be that their land rights are restored. They also note that any independent assessor must seek their consent through their customary leadership before entering their lands.

b. Kedang Ipil

Kedang Ipil is a village (*desa*) in Kota Bangun Darat sub-district, Kutai Kartanegara, East Kalimantan. The village has a population of 1,509 people from 460 households and 12 neighborhood units (RT). Ketapang is one hamlet (*dusun*) in the village. The community self-identifies as Sumping Layang.

According to stories passed down by community leaders and traditional elders, the Sumping Layang settled on the banks of Kedang Ipil river around the year 1815. In 1827, an official decree was issued to establish a village called Kedang Ipil, led by a figure named Leppas, who held the title Jogo Wono (meaning “Guardian of the Forest”)—a position equivalent to a village head today—under the administration of Raden Mas, the then-Bupati of Kota Bangun District.

The Sumping Layang people primarily sustain themselves through farming, practising a shifting cultivation system known as *gilir balik*—a rotational land-use method. Evidence of this agricultural practice remains visible today in the abundance of fruit-bearing plants along the Kedang Ipil River. The Sumping Layang sustain their livelihoods through traditional practices and small-scale palm oil and rubber farming. They tap *aren* palms for sap (*nyadap benda*), fish (*mola hampang*), craft satay skewers (*mola cocok sate*), and process pineapple leaves (*ngelor anas*) and roots (*ngelor tangang*) into thread.

The Sumping Layang organise their ancestral lands according to customary land use, with each area serving a distinct purpose and holding cultural significance. This includes *Himbe* - a protected sacred forest area that serves as a water source for the community; *Rapak* - cultivated land primarily used for farming (mainly planted with Mayas and Melati rice); *Humma* - swidden agricultural land where fields are burned before planting different rice species; *Belukaran* - former agricultural land that has naturally regenerated into forest; and *Lemboan (Mboan)* - sacred orchard land that is strictly protected. Each of these land classifications is governed by customary laws that regulate land ownership and usage rights.

Currently, there are no local regulations or government decrees formally recognizing the community as an indigenous group. However, customary land boundaries have been mapped and agreed upon within the community, including with neighbouring villages. The Sumping Layang are awaiting technical verification by the government for official recognition as a customary community (*masyarakat hukum adat*) under Indonesian law. Their lands and many of their customs have already been documented in the BRWA database.⁶⁴ No formal land certificates have been issued. The village’s land overlaps forest areas and non-forest areas, known as APL (*Area Penggunaan Lain*). Several licenses granted for Industrial Plantation Forests (HTI), Plantation Business Permits (HGU), and Mining Business Licenses (IUP) overlap community lands.

In 1990, the community was first informed that PT ITCI Hutani Manunggal (PT IHM) had obtained a license (161,127 ha) covering parts of their land, but the company did not seek their consent before acquiring the license. The community was not given any information by the company or the government about the project, either before the company acquired its license or during the environmental and social impact assessment (AMDAL) process; the community never received a copy of the impact assessment. The company began clearing land in the same year, followed by planting in 1997, again without seeking permission from the community. No discussions were held, no agreements were made, and no documentation exists of any attempts to engage the community through its customary decision-making institution, the *lembaga adat*. PT IHM continues to operate on community land without ever requesting consent to do so, either initially or at any point since operations began.

The company’s operations have significantly restricted the community’s ability to access and use their land and natural resources, directly impacting traditional livelihoods. Sacred and culturally significant sites have also been affected, as forests have been converted, making it difficult to gather materials necessary for rituals and ceremonies. The company’s operations have impacted women differently than men, particularly by limiting traditional activities that women once carried out. PT IHM uses pesticides, and their application has affected certain areas of community land. Since the company began operations, the community has noticed an increase in disease. Environmental impacts include river pollution from company waste during harvest seasons, affecting the community’s water sources and aquatic life.

64 BRWA, “Kutai Adat Lawas”, <https://brwa.or.id/wa/view/WmZnRXljazJtbmc>.

The Sumping Layang adhere to traditional dispute resolution mechanisms; however, with regard to the ongoing land conflict with PT IHM, no resolution process has taken place. Traditionally, conflicts and disputes are settled through family-based discussions and customary deliberations (*bicara*), facilitated by traditional leaders and respected elders. The Sumping Layang may enforce *gawai* (customary fines) on parties who have violated customary law, requiring valuable items such as *guci* (jars), *gong* (traditional gongs), or *mandau* (ceremonial swords) as forms of compensation. During interactions the community has had with the company, there has often been police, Brimob, or other security forces present.

The community does not know what the Forest Stewardship Council (FSC) is, nor are they aware of the FSC Remedy Framework. No organisations or individuals have shared information with them about these processes, and they have not been informed about the steps involved in the Remedy Process. Similarly, the community does not know who the independent assessor is and has never received any communication from them explaining their role in FSC assessments in Kalimantan. An independent assessor has never engaged with the community, did not introduce themselves, and did not explain the purpose of the baseline assessment. The community feels negatively impacted by PT IHM but has not been given any opportunity to voice their concerns in the FSC Remedy Framework process.

Social Baseline Assessment Methodology

The FSC Remedy Framework provides that the corporate group, in this case APRIL, has the responsibility for developing the methodologies for the social and environmental baseline assessments.⁶⁵ APRIL’s methodology for the social and environmental baseline assessments is publicly available on its website.⁶⁶ APRIL and Remark Asia both confirmed that this methodology is the one Remark Asia used to perform the social baseline assessment.⁶⁷ The methodology briefly describes four steps in the social baseline assessment process: 1) document and data review; 2) initial analysis; 3) triangulation; and 4) site visit. An accompanying diagram of the process includes the additional steps of 3.5) mapping of initial findings; 5) register harm; 6) prioritize harm; and 7) SBA report.⁶⁸

Although the methodology seems to broadly cover the necessary steps in a social or human rights impact assessment, it is deficient in several respects, including in the lack of substantive guidance for the identification of harms. APRIL’s website and the methodology note that “The implementation of the methodology by the Independent Assessors is based on their expertise and expert judgment.”⁶⁹ It also notes that “The Independent Assessor can deploy data collection methods as they deem appropriate based on their expertise and expert judgment”.⁷⁰ When asked to share the final methodology used in the social baseline assessment, Remark Asia replied that “the methodology used for this assignment [the social baseline assessment in North Sumatra] is owned by RAPP [APRIL], the commissioning entity”.⁷¹

With regards to the complaints raised by communities the FPP team and partners visited, the methodology does not require respect for the participation rights of communities nor does it make clear whether the independent assessor must meet with all impacted rightsholders. Furthermore, it does not provide guidance on how the independent assessor should document harms whilst on a site visit. There is no clear requirement in the methodology to ensure that communities fully understand their rights, are adequately consulted before any assessment takes place, and are given the opportunity to participate in the assessment. The methodology contains only one line which states that the independent assessor “consults interested stakeholders and affected stakeholders accordingly”.

The methodology further merely suggests that “a site visit to collect missing details and information” should follow the mapping and triangulation of initial findings from the document review.⁷² However, it fails to note that work beyond a document review may be necessary to identify rightsholders, and that it may be necessary to do a site visit to determine whether there are impacts which have not previously been documented. There is no guidance as to what a “site visit” entails, or where the “site” may be considered to be.

Although the methodology notes that data in the social baseline assessment should be triangulated, it fails to require that the draft report be shared with rightsholders for validation. The methodology suggests that APRIL will check two drafts of the report before it is finalized but does not similarly suggest that drafts are ever shared with communities. When asked to share the baseline assessment report that had been submitted to FSC, APRIL and Remark Asia both deflected responsibility on sharing the draft report to FSC, citing contractual arrangements. The FSC in turn refused to share the report, noting that it contained sensitive information and that a summary of the report would be shared once APRIL produced its concept note for a remedy plan.⁷³

⁶⁵ FSC RF, Sec. 9.4.
⁶⁶ APRIL, “Baseline Methodology and Approach”, <https://remedy.aprilasia.com/wp-content/uploads/2024/12/ENG-Methodology-Document.pdf>.
⁶⁷ See Annexes E, J.
⁶⁸ APRIL, “Baseline Methodology and Approach”, pp. 5-7.
⁶⁹ Ibid, p. 1.
⁷⁰ Ibid, p. 6.
⁷¹ Email from Dwi Muhtaman, dated 10 December 2024.
⁷² Ibid, p. 6.
⁷³ Email from Julian Nierentz, Program Manager (Case Management), FSC International, dated 20 March 2025.

This lack of transparency and lack of respect for the rights of affected communities to participate in the social baseline assessment process severely undermines the legitimacy of the social baseline assessment. Inclusion of communities’ own participation in the assessment process helps to ensure that harms will not be externally defined, overlooked, or excluded on the basis that such rights are not recognized by the government. Without being able to even know the contents of the social baseline assessment until APRIL has produced a concept note for its remedy plan, rightsholders have no opportunity to verify whether the negative impacts they experienced were accurately assessed or even included. These shortcomings in the methodology are compounded by the lack of guidance in the data gathering on various types of harms.

The only safeguard built into the Remedy Framework process to verify the baseline assessment is third party verification at several stages. However, although the Remedy Framework requires verification of respect for the right to FPIC, after both the identification of impact areas and identification of affected parties, to date there has been no third party verification conducted for either stage. The FSC, which supervises implementation of the Remedy Framework, has dismissed FPP, Bahtera Alam and YMKL’s complaint about these serious omissions, suggesting instead that the complaint be resolved by APRIL’s parent company, RGE.⁷⁴ RGE has accepted the complaint, but there has been no progress towards resolving the complaint to date.



PT. Toba Pulp Lestari factory complex in Porsea, Toba, North Sumatra. (Photo: Nanang Sujana)

⁷⁴ Ibid, see Annex K.

Conclusion and Recommendations

The rapid field assessments undertaken by the FPP team reveal some serious shortcomings of the FSC Remedy Framework social baseline assessment process, as well as some of the steps needed to meet those challenges. The major shortcomings of the social baseline assessment process thus far include: 1) lack of information-sharing with communities to ensure transparency around the process; 2) failure to meet with all communities impacted by APRIL group concessions; 3) repeated failures to secure communities’ free, prior, and informed consent to the different stages of the process; and 4) lack of accuracy documenting all the social harms to be remedied, not least due to the unduly short community visits.

a. Lack of information-sharing and transparency

The majority of communities the FPP team met with had very little or no information about the FSC Remedy Framework process and the APRIL group’s responsibilities within that process. In fact, very few communities had even heard of the FSC, let alone the baseline assessment process and the independent assessors. Some community leaders acknowledged that it was possible that representatives of their administrative villages (*desa*) may have learned about this process, but if so, information was not then shared with them.

The lack of information-sharing with communities is in violation of the FSC Remedy Framework process, and the FSC’s failures to respond to concerns about this deficiency are also a dereliction of its responsibilities. The Remedy Framework requires that the right of affected rightsholders to free, prior, and informed consent (FPIC) is respected, in particular at the stage of identification of rightsholders impacted by APRIL group concessions and at the stage of conducting the social baseline assessment. If the Remedy Framework were adhered to, there should be no impacted communities at this stage of APRIL’s process who report that they have never even heard of the FSC, the Remedy Framework, nor the social baseline assessment process.

At the time of writing, the only organized mechanisms for information-sharing with community representatives about the FSC Remedy Framework process for APRIL have been: one-time information sharing sessions hosted by FSC Indonesia or by the independent assessors in the capital cities of the districts or provinces in which the APRIL group operates concessions in early 2024; the Stakeholder Forum APRIL hosted in June 2024; and any information the independent assessor Remark Asia may have shared with any communities that it met with during the fieldwork portion of its social baseline assessment.⁷⁵ APRIL and Remark Asia both claim that they did extensive information-sharing with communities.⁷⁶ FPP does not dispute that APRIL and Remark Asia hosted information-sharing sessions and that information is available online regarding the RF process. However, online information is only helpful when communities are able to access the internet and are aware of where to access such information; and, as they themselves note, these information-sharing sessions were not held on community lands and only involved a handful of community representatives. It is also not clear how or which community representatives were selected to attend the information-sharing sessions.

APRIL is currently piloting a capacity building mechanism with a total of 15 communities in Riau, where two local organisations are being funded to provide training and technical support so these communities can effectively engage in the Remedy Framework process. This model is not possible to support capacity building with all communities, however, as some organizations cannot legally receive funding from APRIL and many are unwilling to accept funds directly from

⁷⁵ We acknowledge that, at the time of writing, in Riau (12–13 February) and North Kalimantan (30 April), FKKM facilitated workshops on the implementation of the FSC Social Remedy Framework. These were reportedly developed in partnership with APHI (Asosiasi Pengusaha Hutan Indonesia), the chamber of commerce for Indonesia’s forestry concession holders, and commissioned by APRIL, raising questions about the independence of the information shared.

⁷⁶ See Annexes E, J.

the company. FPP, and others, had already proposed that the FSC establish a blind trust mechanism to manage the funds (provided by APRIL), to ensure information-sharing and capacity building with affected communities. This recommendation was raised again at the Stakeholder Forum APRIL hosted in June 2024. To date, the FSC has not supported creating a mechanism for information-sharing, let alone capacity building and support for affected communities.

It is also important to note that both international human rights law and FSC FPIC guidance are clear that one core component of the right to FPIC is the sharing of information with communities through their own representative institutions. This means that the sharing of information must be through a community’s customary representative institution, which is often not the administrative village head.

b. Failure to meet with all affected communities

All five communities that the FPP team met with in North Sumatra, where the social baseline assessment has reportedly been completed, shared that they had never heard of the FSC nor Remark Asia, and that they had never received any visit by Remark Asia. Four of the communities are located within administrative villages (*desa*) that were on Remark Asia’s list of potentially affected villages, and all five have customary lands that are located within administrative villages on the list. The communities all noted that it is possible that Remark Asia met with the administrative heads (*kepala desa*) of their villages but that they were not informed of these visits. In all of these communities, the customary governing institution of the village is a separate institution from the administrative government.

The communities are all members of the Aliansi Masyarakat Adat Nusantara Tano Batak (AMAN Tano Batak), a community membership-based organisation. They look to AMAN Tano Batak for technical support and assistance in matters relating to their struggle to secure respect for their rights. They all agreed that AMAN Tano Batak would be an appropriate institution for an assessor to contact in order to be connected with the appropriate customary leaders of communities. AMAN Tano Batak reported that Remark Asia had not reached out to them to ask for the contact information of the customary leaders of its member communities.

All the communities have also had their customary lands mapped and registered in the public BRWA database. As a result, even during desk research, an independent assessor could have found information about these communities and learned about some of their customary governance institutions. They would also have found information regarding the areas claimed by these communities as their customary lands.

Remark Asia’s letter replying to a draft of this report describes the process for site visits that their team engaged in, for each of the five communities the FPP team visited.⁷⁷ Remark’s letter clarifies that the team is aware that customary structures and institutions do not necessarily align with the administrative village institutions in North Sumatra. Indeed, Remark noted that its social baseline assessment report will include Dolok Parmonangan as “one of 28 villages with potential social harm”. It is unclear however why Remark did not visit customary communities separately and instead relied on gathering information from any residents that were able to show up to the one-day meeting they held in the respective administrative villages.

c. Difficulties documenting harms comprehensively

All communities that the FPP team met with shared information about wide-ranging and significant harms they suffered as a result of the operations of the APRIL group over the course of decades. These harms included violations of numerous rights; lack of respect for communities’ right to self-determination, FPIC, and participation in decision-making via chosen representative institutions; lack of respect for communities’ rights to own their customary lands, territories, and resources; destruction of communities’ property, including both customary areas that were left uncultivated and areas that were cultivated for community use; obstruction of communities’ ability to use their lands and resources; destruction of the sources of traditional livelihood occupations; destruction of cultural sites and assets and erosion of communities’ ability

⁷⁷ See [Annex J](#).

to engage in cultural practices; pollution of water sources and associated negative health impacts; degradation of the environment; differentiated impacts on women’s rights, including the erosion of specific livelihoods that women engage in and damage to cultural resources traditionally accessed by women; criminalization; threats to life and intimidation of community members; and, assaults on community members. Although the FPP team was able to gather a lot of information regarding many of these harms in a rapid assessment, a one-day visit is insufficient to gather detailed and comprehensive information regarding all the harms suffered.

Remark Asia notes in its commentary on the draft of this report that the “baseline assessment is just the initial stage of the overall Remedy Framework process.... The next steps remain lengthy”.⁷⁸ While this is true, the RF process does not contain another step for re-assessing the harms that APRIL and its corporate group members must remedy. Instead, the social baseline assessment is the one step in the process that will set out the social harms that APRIL must later remedy to regain association with the FSC. Remark notes that its assessment was more “in-depth” than FPP’s field visits, noting that the team visited 55 villages, spending 1-2 days in each village. It is precisely this fact which leads to the conclusion in this report that the baseline assessment cannot have been sufficient. Although the FPP teams visited each community named in this case study twice, thereby spending the same or more time in each community as Remark Asia, the team was unable to do more than gather an overview and summary of the harms suffered. A comprehensive baseline assessment, that will become the basis for negotiating the remedy to be provided, therefore requires more time in each community to appropriately document all the social harms suffered.

d. Recommendations

The social baseline assessment determines the presence of social harms caused by the concessions of APRIL corporate group members,⁷⁹ one of the reasons for APRIL’s disassociation from FSC in 2013. Its results will be incorporated into a harm analysis report,⁸⁰ and the social harms identified to be addressed by the corporate group in the Remedy Framework process through remedies that are agreed with the affected rightsholders. As such, the social baseline assessment serves as the basis for negotiations over the remedy that the APRIL group is to provide to affected rightsholders. It is critically important that the social baseline assessment includes all rightsholders who have suffered harm who wish to be included, and that rightsholders agree through an inclusive FPIC process that the assessment captures all the social harms they suffered associated with conversion of their customary lands into plantations. To address the challenges of information-sharing, identification of communities, and comprehensively documenting harms:

- FSC should ensure the establishment of a mechanism for information-sharing and training about the FSC Remedy Framework process for communities and civil society. It has already been proposed that this take the form of a blind trust funded by the company engaged in the RF process, in this case APRIL, which would then fund local civil society organisations and community-based organisations to provide information, capacity building and technical support to affected rightsholders to engage effectively in the Remedy process.
- FSC, APRIL, and independent assessors should ensure that they are communicating, in an open, accessible, inclusive and transparent manner, with the customary leadership of communities rather than solely communicating with the administrative heads of villages.
- FSC, APRIL, and independent assessors should ensure that they are engaging with local civil society organisations and community-based organisations to better understand the customary practices of rightsholders affected by the APRIL group and to help them identify the correct institutions to communicate with.
- APRIL and independent assessors should utilize sources of information such as the BRWA database to help identify affected rightsholders and their territories. APRIL and independent assessors should consider adopting the BRWA methodology to support any rightsholders who have not already mapped their customary lands to map their lands as part of the social baseline assessment.

⁷⁸ See [Annex J](#).
⁷⁹ “Social Baseline Assessment shall be conducted, using best available information*, in consultation* with affected stakeholders* to determine the presence of social harm* associated with conversion* or unacceptable activities*.” FSC Remedy Framework, Sec. 10.1.
⁸⁰ Ibid, Sec. 14.1.

- APRIL should revise its baseline assessment methodology – and FSC should approve the same – to allow communities, working together with technical support, to document social harms themselves. Such documentation would be reviewed together with the independent assessors. This approach would allow for a more comprehensive documentation of harms in the limited time allotted for the social baseline assessment process.
- The FSC should publish the results of the social baseline assessment for North Sumatra to allow for rightsholders and interested stakeholders to provide inputs regarding the completeness and accuracy of the baseline assessment.
- The FSC should share the methodology that was used by the assessors as well as information regarding which rightsholders were included in the final assessment, as well as the process and criteria for inclusion of those rightsholders.
- The FSC should declare that the current social baseline assessment for North Sumatra is incomplete and should require the independent assessor to complete it by meeting with all affected rightsholders through FPIC-based procedures.
- Independent assessors should – and FSC should require – share draft versions of the social baseline impact assessment with communities for their review and verification prior to finalizing the social baseline impact assessment.

In addition to the above, it is critical that there are no ongoing and active rights violations occurring as the Remedy Framework is being implemented, or thereafter. There can be no free, prior, and informed consent in an environment where communities feel that a company is harassing, intimidating, threatening, and criminalizing them and where a company has carried out acts of violence against community members. FSC, APRIL, and TPL must ensure that all acts of violence, harassment, intimidation, threats, and criminalization cease in order to allow for proper implementation of the Remedy Framework process.

Annexes

Annex A

Questionnaire used by FPP team members in community visits

Kuesioner Penilaian Cepat mengenai Proses RF FSC: Penilaian Dasar

Informasi dasar untuk setiap desa:

- Nama desa (atau unit pemerintahan lainnya):
- Apakah desa adat dan desa administrasi saling terkait? Jika tidak, dapatkah Anda menjelaskan perbedaan antara susunan dan batas desa adat dan desa administrasi?
- Populasi dan demografi:
- Komposisi etnis:
- Adakah perda atau SK yang mengakui MHA?
- Peta tanah adat – apakah batas-batasnya dipetakan dan disetujui dalam masyarakat? Apakah Anda memiliki kesepakatan dengan masyarakat tetangga mengenai batas-batas bersama?
- Apakah ada sertifikat tanah yang diterbitkan? Jika ya, berikan rinciannya – siapa yang menerbitkan; apa sebenarnya dokumen sertifikat atau sertifikat tersebut; berapa jumlahnya; dan luas wilayahnya.
- Apa saja sebutan tanah lain yang tumpang tindih dengan tanah masyarakat? (Kawasan hutan, APL, taman nasional)
- Izin apa saja yang pernah diterbitkan yang tumpang tindih dengan tanah masyarakat, misalnya HTI, HTE, HGU? Berapa banyak tanah masyarakat yang terkena dampak? Apakah ada peta yang menunjukkan area tumpang tindih?
- Informasi umum lainnya?

Kronologi dasar interaksi dengan PT TPL:

- Kapan Anda pertama kali diberi tahu bahwa perusahaan tersebut memiliki izin yang mencakup (sebagian) tanah milik masyarakat Anda? Apakah perusahaan tersebut meminta persetujuan Anda untuk memperoleh izin atas tanah Anda?
- Kapan perusahaan tersebut pertama kali memasuki tanah komunitas Anda?
 - Apakah perusahaan meminta persetujuan Anda untuk memasuki tanah Anda?
 - Apakah ada dokumentasi atau bukti mengenai hal ini (misalnya surat, nama perwakilan perusahaan, dll)?
- Kapan perusahaan mulai membuka lahan di wilayah adat masyarakat Anda?
 - Apakah perusahaan meminta persetujuan Anda untuk membersihkan lahan Anda?
- Kapan perusahaan mulai menanam di wilayah adat masyarakat Anda?
 - Apakah perusahaan meminta persetujuan Anda untuk menanam di lahan Anda?
- Jenis pembangunan infrastruktur apa yang menyertai pengembangan perkebunan (misalnya, pembukaan jalan, perkemahan, dll.)?
 - Apakah perusahaan meminta persetujuan Anda untuk melakukan pembangunan infrastruktur di tanah Anda?
- Apakah perusahaan tersebut masih beroperasi di lahan Anda? Jika tidak, kapan operasi mereka di lahan Anda berhenti?
 - Pernahkah perusahaan meminta persetujuan Anda untuk melanjutkan operasi di tanah Anda?

Dampak yang dialami dari operasi PT TPL:

Hak milik

- Hak apa yang Anda miliki atas tanah di sini? Apa dasar hak-hak ini?
 - Hak apa yang Anda miliki berdasarkan hukum nasional?
 - Hak apa yang Anda miliki berdasarkan hukum adat?
- Apakah Anda memiliki hak milik yang sah atau dokumentasi yang sah atas hak atas tanah Anda?
 - Apakah Anda memiliki dokumentasi lain tentang hak tanah Anda?
- Apakah perusahaan mengakui hak Anda saat mereka memasuki wilayah Anda?
 - Jika ya, bagaimana caranya? Apakah ada dokumentasinya? Siapa saja perwakilan perusahaan yang mengomunikasikan hal ini kepada masyarakat?
- Apakah perusahaan memetakan lahan milik masyarakat sebelum dimasukkan ke dalam perkebunan mereka?
- Bagaimana perusahaan memperoleh tanah milik masyarakat yang sekarang berada dalam konsesi mereka?
 - Apakah mereka memperoleh tanah dari masyarakat secara keseluruhan atau dari pemilik tanah perorangan atau keduanya? Dapatkah kami melihat contoh kontrak?
- Apakah operasi perusahaan memengaruhi kemampuan Anda untuk mengakses atau menggunakan tanah Anda atau sumber daya di tanah Anda? (Apakah operasi perusahaan memengaruhi mata pencaharian tradisional Anda?)
 - Bagaimana?
- Apakah operasi perusahaan memengaruhi kemampuan Anda untuk menjalankan ritual atau adat istiadat tertentu di tanah Anda? (Apakah operasi perusahaan memengaruhi tempat-tempat suci atau tempat-tempat penting secara budaya lainnya?)
 - Bagaimana?
- Apakah ada sengketa tanah dengan perusahaan? Apa yang menyebabkan sengketa tersebut?
 - Apakah ada upaya yang dilakukan untuk menyelesaikan sengketa tersebut? Apakah ada dokumentasi atau bukti lain tentang hal ini?
- Apa yang harus dilakukan untuk menyelesaikan sengketa tanah ini?

Hak partisipasi dan representasi

- Siapa otoritas pengambilan keputusan tradisional Anda?
- Apakah perusahaan memberi tahu Anda tentang rencana mereka untuk mengembangkan perkebunan kayu di daerah Anda? Jika ya, bagaimana mereka memberi tahu Anda? Siapa saja di masyarakat yang mereka ajak bicara?
 - Apakah ini didokumentasikan dalam surat atau format lain?
- Apakah Anda dan perusahaan sepakat mengenai proses konsultasi dengan masyarakat mengenai pandangan Anda dan negosiasi kesepakatan? Jika ya, bagaimana caranya?
- Apakah komunitas Anda diajak berkonsultasi mengenai pandangan Anda?
 - Siapa yang mewakili dan/atau mewakili komunitas dalam diskusi Anda dengan perusahaan?

- Siapa yang mempunyai tanggung jawab untuk memastikan bahwa masyarakat luas diberitahu tentang diskusi ini?
- Apakah Anda atau perusahaan mengambil tindakan khusus untuk memastikan perempuan, pemuda, orang tua atau kelompok rentan terlibat dalam pengambilan keputusan?
- Menurut Anda, apakah proses keterlibatan memastikan komunitas terwakili dengan baik?
- Informasi apa yang diberikan kepada Anda oleh perusahaan atau pemerintah?
- Apakah izin Anda diminta sebelum perusahaan memperoleh izin atas tanah Anda? Siapa yang meminta izin dan siapa yang memberi izin?
- Apakah Anda diberi pilihan sebelum analisis dampak lingkungan dan sosial (AMDAL) dilakukan?
 - Apakah Anda diwawancarai selama ESIA/AMDAL?
 - Apakah laporan AMDAL dibagikan kepada masyarakat?
- Apakah Anda mempunyai penasihat yang dapat membantu memberi tahu Anda tentang implikasi pengembangan tersebut?
- Tahukah Anda bahwa Anda berhak mengatakan 'ya' atau 'tidak' terhadap pembangunan?
- Apakah Anda memiliki salinan perjanjian yang dinegosiasikan dengan perusahaan?
- Apakah perusahaan memberikan manfaat seperti yang diharapkan? Apakah mereka mengikuti bagian lain dari rencana yang disepakati?
- Apakah Anda sekarang menjadi lebih baik atau lebih buruk sebagai hasilnya? Apa yang dapat dilakukan lebih baik untuk memastikan hasil yang lebih baik?

Hak atas non-diskriminasi: keadilan gender

- Apakah perempuan terwakili dalam negosiasi dengan perusahaan atau dalam pengambilan keputusan selanjutnya?
- Bagaimana operasi perusahaan memengaruhi wanita secara berbeda dari pria?
 - Misalnya, apakah ada kegiatan yang biasa dilakukan oleh perempuan yang tidak dapat dilakukan lagi? Apakah ada kebiasaan yang dulu dilakukan oleh perempuan yang kini harus berubah karena operasi perusahaan?
- Apakah perempuan pernah mengalami pelecehan atau kekerasan seksual dari pekerja perusahaan?
 - Jika ya, apakah perempuan sudah bisa memperoleh pemulihan atas pelecehan dan kekerasan tersebut?
- Menurut Anda apa yang perlu dilakukan untuk memastikan hak-hak perempuan terlindungi dengan lebih baik?

Perlindungan Pembela Hak Asasi Manusia: Kriminalisasi dan Perlindungan

- Tahukah Anda apakah perusahaan memiliki kebijakan untuk menghormati pembela hak asasi manusia? Apakah kebijakan tersebut efektif? [Detail]
- Apakah perusahaan tersebut pernah mengkriminalisasi, melecehkan, mengintimidasi, atau melakukan tindakan represif terhadap orang-orang yang memperjuangkan hak-hak mereka? [Kumpulkan rincian kasus apa pun]
- Apakah perusahaan pernah menggunakan polisi, Brimob, atau pasukan keamanan lainnya untuk menekan aksi masyarakat? [Kumpulkan detail kasus]

- Apakah polisi, Brimob, atau aparat keamanan hadir pada setiap pertemuan antara perusahaan dengan masyarakat?
- Apakah pernah ada tindakan balasan terhadap siapa pun yang menyampaikan kekhawatiran tentang ketidakadilan yang dirasakan oleh perusahaan? [Detail]

Hak atas lingkungan hidup yang bersih, sehat, dan berkelanjutan

- Apakah perusahaan menggunakan pestisida? Daerah mana saja di lahan masyarakat yang terkena dampak penggunaan pestisida?
- Apakah ada penyakit baru yang menyebar di masyarakat sejak perusahaan mulai beroperasi?
- Apakah perusahaan setuju dengan masyarakat mengenai rencana untuk memantau perubahan lingkungan?
- Pernahkah Anda memperhatikan adanya perubahan lingkungan (misalnya, perubahan pada sungai, tanah, atau udara, ikan atau hewan buruan) sejak perusahaan mulai beroperasi? [Jelaskan]

Lainnya

- Apakah ada dampak lain yang diberikan perusahaan terhadap komunitas Anda yang belum kami tanyakan, atau yang belum sempat Anda sebutkan?

Memperbaiki

- Apa saja bentuk kompensasi atau ganti rugi tradisional yang dianut masyarakat? [Jelaskan bentuk-bentuk penyelesaian sengketa tradisional].
- Pernahkah Anda menerima kompensasi (uang atau non-uang) atau ganti rugi lain atas kerugian yang dijelaskan sebelumnya?
 - Jika ya, mohon jelaskan.

Pengalaman dengan penilaian dasar Re-Mark Asia:

Pra-kunjungan oleh Penilai Independen

- Tahukah Anda apa itu Forest Stewardship Council?
 - Jika ya, bagaimana Anda mengetahuinya? Apakah ada orang atau organisasi yang berbagi informasi tentang FSC dengan Anda?
- Tahukah Anda apa itu Kerangka Kerja Pemulihan FSC?
 - Jika ya, bagaimana Anda mengetahuinya? Apakah ada orang atau organisasi yang berbagi informasi tentang hal ini dengan Anda?
 - Sudahkah Anda diberi tahu mengenai langkah-langkah yang membentuk Proses Pemulihan, dan bagaimana komunitas Anda dapat terlibat?
- Tahukah Anda siapa Re-Mark Asia?
 - Bagaimana Anda mengetahuinya? Apakah ada orang atau organisasi yang berbagi informasi tentang hal ini dengan Anda?
- Apakah Re-Mark Asia pernah berkomunikasi dengan desa tersebut?
 - Apakah Re-Mark Asia berkomunikasi dengan desa (melalui surat atau bentuk komunikasi lainnya) untuk menjelaskan siapa mereka dan apa yang mereka lakukan untuk FSC di Sumatera Utara?
- Tahukah Anda apa itu “penilaian dasar”?

- Jika ya, bagaimana Anda mengetahuinya? Apakah Re-Mark Asia memberi tahu Anda apa itu penilaian dasar?
- Apakah Anda merasa desa Anda terkena dampak negatif dari PT TPL?

Kunjungan oleh Penilai Independen

- Apakah Re-Mark Asia meminta untuk mengunjungi komunitas tersebut?
 - Jika ya, siapa yang ditanya? Siapa yang mereka minta bertemu?
- Apakah Re-Mark Asia menanyakan kepada komunitas mengenai harapan komunitas untuk setiap kunjungan, seperti bahasa atau format berbagi informasi dan diskusi, praktik budaya yang harus diikuti, siapa saja perwakilan komunitas, dll.?
- Apakah Re-Mark Asia menanyakan apakah masyarakat ingin memberikan masukan terhadap rencana tentang bagaimana mereka akan melakukan penilaian dasar?
 - Jika ya, apakah Anda memberikan masukan pada rencana pelaksanaan penilaian dasar?
- Apakah Re-Mark Asia mengunjungi komunitas tersebut?
 - Berapa kali mereka berkunjung?
 - Kapan mereka berkunjung?
 - Jelaskan setiap kunjungan.
 - Apakah Re-Mark Asia bertemu dengan masyarakat dan/atau perwakilan masyarakat untuk terlebih dahulu menyetujui agenda kunjungan mereka *sebelum* kunjungan untuk mengumpulkan informasi guna penilaian dasar?
 - Apakah masyarakat dan/atau perwakilan masyarakat setuju dengan Re-Mark Asia mengenai proses yang akan mereka ikuti untuk melaksanakan penilaian dasar?
 - Apakah mereka menjelaskan tujuan kunjungan mereka?
 - Apakah mereka menjelaskan bahwa mereka berkunjung untuk melakukan penilaian dasar?
 - Apakah mereka meminta izin terlebih dahulu sebelum kunjungan?
 - Berapa lama kunjungannya?
 - Apa yang mereka lakukan selama kunjungannya ke masyarakat? (Siapa saja yang mereka temui? Siapa saja yang mereka wawancarai?)
 - Apakah mereka bertemu secara khusus dengan kaum wanita? Pemuda? Orang tua?
 - Apakah mereka memberikan salinan tertulis dari kuesioner atau dokumen lain yang mereka ikuti untuk mengumpulkan informasi?
 - Apakah Re-Mark Asia meninggalkan dokumentasi apa pun di desa yang menjelaskan perannya, dan menjelaskan proses penilaian dasar?
- Informasi apa yang Anda bagikan dengan Re-Mark Asia?
 - Apakah Anda mengirimkan informasi tindak lanjut kepada Re-Mark Asia setelah kunjungan mereka?
- Jika Re-Mark Asia mengunjungi komunitas tersebut, apakah mereka bertanya tentang:
 - Komunitas mana saja yang Anda ketahui yang terkena dampak PT TPL?
 - Dampak Negatif Prioritas PT TPL yang Harus Ditangani
 - Dampak terhadap hak Anda untuk berpartisipasi dalam pengambilan keputusan, FPIC

- Dampak terhadap hak atas tanah Anda
- Kompensasi atau tindakan lain apa yang Anda perlukan sebagai perbaikan?
- Apakah Re-Mark Asia menyediakan informasi kontak untuk berkomunikasi dengan mereka setelah kunjungan mereka?

Pasca kunjungan oleh penilai independen

- Apakah Re-Mark Asia menyampaikan informasi terbaru mengenai proses penilaian dasar dengan desa setelah kunjungan mereka?
- Apakah desa menerima draf informasi yang dikumpulkan oleh Re-Mark Asia untuk divalidasi oleh masyarakat?
- Apakah masyarakat telah diberi tahu tentang langkah selanjutnya dalam proses Kerangka Kerja Pemulihan?
- Apakah komunitas telah diberitahu bahwa informasi yang dikumpulkan oleh Re-Mark Asia akan diverifikasi oleh perusahaan lain yang independen?
- Apakah masyarakat telah diberitahu bahwa informasi yang dikumpulkan Re-Mark Asia akan digunakan oleh FSC untuk memutuskan apakah masyarakat Anda terkena dampak PT TPL atau tidak, dan apakah masyarakat Anda harus menerima ganti rugi dari PT TPL?
- Apakah masyarakat sudah diberitahu apakah Re-Mark Asia telah memutuskan bahwa komunitas Anda telah terkena dampak PT TPL, atau belum terkena dampak?
- Sudahkah masyarakat Anda diberi tahu bahwa bagi masyarakat yang menurut Re-Mark Asia terdampak, akan ada kesempatan untuk berunding dengan PT TPL dalam proses Kerangka Pemulihan terkait kompensasi dan pemulihan lain atas kerugian yang disebabkan PT TPL terhadap masyarakat?

Lainnya

- Apa yang ingin Anda katakan kepada Re-Mark Asia tentang proses penilaian dasar mereka?
- Pertanyaan apa yang Anda miliki tentang Kerangka Kerja Pemulihan FSC atau proses penilaian dasar penilai independen?
- Kekhawatiran apa yang Anda miliki tentang Kerangka Kerja Pemulihan FSC atau proses penilaian dasar penilai independen?

Annex B

Complaint by FPP, YMKL, and BA regarding implementation of the FSC RF in APRIL's case

From: Patrick Anderson <[REDACTED]>
Sent: 03 February 2025 12:36
To: Linda Fienberg <[REDACTED]>; Lincoln Quevedo <[REDACTED]>; Rowan Braybrook <[REDACTED]>; Zandra Martinez <[REDACTED]>; Mark Asante Ofori <[REDACTED]>; Amanda Andrade <[REDACTED]>; Maurem Kayna Lima Alves <[REDACTED]>; Stuart Valintine <[REDACTED]>; Elston Dzus <[REDACTED]>; Janne Narakka <[REDACTED]>; Per Larsson <[REDACTED]>; Marcus Colchester <[REDACTED]>; Lucita Jasmin <[REDACTED]>; Dwi R. Muhtaman <[REDACTED]>
Cc: Subhra Bhattacharjee <[REDACTED]>; Rudiansyah YMKL <[REDACTED]>; Harry Oktavian <[REDACTED]>; Lan Mei <[REDACTED]>; Angus Macinnes <[REDACTED]>
Subject: Letter of Complaint concerning the implementation of FSC's remedy process in North Sumatra, North Kalimantan and East Kalimantan

Dear FSC Board Members, Remark Asia and RGE,

We are aware that you are all collectively engaged in trying to make remedy for social harms associated with violations of the FSC Policy for Association and the FSC Policy to Address Conversion, in line with the FSC Remedy Framework. We welcome these efforts and, as you all know, have been seeking to help successful implementation and outcomes.

We have previously shared information with you all about the serious shortcomings in implementation that we have identified through independent field visits in Sumatra and Kalimantan. Many of these concerns remain unaddressed.

We are therefore shocked to learn that Remark Asia is now being contracted by FSC to expand its work as an Independent Assessor into North Kalimantan and East Kalimantan before:

- Remark Asia has carried out any visits to many communities impacted by TPL;
- drafts of the baseline assessments have been shared with communities;
- FPIC procedures have been agreed with the communities;
- communities have been able to choose representatives for the FPIC process;
- communities have been enabled to choose whether they want any, and if so which, organisations to assist them as advisors;
- participatory mapping has been carried out to ascertain the extent of customary rights impacted by TPL operations;
- meaningful community-level discussions of the harms have been carried out and therefore and obviously;
- before there can be meaningful FPIC on the baseline assessments.

We now learn that the work of Remark Asia is about to be reviewed by a Third Party Verifier, before the FSC has completed its FPIC Guidelines for the Remedy Framework.

We call for a suspension of the process until the basic building blocks of a fair assessment process are in place and the due requirements for FPIC are in place.

We ask you to receive this letter as a formal complaint or grievance submission to FSC, RGE and Remark Asia. We further ask that the copy of the baseline assessment RA submitted to FSC be shared.

Yours sincerely
Patrick Anderson, Forest Peoples Programme
Harry Oktavian, Bahtera Alam
Rudiansyah, Yayasan Masyarakat Kehutanan Lestari

Annex C

TPL Agreement with Natumingka

SURAT PERJANJIAN

KOMUNITAS ADAT DESA NATUMINGKA DENGAN PIHAK PT. TOBA PULP LESTARI (TPL)

Pada hari Kamis tanggal Tujuh Bulan November tahun Dua Ribu Dua Puluh Empat. Yang bertanda tangan di bawah ini,

Nama : ROMMEL SIAMANJUNTAK
Nomor KTP : 3275021510060011
Alamat : NATUMINGKA
Pekerjaan : PETANI
Telepon : 0812 7373 8882

Dalam hal ini bertindak untuk dan atas nama Komunitas Masyarakat Adat Natumingka yang disebut sebagai **PIHAK PERTAMA**.

Nama : Robenton Hutapea
Nomor KTP : 121 224220 0750001
Alamat : Jl. Gompas Sibasar No. 1
Pekerjaan : Karyawan Swasta
Telepon : 08236144 2009

Dalam hal ini bertindak untuk dan atas nama Perusahaan Toba Pulp Lestari (PT. TPL) yang disebut sebagai **PIHAK KEDUA**.

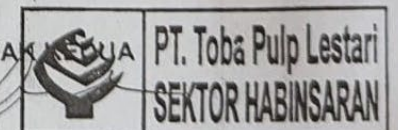
PIHAK PERTAMA (MASYARAKAT ADAT DESA NATUMINGKA) dan **PIHAK KEDUA (PT. TOBA PULP LESTARI)**, (Disebut sebagai "**PARA PIHAK**") sepakat untuk mengadakan perjanjian tentang aktivitas pemanenan ekaliptus perusahaan TPL di wilayah adat Natumingka.

Adapun poin **KESEPAKATAN** dimaksud sebagai berikut,

- PIHAK PERTAMA (MASYARAKAT ADAT DESA NATUMINGKA)** dengan ini sepakat untuk memberikan izin kepada **PIHAK KEDUA (PT. TOBA PULP LESTARI)** untuk melakukan pemanenan pohon ekaliptus di wilayah adat Natumingka.
- Pemanenan ekaliptus di wilayah adat natumingka sebagaimana dimaksud poin (1) dilaksanakan dengan ketentuan sebagai berikut:
 - PIHAK KEDUA (PT. TOBA PULP LESTARI)** tidak akan melakukan penanaman kembali ekaliptus pada area atau wilayah adat Natumingka setelah selesai pemanenan.

PIHAK PERTAMA,

(ROMMEL SIAMANJUNTAK)



(Robenton H.)

Saksi-Saksi:

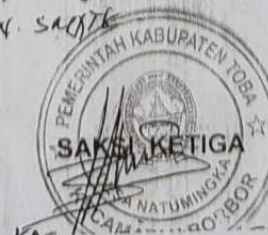
SAKSI PIHAK PERTAMA,

(HOTAMAN S.), (WELSON SAKIT)

SAKSI PIHAK KEDUA

(Rosmelina J.), (Daniel Manungay)
MENGETAHUI
CAMAT BOR-BOR

TP. TAMBUHAN
LEDAIR 127310



Annex D

**TPL Letter dated 27 December 2024
re: New Plantings**

Toba Pulp Lestari

PT Toba Pulp Lestari Tbk
Office : Uniplaza, East Tower, 3rd Floor
Jl. Letjend Haryono MT No. A-1 Medan 20231
Tel : +62 61 453 2088
Fax : +62 61 453 0967
Mill : Desa Pangombusan, Kecamatan Parmaksian,
Kabupaten Toba
Tel : +62 632 734 6000, +62 632 734 6001
Fax : +62 632 734 6006
Sumatera Utara - Indonesia

Nomor : 1599/TPL-P/XII/24
Sifat : Penting
Lamp :
Hal : Permohonan Pengamanan dan
Perlindungan Investasi PT Toba Pulp
Lestari Tbk di Kabupaten Toba

Parmaksian, 27 Desember 2024

Kepada Yth.:
1. Pemerintah Kabupaten Toba
2. DPRD Kabupaten Toba
3. Kapolres Toba
4. Dandim 0210 Tapanuli Utara
Di-
Tempat

Dengan hormat,

Pertama-tama kami mendoakan semoga jajaran Forkopimda (Forum Koordinasi Pimpinan Daerah) Kabupaten Toba selalu diberikan kesehatan dan kekuatan sehingga dapat menjalankan amanah yang diberikan.

Bersama surat ini perkenankan kami PT Toba Pulp Lestari Tbk ("Perseroan") menyampaikan beberapa hal sehubungan dengan kondisi operasional Perseroan, yakni sebagai berikut :

1. Bahwa Perseroan adalah Pemegang Perizinan Berusaha Pemanfaatan Hutan (PBPH d/h IUPHHK-HTI) berdasarkan Keputusan Menteri Kehutanan Nomor SK.493/Kpts-II/1992 tanggal 1 Juni 1992 Jo SK.1487/Menlhk/Setjen/HPL.0/12/2021 tanggal 31 Desember 2021 tentang Perizinan Berusaha Pemanfaatan Hutan (PBPH) PT Toba Pulp Lestari Tbk di Provinsi Sumatera Utara seluas ±167.912 Ha berada di Kabupaten Simalungun, Toba, Asahan, Tapanuli Utara, Tapanuli Tengah, Tapanuli Selatan, Humbang Hasundutan, Samosir, Dairi, Pakpak Bharat, Padang Lawas Utara, dan Kota Padang Sidimpuan.
2. Bahwa areal PBPH Perseroan sudah ditata batas temu gelang dan definitif berdasarkan Keputusan Menteri Kehutanan Nomor 821/Menhut-VII/KP/2004 tanggal 19 April 2004 dan Keputusan Menteri Kehutanan Nomor 704/Menhut-II/2013 tanggal 21 Oktober 2013.
3. Bahwa berdasarkan Keputusan Menteri Lingkungan Hidup dan Kehutanan Nomor SK.5485/Menlhk-PHL/PUPH/HPL.1/5/2023 tanggal 29 Mei 2023, Perseroan telah mendapatkan persetujuan Rencana Kerja Usaha Pemanfaatan Hutan (RKUPH) PBPH periode tahun 2017 - 2026, yang merupakan persetujuan RKU kedua atau kelanjutan atas RKUPH PBPH periode tahun 2010 - 2019 yang berakhir.
4. Bahwa Perseroan telah ditetapkan sebagai salah satu Obyek Vital Nasional (OBVIT) Sektor Industri dengan kegiatan usaha industri pulp berdasarkan Izin Usaha Industri (IUI) yang ditetapkan berdasarkan Keputusan Menteri Perindustrian Republik Indonesia No: 805/M-IND/Kep/12/2017 tanggal 11 Desember 2017 tentang Perubahan Ketiga Atas Keputusan Menteri Perindustrian No: 620/M-IND/Kep/12/2012 tentang Objek Vital Nasional Sektor Industri.

5. Bahwa kegiatan operasional Perseroan berdasarkan PBPH yang telah diberikan oleh Menteri Kehutanan/Menteri Lingkungan Hidup dan Kehutanan sebagaimana dimaksud angka 1 diatas dan RKUPH Periode 2017-2026 sebagaimana dimaksud pada angka 3 diatas tidak dapat beroperasi maksimal akibat adanya gangguan dari beberapa pihak atau kelompok yang mengatasnamakan dirinya sebagai Komunitas Masyarakat Hukum Adat.

Akibat gangguan tersebut, areal penanaman tanaman pokok *Eucalyptus* milik Perseroan seluas ±2.547 Ha tidak dapat dioperasikan secara maksimal, meskipun sebelumnya Perseroan telah mengelola areal tersebut sejak tahun 1992, atau dengan kata lain telah memasuki daur/ rotasi ke-6 (enam). Untuk memperjelas situasi ini, rincian data terkait dapat dilihat pada tabel di bawah ini:

No	Claimer	Desa	Kecamatan	Luas Areal Claim (Ha)	Tanaman Eucalyptus (Ha)
1	Tungkonisolu I	Desa Parsoburan Barat	Habinsaran	786	304
2	Matio	Desa Parsoburan Barat	Habinsaran	1.319	463
3	Huta Simenak-Henak	Parsoburan Barat	Habinsaran	476	165
4	Op Ponggok Simanjuntak	Ombur	Silaen	46	1
5	Op Raja Pundurham Simanjuntak	Natumingka	Borbor	1.158	380
6	Janji Maria	Janji Maria	Habinsaran	564	187
7	Op.Raja Nasomalo Marhohos Natinggir	Simare	Borbor	1.324	784
8	Simare	Simare	Borbor	2.601	263
Total				8.273	2.547

6. Akibat dari aktivitas komunitas tersebut, Perseroan mengalami hambatan dalam pengelolaan areal tanaman pokok *Eucalyptus* milik Perseroan, yang berdampak pada terganggunya pasokan bahan baku ke pabrik (mill) milik Perseroan. Kondisi ini menyebabkan operasional pabrik (mill) milik Perseroan akan berhenti selama 4 (empat) bulan terhitung sejak Januari 2025 sampai dengan April 2025.
7. Gangguan terhadap keberlangsungan operasional Perseroan ini juga menimbulkan dampak serius secara jangka panjang terhadap masa depan karyawan Perseroan yang berjumlah ± 8.929 orang (Karyawan langsung ± 1.186 orang dan Karyawan tidak langsung/ Mitra kerja ± 7.743 orang).
8. Akibat dari pemberhentian operasional pabrik (mill), Perseroan dengan sangat terpaksa akan melakukan Pemutusan Hubungan Kerja (PHK) terhadap karyawan tidak langsung/Mitra Kerja, meskipun upaya untuk menghindari hal tersebut terus dilakukan.
9. Dengan demikian, dampak dari terjadinya pemberhentian operasional pabrik (mill) milik Perseroan secara tidak langsung akan mempengaruhi pendapatan secara nasional dari sektor PNBK Kehutanan, Pajak dan Perekonomian bagi UMKM dan Masyarakat sekitar operasional Perseroan.

Oleh karena itu, Perseroan dengan hormat memohon kepada jajaran pimpinan Forkopimda (Forum Koordinasi Pimpinan Daerah) Kabupaten Toba agar dapat berkenan untuk memfasilitasi mediasi penyelesaian konflik, memberikan perlindungan hukum dan perlindungan investasi serta menerima

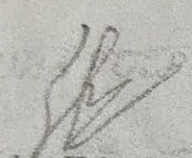
Annex E

FPP Response to APRIL Comments on Draft Report

Perseroan untuk melakukan Audiensi guna menjelaskan fakta-fakta yang terjadi di area operasional milik Perseroan di Kabupaten Toba.

Demikian hal ini kami sampaikan, atas perhatiannya kami haturkan terima kasih.

9 Hormat kami,
PT Toba Pulp Lestari Tbk


Jandres Halomoan Silalahi
Direktur

Tembusan disampaikan Kepada Yth.:

1. Kepala Dinas Lingkungan Hidup Kabupaten Toba;
2. Dinas Ketenagakerjaan Kabupaten Toba;
3. Kesatuan Pemangku Hutan IV;
4. Arsip.

APRIL’s comments on the draft report deny the findings and conclusions of the draft report, but do not identify any errors in the draft report that would refute the findings nor adequately explain the rationale for rejecting the recommendations made. The following section lists the main concerns that APRIL raised with the draft report and how FPP views those concerns.

Deficiencies in the baseline assessment process

Although APRIL disagrees with the findings in this report, it simply refers to Remark Asia’s response letter and asserts that the response addresses the concerns raised in this report. As explained further in the FPP Response to Remark Asia Comments on Draft Report ([Annex H](#)), Remark Asia’s letter fails to assuage the concerns regarding the social baseline assessment process.

Recommended suspension of implementation of the RF pending improvements to the baseline assessment process

APRIL does not want the remedy process to be delayed. While it would be ideal for the remedy process to proceed as soon as possible, moving ahead with implementation at this stage would result in many communities ultimately being denied appropriate remedy. This report provides case studies that demonstrate how the current implementation of the process is failing to respect communities’ rights and will ultimately lead to many communities being excluded from remedy.

Improved capacity-building with communities

This report agrees with APRIL’s assertion that it is important to build the capacity of rightsholders to engage in the remedy process. This is the reason the report recommends the establishment of a blind trust mechanism to enable wider capacity-building on the RF. Although APRIL may be prepared to expand the scope of the pilot capacity building in Riau, communities are given no choice as to which groups can assist them, and groups that they trust are often unable (including by statute) and sometimes unwilling to receive funds directly from APRIL. A blind trust would be an appropriate mechanism for expanding this important work.

Insufficient information-sharing about the FSC Remedy Framework process

APRIL’s response fails to address the concern highlighted in this report which is that many harmed communities remain unaware of the FSC Remedy Framework process, meaning that information-sharing to date remains insufficient. As APRIL’s response acknowledges, this report does take note of information-sharing efforts that have been made, but given the sheer number of communities harmed by APRIL corporate group member operations over the past decades and the complexity of the RF, these efforts must still be scaled up.

The approach of holding information-sharing meetings with representatives from multiple administrative villages at one time fails to take into account the need for the participation of representatives from all customary communities. It is also not clear how such information-sharing sessions ensure that the information is then taken back and shared more widely within the village, including to the customary communities within the village, women’s groups, and other demographic groups. While social media is one way to reach a broader audience, it seems clear that APRIL’s efforts to share information online have not yet reached all communities directly impacted by their operations.

APRIL notes that it has built a website as a “dedicated mechanism for updates on the remedy process”, and yet as at the time of publishing this report, the site does not appear to have updated information regarding the baseline assessment process in North Sumatra.

Critiques of the baseline assessment process in PT RAPP, PT AHL, and PT IHM’s concessions

APRIL notes it that it considers that this report is “premature” in commenting on the experiences of communities in Riau and Kalimantan with respect to the baseline assessment process. However, although the site visits portion of the social baseline assessment process has not yet started in these concessions, the desk review has already commenced, and it is important to understand the level of engagement with communities throughout the baseline assessment process. This report showcases in a few case studies the limited level of outreach by the independent assessors to communities.

Deficiencies in the Baseline Assessment Methodology

FPP acknowledges that APRIL has published a baseline assessment methodology on its website. It was not clear until the drafting of this report that this methodology is in fact the full methodology being used for the social baseline assessment. APRIL’s letter notes that the RF provides for the conduct of pilots which will lead to updates in harm assessment methodologies; no such pilot or revision of the social baseline assessment methodology appears to have happened in this case. The response letters from Remark Asia and APRIL have made clear that the methodology APRIL published online is indeed the full methodology used for the social baseline assessment. There are numerous shortcomings in the methodology, as outlined in this report. FPP has also on numerous occasions raised concerns that the baseline assessment methodology should not be developed by the corporate group being assessed but rather should be independently developed.

Ongoing human rights violations

APRIL’s response does not address the allegations of intimidation, violence, and harassment raised in the report. It is crucially important that APRIL work with PT TPL to cease these threats against community members, including to ensure that communities are able to freely engage in the RF process without fear for their safety.

While it is clear that APRIL has dedicated significant resources towards implementation of the FSC Remedy Framework, further improvements are necessary to ensure that the remedy process is genuinely inclusive, transparent, and effective in delivering tangible outcomes for affected communities.

Annex F

APRIL Comments on Draft Report



28 March 2025

Dear Forest Peoples Programme (FPP), FSC International and FSC Board,

We appreciate the opportunity to formally provide APRIL's comments and important context regarding FPP's draft report "*Assessment of FSC RF Baseline Assessment Process*". FPP and APRIL have been engaged in a dialogue for at least three years now with a focus on the social dimension of the FSC remedy process.

As FSC, FPP and other stakeholders would be aware, APRIL and RGE are committed to the effective, robust and equitable implementation of the FSC remedy process. We remain dedicated to successfully seeing this process through as we firmly believe this is an opportunity for FSC and APRIL to deliver significant, positive environmental and social outcomes in Indonesia, particularly for the impacted rights holders and other stakeholders who deserve and welcome these benefits.

APRIL has been engaged in its FSC re-association process since 2016 and is the first company globally to advance the FSC remedy process since it was adopted in 2023. So we acknowledge and endorse the view that this is a learning process for all parties and that we must all examine ways in which the process can be improved and made more effective. It is also our position that the remedy process can only be tested through implementation and that any improvement in the process should ultimately be about enabling, not impeding, the delivery of the remedy. Remedy delayed is remedy denied.

Overall Response to the FPP Report

We have noted FPP's concerns about the remedy baseline assessment process expressed in their report and would like to provide the following responses:

- We do not agree with the findings of the report that the baseline assessment process undertaken by Remark Asia, which is ongoing, is inherently deficient. Remark Asia has, in its response to FPP, comprehensively addressed with facts and examples the concerns and criticisms raised by FPP on the effectiveness of the baseline assessment process to date.
- We strongly disagree that a suspension of the process is warranted or beneficial at this point. As could be clearly evinced from the reply of Remark Asia, a lot of good work has already been done on baseline assessment and engaging with local communities. The feedback shared by local NGOs, including FPP partners Bahtera Alam and Yayasan Masyarakat Kehutanan Lestari (YMKL), from their engagement with the local communities noted that the communities are already anticipating remedy discussions. A suspension would clearly not be in the best interest of rightsholders and stakeholders who are eager to see the remedy process move forward.
- We believe our focus should be on building the capacity of the local communities and rightsholders to discuss and develop remedy solutions, encouraging pragmatic and innovative approaches to achieving resolutions of land claims and disputes, and facilitating common grounds, not reinforcing hard positions.

Addressing Specific Inaccuracies in the Report

There are a number of specific points in the report regarding the application of the baseline assessment process as it relates to APRIL and PT RAPP which warrant clarification, including:

Insufficient Information-sharing about the FSC Remedy Framework process by APRIL

- In addition to the information sharing that FPP itself cited in the draft report and the information sharing sessions held by Remark Asia which they cited in their response, APRIL has also conducted 35 community awareness sessions, covering 328 villages across APRIL Group operations in Riau, East Kalimantan, and North Kalimantan in 2024.
- In addition, APRIL has shared various other materials via social media channels with our stakeholders. These can be found here: <https://remedy.aprilasia.com/resources/> including this video. <https://www.youtube.com/watch?v=tRXF0Mb9qfk>

Criticism from environmental and social NGOs alleging that the Remedy Framework has not so far been appropriately implemented.

- APRIL has engaged with FPP and its local partners and other NGOs for the last three years in preparation for the FSC remedy process and has had robust discussions on the application of the process to be undertaken according to the FSC Remedy Framework.
- After receiving a complaint raised by FPP on 28th February 2025, an initial meeting to discuss the resolution of the complaint took place between APRIL, FPP and their local partners YMKL and Batehra Alam on the 19th of March 2025. The tracking of this complaint and action to be taken has been publicly disclosed here <https://remedy.aprilasia.com/grievance/>

Community Experiences of the Baseline Assessment of Social Harms in PT RAPP's Concessions, PT AHL's Concessions and PT IHM.

- The social baseline assessments for these areas remain at the desktop review phase where a wide array of data sources has been reviewed to identify any allegations of unacceptable activities and social harms. The Independent Assessors for the remaining social baseline phases for both Kalimantan and Riau impact areas, including site visits and engagement direct with community members, has yet to be contracted by FSC International. So it is premature to be making any critical observations on the conduct of engagement with the local communities in these areas.
- We are concerned that the report pre-empts the third-party verification process which is meant precisely to review and verify the work of the independent assessors and we would ask FPP to allow time for the formal checks and balances to be completed.

Establishment of a dedicated mechanism for information-sharing

- The FPP report calls for the establishment of a dedicated mechanism for information-sharing about the FSC Remedy Framework process. APRIL has already provided a microsite/webpage covering the overall phases of the remedy framework. This site is the dedicated mechanism for updates on the remedy process and is publicly accessible in Bahasa Indonesia and English. <https://remedy.aprilasia.com/id/>

Calls for Public Sharing of the Baseline Assessment Methodology

- The baseline assessment methodology was shared with FPP and WWF through a presentation on 30th April 2024.
- A high level overview of the baseline methodology was presented to interested stakeholders during a large [forum held in Bogor](#) on 21 June 2024 with the opportunity for questions and answers. More than 90 people participated.
- The baseline assessment methodology was provided to RAN at a meeting held in APRIL's office on 20th September 2024.

- A descriptive summary of the baseline assessment methodology is available on the APRIL remedy microsite, under the 'Reports' tab.
- Remark Asia, as part of the stakeholder consultation process for the baseline assessment, explained the approach and application of the baseline methodologies to local community members as part of its assessment work.

APRIL should revise its baseline assessment methodology – and FSC should approve the same – to allow for communities, working together with technical support, to document harms themselves.

The Remedy framework already caters for considered enhancements of processes including:

- Grievance mechanisms that ensure conflicts are reviewed to identify any harm
- Conducting of pilots resulting in updates to harm assessment methodologies including review and revision of related procedures
- Incorporation of new information based on feedback from impacted rights holders, affected stakeholders and experts
- Following review of any new information, the corporate group shall revise the Remedy Plan where necessary, to ensure its outcomes and procedures are met and then submit the revisions to the Third Party Verifier for approval

We remain open to discussing with FSC, FPP and other interested stakeholders enhancements that could be made to the remedy process with the purpose of enabling and facilitating the delivery of concrete remedy solutions.

We would be keen to build on the positive results that we are seeing from the capacity building work being undertaken in partnership with Bahtera Alam, Forum Komunikasi Kehutanan Masyarakat (FKKM) and Petala Unggul Gesang (PUG) in Riau. We intend to continue and expand the geographical scope of this important work so we can engage and enable more local communities to participate in the remedy process.

We recognize the need for resources, including funding, to be committed to the remedy process and as previously stated to FSC, FPP and other interested stakeholders, we are keen to explore this particularly for purposes of developing and implementing remedy solutions.

We appreciate FPP's and the FSC's (Secretariat and Board) consideration of these inputs, and we request FPP to include this response in full within their report. We remain committed to constructive dialogue and engagement on the effective, pragmatic and impactful implementation of the remedy process.

Sincerely



Christopher Burchmore
Senior Manager Sustainability
APRIL Group

Annex G

FPP Response to PT TPL Comments on Draft Report

PT TPL’s response to the draft report focuses on the concerns raised in the report that there are active and ongoing violations of human rights while the baseline assessment process is ongoing. Its response suggests that further internal capacity building is needed amongst APRIL corporate group members to ensure proper implementation of the FSC Remedy Framework.

The FSC’s standards and the Remedy Framework require that companies respect indigenous peoples’ rights *irrespective* of acknowledgement of those rights by government. While PT TPL has licenses granted by the Indonesian government, that does not absolve the company of its responsibility to nonetheless respect the rights of communities in the concession area or otherwise affected by its operations. The FSC Remedy Framework notes that “impacted rightsholders” include those communities with “customary rights whose Free, Prior, and Informed Consent is required to determine management decisions.”⁸¹ This definition does not depend upon legal recognition by the relevant government authority. As such, PT TPL must respect communities’ rights to their lands and to FPIC irrespective of whether there is already a government decree recognizing the communities’ land rights.

While this report also acknowledges the complexities in the resolution of customary land claims, PT TPL’s response and attempt to deflect responsibility to the government for tensions with communities obscure its role in delaying the legal recognition process for communities. As this report notes, communities allege that PT TPL plays a role in inciting horizontal conflict within communities which then cause delays in their recognition process. PT TPL’s own response acknowledges that it plays a role in causing internal community divisions over the formation of farmer groups (KTH) by entering into partnerships with those KTH. Such action fails to respect communities’ rights to pursue their own internal decision-making processes which also requires allowing communities to resolve their own internal conflicts without taking any actions that may exacerbate the same. It is also important to note that participatory mapping of customary lands should be done by the rightsholder communities themselves; it is not appropriate for PT TPL to be one of the parties engaged in mapping customary lands at the initial stages, although it may be involved in verifying where its concession overlaps customary lands after mapping is completed.

PT TPL takes issue with the fact that this report only documents reports from a select number of communities. While it may be the case that there are communities who do not feel that their rights have been violated by PT TPL, the social baseline assessment should seek to identify and document all harms suffered by all rightsholders that should be remedied. As such, it is irrelevant how many communities may support TPL; what is important is that the social baseline assessment process does not overlook harms that must be addressed. This report does not aim to provide a complete analysis of the harms caused by PT TPL; however, the allegations raised in the report are examples of ones that should be documented and analyzed appropriately in a complete social baseline assessment.

It is encouraging that PT TPL acknowledges that there have been physical confrontations between TPL and communities and that it has zero tolerance for violence, threats, harassment, or intimidation against communities. PT TPL has its own characterization of these incidents; this report cites videos and news articles about some of the alleged incidents which show or describe the incidents in more detail. In any case, it is important for TPL go beyond acknowledgement and zero tolerance policies to taking meaningful steps to address the root causes of disputes with communities. The Human Rights Impact Assessment TPL is undertaking is one positive step; if completed independently, transparently, and with respect for communities’ rights, it should support PT TPL to improve its human rights practices, thereby creating a more enabling environment for the implementation of the FSC Remedy Framework.

Annex H

PT TPL Comments on Draft Report

⁸¹ FSC RF, “Terms and Definitions”.

Parmaksian, 28 March 2025

No: 329/TPL-P/III/25

To:
Forest Peoples Programme (FPP), FSC International and FSC Board

Dear Sirs,

We thank FPP for the opportunity to comment on their draft report *"Assessment of FSC RF Baseline Assessment Process"*. Our responses below provide input and feedback regarding various allegations in the draft report on PT Toba Pulp Lestari's (TPL) community engagement and land claims resolution process in the Toba Region in North Sumatra.

TPL has been operating in the Toba region for more than 30 years and has been committed to the region's economic growth while supporting social development and environmental conservation. The company's licensed concession spans around 167,000 hectares of which only 28% or 46,000 hectares have been developed into plantations, leaving around 70% for conservation and other uses.

The company is the largest and longest term employer in the Toba Regency with over 1,000 permanent employees and more than 6,000 indirect employees of whom 90% are Batak people. 100% of the permanent workforce is unionised and undertakes collective bargaining.

TPL respects the Batak Toba communities. The company supports the local communities' education through scholarships and school renovation, promotes cultural and religious events, and works with the communities on intercropping programs, padi emas program, honey bee cultivation and small to medium enterprise capacity building.

Through the ups and downs of economic cycles, challenging wood supply periods, community land claims, and intense campaigns by NGOs, the company has maintained its presence, workforce and commitments to the local communities and the local economy in the Toba region.

UNDERSTANDING CUSTOMARY LAND CLAIMS CONTEXT IN RELATION TO TPL AND INDONESIA

While each of the cases cited by FPP will have their own complex history and specific details, we believe it is critical that the report provide and acknowledge the overall context of customary land claims related to TPL and in Indonesia in general, in order to enable an informed and balanced understanding of these cases.

1. Acknowledging the authority of the Indonesian Government in forest and land regulation

FPP's draft report references TPL's *"incursion onto community lands"* and TPL's *"take-over of customary land"*, appearing to completely ignore or deny the fact that TPL's operations are based on legal licenses granted by the Indonesian Government, following the Government's land use plan.

As a publicly listed Indonesian company, TPL must comply with Indonesian laws and regulations, including the processes for customary land claims resolution mandated by the Indonesian Government. Some community members, like those selected by FPP for their 'research', do not agree with these Government regulations and processes and that is one of the root causes of tensions between concession holders such as TPL and these communities.

As FPP would know, in Indonesia, the government holds the authority to manage all forest areas, including those designated for Industrial Plantation Forests (HTI). Concession license holders have no authority to unilaterally alter, assign, or designate any portion of the licensed area for any other individual, group, entity or land use without the Government's decision and/or permission.

- Concession holders are required to implement their approved annual and ten-year work plans or risk having their concession licenses altered or rescinded. Part of the legal obligation is to report to the proper authorities any attempts by non-concession holders to encroach or to use the land for purposes that are not consistent with the approved work plans, including any illegal activities such as illegal logging or activities that can cause forest fires.
- Parties seeking to resolve land claims or disputes involving customary lands are legally bound to follow the Government mandated process^[1] for recognizing 'Customary Law Communities' and resolving customary land claims. **Concession licensees cannot make these determinations.**
- Under the regulations, customary land claims should be addressed via a partnership program between the concession license holders and indigenous communities who will be required to organize themselves into Forest Farmer Groups (KTH). Following conflict resolution, the company can enter into a partnership agreement (Forestry Partnership Cooperation Agreement or NKK) with the indigenous communities, and based on participatory mapping by the parties, the Government may issue a Decree defining the boundaries of customary lands. The decree, however, does not in any way change or diminish the State's authority over the land.

2. Resolving Customary Land Claims is Complex and Takes Time

FPP's draft report fails to properly acknowledge a number of factors on the ground that can make achieving complete resolution of customary land claims complex. The complexities include:

Changing Composition of Communities

- The composition, social and institutional structures of communities which include indigenous peoples and who claim customary forests can change over time. The original inhabitants may already coexist within villages and clans with a significant number of more recent newcomers in the community. This can lead to disagreements and even disputes within villages and across villages on claims to customary lands.

^[1] Under Indonesian law, the existence of Customary Law Communities is recognized when the Government determines that the following elements are present:

- The community operates as an association (*recht gemeenschap*).
- An institution exists in the form of a customary ruling apparatus.
- There is a clearly defined area governed by customary law.
- Legal institutions and instruments, particularly customary courts, are still adhered to by the community.
- Members of the community continue to collect forest products from the surrounding areas to meet their daily living needs.

- Changes in community composition and village leadership over time can also lead to already resolved disputes and claims getting reopened as new or different community leaders may not recognise resolution agreements previously signed by other community leaders.
- Even in cases where official decrees are issued recognising customary law communities and customary lands, not all members of the community may agree with the decisions or feel that their interests have been fully accounted for. This can also lead to claims that the company concession holder has purposely sought to create divisions within communities between those who join the KTH and those who don't.

Reconciling Concession Maps and Customary Land Demarcations

Many cases of customary land maps are based on historical oral accounts or recollections while there are also cases of multiple claims on an area. Participatory mapping is key, followed by a formal boundary demarcation process (tata batas), but these processes take time and agreement to cooperate by the communities involved.

BALANCED CONSIDERATION OF COMMUNITIES WHO CHOOSE TO SUPPORT TPL

We take FPP's feedback seriously but also wish to note that FPP's 'research' focused selectively on the inputs of a few individuals within a small number of communities. It does not, therefore, offer a balanced account of the views and experiences of all parties that interact with TPL in the 12 regencies where TPL operates.

We completely acknowledge that there is dissatisfaction, disputes and sometimes conflicts between TPL and some segments of the communities cited in FPP's report. However, it would be fair to also acknowledge that there are many communities that have been supportive of TPL and where land claim resolutions have been achieved.

We reject FPP's allegation that these communities who collaborate with TPL have been manipulated by TPL into these partnerships. Communities' choices need to be recognized and respected as valid even if these choices do not align with FPP's position. It is not fair to these community members to broadly dismiss their choices as resulting from some form of manipulation or from deliberate acts to divide the community by TPL while not recognizing their fundamental ability and right to make such choices.

In 2017, TPL received a Decision Letter from the Ministry of Environment and Forestry (SK 179/MenLHK/Setjen/HPL.0/4/2017), which noted that there were 10 customary land claims related to TPL's land concessions. Some of the claims were made by the communities after TPL had been operating in these HTI areas for more than 20 years, well into the fourth or fifth plantation cycle.

TPL has engaged in claims resolution and resolved nine of the 10 registered customary land claims, based on the Indonesian Government's regulation and mandated processes.

For example:

- The successful signing of Conflict Resolution Agreements (SKPK) and Partnership Cooperation Memoranda (NKK) with Pargamanan Bintang Maria Simataniari, Op Batar Batu, Nagahulambu, Op. Bolus Sabungan Nihuta IV, Ama Raja Medang Simamora Aek Lung, Onan Harbangan (Nagasaribu), Sionom Hudon, Tungkonisolu, Op.Mamontang Laut Ambarita, representing 9 villages in 2020 – 2022
- TPL's collaboration with Forest Farmer Groups (KTH) in several concession areas, such as in Nagahulambu and Pondok Buluh, Dolok Panribuan District, Simalungun Regency.
- The engagement in October 2022 by TPL of not-for-profit organisation Earthworm Foundation to help the company review its local community engagement approach, Free

Prior Informed Consent (FPIC) processes, verify the resolution process of customary land claims, and implement Participatory Land Boundary Mapping with local communities. To date, participatory mapping has been conducted in two claimed areas, Sionom Hudon Timur and Pargamanan Bintang Maria Simataniari. Since commencing the engagement, Earthworm has published updates on its work with TPL and local communities in December 2022, May 2023, September 2023 and January 2024.

ALLEGED HUMAN RIGHTS VIOLATIONS AND USE OF "THREATS, HARASSMENT, INTIMIDATION, VIOLENCE AND CRIMINALISATION"

As a matter of policy and practice, TPL has zero tolerance for, prohibits and does not ever condone or encourage the use of violence or any form of threats, harassment or intimidation by employees or third parties employed by the company. If any such action were to be proven to have occurred, those involved would face immediate disciplinary action, which could include loss of employment and reporting of their actions to police or other authorities.

TPL adheres to a Human Rights Policy and an Anti-Corruption Policy in line with the principles and guidelines of the United Nations Global Compact (UNGC), UN Guiding Principles on Business and Human Rights, The International Human Rights Constitution (International Bill of Human Rights), and ILO Declaration on Fundamental Principles and Rights at Work.

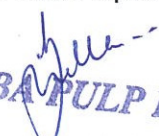
In 2025, the company is undertaking a Human Rights Impact Assessment conducted by an objective and professional third party and will publish the results. TPL is also reviewing and refining SOPs for its security personnel with a view to minimising triggers for conflicts in the event of disputes, and is undertaking re-training of all security personnel on these revised procedures.

TPL acknowledges that regretfully there have been incidents where disputes with local community members have escalated to physical confrontations, particularly when employees or security personnel have had to act in self defence or to protect company property. In the event where TPL, its personnel or its property are subject to unlawful or criminal acts, TPL reports those acts to the appropriate authorities. This does not constitute unjust "criminalisation" of individuals but is reflective of the fact that all parties should act within the law.

In conclusion, TPL continues to work with and seek mediation and support from various groups, including NGOs like FPP, to achieve resolution to customary land claims and to de-escalate any tensions that occur. TPL believes the FSC remedy process is an important opportunity to facilitate some of these resolutions.

We trust FPP and the FSC Secretariat and Board will earnestly consider these inputs, and we request FPP to provide this response in full within their report. We also remain open to any further questions FPP and the FSC may have on these matters.

Your Sincerely,
PT Toba Pulp Lestari Tbk


PT TOBA PULP LESTARI Tbk

Sandeep Bhalla
President Director

Annex I

FPP Response to Remark Asia Comments on Draft Report

Remark Asia’s response to the draft of this report provided a significant level of detail regarding their social baseline assessment methodology and findings that had not previously been shared. Although the response demonstrated the work done by the Remark Asia team, it still raises concerns about several fundamental deficiencies in the assessment approach.

One area of concern is that villages were seemingly prioritized based on proximity to the concession and the availability of public documentation on harms. As Remark Asia notes, it used a desk review to determine which villages to meet with for site visits. This approach suggests that communities who had suffered harm that received little to no public documentation may have been excluded entirely. Remark Asia’s desk review identified just 62 villages with potential social harms out of 243 villages overlapping and surrounding PT TPL’s operational areas. It is not clear whether Remark Asia took any steps to verify whether the remaining 181 villages in fact suffered no harms from PT TPL’s operations.

It is also clear from Remark Asia’s response that their team is aware that customary institutions and customary communities do not correspond to administrative villages in North Sumatra, yet the team only visited administrative villages. While this approach may enable some information-gathering from participants at the village meeting who are from customary communities within the village, it does not respect the communities’ participation and representation rights, nor does it allow for a detailed assessment of the harms to each community.

Notably, the right to FPIC belongs to indigenous peoples and is a right that is to be exercised through their chosen representative institutions. The process for obtaining FPIC should be agreed together with the community and likely depends on the activity that their consent is sought for. While Remark Asia claims to have secured FPIC from 43 administrative villages, presumably to visit the community and gather data for the social impact baseline assessment, it is not the administrative villages that must provide FPIC but rather the rightsholder communities. Remark Asia also claims to have secured this consent through 14 Focus Group Discussions (FGDs) conducted off-site in venues such as hotels or restaurants and involving representatives from multiple villages. It is not clear that the communities’ customary institutions approved this method of seeking and securing consent, nor that those representatives attending the FGDs were authorized to grant such consent on behalf of their communities. In at least one case, Remark Asia noted that it sought consent to visit on the same day that it conducted its visit. This is problematic because it leaves no time for the community to organize community members to attend the meeting or to have internal discussions around how they may want to participate in the impact assessment process. Although Remark Asia only secured FPIC in 43 cases, it visited 55 villages; it is unclear whether Remark Asia visited those additional 12 villages without consent or perhaps despite a denial of consent.

The site visits themselves also suggest methodological flaws that undermine the comprehensiveness of the social impact baseline assessment. Notably, the Remark Asia team appeared to assess social harms based solely on one community meeting, which in a couple cases was attended by no more than a dozen village residents. The case of Sihaporas is emblematic of some of these issues. Despite receiving information that 50 households (likely hundreds of individuals) assert customary land rights in PT TPL’s concession, and that no member of any of those households were present at the meeting with their team, Remark Asia did not meet with any representatives from those households before deciding that this situation “did not escalate into a social harms case”.

In addition, Remark Asia appeared to conclude that “potential social harms... cannot be definitively assessed” until land disputes within a community are resolved. This logic contradicts foundational human rights principles; indeed, it ignores the fact that one recognized harm caused by companies in indigenous communities is horizontal conflicts within the community. While it may not be an easy task to reach an agreement on remedy in such situations, it is nonetheless incumbent upon companies to work with rightsholders to try to agree upon remedy.

As Remark Asia notes, continuous improvement and learning are essential to the integrity of the FSC Remedy Framework. However, such learning must be grounded in transparency, accountability, and meaningful respect for the rights of Indigenous Peoples and affected communities.

Annex J

Remark Asia Comments on Draft Report



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House of Sustainability

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Independent Assessor - Remark Asia Response to "FPP Assessment of the FSC RF Baseline Assessment Process"

Prepared by:

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Prologue

We acknowledge the concerns raised regarding Remark Asia's work and appreciate the opportunity to clarify our approach. Many of these concerns have been addressed in previous communications, including email exchanges where we provided detailed responses. Given this, the repetition of similar issues in the case study suggests that our prior clarifications may not have been fully considered.

¹ Sustainability consultant at Remark Asia. Interested in social issues and sustainability certification. As a local expert in auditing services for forestry, and oil palm industry.

² Remark Asia Social Baseline Assessment Team Leader. Master's degree in Anthropology in the University of Indonesia and a Bachelor's degree in Social Sciences. She is a sustainability consultant at Remark Asia with expertise in social studies, ethnography, and anthropology. Using a community-based approach, she explores the interaction between humans and the environment, ensuring sustainability is viewed not only from an ecological perspective but also from social and cultural dimensions. With extensive experience in participatory research and community dialogues, Sutji focuses on inclusivity, indigenous rights, and sustainable development rooted in local wisdom. Her dedication to understanding social and environmental dynamics makes her a bridge between communities, governments, and the private sector in designing fair and sustainable solutions.

³ Remark Asia Social Baseline Assessment Team member. Master degree, and Ph.D in Anthropology, graduated from University of Indonesia, Depok, Indonesia. experience in an institution engaged in environmental and investment issues, research on the impact of investment in the forestry sector, socio-cultural and economic impacts on the existence of pulp and paper mills in several regions, and gold mining. Lectures at the Department of Anthropology, Social and cultural specialist

⁴ Remark Asia Social Baseline Assessment Team member. Master and Ph.D in ecological Anthropology, graduated from University of Indonesia Depok Indonesia. Conducting ethnographic research. Social cultural studies, Social cultural economic impact assessment, etc. Lectures at the Department of Anthropology, FISIP Universities Sumatera Utara. Social and cultural specialist.

A statement has been made that "...the independent assessors have received significant criticism from environmental and social NGOs arguing that the Remedy Framework has not been properly implemented to date." However, to date, the only formal criticism received has come from Forest Peoples Programme (FPP), citing Bahtera Alam and YMKL—two NGOs that have never independently submitted formal complaints. In fact, direct communications have been held multiple times, and YMKL even facilitated a highly constructive meeting between the Remark Asia team and NGOs in Balige.

Remark Asia initiated the social and environmental baseline assessment by first discussing the process and methodology with RAPP and FSC in mid-2023. Based on these discussions, we proceeded with the assessment step by step.

The initial phase involved a desk review, conducted at both the Remark Asia office and PT Toba Pulp Lestari (PT TPL) office in Porsea, Toba Regency, North Sumatra, in November 2023. This was followed by the FPIC process in January 2024 and village visits in February–March 2024.

This baseline assessment is just the initial stage of the overall Remedy Framework process, specifically Part 2: Identification of Associated Parties, Impact Areas, and Baseline Assessments of Social and Environmental Harm, as outlined in Chapter 3 of the FSC Remedy Framework. The next steps remain lengthy, as detailed in the official documents.

The case study conducted so far, as stated in FPP's report, was merely a brief visit by the FPP team, which "was insufficient to do more than gather an overview and summary of some of the harms suffered." Additionally, FPP only visited five villages—approximately 9% of the total affected villages.

As part of a more in-depth study, we have visited 55 villages identified as having potential social harms, a number derived from our analysis of 243 villages surrounding PT Toba Pulp Lestari's operational areas.

At this stage, conducting case studies seems premature—not only due to time constraints but also because the baseline process itself is still ongoing under the FSC Remedy Framework.⁵ For example, Remark Asia spent an average of two days per village engaging with the community—approximately one day for FGD and FPIC processes and another day for a community meeting in the village.

While we will provide feedback on the case study (as outlined in subsequent sections of this report), we believe that as stakeholders in the Remedy Framework process, we need to exercise patience. We must allow all parties—stakeholders, rights holders, Independent Assessors (IA), FSC and Organizations and Third-Party Verifiers (TPV)—to carry out their roles according to the established procedures.

⁵ FSC Remedy Framework, FSC-PRO-01-007 V1-0 EN

In due course, we are confident that all feedback will be considered and accommodated if relevant..

As we understand FSC will initiate the work of the Third Party Verifier to verify various requirements in the baseline phase. Once the TPV work is completed, Remark Asia will be able to identify which aspects require improvement and which have met expectations. Naturally, corrective actions will be taken based on TPV’s findings.

As an organization committed to continuous improvement, FSC will undoubtedly consider all stakeholder feedback. We need to allow room for collective learning. The Remedy Framework states that we *"...shall apply continuous learning and improvement principles and practices to ensure and improve implementation."*⁶

Thus, case studies such as this—and any other forms of feedback—should serve as part of an ongoing dialogue, facilitating the exchange and cross-pollination of ideas to find the best solutions and improvements. Remark Asia welcomes this approach wholeheartedly.

We are committed to learning from FPP and others on how to conduct a more effective social baseline assessment. We are also keen to understand how FPP applied FPIC in their case study visits. Despite the brief visits, FPP must have conducted some form of FPIC process before gathering information from the communities. The case study methodology mentions that FPP *"sought permission for each visit."*

What exactly does *"sought permission"* entail? What was the process like? Did it follow FPIC principles, a modified FPIC approach, or was it an entirely different procedure? The *"sought permission"* process is particularly intriguing, and we believe it warrants further discussion. We encourage FPP to include a brief explanation of this process in the case study and provide a more detailed description in the appendix—for the sake of transparency and shared learning.

Responding to the Challenges

Let us begin with this statement:

"The communities visited highlighted that in the social baseline assessment process thus far, there has been: (1) a lack of information-sharing with communities and thus limited transparency around the process; (2) a failure to meet with all communities impacted by APRIL Group concessions, let alone obtain FPIC for the process; and (3) a lack of a practical methodology for accurately documenting all harms to be remedied."

⁶ Ibid., Part 1: Foundational requirements; 1. Conducive implementation environment Core requirements; 1.1. *The Organization** or the *corporate group** shall provide sufficient resources and apply continuous learning and improvement principles and practices to ensure and improve implementation.

1. Lack of Information-Sharing with Communities

We fully understand and acknowledge that, among the 62 villages identified as experiencing social harms,

- 55 villages granted us FPIC,
- 6 villages refused FPIC (including Natumingka Village), and
- 1 village was unreachable due to communication difficulties.

If the FPP team visited the five villages included in their case study, their findings would depend heavily on who they met in those villages. In the villages we visited, we always held village meetings attended by both stakeholders and rights holders.

The five villages referenced in the case study are:

1. Natumingka Village – Did not grant FPIC
2. Pondok Bulu Village (Dolok Parmonangan is a hamlet within this village) – 9 participants attended
3. Sabungan Ni Huta IV Village – 27 participants attended
4. Sigala-gala Libonauli Hamlet – Not specifically visited but part of Sabungan Ni Huta IV. Meanwhile, we did not visit Sabungan Ni Huta II Village because, during the document review, we found no relevant data. Additionally, its customary land is located within the administrative area of Sabungan Ni Huta IV Village.
5. Sihaporas Village – 12 participants attended

The name Sigala-gala Aek Napa appears as Dusun 3 (Sigap: an abbreviation of Sigala-gala Aek Napa). Lobu Nauli is Dusun 2 (Lobu Nauli Hamlet). Sabungan Ni Huta IV Village comprises three hamlets:

- Dusun 1 (Adian)
- Dusun 2 (Lobu Nauli)
- Dusun 3 (Sigala-gala Aek Napa)

These hamlets originated from five smaller settlements (huta):

1. Huta Adian Padang
2. Huta Adian Batu
3. Huta Aek Napa
4. Huta Sigala-gala
5. Huta Aek Nauli

We do not precisely know what FPP refers to as *"the Sigala-gala Lobunauli community"*—whether it pertains to the land in these two hamlets or elsewhere. However, Sabungan Ni Huta IV is an administrative village formed by merging multiple traditional settlements (huta).

Before conducting village visits, we held preliminary meetings outside the villages, as part of Phase 02-03: Focus Group Discussions (FGD) (see Figure 1).

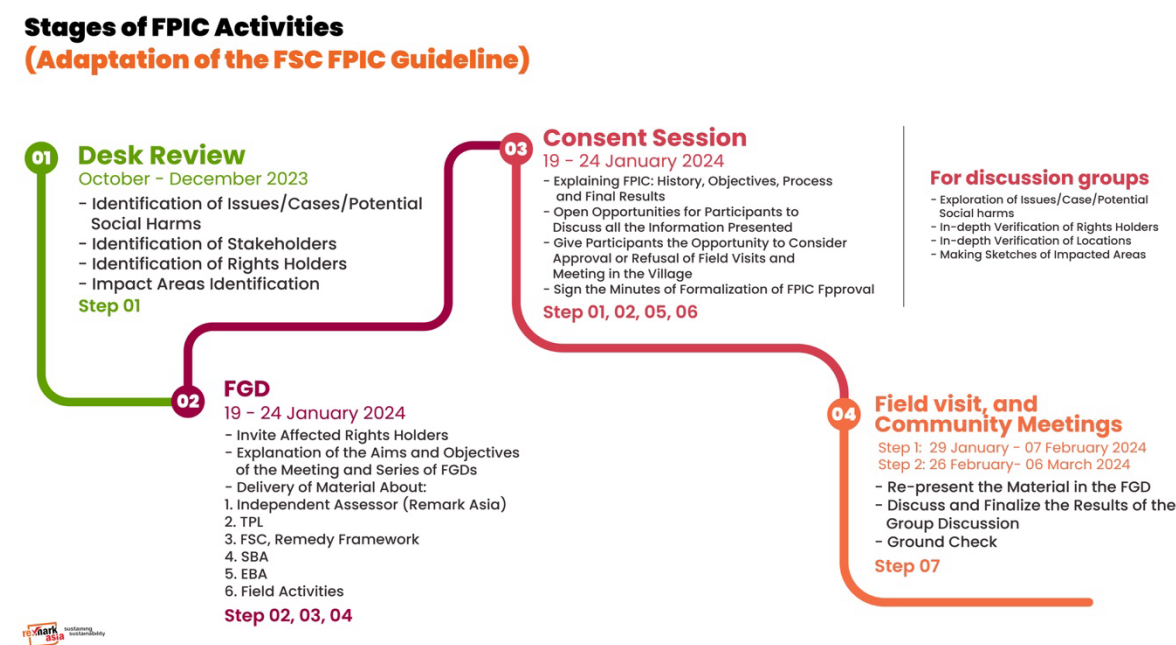


Figure 1. Social Baseline Assessment and FPIC Process

Information-sharing took place during Phases 02, 03, and 04. Step 01- Step 07 in the Figure 1 indicates FPIC 7 Steps of FSC FPIC Guideline. Below is a list of materials that were presented to participants, both during FGDs and village meetings:

- Introduction and information about Remark Asia, FSC, and PT TPL
- Explanation of the meeting objectives
- Overview of FPIC and its process
- Information on the FSC Remedy Framework and its process
- EBA and SBA activities (objectives, process, schedule, and assessor identities)
- Field activity plans

Through these activities, extensive and transparent information was shared regarding the entire process, including FPIC procedures, the Remedy Framework process, and all stages of the assessment. The PowerPoint presentations used during FGDs provided detailed explanations, including the contractual relationship between Remark Asia and FSC.

If some community members still feel there was a lack of information-sharing, this could be due to differences in who was consulted or limited information-sharing among attendees after the meetings. This is a common challenge, and we recognize the need to explore better ways of ensuring broader dissemination of information in the future.

Addressing Key Findings from the Case Study

Failure to Meet All Communities Affected by APRIL Group Concessions and Obtain FPIC
This finding is not accurate. We engaged directly with impacted communities in the three villages we visited, which provided key insights into social harms. Regarding FPIC, further details can be found in the relevant section above.

Lack of a Practical Methodology for Accurately Documenting Harms to Be Remedied
We believe that the process outlined in Figure 1 represents a highly practical methodology for identifying social harms. The approach includes:

- Desk review to analyze available documents
- Initial FGDs, incorporating participatory mapping
- Village meetings and ground checks

We acknowledge that there is always room for improvement. For example, participatory mapping could be made more detailed, and a community readiness initiative could be introduced. This initiative would serve as a platform for collective learning, allowing communities to engage more effectively with the Remedy Framework.

Other Feedback on the Case Study

1. **Correct Terminology for Remark Asia**
Please use “Remark Asia” consistently to maintain clarity. We understand that different versions of the name have been used in various documents.
2. **Scope of Assessments**
Remark Asia has conducted a full Social and Environmental Baseline Assessment at PT Toba Pulp Lestari in North Sumatra and has recently been contracted by FSC as the Independent Assessor to complete a Social Baseline Assessment in Kalimantan (North and East Kalimantan). Initially, Hatfield Indonesia carried out the desk review for Kalimantan, after which Remark Asia has been contracted to complete the field verification process. However, Remark Asia has not conducted any assessments in the Riau region.
3. **Overview of Remark Asia’s Assessment Process and Village Findings**
The following sections provide an overview of the process conducted by Remark Asia, along with key findings from the villages mentioned in the case study.

01. Desk Review / Selection Process of Villages and Issues

The desk review process involved:

- Collecting documents (news, reports, complaint records, conflict documentation, grievance data, etc.)
- Recording cases, affected villages, and rights holders
- Grouping cases and identifying affected villages
- Analyzing village maps around PT TPL
- Reviewing customary land maps, including BRWA maps
- Examining conflict maps
- Reviewing CSR and Community Development (CD) documents

Key Documents Reviewed:

1. AMDAL Reports (1995, 2007)
2. Complaint Reports (2000-2020)
3. RKL and RPL Reports (2018-2022)
4. NGO Reports
5. PHPL Reports (2021, 2023)
6. Scientific Journal Articles
7. SIA Report
8. News Clippings (2000-2020)
9. HCV-HCS Reports (2015, 2016, 2017, 2019)
10. Spatial Data Analysis
11. FPIC Report (2018)
12. Social and Environmental SOPs
13. CSR and CD Reports
14. BRWA Site Records
15. Conflict Documents (2000-2020)

Village Categorization Around PT TPL

PT TPL operates across five sectors: Mills, Habinsaran, Aek Raja, Aek Nauli, Tele, and Tapanuli Selatan. The surrounding villages are categorized into three rings, which help prioritize Community Development (CD) and Corporate Social Responsibility (CSR) programs.

- Ring 1 (0–20 km from concession): 106 villages
- Ring 2 (21–40 km from concession): 94 villages
- Ring 3 (41–60 km from concession): 43 villages

Following the document review, 62 villages were identified as having 197 cases of social and environmental conflicts, categorized as follows:

- ✓ Communal Land Claims – Land within the concession claimed as customary land by local communities.
- ✓ Private Land Claims – Land within the concession claimed as individual property.
- ✓ Plasma Conflict – Disputes between PT TPL and smallholder plasma farmers.
- ✓ Environmental & Social Impacts – Issues arising from PT TPL’s operations, such as air, water, and infrastructure pollution.

02 – 03. FGD & FPIC Process

Between January 19 and 24, 2024, FPIC meetings were conducted, inviting representatives from 62 villages. Each village was expected to send 5–7 representatives, including:

- Village heads
- Local government officials
- Community leaders
- Traditional elders
- Women’s representatives
- Affected rights holders

Meetings were held at various locations for accessibility. FGDs were attended by multiple villages per session:

Date	Venue	Meetings Held
19 Jan 2024	Balige Beach Hotel	2 Meetings
19 Jan 2024	Sinar Minang Restaurant	2 Meetings
20 Jan 2024	Noah Hotel	1 Meeting
22 Jan 2024	Gorga Café	2 Meetings
22 Jan 2024	Grand Maju Hotel	3 Meetings
23 Jan 2024	Grand Maju Hotel	2 Meetings
23 Jan 2024	Siantar Hotel	1 Meeting
24 Jan 2024	Gedung LMC	1 Meeting

Attendance Summary:

- ✓ 51 out of 62 villages participated.
- ✓ 221 participants (197 men, 24 women).
- ✓ 43 villages provided FPIC consent.
- ✓ 4 villages withheld consent.
- ✓ 4 villages needed further consultations with elders.

Villages That Rejected Visits:

- ✓ Desa Natumingka, Marisi, Sigompul, Nagasaribu I.

✓ Reasons: Some villages did not have unresolved issues with PT TPL, while others requested mediation via Aman Tano Batak, which was unresponsive to Remark Asia’s inquiries.

04. Field Visits & Community Meetings

Field visits occurred in two phases:

- 1. Phase 1: January 29 – February 7, 2024
- 2. Phase 2: February 26 – March 6, 2024

Before visits, village representatives were contacted for final confirmation.

- ✓ 55 villages accepted visits.
- ✓ 6 villages refused.
- ✓ 1 village was unreachable due to communication barriers.

Key Villages with Land Disputes:

- 1. Natumingka
- 2. Pondok Bulu & Dolok Parmonangan
- 3. Sihaporas & Ompu Mamontang
- 4. Sabungan Nihuta II & IV (Sigala-gala Lobunauli)
- 5. Sabungan Nihuta II (Ompu Ronggur Simanjuntak)

1. Natumingka

During the meeting held at Sinar Minang Balige on January 19, 2024, five representatives from Natumingka Village attended. They reported an ongoing conflict with PT TPL, which has escalated into a horizontal conflict between community members who support and oppose the claims. Due to this situation, the village representatives were unwilling to immediately grant FPIC (Free, Prior, and Informed Consent) for Remark Asia’s visit. Instead, they set a condition that Remark Asia must be accompanied or authorized by AMAN Tano Batak, an NGO that has been assisting Natumingka Village.

The village representatives present at the meeting were:

- Kastro Simanjuntak – Village Head
- Resman Simanjuntak – Community Member
- Hoddy Simanjuntak – Head of BPD (Village Consultative Body)
- Marusaha Simanjuntak – Traditional Leader
- Johannes Simanjuntak – Community Leader

2. Pondok Bulu Village

The FPIC process in Pondok Bulu Village (Nagori Pondok Buluh) was conducted simultaneously with the field visit on January 30, 2024, at the village office, with nine participants in attendance. During this visit, the Remark Asia team provided an explanation of FSC, the Remedy Framework, SBA and EBA processes. After obtaining consent, the session continued with issue identification involving key stakeholders. The Remark Asia team, was in the village from 09:00 to 17:00 WIB to facilitate FGDs and conduct field observations.

Participants of the FGD in Pondok Bulu Village:

No	Name	Position
1	Albiner Sinaga	Village Head (Pangulu)
2	Binsar Sutonggong	BPD Representative
3	Eko Boy Simbu	Community Member
4	Herman Doso Siallagan	Kadus V "Dolok Parmonangan"
5	Jeremias Sidabutar	Kadus IV
6	Tenny Hutasoir	Women’s Representative
7	Liberti Tambunan	Community Member
8	Harry Nninggolan	Community Member
9	Bona Sinaga	Community Member (Dusun I)

Land Conflict in Dolok Parmonangan Hamlet, Pondok Bulu Village – The Case of Ompu Umbak Sialagan

According to village representatives, land disputes in Dolok Parmonangan Hamlet (Dusun 5) have been ongoing since 2018. A group of residents, descendants of Ompu Umbak Sialagan, claim to be part of the Toba indigenous community and descendants of Raja Ompu Umbak Sialagan.

- In 2018, after PT TPL harvested eucalyptus in the area, 11 families from Ompu Umbak Sialagan took over 30 hectares of land and cultivated crops.
- Later, descendants from Nagori Tanah Jawa, Sidamanik, and Sihaporas claimed an additional 600 hectares as part of their ancestral land.
- In July 2023, 21 families from Ompu Umbak Sialagan felled 50 hectares of eucalyptus (C001), claiming it as their customary land.
- PT TPL attempted mediation, but no resolution has been reached.

Dolok Parmonangan Hamlet, Pondok Bulu Village, has been identified as one of 28 villages with potential social harm and has been included in the Remedy Plan.

3. Sihaporas Village

The field visit to Sihaporas Village (Nagori Sihaporas) took place on January 29, 2024, following FPIC approval. The visit involved data collection, ground checks, and FGDs, facilitated by Sri Alem Sembiring and Thomas Oni Viresa. The activities were conducted at the Sihaporas Village Hall from 09:00 to 15:00 WIB, with 12 participants in attendance.

Participants of the FGD in Sihaporas Village:

No	Name	Position
1	Jaulahan Ambarina	Village Head (Pangulu)
2	Hotman Sinaga	BPD Representative
3	Maritot Simamora	BPD Representative
4	Robikison	Community Member
5	Hotman Ambarita	Community Member
6	Charles Siallagan	Community Member
7	Anton Ambarita	Community Member
8	Marura Ambarita	Gamot (Traditional Leader)
9	Arianto Ambarita	Financial Officer
10	Adar Napitulu	Government Officer
11	Tonggoraja Siallagan	Community Member
12	Baida P Miande	LPMN Representative

Case based on stakeholder accounts:

The FGD process in Nagori Sihaporas on January 29, 2024, identified several key issues that are detrimental from the community's perspective, namely:

1. Land conflict between a group of Nagori Sihaporas residents and PT. TPL since 1998.
 - o The land conflict involves a claim to customary land by a group of Nagori Sihaporas residents who identify themselves as descendants of Ompu Mamontang Laut Ambarita.
 - o Some FGD participants believe the issue began during the Reformasi era in 1998, as prior to that, there had been no claims to customary land from any group in Nagori Sihaporas.
 - o Approximately 50 households (KK) are making the customary land claim on behalf of Nagori Sihaporas. However, attending participants stated that they are not part of this claimant group. They suggested that the group should not claim the land in the name of the entire village but limit it to their own community.
 - o The Pangulu (village head) and other participants were unsure of the exact size of the land being claimed.

- o FGD participants mentioned that the claimant group is being assisted by "external parties"(without specifying who), and this claim has tarnished the village's reputation, as outsiders may assume all residents support the claim.
2. Areas claimed by the 50 households have local names, including:
 - o Tiga Siholi-holi, Sigumpar, Batu Sidua-dua, Simarsik-marsik, Adian Koting, Simatanihutting, Sijambak Bair, Harangan Sijabat, Simeringga, Sibangbang, Parrahoddin, Gorak, and several others.
 - o All these farming areas are administratively part of Nagori Sihaporas and fall within PT. TPL’s concession.
 3. FGD participants acknowledged that while the customary land claim issue needs to be documented, resolving it will take a long time, as it has persisted since 1998 and remains unresolved as of January 2024.
 4. Dynamics of the land claim movement:

The Pangulu and FGD participants described fluctuating intensity in the land claim movement—sometimes "hot" (active) and other times "cold" (dormant). They outlined three phases:

 - o 1998–2003 (Hot phase): Aggressive movement, protests, and heavy media coverage.
 - o 2004–2018 (Cold phase): Fewer actions or demands related to the claim.
 - o 2018–2024 (Hot phase again): Resurgence of protests and online media attention.
 5. Historical background of Nagori Sihaporas:

Facilitators explored the village’s history in relation to the land claim. Participants described three settlement phases:

 - o Phase 1: First-generation settlers from the Ambarita clan (allegedly from Samosir, where a village named Ambarita exists) established Huta Sihaporas Bolon.
 - o Phase 2: Population growth led to the formation of Sihaporas Bayu.
 - o Phase 3: A new group created Lumban Ambarita (now Dusun 5).

In 1975, Sihaporas Bayu split into two settlements.
 - o The three phases involved relatives from the Ambarita clan. FGD participants noted that tensions began after Lumban Ambarita was formed, though daily life remained mostly unaffected.
 - o The village was originally opened by two main clans: Ambarita and Manik, with each clan founding different hamlets.
 6. Administrative changes:
 - o In 1975, Nagori Sihaporas was part of Nagori Jorlang Hataran, Siantar District, Simalungun Regency.
 - o In 2004, Nagori Jorlang Hataran split into three villages:
 - The parent village retained the name Nagori Jorlang Hataran.
 - The other two became Nagori Sihaporas and Nagori Gorak.
 7. Affected parties:
 - o Affected right holders: The 50 KK from the Ompu Mamontang Laut Ambarita community.
 - o Impacted right holders: All residents of Nagori Sihaporas.
 8. PT. TPL’s records:

- The claimed land by the Ambarita community is 0.41 hectares, located within PT. TPL’s concession in Nagori Sihaporas.
 - Under SK Kemenhut No. 579/2014, 1,500 Ha of farmland and 500 Ha of settlements in Sihaporas were designated as part of the forest register area in 2018.
9. Case assessment:
- Initially, the Sihaporas case was flagged as having potential for social harm during screening and triangulation.
 - However, it did not escalate into a social harms case.
 - The unilateral claim by the Ambarita group has been opposed by the Simalungun indigenous community, where the claimed land is located.

Meanwhile, Dewan Pimpinan Pusat/Presidium Partumpuan Pemangku Adat Budaya Simalungun/Central Leadership Council/Presidium of the Custodians of Simalungun Customary Culture (PPAB-Simalungun) sent a Letter to the President of the Republic of Indonesia in January 2023.⁷

The letter states that, as the official representative of the Simalungun ethnic community, the organization plays a role in safeguarding, advocating for, and asserting the historical and cultural rights over Simalungun customary land (*tanah ulayat*) in Simalungun Regency, North Sumatra.

The existence and claims of PPAB-Simalungun regarding customary land are based on the long history of ownership and management by the Simalungun kingdoms, such as Nagur, Siantar, Panel, Silau, Tanoh Jawa, Raya, Purba, and Silimahuta. Historically, land in this region was controlled by local kings who were responsible for the welfare of their people. This ownership is not only rooted in historical aspects but has also been examined in a Forum Group Discussion (FGD) involving the regency government on December 10, 2022. The discussion affirmed that rights over customary land in Simalungun belong exclusively to the heirs of the Simalungun kingdoms and the indigenous Simalungun clans, who meet the following criteria:

1. Subject: Indigenous communities with Simalungun linguistic and clan identities.
2. Object: Customary land, including *partuanon* (royal authority land) and *galunggung* (royal family communal land).
3. Subject-object relationship: A historical connection between the community and the inherited customary land.
4. Lineage-based territoriality: Customary land rights can only be claimed by descendants of the Simalungun kingdoms and indigenous clans.
5. Regulatory need: A Regional Regulation (Perda) is required to legally recognize and protect the rights of Simalungun customary law communities.

⁷ Dewan Pimpinan Pusat/Presidium Partumpuan Pemangku Adat Budaya Simalungun (PPAB-Simalungun), Januari 2023. Nomor: 07 /DPP-PPAB.Simalungun/ST/I/2023, Hal: **Penegasan Tanah Ulayat Tanah Adat Simalungun**

PPAB-Simalungun also strongly rejects the customary land claim made by the descendants of Ompu Mamontang Laut Ambarita in Sihaporas Village. This rejection is based on several fundamental reasons, including:

- The Ambarita clan is not part of the Simalungun ethnic group or its historical kingdoms.
- There is no historical evidence proving that the Ambarita clan ever owned or managed customary land in Simalungun.

Based on these arguments, PPAB-Simalungun urges the government and policymakers to ensure that all regulations concerning customary land in Simalungun Regency align with the criteria and principles established by PPAB-Simalungun. Additionally, the organization calls on other institutions and organizations to:

- Respect the natural and cultural rights of the indigenous Simalungun people.
- Honor the customary governance system passed down through generations.

The letter underscores PPAB-Simalungun’s commitment to protecting the integrity of Simalungun’s customary heritage while seeking formal recognition from state authorities.

The land claim by the Ambarita clan has been contested by the Indigenous Simalungun community. Until the dispute is resolved, potential social harms linked to the claim cannot be definitively assessed.

Conflict Resolution & Next Steps

This case presents a dispute between two opposing parties. The claim by Ompu Mamontang Laut Ambarita descendants is contested by the Simalungun Indigenous Council (PPAB-Simalungun)..

4. Sigala-Gala Lobunauli, Sabungan Ni Huta IV Village

According to FGD participants, the main issue currently faced by the community is land claims from neighboring villages asserting that PT TPL’s concession area within Sabungan Ni Huta IV belongs to their customary land.

1. Residents from Sabungan Ni Huta II claim the land on behalf of the descendants of Op. Ronggur Simanjuntak.
2. Residents from Sabungan Ni Huta V claim the land on behalf of the descendants of Op. Bolus Simanjuntak.

These two communities cultivate land recently harvested by PT TPL within the company's concession area, specifically in Aek Napa Hamlet, Sabungan Ni Huta IV Village. Additionally, a wakaf (Islamic endowment) cemetery in Aek Napa Hamlet has also been occupied and farmed by the descendants of Op. Ronggur Simanjuntak.

The land claim dispute in Sabungan Ni Huta IV (Dusun Sigap or Sigala-Gala Aek Napa) involves actors from two neighboring villages, namely:

- The descendants of Op. Ronggur Simanjuntak from Sabungan Ni Huta II.

- The descendants of Op. Bolus Simanjuntak from Sabungan Ni Huta V.

In 2023, a new group within Sabungan Ni Huta IV Village, calling themselves the "Descendants of Op. Baginda Raja Simanjuntak", began claiming the land. They have also occupied recently harvested land within PT TPL's concession and have erected a sign declaring:
"This is the Customary Land of the Descendants of Op. Baginda Raja."

This new community group was formed after the latest village leadership succession in 2023 and has since been asserting customary land claims in Huta Napa, Sabungan Ni Huta IV Village.

5. Ompu Ronggur, in Sabungan Ni Huta II and IV Villages

FPIC Process in Sabungan Ni Huta IV was conducted on Saturday, January 20, 2024, at the Noah Hotel Meeting Room in Siborong-borong, North Tapanuli Regency. Five village representatives participated.

Participants from Sabungan Ni Huta IV in the FPIC process:

No	Name	Position
1	Darton Simanjuntak	BPD Representative
2	Partomuan Simanjuntak	Village Head
3	Alinton Simanjuntak	Community Leader
4	Sondang Simanjuntak	Traditional Leader
5	Eduard Simanjuntak	Village Administration

Village Visit Process

The village visit took place on February 6, 2024, with FGD sessions conducted inside the HKBP Church in Huta Aek Napa, Sabungan Ni Huta IV Village. The Remark Asia team arrived at the village at 09:30 and stayed until 15:30 WIB to conduct FGD discussions and ground checks, facilitated by Sri Alem Sembiring and Tatang R.

Participants in the FGD at Sabungan Ni Huta IV Village (27 participants):

No	Name	Position
1	Partomuan Simanjuntak	Village Head
2	Masinetty Rajagukguk	Community Member
3	Jevri H Simanjuntak	Village Secretary
4	Sondang Simanjuntak	Community Member
5	Matolop Simanjuntak	Community Member
6	Manumpak Juntak	Community Member
7	Soaloon Tambunan	Community Member
8	Jonhenri Simanjuntak	Community Member
9	Solikin Simanjuntak	Community Member

No	Name	Position
10	Paber Simanjuntak	Village Officer
11	Dimpu Tambunan	Community Member
12	Parlindungan Simanjuntak	Community Member
13	Simanjuntak Partogi	Community Member
14	Ruddin Simanjuntak	Community Member
15	Tambok Tambunan	Community Member
16	Tiarma Tambunan	Community Member
17	Rosmauli Hasugian	Community Member
18	Gonggom Simanjuntak	Community Member
19	Ronal Simanjuntak	Community Member
20	Sartono Pasaribu	Community Member
21	Jobok Simanjuntak	Community Member
22	Budiman Simanjuntak	Community Member
23	Jasmen Simanjuntak	Community Member
24	Adi Santoso	Community Member
25	Horas Sormin	Community Member
26	Maruba Simanjuntak	Community Member (Aek Napa)
27	Darton Simanjuntak	Community Member (Aek Napa)

Land Conflict in Sabungan Ni Huta IV & II Villages

- Customary Land Claims in Huta Napa by Three Communities
 - Descendants of Op. Ronggur Simanjuntak (Sabungan Ni Huta II)
 - Descendants of Op. Bolus Simanjuntak (Sabungan Ni Huta V)
 - Descendants of Op. Baginda Raja Simanjuntak (Sabungan Ni Huta IV)

Two Phases of Land Claims:

a) 1990s:

- Land claims in Huta Napa by two communities from different villages:
 - Sabungan Ni Huta V (descendants of Op. Ronggur Simanjuntak)
 - Sabungan Ni Huta III (descendants of Op. Bolus Simanjuntak)
- Total claim: 2,608 hectares, part of which overlaps PT TPL's concession.

b) 2023:

- A new land claim emerged from Sabungan Ni Huta IV residents, forming the "Descendants of Op. Baginda Raja Simanjuntak" community.

- They occupied land recently harvested by PT TPL and erected a sign declaring it their customary land.
2. Decrease in Aek Nalas River Flow
- The Aek Nalas River is the primary water source for Lobu Nauli and Sigala-Gala Hamlets.
 - Since 2022–2023, the river’s water levels have significantly decreased.
 - Community members believe eucalyptus plantations within PT TPL's concession near the riverbank contributed to the water depletion.

Potential Horizontal Conflict in Sabungan Ni Huta IV & II

The village is now at risk of escalating tensions due to overlapping land claims from three different Simanjuntakdescendant groups.

- The Descendants of Op. Ronggur Simanjuntak (Sabungan Ni Huta II)
- The Descendants of Op. Bolus Simanjuntak (Sabungan Ni Huta V)
- The Descendants of Op. Baginda Raja Simanjuntak (Sabungan Ni Huta IV)

Each group has begun cultivating land that was recently harvested by PT TPL, leading to growing disputes over ownership and potential horizontal conflicts between the different factions. Mediation or conflict resolution mechanisms will be crucial to prevent further escalation.

*** End of Document***



Annex K

Email from Julian Nierentz, Program Manager (Case Management), FSC International, dated 20 March 2025

From: Julian Nierentz <[REDACTED]>
Date: Sat, 5 Apr 2025, 12:54 am
Subject: RE: Letter of Complaint concerning the implementation of FSC's remedy process in North Sumatra, North Kalimantan and East Kalimantan

To: Patrick Anderson <[REDACTED]>, Rudiansyah YMKL <[REDACTED]>, Harry Oktavian <[REDACTED]>
Cc: Chris Burchmore <[REDACTED]>, Dwi R. Muhtaman <[REDACTED]>, Marc Jessel <[REDACTED]>, Salem Jones <[REDACTED]>, Anna Maurer <[REDACTED]>

Dear Patrick Anderson,
Dear Rudiansyah,
Dear Harry Oktavian,
Copied: RGE, Re-mark Asia, relevant FSC colleagues.

Thank you for your response.

Firstly, I would like to briefly comment on the more fundamental points raised in your message about the FSC remedy framework (RF) such as the role of independent assessors, or of FSC's versus the company's responsibility in the process. This discussion needs a separate dialogue process from this complaint, as the RF is a normative document and cannot be adapted via a complaints process. It was developed with considerable stakeholder engagement and approved by the FSC Board, and it's setup mirrors the certification system in terms of the role of FSC.

Secondly, FSC is not "rejecting" the complaint by referring to RGE, and we do take the concerns raised very seriously. We would like to keep the dialogue open on the questions you raised (see also the third paragraph below), despite of the formal complaint having to be handled first via RGE's grievance mechanism. The complaints mechanism of FSC, in line with the principles outlined in the UNGPs, foresees that complaints should be handled first at the operational level because that's where it's most likely that a solution can be found. This does not exclude that the case may follow an escalation path if necessary, which will then be informed by the process and its documentation of seeking a solution at the operational level. The responsibilities of the remedy client as outlined in the RF also foresee this route as mentioned in the previous message.

Thirdly, we are glad to follow up separately on the other points raised and would like to share the following comments for now:

- **Your two "primary requests":**
 - FSC has put on hold the further contracting of RemarkAsia until the complaint has been resolved by FSC. The contracting will continue if and when this complaint is closed at the FSC level.
 - The baseline report contains sensitive and protected confidential information that cannot be shared. A summary of the baseline will be published as a component of the approved Concept Note in Section 23.6, Chapter 3.
- **FSC's role as contract party to Remark Asia:**
As noted earlier, the setting is exceptional and not according to the RF requirements. We will monitor the outcome of this complaint closely and, if necessary, take action as the contract party to the Independent Assessor (IA).
- **Role of FSC in engaging on the ground:**
The oversight role of FSC does not foresee engaging on the ground to oversee IAs. So there

is no capacity to do so because the RF does not foresee such a role for FSC. The third party verifiers (TPVs) are a key actor in determining whether the assessment was "adequate, impartial, and rights-based", as you mention below. FSC ensures the independence of TPVs by approving them for each remedy case, requiring to demonstrate their qualifications, complete a conflict of interest declaration, and, if selected, sign an agreement to maintain impartiality throughout the process. RGE's remedy process will be no exception, with TPVs fulfilling this function.

- **The "gap" you noted in FSC's complaint mechanism:**
The ongoing [revision process](#) of the complaints and appeals procedures intends to further clarify roles and responsibilities for complaints in remedy processes. Nevertheless, the RF already provides guidance to determine the path for complaints, such as in this case. On a different note, one of the goals of the revision was to fully comply with the UNGPs for Business and Human Rights. The sense of the working group of the revision and of the FSC team managing the process is that we are on a very good path in achieving that goal and that the current draft may set a benchmark for others. We would welcome engaging with you on this during the consultation period in the coming months to ensure that we capture your expert feedback and advice.
- **FPIC Indicator project:**
Background: In 2024, the FSC Secretariat initiated a non-normative process to develop guidance and indicators to support Chapter 3, Section 4 of FSC-PRO-01-007/004 FSC Remedy Framework. A public procurement process was carried out and a team from Soil Association was selected. The normative requirements of the FSC Remedy Framework require the Organization or corporate group to implement Annex 6: Elements and Steps for FPIC Processes and consider FSC-GUI-30-003 FSC Guidelines for the Implementation of the Right to Free, Prior and Informed Consent. Annex 6 is heavily narrative in form and FSC-GUI-30-003 refers to certification processes, where there may or may not be a history of social and environmental harm carried out by the company, in contrast to remedy processes which inherently is a result of past harm. In addition, there are multiple points where the Third Party Verifier (TPV) must verify FPIC. Due to the complex nature of FPIC, FSC is striving to support TPVs in their work, in the role of the Secretariat to provide oversight of the TPV. Initial drafts were assembled, and feedback was solicited from stakeholders with expertise in FPIC, the FSC normative framework, remedy processes, verification and auditing, and Indigenous People's issues, including stakeholders involved with current remedy processes and PIPC.
 - Current status: This work is set to be field tested in April 2025.
 - Future plans: After testing, the draft will be refined and finalized. It will be shared publicly, as well as with remedy clients, independent assessors, and third party verifiers in all future remedy processes.

We look forward to the upcoming Remedy Dialogue in June, where many related topics will be discussed and where we hope to engage with you.

Kind regards

Julian

Julian Nierentz
Program Manager (Case Management)

FSC International

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