

Evaluation of the published policies and Standard Operating Procedures (SOPs) related to the fulfilment of the rights of Free, Prior and Informed Consent (FPIC) of Korindo Group as set out in the High Carbon Stock Approach (HCSA) Social Requirements

High level summary of findings

An evaluation has been conducted of the published policies and Standard Operating Procedures (SOPs) on the fulfilment of the rights of communities to give or withhold their Free, Prior and Informed Consent (FPIC) to any development on their lands by the Korindo Group, based on a comparison of its policies and SOPs on the fulfilment of FPIC rights that were available on the date of August 12th 2020, with the High Carbon Stock Approach (HCSA) Social Requirements (SRs) and Implementation Guidance (IG).¹ A key finding is that the Korindo Group does not have published SOPs on FPIC rights that apply to the entire Corporate Group and that set out in detail the requirements for the fulfilment of FPIC rights, in accordance with the High Carbon Stock Approach (HCSA) Social Requirements (SRs) and Implementation Guidance (IG). Korindo Group does have a sustainability policy at the Corporate Group level that contains clear commitments both to respecting human rights broadly in all its operations and specifically to respecting and fulfilling the FPIC rights of all communities that are affected by them. These commitments to FPIC rights are set out in the ESG Charter of Commitments under social contribution, in relation to labour, and in FAQs, as well as in the Korindo Community Policy. The Korindo Human Rights Policy does not refer to FPIC rights specifically, although it does include commitments to exceed national law and respect international legal and human rights norms. Korindo Group's publicly acknowledged subsidiaries, PT Papua Agro Lestari, PT Tunas Sawaerma and PT Gelora Mandiri Membangan, also have sustainability policies that include commitments to respect FPIC rights.

Korindo Group does not have published SOPs setting out detailed instructions on how its commitments to fulfilment of Free, Prior and Informed Consent (FPIC) will be operationalized and the FPIC rights of affected communities fulfilled in practice, and nor do any of its affiliated companies. As highlighted in Matrix 2, the brief references and details provided in the existing policies contain little additional information about what is required for the implementation of the FPIC process and the effective fulfilment of FPIC rights. Korindo Group does not publicly disclose a full list of affiliates and joint ventures so it has not been possible to conduct a complete evaluation across all companies affiliated with the Corporate Group.

¹ High Carbon Stock Approach Social Requirements <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Social-Requirements-Apr-2020.pdf>
High Carbon Stock Approach Implementation Guidance <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Implementation-Guide-Apr-2020.pdf>

Korindo Group has also submitted assessments to the High Carbon Stock peer review mechanism. Two Korindo Group subsidiaries submitted assessments that have completed the peer review process, but issues were raised by reviewers in relation to the FPIC process of both. In the peer review report on Papua Agro Lestari (PAL) (POP F), FPIC and other social aspects were deemed unsatisfactory, while for PT Tunas Sawaerma (TSE) (POP A), the FPIC process was undertaken 10-20 years ago, and further clarifications were requested, including maps and records of negotiations on community village and use areas. Both peer reviews were based on desk-top assessments of documentation submitted. Another four Korindo Group affiliated companies have registered assessments, one of which is marked as 'Peer review cancelled, company may resubmit'.

In order to prove that Free, Prior and Informed Consent (FPIC) processes are in place for all areas under the management and control of the Korindo Group, and begin demonstrating that the rights of affected Indigenous Peoples and local communities are being respected, especially their right to FPIC to proposed and existing developments that affect them, the Korindo Group must develop and publish detailed SOPs on the implementation of FPIC processes. These must cover the four tenets of FPIC, various other aspects required as part of an effective and rights respecting FPIC process (as set out in Matrix 2), and all the actions that must be taken for its implementation (as set out in Matrix 3). These strengthened policies and SOPs must then be applied in full across all landbanks and development areas of the Corporate Group, and independent verification must be undertaken to prove that FPIC rights are being fulfilled in accordance with the High Carbon Stock Approach Social Requirements and Implementation Guidance.

These findings in no way represent an evaluation of the extent to which the Korindo Group or any of its affiliated companies are, or are not, in compliance with these requirements for the fulfilment of FPIC rights, whether in their own operations or in their supply chains. Detailed evaluations of the fulfilment of the rights to FPIC by Korindo Group remain of paramount importance. These FPIC assessments and independent verification exercises should be undertaken in the field by qualified social experts, with meaningful participation of affected communities. They should use full compliance with the High Carbon Stock Approach Social Requirements and Implementation Guidance as their benchmark for assessing the fulfilment of FPIC rights.

Independent investigations that have been recently undertaken by The Forest Stewardship Council (FSC) Complaints Panel identified the "*violation of Indigenous Peoples' rights on the basis of clear and convincing evidence in Papua in the way it obtained access to land and timber resources.*"² These findings were confirmed by the additional social analysis, which also covered the operations of the Korindo Group in North Maluku. The Korindo Group must act to remedy these confirmed violations of FPIC and other rights. Additional

² FSC webpage on complaint against Korindo Group. See documents titled 'Overview of Complaints Findings' and 'Korindo Group Additional Social Analysis By FSC International,' which also confirmed the alleged FPIC-related violations in its North Maluku operations.
<http://fsc.org/en/unacceptable-activities/cases/korindo-group/>

investigations must also be undertaken by the major brands that are sourcing forest-risk commodities from the Korindo Group, and by the banks and financial institutions providing financial services to the company, to verify the evidence that has been presented by affected communities and civil society organizations to the media, via grievance mechanisms, and/or to certification systems, of ongoing violations of Indigenous Peoples’ rights in its operations, as well as by third party suppliers.

Matrix 1 Published policies and SOPs of Korindo Group related to the fulfilment of FPIC rights

The first matrix sets out the published policies and policy statements and Standard Operation Procedures (SOPs) of Korindo Group or its affiliated subsidiaries or affiliated companies (referred to collectively as “Corporate Group”³), where it has been necessary to look at that level, that are related to the fulfilment of FPIC rights.⁴

Published policies and SOPs related to the fulfilment of FPIC rights	Yes	No	Description of policies or SOPs where these exist
An explicit Corporate Group sustainability policy with specific commitments on the fulfilment of FPIC rights and respect for human rights ⁵	*		<p>The Korindo ESG Charter of Commitments, found in the sustainability section of the Corporate Group’s webpage,⁶ contains broader references to respecting human rights, and refers specifically to respecting FPIC rights, stating in the section on Social Contribution (p.4), their intention to:</p> <p><i>‘Establish and practice Free, Prior and Informed Consent (FPIC) principle and process.’</i></p> <p>In the ESG section on Labour (p.12), and in FAQs, is stated:</p> <p><i>‘At KORINDO, we respect the rights of indigenous and local communities to give or withhold their Free, Prior and Informed</i></p>

³ [Corporate Group is as defined by the Accountability Framework Initiative](https://accountability-framework.org/definitions/?definition_category=41) including those subsidiaries or companies where there is formal ownership, investments, and/or an ownership or management relationship, as well as those where there is family control, financial control, beneficial ownership and/or shared resources. https://accountability-framework.org/definitions/?definition_category=41

⁴ As the evaluation is concerned with the role in the production, processing and trade of forest risk communities by the ten Corporate Groups, only subsidiaries and affiliated companies involved in these activities have been included in it. Due to the complex nature of many Corporate Group structures and the varying levels of disclosure, some relevant companies may have been missed out.

⁵ See Appendix on FPIC rights and international human rights instruments in the Methodology for the evaluation, found at www.ran.org/FPICEvaluation

⁶ <http://www.korindo.co.id/sustainability/>

			Consent (FPIC) to the utilization of lands to which they hold legal, communal or customary rights.'
Any sustainability policy of the Corporate Group's affiliated subsidiaries or companies which includes references to the fulfilment of FPIC rights		*	Korindo Group publicly acknowledged subsidiaries PT Papua Agro Lestari (PAL), PT Tunas Sawaerma (TSE), and PT Gelora Mandiri Membangun (GMM) all have published sustainability policies which contain similar commitments to respect human rights including FPIC rights, and the rights and customs of local communities. ⁷ Korindo Group subsidiaries PT Berkat Cipta Abadi (BCA), and PT Dongin Prabhawa (DP) do not appear to have sustainability policies.
SOPs on the operationalisation of these policy commitments on the fulfilment of FPIC rights		*	Korindo Group has no published FPIC SOPs, and neither do its subsidiaries.
Any explicit commitment by the Corporate Group, and/or its affiliated subsidiaries/companies, to ensure the fulfilment of FPIC rights by any affiliated subsidiaries/companies	*		Under Scope in the ESG (p.2) is stated: <i>'This Charter applies to all of Korindo's current and future holdings, subsidiary companies, joint ventures, companies over which we have management control and third party suppliers.</i> In the ESG section on Labour (p.12), is also stated: <i>'KORINDO have been dedicated to conservation, human rights and economic development for more than 50 years. These high standards apply to all our companies.....'Each palm oil company of KORINDO has stated its sustainability policy, in compliance with the FPIC principles, to improve the quality of life for indigenous people...'</i>
Any explicit commitment by the Corporate Group and/or its affiliated subsidiaries/companies (as defined) to ensure the fulfilment of FPIC rights by all third party suppliers	*		As above, the ESG (p.2) states: <i>'This Charter applies to all of Korindo's current and future holdings, subsidiary companies, joint ventures, companies over which we have management control and third party suppliers. To work with us, all third party suppliers must agree that they will abide by this Charter.</i>
Any explicit Corporate Group stand-alone policy on human rights including FPIC rights	*		The ESG includes a link to the Korindo Human Rights Policy (K-HRP) ⁸ , which sets out commitments to respect international human rights norms including the UN Guiding Principles on Business and Human Rights, ⁹ and to exceed national law (p.1), and states: 'We respect the rights of those impacted by our activities' (p.2).

⁷ <https://pal-id.co.id/policy/>, <https://www.tse.co.id/policy/>, <https://gmm-id.co.id/policy/>

⁸ https://www.korindo.co.id/wp-content/uploads/2018/05/Korindo-Human-Rights-Policy_Korindo-Group.pdf

⁹ https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

			A list of Our Human Rights Commitments also states: <i>'In our business dealings we expect our partners to adhere to standards of conduct and business principles that are consistent with our own'</i> (p.2).
Membership of HCSA, entailing commitments to the fulfilment of FPIC rights in all developments, by all affiliated subsidiaries/companies, and by third party suppliers		*	The Korindo Group is not a member of the HCSA. Two Korindo subsidiaries have submitted HCSA assessments which have completed the peer review process. ¹⁰ One of these companies and a further three Korindo subsidiaries have registered HCSA assessments. ¹¹
A commitment to the fulfilment of FPIC rights via membership of any other voluntary certification schemes with a certification standard that requires the fulfilment of FPIC rights.		*	The Korindo Group is a certificate holder of the Forest Stewardship Council (FSC). ¹² The Korindo Group is currently subject to a complaint concerning the operations of its affiliated companies in Papua and North Maluku. The FSC complaints panel found: <i>"violation of Indigenous Peoples' rights on the basis of clear and convincing evidence in Papua in the way it obtained access to land and timber resources."</i> ¹³

¹⁰ In the peer review report on PT Papua Agro Lestari (PAL) (POP F), FPIC and other social aspects were deemed unsatisfactory, while for PT Tunas Sawaerma (TSE) (POP A), the FPIC process was undertaken 10-20 years ago, and further clarifications were requested, including maps and records of negotiations on community village and use areas.

<http://highcarbonstock.org/wpcontent/uploads/2018/10/HCSAPE1.pdf>, <http://highcarbonstock.org/wp-content/uploads/2018/04/HCSAPE1.pdf>

¹¹ These are PT TSE (POP B and E), PT Galora Mandiri Membangan (GMM), PT Berkat Cipta Abadi (BCA), and PT Dongin Prabhawa (DP), which is marked by the HCSA as 'Cancelled' and 'May be submitted by company.' <http://highcarbonstock.org/registered-hcsa-assessments/>
Note all that the companies with registered and peer reviewed HCSA assessments are included in the active complaint on Korindo Group at the Forest Stewardship Council (FSC) <http://fsc.org/en/unacceptable-activities/cases/korindo-group/>

¹² Respect for FPIC rights is included in the FSC standard in Principles 3 and 4 on Indigenous Peoples and Local Communities, as well as under the broader commitments made by all members to respecting 'traditional and human rights' under the Policy for Association. <http://fsc.org/en/> Certificates can be found via the FSC certificate search function <https://info.fsc.org/certificate.php>

¹³ These findings were confirmed by the additional social analysis, which also covered Korindo Group's subsidiary in North Maluku, GMM. This report concluded: *'There is no more room for reasonable doubt that these multiple violations have occurred... There is thus no reason for any further delay in starting the process of remedy.'* See documents titled 'Overview of Complaints Findings' and 'Korindo Group Additional Social Analysis By FSC International' <http://fsc.org/en/unacceptable-activities/cases/korindo-group/> The outcome of the complaint, of conditional continued association dependent on the fulfilment of strict conditions, was accepted by the Korindo Group: *'The Korindo Group acknowledges that its practice of FPIC (Free Prior and Informed Consent) may not have reached the high requirement of FSC standards. The Korindo Group agrees to collaborate in good faith and work with FSC in a constructive way and in a safe environment to implement appropriate measures and to take necessary actions in order to mitigate any past negative impacts.'* <https://korindonews.com/fscs-investigation-concluded-that-korindo-did-not-set-fires-and-korindo-was-not-involved-in-illegal-activities-by-use-of-fire/>

Any other public statements by the Corporate Group and/or its affiliated subsidiaries/companies containing commitments to respect human rights including FPIC rights, such as commodity-specific or sector-wide policies with commitments to the fulfilment of FPIC rights, or 'No Deforestation, no development on Peat, no Exploitation' (NDPE) statements	*	The ESG includes a link to the Korindo Community Policy (K-CP) ¹⁴ which contains a commitment to FPIC rights in section 7, Respect Legal and Customary Rights: <i>'We are also committed to ensuring that Free Prior and Informed Consent (FPIC) of these communities is obtained before any operations begin. This will be done with respect for identity, social and cultural rights, customs, traditions and institutions, and appropriate with their own wishes' (p.3).</i>
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Matrix 2 High-level summary evaluation of the published FPIC SOPs of Korindo Group against the key tenets of FPIC and the HCSA Social Requirements

The second matrix gives a high-level summary evaluation of the published Free, Prior and Informed Consent (FPIC) Standard Operating Procedures (SOPs), where these exist, of the Korindo Group, against the four core tenets of the fulfilment of the rights to FPIC, and the High Carbon Stock Approach (HCSA) Social Requirements (SRs),¹⁵ according to the criteria set out below. As no FPIC SOPs are publicly available for the Korindo Group, relevant references to the fulfilment of FPIC rights that are made in other sustainability policies of the Corporate Group have been considered in this evaluation.

Important note to consider when reviewing Matrix 2: No SOP = No published Standard Operating Procedure.

Evaluation criteria for FPIC SOPs	Corporate Group FPIC SOPs coverage of this aspect	Strengths and weaknesses
Are the four tenets of FPIC set out sufficiently clearly? ¹⁶ In keeping with SR 7	No SOPs Two statements on FPIC are made in the ESG (p.4 and p.12):	No FPIC SOPs, which is where dedicated and detailed FPIC procedures, and an explanation of the four tenets of FPIC should be outlined.

¹⁴ <https://www.korindo.co.id/wp-content/uploads/2020/04/KORINDO-COMMUNITY-POLICY-copy.pdf>

¹⁵ High Carbon Stock Approach Social Requirements. <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Social-Requirements-Apr-2020.pdf>

¹⁶ The right to give or withhold consent; that the process is free of coercion; that it is based on sufficient information; and that it takes place prior to any development

	<p><i>'Establish and practice Free, Prior and Informed Consent (FPIC) principle and process.'</i></p> <p><i>'At KORINDO, we respect the rights of indigenous and local communities to give or withhold their Free, Prior and Informed Consent (FPIC) to the utilization of lands to which they hold legal, communal or customary rights.'</i></p> <p>And one in the K-CP (p.3):</p> <p><i>'We are also committed to ensuring that Free Prior and Informed Consent (FPIC) of these communities is obtained before any operations begin. This will be done with respect for identity, social and cultural rights, customs, traditions and institutions, and appropriate with their own wishes.'</i></p>	<p>Only two of the four tenets are mentioned briefly, being the right to give or withhold consent, and that this should be obtained before any operations begin, so prior. No reference is made to the requirement that the process be free of coercion and based on sufficient information, and there is no full explanation of any of the four tenets.</p> <p>Explicit acknowledgement is made of three categories of land rights, and respect for community institutions is mentioned.</p> <p>The brief references to FPIC rights in the sustainability and other policies in no way negate the urgent need for the Korindo Group to develop and publish dedicated and detailed FPIC SOPs. These are essential for the effective operationalization of its commitments to respect FPIC and human rights.</p>
<p>What provisions exist in relation to the requirement that all sections of affected communities are represented fairly and without discrimination?</p> <p>In keeping with SRs 2 and 12</p>	<p>No SOPs</p> <p>No reference is made to the requirement for fair and non-discriminatory representation of communities during the FPIC process, although the K-CP (as above) does commit to conducting FPIC: <i>'with respect for identity social and cultural rights, customs, traditions and institutions, and appropriate with their own wishes'</i></p> <p>The K-HRP (p.3) also states: <i>'we pay particular attention to individuals and groups at greater risk of adverse human rights impacts due to their vulnerability or marginalization'</i></p>	<p>No FPIC SOPs where such detail would be set out.</p> <p>No specific details on how affected communities are represented fairly and without discrimination.</p> <p>Only these brief references to respect for community institutions and paying particular attention to those at greater risk of adverse human rights impacts due to their vulnerability or marginalization.</p>
<p>What provisions exist in relation to the requirement that the process is genuinely participatory, with meaningful engagement and negotiation conducted fairly and in good faith?</p>	<p>No SOPs</p> <p>There are a few relevant references, including to collaboration and to participatory mapping.</p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No specific details on the participatory and collaborative nature of the FPIC process.</p>

<p>In keeping with the principle of self-determination, and with SRs 1 and 7, the information tenet</p>	<p>In the K-CP, (as above) is the commitment to conducting FPIC: <i>'with respect for identity social and cultural rights, customs, traditions and institutions, and appropriate with their own wishes'</i></p> <p>Section 6 of the K-CP (p.3), Respect Indigenous and Local Communities, states: <i>'The active participation of these communities is also essential for other aspects of sustainability. We seek to engage local communities in forest conservation, and take an inclusive and collaborative approach to addressing our sustainability challenges through our participatory conservation approach.'</i></p> <p>In the ESF under Social Contribution (p.4), is stated: <i>'Establish participatory mapping prior to any new development to determine stakeholder boundaries and land use.'</i></p>	<p>Only a few brief references are made to collaborative approaches, with one point on participatory mapping, and the reference to respect for community institutions and wishes.</p>
<p>What provisions exist in relation to the requirement that the FPIC process be fully transparent at all stages as part of fully informing rights holders?</p> <p>In keeping with the information tenet of FPIC in SR 7</p>	<p>No SOPs</p> <p>The K-HRP states: <i>'Our actions are guided by transparency, fact-based decision-making, and are based on a preventative, precautionary and integrated approach to community investment'</i> (p.2).</p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No specific details on how the FPIC process is fully transparent at all stages, or the actions necessary to fully inform rights holders.</p> <p>Only very brief reference is made to transparency in different context.</p>
<p>What provisions exist in relation to the quality assurance aspects of the process including independent verification?¹⁷</p> <p>Necessary for the effective fulfillment of all rights including FPIC rights</p>	<p>No SOPs</p> <p>In the ESG under Stakeholder Engagement (p.5) is a commitment to: <i>'Work with key stakeholders and independent verification bodies to implement sustainable growth', as well as to, 'Maintain a monitoring and assessment programme to communicate</i></p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No specific details on quality assurance including independent verification of the fulfilment by the Corporate Group of the rights to FPIC of affected communities.</p> <p>Only these and a few brief references to monitoring and adaptive management aspects.</p>

¹⁷ This should include provisions for ongoing monitoring, with adaptive management and continuous improvement

	<i>information, progress towards policy compliance, complaints resolution, and supplier engagement and verification.</i>	
<p>What provisions are made for addressing any grievances that arise during the process?</p> <p>In keeping with SRs 7 and 10, and fundamental to the fulfillment of all rights including FPIC rights</p>	<p>No SOPs</p> <p>In K-HRP (p.2), is stated: <i>'We respect the rights of people impacted by our activities. We will seek to identify adverse human rights impacts and take appropriate steps to address and remedy them.</i></p> <p>And in under Stakeholder Engagement in the ESG (p.5): <i>'We commit to resolving complaints and conflicts through an open, transparent and effective process.... We will resolve grievances promptly, responsibly, responsively, and proactively.</i></p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No specific details of how grievances that arise during the process are resolved.</p> <p>Specific commitments are made to identify, address and remedy and adverse human rights impact of the Corporate Group's operations.</p>
<p>What provisions exist in relation to the fulfillment of FPIC rights in existing operations?</p> <p>In keeping with SRs 10 and 13</p>	<p>No SOPs</p> <p>As above under Scope (p.2) in the ESG is stated: <i>'This Charter applies to all of Korindo's current and future holdings</i></p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No specific details on the fulfilment of FPIC in existing operations.</p> <p>Explicit commitment to the application of the ESG and its commitments across the entire Group's current holdings.</p>
<p>Any other relevant or noteworthy aspects related to the fulfillment of FPIC rights?</p> <p>In keeping with SRs 2 and 7, the core FPIC rights, as well as any other relevant SRs</p>	N/A	N/A

Matrix 3 – Comparison of the published FPIC SOPs to the specific actions required for the fulfilment of FPIC rights under the High Carbon Stock Approach Social Requirements and Implementation Guidance.

The third matrix presents key findings from a comparison of the FPIC SOPs to the specific actions that are required for the fulfilment of FPIC rights under the HCSA Social Requirements, including the Social Requirements (SRs) themselves and the detail on their operationalization provided in the Implementation Guide (IG).

Important note to consider when reviewing Matrix 3: No SOP = No published Standard Operating Procedure.

Actions required for the fulfilment of FPIC rights under the HCSA SRs and IG	Documentation requirements	If and how the action is covered in SOPs	Necessary additions to SOPs to align with HCSA SR and IGs
1. Identify all potentially affected communities (ACs) in the Area of Interest (AOI) ¹⁸ SR 2 IG Step 1.3a	List of all ACs located in AOI, with indication of extent/ways in which likely to be affected	No SOPs	No SOPs
2. Visit each AC and inform them ¹⁹ of: a. The proposed development plans and their potential positive and negative impacts; details on compensation and	Full records of engagement with each AC, including lists of attendees, detailed agendas, and minutes and/or recordings of the content of all meetings and other interactions ²² Compilation of relevant information on a-f	No SOPs	No SOPs

¹⁸ Affected communities (ACs) are defined by the HCSA to include indigenous people and local communities, as set out in the introductions of the SRs and IG. High Carbon Stock Approach Social Requirements <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Social-Requirements-Apr-2020.pdf>
High Carbon Stock Approach Implementation Guidance. <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Implementation-Guide-Apr-2020.pdf>

¹⁹ All information must be shared transparently with ACs, in a format and language accessible to all sections of communities

²² These records should reflect (and so help to ensure) fair representation, full information disclosure, and the genuinely participatory/meaningful/good faith/fair nature of the process throughout the engagement, assessment and negotiation processes

<p>other benefits; and possible alternative means of meeting local development needs²⁰</p> <p>b. Their right to say no to the proposed development</p> <p>c. Their rights to : determine their own representatives; appoint advisors to support them throughout the process; set the terms for engagement, in line with customary rules, protocols and structures for decision-making; and agree the timing of the process; and the associated requirement that these processes are fair and non-discriminatory. (In line with SRs 2, 12)</p> <p>d. The company's obligations with regard to FPIC (under national law, and according to international norms, including as set out by the HCSA SRs and other sustainability mechanisms)</p> <p>e. That these obligations include the establishment of a grievance mechanism, if ACs do give their consent, in order to mediate any issues arising during the process of engagement, assessment and negotiation²¹</p> <p>f. What is involved in the assessment and land-use planning processes (land tenure and usage study (LTUS), HCV-HCS assessment, and Social and Environmental Impact Assessment (SEIA)), and in the engagement and negotiation processes</p> <p>SRs 7,2, 10</p>	<p>These records and all the relevant information are made accessible to ACs and other stakeholders, in appropriate format/language, according to arrangements that have been mutually agreed²³</p>		
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²⁰ The corporate ownership of the proposed project; the scale of the development; the length of the permit and nature/stage of the permitting process; and any other associated planned infrastructure such as roads, ports, warehouses, processing facilities etc., must also be disclosed fully to the ACs that may be affected by it

²³ SR 1 mandates the establishment of a 'social knowledge dossier' in which all relevant documentation related to the proposed development can be stored and made available as appropriate to rights holders and other stakeholders, with rights holders involved in setting the terms of access.

²¹ According to mutually agreed arrangements and in line with international human rights norms on grievance mechanisms

<p>3. Ensure that each AC has an opportunity during this preparatory stage to either consent to continued participation in the processes of engagement and assessment, or to withdraw from them, with sufficient time for consulting with advisors if they so choose</p> <p>FPIC GATE 1</p> <p>SRs 7, ,2, 1 IG Step 1.3c</p>	<p>A formal record of the decision of each AC, and of how it was reached, showing that the process has been free of coercion, representative and non-discriminatory²⁴</p> <p>Also made accessible to each AC</p>	<p>No SOPs</p>	<p>No SOPs</p>
<p>4. Establish the actual mechanisms for ensuring genuinely participatory assessment and land-use planning processes, and for ensuring meaningful engagement and negotiation processes conducted fairly and in good faith including:</p> <p>a. Who will be involved in which aspects, including which members of each AC and independent and/or technical advisors on each side</p> <p>b. The forum, format and frequency of interactions for engagement and negotiation, ensuring sufficient time for full consideration by the AC at each stage</p> <p>c. Procedures for recording and communicating information, including records and outputs of engagement processes, of assessments, and of the negotiations. These must all be made accessible to ACs in an appropriate format and language</p> <p>d. Procedures for reporting and addressing any grievances that arise during the assessment and engagement processes (and possibly beyond)</p>	<p>Full records kept of engagement process, including attendees and minutes/ recordings of all meetings</p> <p>Documented details of the agreed arrangements in relation to all aspects (a-d)</p> <p>Made accessible to ACs in appropriate format/language</p>	<p>No SOPs</p>	<p>No SOPs</p>

²⁴ Independently verified quality assurance is necessary at this point, during the process (*ongoing monitoring*) to ensure that this is the case, by checking that the written and video records show: (i) meetings attended by good proportion and representative cross-section of ACs; (ii) that meetings have covered fully/sufficiently all the necessary points in 2 from a to f; (iii) the FPIC gate has been formally documented, and the process only continued with those ACs that have given consent; (iv.) this only occurs following the independent verification of this first stage (preparation stage 1 in the SRs' Implementation Guide)

<p>SRs 2,7,12,10 Step 1.3d/2.1</p>			
<p>5. Conduct participatory assessments in conjunction with each AC as follows:</p> <p>a) Land Tenure and Usage Study (LT&US)²⁵ b) Social and Environmental Impact Assessment (SEIA) (done by assessors) c) HCV-HCS assessments (done by assessors)</p> <p>Full discussion of findings with each AC, and their endorsement of the recommended land-use allocations based on it (done by assessors)</p> <p>SRs 1,7 Steps 1.4 and 2.3b/c</p>	<p>Outputs from the LT&US and two major assessments, the HCV-HCSA Assessment Report and the SEIA Report, which demonstrate the genuinely participatory nature of the process (QA done by HCVRN-ALS)</p> <p>Made accessible to ACs in appropriate format/language according to agreed arrangements</p>	<p>No SOPs</p>	<p>No SOPs</p>
<p>6. Provide each AC with two more opportunities during the assessment stage to either consent to continued participation in the process, or to withdraw from it.</p> <p>FPIC GATE 2 follows the scoping phase of the HCV-HCS assessment, when assessors visit ACs (or a sample of them) before the main assessment takes place, to conduct due diligence on the process thus far.²⁶</p>	<p>Record of decision of each AC, and of how reached, showing that process has been representative and non-discriminatory</p> <p>Made available to each AC</p>	<p>No SOPs</p>	<p>No SOPs</p>

²⁵ Involving preliminary participatory mapping and the collection of other information on tenure and usage patterns,

²⁶ The due diligence conducted by the HCV-HCSA assessors includes (or should include) ensuring that full information has been provided to ACs, and that their initial consent to the process was granted at FPIC GATE 1 without coercion, and with all sections of ACs fairly represented. This due diligence can be conducted with a sample of ACs to show the general pattern of the engagement process and whether it meets the requisite standards.

<p>FPIC GATE 3 follows the full discussion of the findings of the participatory assessments with each AC, when each has another chance to withdraw from the process.</p> <p>SR 7 Step 2.3a and 2.3d</p>			
<p>7. Co-develop with ACs the proposed Integrated Conservation Land Use Plan (ICLUP) and associated management and monitoring plans (MMP), and the accompanying 'package' of other measures (related to benefits, conservation, employment, 'CSR' grievance mechanisms etc.)</p> <p>SR 7 Step 3.1</p>	<p>Full records kept of engagement process including attendees of meetings and minutes/recordings.</p> <p>The output of the process, i.e. the proposed ICLUP, MMP and 'package'</p> <p>Made available to ACs</p>	No SOPs	No SOPs
<p>8. Conduct negotiations in good faith with each AC on the proposed ICLUP, MMP and package, with sufficient time allowed for full consideration, and independent advice available, in accordance with agreed arrangements</p> <p>This leads to the FINAL FPIC GATE, as each AC either gives their binding consent to what becomes the final ICLUP, or rejects it, and either withdraws from the process, or may enter further negotiations.</p> <p>SR 7 IG Step 3.2</p>	<p>Record of engagement and negotiation process</p> <p>Legally-binding record of the agreement itself, if consent is given</p> <p>The final agreed ICLUP, MMP and package</p> <p>All made fully available to ACs in accessible format</p>	No SOPs	No SOPs

<p>9. Ensure this consent or rejection has met all the requirements of FPIC as set out above, before development proceeds, through independent verification of the documentation of all the FPIC procedures set out (including all 4 FPIC gates), thereby confirming the consent or rejection of proposed and final ICLUP by each AC.</p> <p>SRs 2, 7, 12 IG Step 3.3</p>	<p>Evidence that QA standards have been met, and IV conducted of the procedures required for the fulfillment of FPIC rights as set out in this matrix, including desk-checks of all the documentary records and field-checks with a sample of ACs</p>	<p>No SOPs</p>	<p>No SOPs</p>
<p>10. Ensure effective operation of grievance mechanisms as arranged, during the engagement, assessment and negotiation processes, and subsequently for the duration of the ICLUP.</p> <p>SRs 7, 10 Step 1.3d, 2.1, 4.3</p>	<p>Evidence that a grievance mechanism exists and is functioning effectively, with periodic QA and IV to ensure this is the case</p>	<p>No SOPs</p>	<p>No SOPs</p>