

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 Wilmar International 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 Wilmar International, 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 of the evaluation is that Wilmar International 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 NDPE (No Deforestation, No development on Peat and No Exploitation) Policy (W-NDPEP), particularly in the section on 'No Exploitation of Local People or Communities', and include an explicit commitment to comply with the HCSA Social Requirements. There is no reference to the use of the HCSA Implementation Guidance (IG).² Gama Group, an affiliated company of Wilmar International, does have a sustainability policy which refers to FPIC, but this is inadequate as it does not specify the right to withhold consent. Adani Wilmar, a joint venture company, appears not to have any sustainability policy or FPIC SOPs in place, as necessary to ensure the fulfilment of FPIC rights throughout its global operations. Wilmar International 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>

² https://www.wilmar-international.com/docs/default-source/default-document-library/sustainability/policies/wilmar-ndpe-policy---2019.pdf?sfvrsn=7870af13_2 (p.6)

Wilmar International does not have published SOPs on Free, Prior and Informed Consent (FPIC) rights that apply to the entire Corporate Group, and that set out detailed instructions on how its commitments to the fulfilment of FPIC rights will be operationalized, and the FPIC rights of affected communities fulfilled in practice, in accordance with the High Carbon Stock Approach (HCSA) Social Requirements (SRs) and Implementation Guidance (IG). As highlighted in Matrix 2, the brief references and paragraph of detail in the W-NDPEP contain little additional information about what is required for the implementation of the FPIC process and the effective fulfilment of FPIC rights.

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 Corporate 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, Wilmar International 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 policies and strengthened 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. Wilmar International must also ensure all affiliated companies and joint venture partners develop or strengthen sustainability policies, specifically to respect and fulfill the FPIC rights of all communities that are affected by their operations.

These findings in no way represent an evaluation of the extent to which Wilmar International and its affiliated companies are, or are not, in compliance with these requirements for the fulfilment of Free, Prior and Informed Consent (FPIC) rights, whether in their own operations or in their supply chains. Detailed evaluations of the fulfilment of the rights to FPIC by Wilmar International remain of paramount importance, and should be undertaken in the field by qualified social experts, with the 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. Additional investigations are also needed to verify evidence presented by civil society organizations of various violations of indigenous peoples' rights that have allegedly occurred in other Wilmar International operations in Indonesia, including in West Sumatra.³

³ As set out in the recent Forest Peoples Programme report, <https://www.forestpeoples.org/en/palm-oil-rspo/press-release/2019/press-release-report-shows-widespread-human-rights-violations>

Matrix 1 Published policies and SOPs of Wilmar International related to the fulfilment of FPIC rights

The first matrix sets out the published policies and policy statements and Standard Operation Procedures (SOPs) of Wilmar International or its affiliated subsidiary or company (referred to collectively as “**Corporate Group**”⁴), where it has been necessary to look at that level, that are related to the fulfilment of FPIC rights.⁵

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 ⁶	*		<p>Wilmar International’s NDPE (No Deforestation, no development on Peat, no Exploitation’) (W-NDPEP),⁷ sets out its commitments on human rights and FPIC rights. In ‘Principles (p.2), under, ‘No Exploitation of People or Local Communities’, it is stated:</p> <p><i>‘Respect the rights of indigenous and local communities to give or withhold their Free, Prior and Informed Consent (FPIC) to operations on lands to which they hold legal, communal or customary rights’</i></p> <p>Further detail is given under ‘No Exploitation’ (p.6), as follows:</p> <p><i>‘Respect the Rights of Indigenous and Local Communities to Give or Withhold their Free, Prior and Informed Consent (FPIC) to Operations on Lands to Which They Hold Proven Legal, Communal or</i></p>

⁴ [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

⁵ As the evaluation is concerned with the role in the production, processing and trade of forest risk communities by the ten Corporate Groups, only affiliated subsidiaries and 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.

⁶ See Appendix on FPIC rights and international human rights instruments in the Methodology for the evaluation, found at www.ran.org/FPICEvaluation

⁷ <https://www.wilmar-international.com/docs/default-source/default-document-library/sustainability/policies/wilmar-ndpe-policy---2019.pdf?sfvrsn=7870af132>

		<p><i>Customary Rights. Wilmar pledges to respect and recognise the long-term formal and customary rights and individual rights of indigenous and local communities in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the HCSA Social Requirements.⁸ Wilmar commits to ensuring legal compliance as well as international best practices in FPIC are implemented, in accordance with the full scope of this policy, prior to commencing any new operations or activities. Wilmar will engage with local and international stakeholder communities to ensure FPIC processes are correctly implemented and continuously improved.</i></p> <p>Consideration of FPIC is also mentioned under 'No Deforestation' (p.2), where Wilmar describes its requirements to use the High Carbon Stock (HCS) Approach, which details requirements to fulfil FPIC.</p> <p>Explicit commitments on human rights are also set out (p.4) as follows:</p> <p><i>'We commit to upholding and promoting internationally-recognized human rights as described in the International Bill of Human Rights (consisting of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights)⁹ and the International Labour Organization (ILO) eight fundamental Conventions and Declaration on Fundamental Principles and Rights at Work.</i></p> <p><i>Our position on No Exploitation and our policies, action plans and mechanisms are guided by the United Nations Guiding Principles on Business and Human Rights, which encompasses the three pillars of 'Protect Respect and Remedy', plus promotion of human rights. We are also guided and informed by the United Nations Global Compact and the FAO's Voluntary Guidelines on the Responsible Governance of</i></p>
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⁸ Both of which contain explicit and specific requirements on FPIC, particularly in Articles 18, 19 and 32 of UNDRIP, and in SRs 2 and 7 of the HCSA, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>, <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Social-Requirements-Apr-2020.pdf>

⁹ The first articles of all of which refers to the right to self-determination that underpin FPIC rights <https://2covenants.ohchr.org/About-The-Covenants.html>, <https://www.un.org/en/universal-declaration-human-rights/index.html>

			Tenure of Land, Fisheries and Forests in the context of national food security (VGGTs). ¹⁰ <i>These provisions apply for all workers, contractors, indigenous people, local communities and anyone affected by our operations under the full scope of this policy, as outlined in our Human Rights Policy and Human Rights Framework.</i>
Any sustainability policy of the Corporate Group's affiliated subsidiaries or companies which includes references to the fulfilment of FPIC rights		*	Gama Group, an affiliated subsidiary of Wilmar International via its co-founder, Martua Sitorus, has a sustainability policy which does mention FPIC. ¹¹ The commitment to: ' Secure from indigenous or local communities their free, prior and informed consent (FPIC) in case land acquisition, plantation management or conservation activity affects their rights, land, resources, territories, livelihoods, and food security '; only refers to securing the consent of affected communities, however, with no reference to their crucial right to withhold consent. Wilmar Adani – a joint venture with the Adani Group--lacks a Sustainability Policy. ¹²
SOPs on the operationalisation of these policy commitments on the fulfilment of FPIC rights		*	Wilmar International does not have any published FPIC SOPs.
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	*		Wilmar International does have an explicit commitment to apply its NDPE policy to all affiliated companies. Under Scope (W-NDPEP, p.1), is stated: 'All provisions in this policy, with no exception, apply to: • All Wilmar operations worldwide, including those of our subsidiaries, any refinery, mill or plantation that we own, manage, or invest in, regardless of stake.'
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	*		Wilmar International does have an explicit commitment to apply its NDPE policy to all third party suppliers. Under Scope (as above), is stated: 'All provisions in this policy, with no exception, apply to: All third-party suppliers (at a group-level).'

¹⁰ The first principle of the UN Global Compact is that '*businesses should support and respect the protection of internationally proclaimed human rights*', <https://www.unglobalcompact.org/what-is-gc/mission/principles>, while the FAO VGGTs refer to the FPIC rights of indigenous peoples and other communities with customary tenure systems in Article 9.9 <http://www.fao.org/3/i2801e/i2801e.pdf>

¹¹ <https://www.wilmar-international.com/wp-content/uploads/2018/09/Gama-Plantation-Sustainability-Policy-18Sep2018.pdf>

¹² <https://www.adaniwilmar.com/csr>

			<p>In footnote (on p.1): <i>'In 2019, Wilmar initiated consultation with external stakeholders to develop clear internal guidelines for the interpretation of rules and legislation related to "group-level" definition. Until the finalization of the internal guidelines, "group-level" is based on RSPO's definition of "group". Further to that, national interpretations will be applicable in the respective regions.'</i></p> <p>Wilmar's definition of 'Group-Level', based on that of the Roundtable on Sustainable Palm Oil (RSPO), is inadequate. The Accountability Framework Initiative's definition of Corporate Group is a credible definition endorsed by civil society organizations, and is used as the basis for this evaluation.</p>
Any explicit Corporate Group stand-alone policy on human rights including FPIC rights	*		<p>Wilmar International has two stand-alone policies on human rights, the Human Rights Policy and the Human Rights Framework (W-HRP and W-HRF, respectively).¹³ These re-iterate the comprehensive commitments to international human rights set out in the W-NDPEP (above).</p> <p>The WG-HRP under 'Indigenous and Community Rights' (2.2.2b, p.2), also states: <i>'Commit to obtaining Free, Prior and Informed Consent from local communities before commencing operations.'</i></p> <p>The W-HRF under 'Respect for Community and Indigenous Rights' (p.4), states:</p> <p><i>'Respect the Rights of Indigenous and Local Communities to Give or Withhold their Free, Prior and Informed Consent (FPIC) to Operations on Lands to Which They Hold Proven Legal, Communal or Customary Rights.'</i></p>
Membership of HCSA, entailing commitments to the fulfilment of FPIC rights in all developments, by all affiliated subsidiaries/companies, and by third party suppliers		*	<p>Wilmar International is not a member of the HCSA.</p> <p>Wilmar International was previously a member of the HCSA, but left on April 4th 2020. Prior to the announcement of its formal withdrawal, an objection had been made to its re-appointment as co-chair of HCSA's Executive Committee unless it met the HCSA</p>

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https://www.wilmar-international.com/docs/default-source/default-document-library/sustainability/policies/human-rights-policyved16f04afc7043738e7579b103a3a15e.pdf?sfvrsn=9378b7f5_2
<https://www.wilmar-international.com/docs/default-source/default-document-library/sustainability/policies/human-rights-framework.pdf>

			membership requirements. ¹⁴ Wilmar had also withheld its HCSA membership fees for 2019, and was due to be suspended for non-payment on April 2 nd 2020. Wilmar International subsidiary Wilmar PZ has submitted an HCSA assessment which has completed the peer review process. ¹⁵
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.	*		Wilmar International has been a member of the RSPO since 2005. ¹⁶ Wilmar International is currently subject to a complaint, and complaints filed recently document wide-spread violations of rights in its operations, including a failure to respect the rights of indigenous and local communities to give or withhold their FPIC to developments that affect them. ¹⁷
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		*	N/A

¹⁴ <https://www.greenpeace.org/southeastasia/press/3746/wilmar-internationals-exit-from-the-high-carbon-stock-approach-marks-its-failure-to-end-deforestation/#:~:text=%23Forests.Wilmar%20International's%20exit%20from%20the%20High%20Carbon%20Stock,its%20failure%20to%20end%20deforestation&text=Wilmar%20has%20exited%20from%20being,no%20deforestation%20in%20supply%20chains>

¹⁵ For, Calaro Estate, Cross River, Nigeria. Although the social aspects overall were deemed satisfactory,, the FPIC element was assessed as problematic due to the acquisition of the land by the Nigerian State through 'eminent domain', or the expropriation of privately or customarily owned land by the State http://highcarbonstock.org/wp-content/uploads/2017/04/HCSA-Peer-Review-Report-Wilmar-Calaro-ext_Final_070417.pdf

SR 7 on FPIC rights expressly prohibits eminent domain, stating that, '*Developers do not accept lands expropriated by governments in the national interest ('eminent domain')*'. The High Carbon Stock Approach. "[The Social Requirements of the HCS Approach](#)". HCSA. Retrieved November 2020.

¹⁶ The RSPO Principles & Criteria include an explicit commitment to the Universal Declaration of Human Rights in their preamble, as well as specific commitments to ensuring the fulfilment of FPIC rights (including in Criterion 7.5) <https://rspo.org/publications/download/5ab40fb9d7c79f5> Membership of the RSPO also now entails a commitment to implement the HCSA when engaging in new development involving land use change, although the standard is not yet fully aligned with the HCSA's Social requirements and Implementation Guidance

¹⁷ RSPO Case Tracker <https://askrspo.force.com/Complaint/s/casetracker>; see also recent Forest Peoples Programme press release <https://www.forestpeoples.org/en/palm-oil-rspo/press-release/2019/press-release-report-shows-widespread-human-rights-violations>

Matrix 2 High-level summary evaluation of the published FPIC SOPs of Wilmar International 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 Wilmar International, against the four core tenets of the fulfilment of the rights to FPIC, and the High Carbon Stock Approach (HCSA) Social Requirements (SRs),¹⁸ according to the criteria set out below. As no FPIC SOPs are publicly available for the Wilmar International, 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
<p>Are the four tenets of FPIC set out sufficiently clearly?¹⁹</p> <p>In keeping with SR 7</p>	<p>No SOPs</p> <p>As above, some detail on FPIC rights are set out under 'No Exploitation' (p.6), as follows: <i>'Respect the Rights of Indigenous and Local Communities to Give or Withhold their Free, Prior and Informed Consent (FPIC) to Operations on Lands to Which They Hold Proven Legal, Communal or Customary Rights Wilmar pledges to respect and recognise the long-term formal and customary rights and individual rights of indigenous and local communities in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the HCSA Social Requirements. Wilmar commits to ensuring legal compliance as well as international best practices in FPIC are implemented, in accordance with the full scope of this policy, prior to commencing any new operations or activities. Wilmar will engage with local and international stakeholder communities to</i></p>	<p>No FPIC SOPs, which is where dedicated and detailed FPIC procedures, and an explanation of the four tenets of FPIC should be outlined.</p> <p>Only two of the four tenets are referred to here, being the right to give or withhold consent, and that the process must take place prior to any new development. 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>Commitment to ensuring international best practice is implemented, as well as legal compliance.</p> <p>The brief references to FPIC rights in the sustainability and other policies in no way negate the urgent need for the Wilmar Group to develop and publish dedicated and detailed</p>

¹⁸ High Carbon Stock Approach Social Requirements. <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Social-Requirements-Apr-2020.pdf>

¹⁹ 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

	<i>ensure FPIC processes are correctly implemented and continuously improved.'</i>	FPIC SOPs. These are essential for the effective operationalization of its commitments to respect FPIC and human rights.
What provisions exist in relation to the requirement that all sections of affected communities are represented fairly and without discrimination? In keeping with SRs 2 and 12	No SOPs No reference is made to the requirement for fair and non-discriminatory representation of communities during the FPIC process,	No FPIC SOPs where such detail would be set out. No specific details on how affected communities are represented fairly and without discrimination.
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? In keeping with the principle of self-determination, and with SRs 1 and 7, the information tenet	No SOPs No reference is made to the participatory and collaborative aspects of the process. Only the brief reference (as above): <i>'Wilmar will engage with local and international stakeholder communities to ensure FPIC processes are correctly implemented and continuously improved.'</i>	No FPIC SOPs where such details would be set out. No specific details on the participatory and collaborative nature of the FPIC process, apart from this very brief reference.
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? In keeping with the information tenet of FPIC in SR 7	No SOPs No reference made to the requirement that the FPIC process be fully transparent and rights holders are fully informed.	No FPIC SOPs where such details would be set out. No specific details on how the FPIC process is fully transparent at all stages, or the actions necessary to fully inform rights holders.
What provisions exist in relation to the quality assurance aspects of the process including independent verification? ²⁰ Necessary for the effective fulfilment of all rights including FPIC rights	No SOPs Brief reference (as above) to: <i>'Wilmar will ensure FPIC processes are correctly implemented and continuously improved.'</i>	No FPIC SOPs where such details would be set out. No specific details on quality assurance including independent verification of the fulfilment by the Corporate Group of the rights to FPIC of affected communities.
What provisions are made for addressing any grievances that arise during the process?	No SOPs No reference made to grievance processes related to issues arising specifically during the FPIC process.	No FPIC SOPs where such details would be set out. No specific details of how grievances that arise during the FPIC process are resolved.

²⁰ This should include provisions for ongoing monitoring, with adaptive management and continuous improvement

<p>In keeping with SRs 7 and 10, and fundamental to the fulfilment of all rights including FPIC rights</p>	<p>The W-NDPEP does include references to a broader grievance mechanism, in the section, 'Resolve All Complaints and Conflicts through an Open, Transparent and Consultative Process'. A commitment is made to: <i>'Identify Measures to Provide Remediation Where the Company has Caused or Contributed to Negative Human Rights Impacts'</i>.</p> <p>Wilmar does also have a recently updated grievance procedure, but this does not refer specifically to grievances related to the FPIC process at the local level. ²¹ Wilmar states that site-specific grievance procedures are in place at each of its plantations and mills but the details for such procedures are not disclosed.</p>	
<p>What provisions exist in relation to the fulfilment of FPIC rights in existing operations?</p> <p>In keeping with SRs 10 and 13</p>	<p>No SOPs</p> <p>There is no reference to the fulfilment of FPIC rights in existing plantations in the W-NDPEP. Reference is made instead to applying the policy, <i>'prior to commencing any new operations or activities'</i> (p.6).</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>Any other relevant or noteworthy aspects related to the fulfilment of FPIC rights?</p> <p>In keeping with SRs 2 and 7, the core FPIC rights, as well as any other relevant SRs</p>	<p>N/A</p>	<p>N/A</p>

²¹ https://www.wilmar-international.com/docs/default-source/default-document-library/sustainability/grievance/grievance-sop/grievance-procedure_final.pdf

Matrix 3 – Comparison of the published FPIC SOPs of Wilmar International to the specific actions required for the fulfilment of FPIC rights under the HCSA 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) ²² 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

²² 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>

<p>2. Visit each AC and inform them²³ of:</p> <p>a. The proposed development plans and their potential positive and negative impacts; details on compensation and other benefits; and possible alternative means of meeting local development needs²⁴</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 negotiation²⁵</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>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 interactions²⁶</p> <p>Compilation of relevant information on a-f</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 agreed²⁷</p>	<p>No SOPs</p>	<p>No SOPs</p>
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²³ All information must be shared transparently with ACs, in a format and language accessible to all sections of communities

²⁴ 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

²⁵ According to mutually agreed arrangements and in line with international human rights norms on grievance mechanisms

²⁶ 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

²⁷ 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.

SRs 7,2, 10			
<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-discriminatory²⁸</p> <p>Also made accessible to each AC</p>	No SOPs	No SOPs
<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>	No SOPs	No SOPs

²⁸ 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)

SRs 2,7,12,10 Step 1.3d/2.1			
<p>5. Conduct participatory assessments in conjunction with each AC as follows:</p> <p>a) Land Tenure and Usage Study (LT&US)²⁹ 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>	No SOPs	No SOPs
<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.³⁰</p> <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>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>	No SOPs	No SOPs

²⁹ Involving preliminary participatory mapping and the collection of other information on tenure and usage patterns,

³⁰ 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>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>	<p>No SOPs</p>	<p>No SOPs</p>
<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>	<p>No SOPs</p>	<p>No SOPs</p>
<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 fulfilment 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>