

<b>Policy Area: HCV Assessments</b>	<b>Subject: Conflict resolution relevant to the HCVs identification and management</b>
<b>Title of Policy: Conducting Conflict Resolution</b>	<b>Number:</b>
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**1. Rationale or background to policy:** The HCVRN charter makes clear that the application of the ‘HCV approach’ is (only) ‘part of responsible land management’. The Charter explicitly requires the development of a framework to guide the HCV approach so wider values can be safeguarded. The relevant text in the Charter reads as follows:

*‘Additionally a framework needs to be developed which considers issues identified during, but not dealt with as part of, the core HCV assessment. Examples may include: legality; protection of local communities’ and indigenous peoples’ customary and legal rights and respect for their right to control what happens in their areas; protection of areas from unjustified conversion; and, provision of further environmental safeguards.’*

A number of safeguards have been developed by HCVRN to support the use of the HCV approach outside the certification context for which it was originally developed. The main issues which have been identified are:

- Legality: Legal compliance should be a baseline management requirement for all HCV assessments.
- Tenure, customary rights and consent procedures: The issue of tenure, rights and consent is important and delicate and there should be an acceptable degree of commonality in the manner in which HCV assessments address these sensitive issues.
- Conversion: Guidance should be developed specifically on the use of the HCV approach within the context of ecosystem conversion.

This protocol is developed to address conflict in respect to the land and forest resources between communities and forest management units under the HCV assessment. The objectives of the conflict resolution team are the following:

- To identify the nature of the conflict between the community and the company(s);
- Attempt to determine what a potential conflict resolution process would look like that would be acceptable to the community based on relevant Free & Prior Informed Consent (FPIC) guidelines;
- To collect GPS data points on the ground to specifically map the areas of conflict if they involve physical sites, specifically identify the risks to the HCV; and
- To recommend a course of action for the company to consider in resolving such conflicts.

**2. Policy Statement:** Tenure conflict has been the most common conflict in forest resources management in Indonesia. Forest managers cannot rely on the HCV assessment process to ensure the protection, maintenance and enhancement of HCVs without properly managing the conflict. Although the protocol is entitled as “Conflict Resolution” the main objective of the team is not to resolve each conflict. Instead, it is to thoroughly identify conflicts encountered and informed by HCVs assessment teams and develop a potential resolution process as a recommendation for the company to follow. Ideally one should work towards the resolution of each and every conflict; however, providing ultimate resolutions to conflicts is not an easy matter, particularly in the short amount of field time for this project. Thus, the Conflict Resolution team functions with the purposes elaborated above: identify the conflict, determine an acceptable conflict resolution process to the community, physically collect GPS points and map if possible, and develop a framework for follow-up actions by the company.

APP has stated they are in the process of conducting a similar exercise for all tenure and conflict related issues with TFT using FPIC principles as a safeguard and to prepare for moving toward whatever certification system they are able apply for in the future. The HCV assessment team needs to be familiar with this exercise and the progress being made since it is a safeguard for HCV assessments being conducted outside the scope of a certification system and for conversion of natural environments.

The conflict resolution team members will operate in accordance with the below procedures.

**3. Procedures:** Prior to and during HCV assessment conflict resolution team shall ensure that the following occur:

- A. The conflict resolution team will be led by a senior conflict resolution specialist, a more experienced but less senior conflict resolution specialist as his/her assistant and a data management specialist to delineate and map conflict areas.
- B. The senior conflict resolution specialist will become familiar with their team members background and expertise to ensure best utilization of member talent and skills.
- C. Terms of Reference for each member’s role will be attached to any contract with that member, or provided to the individual member should they be an employee.
- D. The team works as an ad hoc team and will be operational when there is a need to deploy to the conflict sites. As social Field Team staff encounter villages in which there is an unwillingness to cooperate by the community due to various issues, where it is clear that there are tenure claims made by the community that conflict with those held by APP, and/or where there are other conflict issues specifically relating to HCV between the company and community, they will pass this information on to the Conflict Resolution team and move on to the next desa or dusun.
- E. Prior to the field assignment, the team collects all existing conflicts documented by each forest management unit in all regions. The team will identify and analyze the existing data as basic information and will be kept as the conflict database at the data management unit of the HCV assessment project in Jakarta. Also the team should:

- a. Review and understand the project context (information provided include the project summary written in the public announcement information);
  - b. Review literature related to the HCV concept found on the HCV Resource Network website; and
  - c. Gather as much information from the company as possible relating to their perspectives of the conflict prior to meeting with the community.
- F. The team will follow up on any conflict information passed by the field assessment teams. An assigned schedule will be discussed with all members. Initial conflict sites will be referred to the existing conflict database for initial background information of the reported conflict. Prior to departure to the site, ensure the team has relevant maps and other material that includes:
- a. Digital camera;
  - b. Recorder;
  - c. GIS unit; and
  - d. Facilitation supplies.
- G. At the site the team should meet first with village/dusun head to introduce the team and get permission to enter the areas and conduct dialog with those who may be involved in the conflict.
- H. Team briefings shall be conducted prior to the start of field assessment with all team members in the region present to review HCV basic information, protocols, discuss team management issues (including scheduling), logistics, etc. Additionally, the team shall discuss issues relating to the conflict and review the situation based on information provided by the field assessment team.
- I. The team will spend a maximum of two days in each conflict site and shall collect the following minimum information:
- a. Name and contact information of the conflicting parties;
  - b. Place and date of the visit/interview/observation;
  - c. Each place visited (site of visited dusun and identified subject of conflict (if the subject is related to land or forest resources identify the GPS points), preferably identified on a map, that considers shared areas of conflict within the concessions. GPS points identification shall follow the GIS Protocol;
  - d. Process/flow of discussion;
  - e. Identify the nature of the conflict, determine a conflict resolution process that would be acceptable to the community, and develop a proposed framework for actions; and
  - f. Other relevant issues that need to be considered by the team to achieve the purpose of the team.
- J. It is important to record all of the meetings and interviews that the teams have held with consulted parties and all the responses they get to the enquiries.
- K. Output obtained during the field assignment, individual interviews and direct observation is provided in a report covering the process and substantial issues relevant to conflict resolution for each separate site. This report shall cover at a minimum the information required to be collected in “J” above.
- L. Team briefings shall be conducted after every assignment and with each member to

discuss issues and review the findings and write reports. Report shall be submitted a maximum of 4 days after the field assignment.

M. A legal specialist will also review the legality of tenures taking into account applicable international, national, local and customary laws.

Should any problems or issues arise prior to, during the course of, or after the meetings, it is the responsibility to make sure that the team leader is informed of such and the responsibility of the team leader to ensure this information is relayed directly to the Social Team Leader Assistant and Senior Social Team Leader as soon as practical to bring to the attention of the Project Management Team should it be required for resolution.