



Roundtable on Sustainable Palm Oil

RSPO Secretariat Sdn Bhd
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Bapak Bambang Dwilaksono,
First Resources Limited
8 Temasek Boulevard
#36-02 Suntec Tower Three
Singapore

16 December 2013

Dear Pak Bambang,

RE: Complaint - PT Borneo Surya Mining Jaya/First Resources Ltd

With reference to your letter dated 29 June 2013 sent via email.

The Complaints Panel (CP) of the RSPO has reviewed all of PT Surya Borneo Mining Jaya's (PT BSMJ) actions and commitments contained in the letter. The Panel would like to complement those actions and commitments of PT BSMJ by doing the following:

No.	Action	Due by/ Note*
1.	Set aside the 892ha which is the disputed area, free from any development.	Immediate effect
2.	Joint Mapping	
2a	Conduct joint mapping exercises with the affected communities. PT BSMJ is encouraged to appoint an independent facilitator to conduct the joint mapping exercise, and appointment of facilitator should be in consultation with the affected community.	TBD
2b	PT BSMJ shall submit a Terms of Reference for joint mapping exercise with clear time lines by 25 December 2013.	25 Dec 2013
2c	The joint mapping exercise shall also identify any HCV forest within the concession area.	*Note
2d	Company should inform to the local government on result of the joint mapping exercise for further delineation of the disputed borders between communities.	TBD
3.	HCV Remediation and Compensation Plan	
3a.	Remediation and compensation plan based on landuse change analysis shall be	TBD



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	made available to the communities and individuals affected by its implementation, and to any complainant.	
3b.	Free Prior Informed Consent (FPIC) must be adhered by your good company especially during development of the remediation & compensation plan.	*Note
3c.	Remediation plan for HCV4-5-6 is negotiated and agreed by the company with the affected communities and individuals and supported by their respective advisors.	*Note
3d.	Reporting and monitoring of HCV remediation & compensation plan will be conducted by the RSPO's Biodiversity and HCV Working Group (BHCV WG).	TBD
3e.	HCV peer reviewer, Dwi Rahmad Muhtaman and PT BSMJ will present LUC analysis and peer review findings on HCV assessment to the BHCV WG meeting on 22 January 2014.	22 Jan 2014
4	Dispute Settlement Mechanism	
4a	Engage with the conflicted communities on a mechanism for dispute settlement as per RSPO Criteria 6.3 i.e. mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.	TBD
5	Progress Report	
5a	Submit a quarterly progress report to the RSPO which shall be published on the website to inform stakeholders on progress of complaint resolution. Progress updates should include: <ul style="list-style-type: none"> • Joint mapping • NPP progress and compliance • Implementation of HCV compensation and remediation plan 	Every quarter, First report due by 24 Mar 2013



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PT BSMJ shall indicate to the CP a **time frame** for the implementation and completion of all the actions above by *25 December 2013*. Once the LUC analysis and compensation plan has been reviewed and accepted by the BHCV WG, and subject to FPIC and NPP process, PT BSMJ could proceed with development on non-disputed areas.

We look forward to your positive reply with submission of implementation time frame and ToR for joint mapping by 25 December 2013.

Thank you.

Yours sincerely,

Ravin Krishnan

Complaints Coordinator on behalf of the Complaints Panel of the RSPO.

Cc – Environmental Investigation Agency