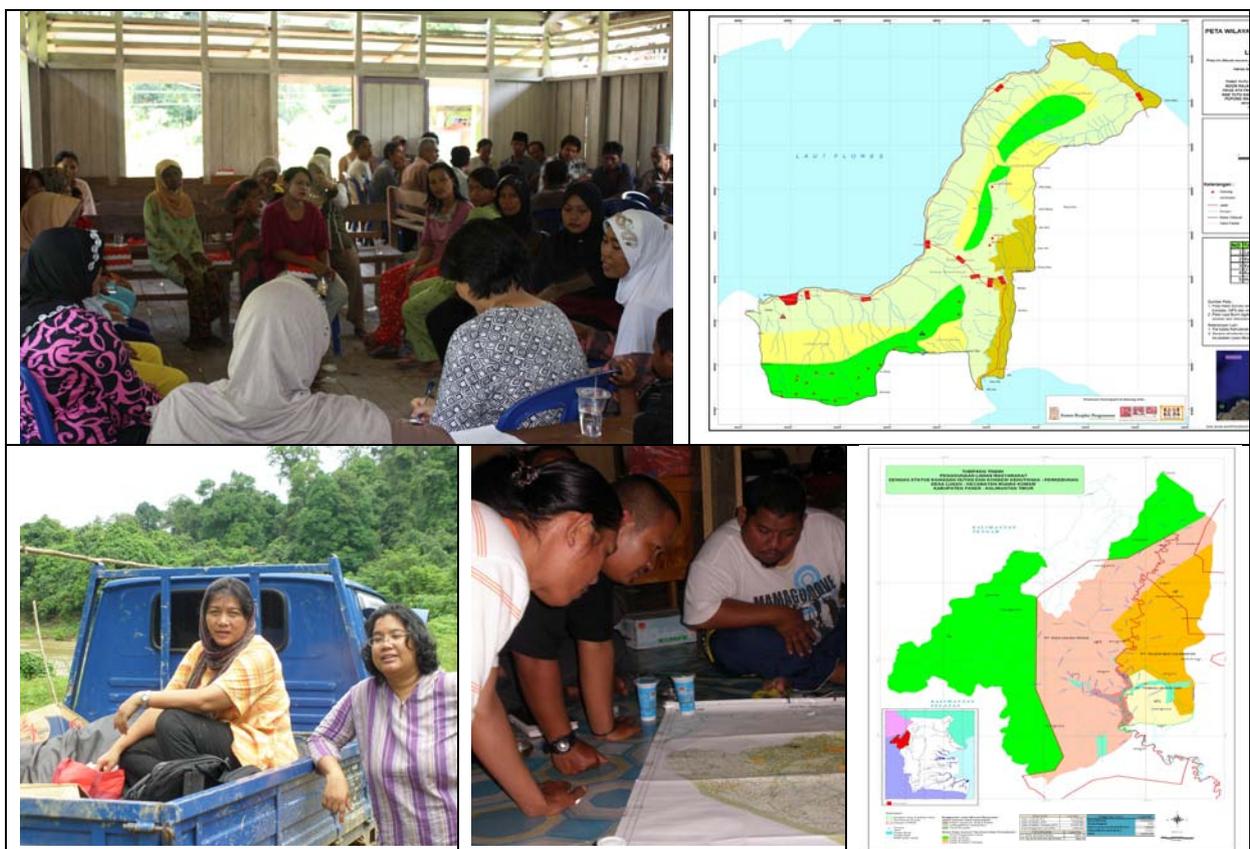


Evaluation Report on Free, Prior And Informed Consent Project

Project Title: “Support for Organizational Development and for Training and Technical Assistance to Help Indigenous Communities to Negotiate Agreements based on Free, Prior and Informed Consent (FPIC) in the Forestry Sector”



July 2010

**Jannie Lasimbang
Arimbi Heroepoetri**

Table of Contents

- 1. Acronyms 3**
- 2. Executive Summary 4**
- 3. Evaluation Process 9**
 - 3.1 Objectives 9**
 - 3.2 Process and Methodology 9**
 - 3.3 Project Background and Description 10**
 - 3.4 Constraints and Limitations 13**

- 4. Findings and Analysis 14**
 - 4.1 Project Management 14**
 - 4.1.1 Selection and roles of local implementers 14
 - 4.1.2 Allocation of resources 15
 - 4.1.3 Decision-making among partners 16
 - 4.1.4 Project Monitoring by FPIC Team 16
 - 4.1.5 Formulation of Proposals 17
 - 4.1.6 Communication with donors 18
 - 4.1.7 Reporting 18
 - 4.1.8 Project Administration by AMAN 19
 - 4.2 Conceptual Framework 20**
 - 4.2.1 Understanding of FPIC Concepts 20
 - 4.2.2 Content of FPIC materials 20
 - 4.2.3 Building FPIC facilitators 20
 - 4.3 Achievement of Project Objectives 20**
 - 4.3.1 Strengthening community organisations 20
 - 4.3.2 Process of achieving/implementing negotiated FPIC agreements 22
 - 4.3.3 Acceptance of FPIC by government, private sector and NGOs 23
 - 4.3.4 Production of materials 24
 - 4.3.5 Area Expansion 25
 - 4.3.6 Enhancing AMAN’s organisational capacity 25
 - 4.3.7 Follow-up Planning 26

- 5. Conclusions and Recommendations 27**
- 6. Annexes**
 - Annex 1 - Evaluation Programme 29
 - Annex 2 - SWOT Analysis table 30
 - Annex 3 - List of people interviewed 39
 - Annex 4 - Literature and References 40
 - Annex 5 - Terms of Reference 41

Acronyms

AMAN	: Aliansi Masyarakat Adat Nusantara
APBD	: Anggaran Pendapatan dan Belanja Daerah
BPD	: Badan Perwakilan Desa
Dishut	: Dinas Kehutanan
Dishutbun	: Dinas Kehutanan dan Perkebunan
Dephut	: Departemen Kehutanan
Dishuttamben	: Dinas Kehutanan, Pertambangan dan Mineral
DPRD	: Dewan Perwakilan Rakyat Daerah
Flotim	: Flores Timur
FPIC	: Free Prior Inform Consent
FPP	: Forest People Program
HGU	: Hak Guna Usaha
HKM	: Hutan Kemasyarakatan
HL	: Hutan Lindung
HPH	: Hak Pengusahaan Hutan
HTI	: Hutan Tanaman Industri
IUPHHK	: Ijin Usaha Pemanfaatan Hasil Hutan Kayu
JKPP	: Jaringan Kerja Pemetaan Partisipatif
Kaltim	: Kalimantan Timur
LSM	: Lembaga Swadaya Masyarakat
MoU	: Memorandum of Understanding
NTT	: Nusa Tenggara Timur
PB	: Pengurus Besar
PHBM	: Pengelolaan Hutan Berbasis Masyarakat
PW	: Pengurus Wilayah
PEMA Paser	: Perhimpunan Masyarakat Adat Paser
Perda	: Peraturan Daerah
Perdes	: Peraturan Desa
PT	: Perseroan Terbatas
PT. RKR	: PT. Rizki Kacida Reana
RAPP	: Riau Andalan Pulp and Paper
RFN	: Rain Forest Network
SekPel	: Sekretaris Pelaksana
SK	: Surat Keputusan
SPKS	: Serikat Petani Kelapa Sawit
UU	: Undang-Undang
UUD	: Undang – Undang Dasar

Executive Summary

This evaluation was conducted on the project “*Support for organizational development and for training and technical assistance to help indigenous communities to negotiate agreements based on Free, Prior and Informed Consent (FPIC) in the forestry sector*” (in short, the FPIC project) for the period between September 2007 to June 2010. Two external evaluators were engaged by Rainforest Foundation Norway (RFN), namely Jannie Lasimbang and Arimbi Heroepoetri, to conduct the evaluation between May to June 2010. The evaluation involved face-to-face discussions with project implementers, visits to all the three project sites, and feedbacks to the draft report through email.

Based on the Terms of Reference, the goals of the evaluation were to get an overview of the strengths, weaknesses, challenges and gaps in the implementation and internal management of the FPIC project and to make a set of recommendations for the funding partners (RFN, GTZ and Ford Foundation), which can provide insights into the future relationship between AMAN and RFN.

Project Background

The initial FPIC project which started in 2006 was implemented by AMAN in partnership with Forest Peoples Programme (FPP) and Jaringan Kerja Pemetaan Partisipatif (JKPP), with financial support from DFID and WWF Indonesia. In this initial period, three partners identified and cooperated with indigenous communities involved in natural resource conflicts in three selected cases. The project chose to cooperate with three communities affected by three different models of forest management: Forest Development Rights (*Hak Pengusahaan Hutan – HPH*), Forest Plantation Industries (*Hutan Tanaman Industri – HTI*), and Protected Areas (*Hutan Lindung – HL*). Exploring FPIC with communities affected by these management systems was agreed by AMAN and FPP to be the main concern for the project. These three selected communities are:

- (1) Kuntu community, Kampar district, Riau with the HTI model;
- (2) Lusan community, Paser district, East Kalimantan with the HPH model; and
- (3) Lewolema community, Flores Timur district, NTT with the HL model.

In the project under review, the formal partnership between AMAN, FPP and JKPP continued from September 2007 – December 2009, and received funding support from Ford Foundation, GTZ and RFN. For the period January – July 2010, an extension of the project was requested by AMAN as sole project holder, and this was accepted and funded by RFN.

Findings and Analysis

The Terms of Reference listed four main expected results from the evaluation, while also elaborating six special issues to be addressed. These were also further elaborated under the scope of the evaluation. The evaluation team decided to cover these by dividing the findings and analyses into three main categories i.e. Project Management, Conceptual Framework, and Achievements of Project Objectives and looked at eighteen different aspects which are covered briefly below:

Implementation of the legwork in three sites was done through direct contracts to Local Organisers (LO) that are linked to a local organisation, are trained community organisers and are familiar with the local conditions. While this may be an efficient way of maximizing available resources and allowed a quick start for the project in all three sites, there were gaps

in daily supervision and shared learning which could have been remedied by involving local organisations. No direct involvement of local organisations in the project also meant that with project “closure” (except in Kuntu), there are uncertainties on continuity in terms of follow-up to ensure FPIC agreements are adhered to, and there are ongoing capacity enhancement of indigenous leaders in the three communities.

A fairly large budget is allocated for human resources at the project management level but the amount dedicated for LOs and building of leaders is inadequate considering these are the backbone of the project sites. There was also insufficient allocation for translation to bridge the obvious lack of information in the reports to donors, and for advocacy and networking with the government and the private sectors. An annual analysis of allocations from different donors showing an overall picture and whether available funds are allocated according to priorities of the project was also missing.

Decision-making among the three project partners were based on consensus with clear division of tasks and focus by each partner.

The FPIC team was composed of very committed, well-informed and skilled members. They conducted regular monitoring together with the LOs in the field and produced very detailed reports, which unfortunately were not well-captured in the reports to donors, nor shared with the LOs and local organisations.

Annual updated proposals were prepared after the partner organisations collectively discussed the plan of work for the year. However, these proposals were very much lacking in terms of information except for the 2009 Proposal. These proposals did not provide clear distinction between what was already achieved in the previous year and what still needed to be done, and with tendencies to copy past proposals and outputs.

Progress and Annual Reports (both narrative and financial) to donors are made two to three months after the expected reporting period ended, but there was no realisation that such submissions were late. The language use (English) was unclear and there is lack of coverage. The reports would benefit from a more complete analysis of project achievements/gaps to provide a better picture on the ground especially before the end of the annual reporting period which can then be used to update the proposal for the upcoming project period.

AMAN is responsible for managing the administration of the FPIC project. The change in the Project Coordinator in the middle of the project, coupled with a different focus from the new management affected the degree of understanding of the FPIC project and its strategic choices.¹

FPIC agreements were basically drawn up as conflicts resolution mechanisms. The materials produced and published are comprehensive, providing a rights-based approach that could lend strength and support for communities to organise themselves but these are often delayed. A

¹ AMAN held its third congress in Pontianak, where apart from the change at the national level from Emil Ola Kleiden (Executive Secretary) to Abdon Nababan (Secretary General), there was also changes in the membership and management structure in AMAN.

detailed analysis of relevant national laws, particularly on forestry laws, and training modules are yet to be produced. There is also a need to build more resource persons/facilitators FPIC.

One of the key achievements of the project is that a number of sectors have been strengthened or created in the communities such as the negotiation teams in both Kuntu and Lusan, and the formation of the Punaliput Forum, to follow-up the aspirations of the community (Kuntu) or the demands as per agreement (Lusan and Lewolema). There was also some capacity enhancement of women. Sustained efforts to build up knowledge of the community on indigenous laws and practices and relevant national and international laws, and to strengthen community leaders/representatives/negotiation teams and community organisations are still needed. Inter-village sharing and communication has not been consistent or maximised, which may be necessary in building-up unity in the area in view of the multiple threats of land loss due to expansion by the private sector.

The process of achieving and/or implementing the negotiated FPIC agreements took different paths and is at different levels and for each of the three sites. Both Lewolema and Lusan have reached an agreement and in the process of implementation and follow-up, while Kuntu is still preparing for the negotiation process. All three sites faced/are facing multiple challenges at different stages which constituted important lessons that can be applied in future engagements. An ongoing process of understanding the use of FPIC as a tool to strengthen land and community rights, and to negotiate with other private sectors and government departments present in the traditional territories of these communities are recommended.

There appears to be acceptance of FPIC principles by the government, particularly the Forestry Department at the district, but there is poor institutional memory, and acceptance at the district level may not mean that the department adopts such principles. The project suffers from a lack of a clear mechanism/plan towards achieving the planned output of gaining government recognition. The formation of the Punaliput Forum showed that the local government in Flores Timor supports the FPIC agreement. However, it is unclear whether the Punaliput Forum has an understanding and desire to implement FPIC principles as its core values and commitments.

For the private sector, both PT. RKR and PT. RAPP expressed that it is company policy to respect indigenous/community rights and demands, however there is a need to encourage companies to also communicate agreement (in the case of PT. RKR) or commitment to resolve issues with communities to build up consistency and understanding of the issues at hand.

Organisations like YPPS, SPKS, Hakiki and Scale Up see FPIC as an important tool which they can use/have been using, and see networking and collaboration on advocacy work with government and private companies is also a possibility. Large amount of work with communities on FPIC negotiations already exists, where the information and other materials can be harnessed and disseminated widely.

Materials for FPIC workshops and for general distribution were also described as one of the main output for the project. The output includes the production of maps through a participatory process, and spatial planning in all three sites can be a follow-up or possible activity for other future areas. In general, publications seem to be invariably delayed and it is critical to have a closer follow-up on planned publications date for research results, leaflets

and lessons learnt that could have served as a good background for leaders, organisations, government, private sectors and donors to have a better understanding of the process.

Regular extraction of available information could have been done on the process of realising the FPIC agreements, negotiations and capacity enhancement from field monitoring reports to be used for newsletters and shared with leaders/interested communities and other relevant people.

The expansion plan to six new sites was incorporated in the 2008 proposal but it was decided by the partners and donors that this was not feasible, and decided to focus on the three original sites for the duration of the project. Although much efforts and funds were spent on identifying sites, the FPIC team felt that this was not necessarily a waste as the information can be used later.

In order to strengthen AMAN as an organisation, four activities were undertaken, namely building an AMAN website, database and library, internship, and Critical Legal Course. But these activities are not related to the FPIC programme except for the Critical Legal Course.

An oral commitment and goodwill was made by all three partners to continue work in the three sites, but was unclear on who among the FPIC team members will follow-up the monitoring and legwork and how the LOs will be funded since the LOs and the organisations from Kuntu and Lusan are not independent enough to continue on their own. There are already initiatives from the LO in Lewolema to do expansion work and to draft the *Peraturan Desa*. There is also a need for the FPIC team to develop a module and to do a Training of Trainers to build up a team of resource persons.

Recommendations

1. Effective interventions and sustainability in the sites to ensure community rights are respected through the FPIC concept can only be assured if strong leaders and local organisations exist. AMAN's strategy to have strong community organisations as members, in the long term, is critical. Important mechanisms include identifying and building capacities of community leaders, especially women and youths; enhancing skills in advocacy and campaigning; providing more opportunities for networking and exchanges between community representatives; and helping local organisations to produce better quality reports and analyses.

In the short-term and for the purpose of follow-up in the three sites, AMAN's role could strengthen the *Lembaga Adat* for each of the three sites with the aim of achieving organisational stability. In Lusan, this may need to be a mixed committee comprising the existing traditional and new leaders and the *Kepala Desa* (or at least, his support). In Kuntu, this can be the *Ninik Mamak* and members of the negotiation team. In Lewolema, this could be the traditional leaders and community representatives in the Punaliput Forum.

2. A more collective and continuous approach to monitoring and assessment of the progress in the field will also ensure that the planned objectives and outputs are achieved. At the same time, increasing the shared learning and understanding among key people (project coordinator, resource persons, local organisers and community leaders etc) involved in the implementation of the project is critical. These may be attained through the key meetings

at appropriate times (usually before fiscal year end where an assessment can also be helpful to draw up new proposals/strategies), and through dissemination of relevant information to all key people.

3. Devote more efforts to refining and updating the FPIC concept and principles to deal effectively with land and resource rights of indigenous communities, building on indigenous, national and international laws. The negotiation strategies and priorities can then be reviewed and modified based on community needs and capacities.
4. Strengthen collaboration both locally and internationally in influencing government and private sector policies at the local and national level, and for AMAN and its local partners and networks to explore multiple strategies in advocating for the recognition of FPIC. This involves identifying key issues, and collaborating and building understanding with civil society organisations, and publishing and disseminating information in a timely manner. Willing government and private sectors (eg PT RAPP) can also be encouraged to hold workshops/seminars to promote understanding and acceptance among themselves respectively.
5. AMAN to improve project administration which includes improved and timely reporting to donors. Important mechanisms, particularly projects that involve multiple sites, include clear reporting format and timelines, division of tasks and responsibilities, monitoring mechanisms and ongoing analysis and assessments of project needs and outputs, as well as budget items and allocations.

Adequate allocation for human resources and technical needs such as translation from Bahasa Indonesia to English and improvement of administrative and technical capacities, should also be ensured.

Evaluation Process

3.1 Objectives

The partnership between Rainforest Foundation Norway (RFN) and Aliansi Masyarakat Adat Nusantara (AMAN) was established in 2007 with the initiation of the FPIC project, a project jointly organized by AMAN, Forest Peoples Programme (FPP) and JKPP. As the project is coming to an end, RFN and the project implementers have decided to do an evaluation of the project, to assess its results and explore possible future cooperation with the project's lead organization, AMAN. The evaluation is furthermore a requirement from RFN's back donor NORAD, which expects regular evaluations of the projects managed by the grant recipients.

An important goal of the evaluation will be to assess to what extent human and financial resources has been used efficiently to achieve the project's expected results, and to what degree the project has succeeded in achieving its overall goal. The evaluation is also aimed at drawing lessons from the entire process of project implementation – from its planning, implementation and reporting – and can give an overall picture of the achievements as well as the constraints faced.

In particular, the expected results from the evaluation include:

1. An assessment of the project's efficiency in terms of maximizing available resources.
2. An overview of the strengths, weaknesses, challenges and gaps in project planning, implementation and reporting, and suggestions for how weaknesses could have been addressed
3. An overview of strengths and weaknesses in internal management of the project and recommendations for how weaknesses can be addressed in future projects
4. A set of recommendations for the funding partners, which can provide insights into the role and functions of AMAN and shape the future relationship between AMAN and RFN

3.2 Process and Methodology

Overall Approach and Interview with FPIC Team

The evaluation was conducted between May to July 2010, involving an email discussion between the RFN (Anja Lillegraven), the FPIC team and the evaluation team (Jannie Lasimbang and Arimbi Haroepetri) on the preparation as part of the joint agreement on the Terms of Reference. Background materials were sent to the evaluation team, which became a basis for the team to prepare interview questions.

The evaluation team adopted the same approach recommended as per ToR for the field visit as its overall approach with the FPIC team, i.e. focus group discussion and interviews. An initial focus group half-day discussion was held at the AMAN office on 19 June between the evaluation team and the three project partners (AMAN, FPP and JKPP), followed by a one and half day interview of each of the partners separately. The evaluation team also had an opportunity to interview members of the organisations through email (Patrick Anderson – FPP) and during the site visits.

Site visits

Visit to all the three sites were arranged, each lasting about five days. During these visits, both evaluators were present at the site in Lusan, Kalimantan Timur, but split to visit Lewolema, Flores Timur and Kuntu, Riau respectively. At these site visits, the evaluators had the opportunities to meet with the local organiser and villagers to engage with them directly

and assess the progress of the project implementation. Arrangements for the evaluators, together with the local organisers and a member of the FPIC team, to meet the local government, local NGOs and where appropriate, the company which the communities have been engaged in drawing up the negotiated FPIC agreement.

Presentations of initial findings

As agreed by both the evaluation and the FPIC teams, the presentation of the initial analysis of the findings and recommendations were made on 22nd June 2010 at the AMAN office. The presentation was made in Bahasa Indonesia to facilitate better understanding and this was followed by a general discussion by those present.

Feedback to the draft report

With these findings and analyses, the evaluators drafted the full report which will be sent by email to all the persons identified by the partner organizations, and also to RFN in order to solicit further feedback and comments. Once these feedback and comments received, these will be incorporated into the final report.

3.3 Project Background and Description

The FPIC project was implemented because in Indonesia, about there are about 90 million people living in or around forests holding customary tenure while the government has classified their territories as state forests without consulting these communities. Most of these areas are zoned as forest reserves, production, and conservation, without considering the needs and rights of such communities. A large tract of these areas have been allocated for other interests such as logging concessions, plantation forest, oil palm plantation, protected areas, and mining concessions.

As a result, protracted conflicts occur between communities and governments as well as with companies involved in forestry, plantations and mining. In most cases, the government does not seem to be able or willing to take initiatives to resolve conflicts by acknowledging the rights of the peoples or by assisting companies and communities to find an amicable solution to such conflicts. The conflicts should be considered as destroying sustainable forest management by giving companies the opportunity to exploit the areas, while delaying the systems of forest management practiced by communities. In many areas, negotiations by the private sector with communities lacks sufficient knowledge on the concepts of tenure, ownership and land use of communities, and lacks sufficient understanding of the *adat* and plural legal systems and processes.

On the side of the communities, their involvement in negotiations often happens with a lack of preparation, poor awareness of their rights, low negotiation capacity, and with insufficient preparations or tools to reach an agreement at community level for the negotiation. Hence, conflict resolutions are often temporary, creating disagreements among community members, resulting in a protracted conflict that decreases development effectiveness.

It is for these reasons that AMAN-FPP-JKPP introduced a rights-based approach in negotiating land use agreements and conflict resolution. This approach emphasizes the importance of acknowledging customary rights over land and the principle of negotiated agreements based on the free, prior and informed consent of communities for any development project affecting their customary territories. The principle of negotiated

agreement reached without coercion, after communities have received complete, clear and open information is a widely accepted legal principle of international jurisprudence. The principle demands decision-making processes acknowledge the rights of indigenous communities over their customary lands, and transparent and free negotiation in achieving a solution before taking forward a development proposal in the event that an agreement is achieved.

In 2006, the initial FPIC project was implemented by AMAN in partnership with FPP and JKPP, based on the support of DFID and WWF Indonesia. The three partners carried out a programme to identify and cooperate with indigenous communities involved in natural resource conflicts in three selected cases. However, the initiative to promote FPIC had already started in 2002 through the AMAN's *Rapat Kerja* in Liwa-Lampung.

The project chose to cooperate with communities affected by three different models of forest management: Forest Development Rights (*Hak Pengusahaan Hutan* – HPH), Forest Plantation Industries (*Hutan Tanaman Industri* – HTI), and Protected Areas (*Hutan Lindung* – HL). Exploring FPIC with communities affected by these management systems was agreed by AMAN and FPP to be the main concern for the project.

To help select which communities and cases to offer to assist, the following criteria were used: (1) the community and involved third party have attempted to resolve their conflict without force; (2) the community understands the concept of communal rights on land and forests; and (3) still has a relatively clear indigenous/*adat* institution, laws and traditional territories. With these criteria, AMAN and FPP then carried out an assessment in all of AMAN's regions by (1) reviewing documented areas where communities are living in and around forest areas, and where AMAN has been involved in advocating for conflict resolution; (2) to examine the frequency of communication of such communities with AMAN, particularly involved in the conflict faced; (3) review the extent of institutional structures at the regional and district level where such communities are located; (4) explore the possible cooperation with local NGOs that possess capacities in implementing planned activities; and (5) review transportation access in the future implementation of activities.

With these initial assessments, the three partners decided on three pilot locations. These were (1) Kuntu community, Kampar district, Riau with the HTI model; (2) Lusan community, Paser district, East Kalimantan with the HPH model; and (3) Lewolema community, Flores Timur district, NTT with the HL model.

After the assessment using the five criteria listed above to these three communities, a further appraisal was made by:

- Identifying the institutions in the communities which can be considered as community representatives to interact with representatives of companies or the government;
- Evaluating the capacity, strengths and weaknesses of these institutions in communicating issues on behalf of the community;
- Identifying the capacity enhancement needs of community representatives;
- Considering the roles and responsibilities of such community institutions to reach an agreement with other parties such as the company or conservation organisations;
- Assessing the abilities of the communities to do monitoring;
- Discussing programme and fund management mechanisms; and

- Identifying local institutions and organisations who could be invited to work together in the project.²

The Kuntu community is in conflict with HTI PT. RAPP and with PT. Kebun Pantai Raja (KPR). However PT. RAPP has showed willingness to negotiate with the community. Kuntu's adat institution, the *Lembaga Kerapatan Adat Kampar Kiri dan Khalifah* which is recognized by the government, is still relatively strong. Several local NGOs have been identified such as Hakiki and Jikalahari, in which Hakiki assisted Kuntu community to conduct participatory mapping to map its traditional territory. The map was not accepted by PT. RAPP, especially a 300-hectares disputed area. PT. RAPP does not have sufficient knowledge and understanding about the land tenure system of communities, their adat rights and proper legal processes, while the communities lacked knowledge of their rights, negotiation capacity and the tools and support system to negotiate with other parties. The indigenous organisation, AMAR (Aliansi Masyarakat Adat Riau), is playing an important role in mobilising the people in their struggle to negotiate an agreement with PT. RAPP.

In the Lusan community, the adat institution no longer exists in local decision-making process, as there is only four families who are considered the original inhabitants who own most of the land in Lusan. The community is in conflict with PT RKR and Telaga Mas, but only PT RKR agreed to negotiate with the community as a form of compensation. The community map that was produced prior to the project inception has been accepted by PT. RKR. Several local NGOs such as Yayasan Padi and IHSA, as well as the indigenous organisation, Pema Paser have been working with the community on various projects. The same lack of knowledge and skills of the communities in Kuntu was also seen in Lusan.

The Lewolema community has a long standing conflict with *Dinas Kehutanan* with the inclusion of their adat land into a Protected Forest in the 1980s without their consent or consultation with community's authority was the main source of the conflict. Although an adat institution still regulates the community's way of life including land management, disagreements among the community on their own adat still exist. The negotiation arena has been an important aspect in the ongoing multistakeholder forum process. There is no community map yet, but several local NGOs which potential to assist the process are identified for instance YPPS; LBH-Nusra; Ayu Tani; dan Yayasan Mitra.³

It can be said that 2006 was a period to apply the foundation of the FPIC programme. At that time, the selection of areas was completed and the development of FPIC materials and socialization was started. When such base was evaluated as successful, a continuation period in 2007 – 2009 was developed to negotiations stage and to achieve agreements between the communities and third parties. In this period (2007 – 2009), the formal partnership was continued between AMAN, FPP and JKPP and received funding support from Ford Foundation, GTZ and RFN. For the period January – July 2010, an extension of the project was requested by AMAN as sole project holder, and this was accepted by RFN.

² Abstract from FGD 9 June 2010 in AMAN office, and the *Final Report on Resolving Conflicts over Forests: Free, Prior and Informed Consent and Negotiated Agreements*, AMAN, 2007.

³ See Report on Pre-Workshop FPIC, 15 – 16 March 2006, Jakarta, organised by AMAN, with collaboration of FPP, WWF and JKPP, supported by oleh DFID.

It is important to note that AMAN held its third congress in Pontianak, where apart from the change at the national level from Emil Kleiden (Executive Secretary) to Abdon Nababan (Secretary General), there was a change in the membership structure in AMAN from indigenous organisations to indigenous community organisations. Also introduced was a new structure of Managing Director (*Pengurus Besar* – PB), Territorial Manager (*Pengurus Wilayah* – PW) and District Manager (*Pengurus Daerah* – PD).⁴ These changes in the organisation of AMAN had an influence on the FPIC project and its strategic choices.

3.4 Constraints and Limitations

Although the time allocated for the evaluation has been agreed upon, one of the main constraints of the evaluation is the limited time to read additional materials, which were received after the field visits upon the request of the evaluators after having better understood the contexts in the field. These were mainly workshop and monitoring reports. This is also because the contents of the proposals and reports to RFN, which were the two main initial source of information on the project that were sent to the evaluators were far too limited to get a good grasp of the project.

Another constraint was the language difference between Bahasa Indonesia and Bahasa Malaysia faced by Jannie, as an evaluator coming from Malaysia, as almost all those interviewed could only talk in Indonesian. This was overcome with some elaborations of acronyms used and rephrasing by the local organisers in the field.

⁴ See AMAN's *Anggaran Dasar*

4. Findings and Analysis

The Terms of Reference listed four main expected results from the evaluation, while also elaborating six special issues to be addressed. These were also further elaborated under the scope of the evaluation. The evaluation team decided to cover these by dividing the findings and analyses into three main categories i.e. Project Management, Conceptual Framework, and Achievements of Project Objectives, each of which are further sub-divided into relevant issues. Under this chapter, the findings and analysis are presented in the form of strengths and weaknesses as well as what the evaluators see as gaps and suggestions on how the weaknesses could have been addressed in the framework or implementation.

4.1 Project Management

4.1.1 *Selection and Roles of Local Implementers*

The first task of the FPIC team after it decided to work in three sites namely Lusan, Kuntu and Lewolema was to identify and contract a Local Organiser (LO) to do the legwork in each of the areas. The criteria set was that the person is linked to a local organisation, is trained in community organising and familiar with the local conditions. The evaluators see these criteria as an efficient way of maximizing available resources and allowed a quick start for the project in all three sites.

A direct contract to the LOs (through an agreement by the local organisation), however, meant that there was no daily supervision by a local organisation. There was indeed some weakness in this as the project coordinator/FPIC team expressed the constant need to follow-up the LOs and to get activity reports on time, which was problematic because the three LOs have many other responsibilities and involvements (some have 2 – 3 jobs at the same time). However, while the FPIC team lamented about poor quality and timely reporting from the LOs, the LOs also lamented lack of understanding about the project objectives. This lack of understanding was somehow linked to the contract of the LOs as “event organisers”. Although the FPIC team did not envisage the LOs to be event organisers, apparently their contracts did not really allow for them to have a bigger role.

The gaps identified by the evaluators relates to continuity. By not involving the local organisation in the project in a proactive way, follow-up work at the site level may not become a priority for these local organisations. The local organisations in all three sites (PEMA Paser in Lusan, AMA Riau in Kuntu and YPPS in Lewolema) do not have core funds to do follow-up work after the project ends, except for Lewolema which currently receives funds from the government for the Community-Based Forest Management (CBFM) or *Pengelolaan Hutan Berbasis Masyarakat* (PHBM) and where the LO has decided to solicit funds for further expansion work.

In terms of recommendations, contracts could have been made with a local organisation instead. The change in AMAN’s membership structure is an opportunity although this can also be a weakness in terms of building the capacity of community organisations where none currently exists. It is also important from the outset of the project to identify leaders directly from the site/community. The direct contract to an individual also meant that lessons learnt by the LO may not necessarily be passed to his/her local organisation as well as other organisations in the district/province. As such, the project in the three sites could have benefited by having a mechanism to transfer lessons to other organisations working in the same area.

4.1.2 Efficiency in Resource Allocation

The FPIC team drew up the initial 2007 - 2009 proposal to RFN, Ford Foundation and GTZ in 2007 as a continuation of the FPIC project that ended in 2006. Updated one-year proposals were also drawn at the end of each fiscal year, where it is understood that allocation of resources could be reviewed and adapted according to the needs of the project. The evaluators did not have sufficient time to peruse the budget sections of the project proposals. However, since the ToR specifically requested an assessment of the project's efficiency in terms of maximizing available resources, the evaluators deemed it necessary to examine the financial allocations, and thus requested AMAN for the audited financial reports during this period. However, since the ToR is ambiguous on this and there were severe time constraints to make a proper assessment of the audited reports, the findings and analysis here would be mainly confined to the brief analysis of the audited financial reports and the discussions with the FPIC team and AMAN's finance manager. It is important to note that the broad categorization of items in the audited reports also makes it difficult to make a proper assessment of the allocations.

In terms of budget allocation, all key activities of the project, such as meetings, production of materials, training, and travels were included as specific items in the budget over the three-year period. A fairly large allocation for human resources was also approved by all three donors for specific purposes (LOs, Project Coordinator, Secretariat personnel and consultants). However, the amount dedicated for LOs and building of leaders are deemed inadequate considering these are the backbone of the project sites. Future projects should provide sufficient allocation for building local leaders and follow-up to ensure sustainability.

There was also insufficient allocation for translation. Larger allocation for translation from Bahasa Indonesia to English could have bridged the obvious lack of information in the progress and annual reports. Future budgeting needs to take this into consideration, in accordance to the language skills of the project coordinator.

The allocation for advocacy and networking with the government and the private sectors was not obvious in the budget in view of the desired project output to get the government (and private sector, though not explicit in the proposals) to recognise FPIC agreements at the local, regional and national levels.

There was a large allocation, especially in 2008, to identify new sites. However, the efforts would seem to have failed in that no new sites were eventually agreed upon based on the criteria set by the FPIC team. While this search for new sites produced useful information that can be used in future, it may have saved resources if better information gathering of potential areas and pre-analysis of this information were conducted. Additionally, elaborate FPIC workshops involving all the FPIC team going to the areas seemed unnecessary, particularly when no follow-up could be conducted.

One of the gaps to ensure maximization of resources was also the lack of analysis in terms of percentage allocated from different donors that can show an overall picture and whether available funds are allocated according to priorities of the project. The evaluators found no ongoing analysis of the amount allocated to actual outputs as well as for problematic areas (eg translation, lobbying and travel for Lusan which involved difficult terrain).

4.1.3 Decision-making among partners

Decision-making among the three project partners were based on consensus with clear division of tasks and focus by each partner. FPP was responsible for the FPIC content or substance, JKPP for mapping, and AMAN for overall administration of the project, including hiring the project coordinator, liaising with the indigenous communities in the three sites and also with other Indonesian groups that have skills and interests relevant to the project. Officers from the three partner organisations formed the FPIC team, which held regular meetings. While consensus decision-making was deemed ideal by the team, they also sometimes found the process to be tedious and caused bottle-necks if keys persons were not available from one of the partner organisations.

A mechanism for dispute resolution was through a Steering Committee made up of Marcus Colchester (FPP) and Abdon Nababan (AMAN). Most differences of opinions were resolved through the partners meeting but it appeared that some disputes on project focus could not be resolved entirely such as the change in AMAN's membership structure after its Congress in 2007 that affected the project implementation but this was outside the control of the FPIC team or the Steering Committee. There were also some disagreement on the project focus in the transition from stage 1 (2006) and stage 2 (starting 2007) of the project. Initial gaps were also identified in the transfer of knowledge and administration in 2008 when Mahir Takaka handed over project coordination to Erasmus Cahyadi.

After the project completion in December 2009, a Memorandum of Understanding (MoU) to continue supporting the sites was signed by all partners. However, follow-up activities to provide support in the areas were not made clear in the MoU as well as decision on what constitute programme closure, although AMAN was assumed to follow-up through its application for support to RFN for the period January – July 2010. It should be noted that some members of the FPIC team sees the project objectives in both Lewolema and Lusan as achieved and the project should be considered closed. Nevertheless, it is recommended that clear exit/follow-up strategies should be identified in any other future sites prior to project closure.

All three partner organisations have decided to terminate the partnership as of December 2009, however they pledged to continue providing support for similar future FPIC activities. For FPP the crucial consideration of supporting for the future FPIC activities if there is a clear direct benefit for the community of AMAN's member (this is Emil inputs). AMAN plans to introduce the FPIC concept in sixteen of its network areas, although it is not clear whether the existing three sites will be included. It is recommended that AMAN adopts these three sites into its programme/organising work, especially Kuntu where follow-up work is still needed. FPP is working on FPIC and REDD with NGOs and local communities in five provinces, and continues to cooperate with Sawit Watch to promote FPIC in their work with local communities affected by oil palm plantations. JKPP and AMAN has also started a new initiative to map indigenous/adat territories (BWRA). All three organisations agreed that it is easier to administer future projects on their own.

4.1.4 Project Monitoring by FPIC Team

The FPIC team was composed of very committed, well-informed and skilled members. They conducted regular monitoring together with the LOs in the field (at least once in 3 months to sometimes two times in a month). Follow-up of the LOs were done by the project

coordinator, particularly in terms of getting field reports. Field monitoring, including gathering lessons and challenges in field implementation, were well documented by the responsible FPIC team member but unfortunately these were not well-captured in the report to donors. The reports to donors also did not indicate the frequency of these monitoring visits, and gave a wrong impression that supervisions only happened once a year (see annual reports 2008, 2009 and 2010).

Regular meetings were apparently held by the FPIC team to discuss and analyse progress in the field (two to three meetings a month). However the regular meeting is only exist after Erasmus Cahyadi has taking over the work from Mahir Takaka (Emil inputs), but there also appears to be a lack of information in the report to donors on the process and frequency of such meetings.

The evaluators found very detailed monitoring visit reports and materials supporting the intense work in the area (letters issued by the *Kepala Desa*, formation of *Lembaga Adat* etc) by the project coordinator and members of the FPIC team. The format of these reports vary and there seems to be no clear format which may be useful but efficient for all the FPIC team members to document field visits or progress in the field. Such a simple format would be useful and could be sent to the LO or the local organisation as a reference and to help analyse the progress in the three sites. A weakness identified is that these monitoring reports and analyses were not sent to the LOs or the local organisations, whether to the respective site or to others, to share what was happening in other sites.

4.1.5 Formulation of Proposals

After the partner organisations collectively discussed the plan of work for the next year, a proposal was usually drafted and sent to donors annually based on the original 2007 proposal. However, the evaluators found the proposals very much lacking in terms of information, except for the 2009 Proposal which provided clear information on outputs and activities. These proposals which were updated annually do not provide a clear distinction between what was already achieved in the previous project period and what still needed to be done, and there was a tendency to copy-paste past proposals and outputs. There was also insufficient information on FPP and JKPP and what their roles were in these updated proposals (see for example, 2009 Proposal, section c, pg 8).

The strength of the project was that donors have committed to provide three-year support with the possibility for annual proposals to be adapted to the current needs in the three sites. Nevertheless, some expected outputs which were perhaps too ambitious and could have been better assessed based on local situation, staff, time or financial resource allocation (eg FPIC agreement for Kuntu, recognition by relevant government departments and private sector or the research work), or the change in AMAN's vision (for example after the change of membership and project leadership), were not reflected well in updated proposals. This could have reduced unnecessary stress for the Project Coordinator and FPIC team members, not to mention, the donors who may not have had the opportunity to visit any of the sites. It is recommended therefore that any future project should undergo annual assessment of needs and allocation of budget especially on human resource needs, and provide clear additional plans on how to achieve the expected outputs, with the involvement of local implementers, in order to get a better picture of the challenges faced in the field.

4.1.6 Communication with donors

The agreed process for communication with donors among the FPIC team was to channel such communication through the Programme Coordinator. However other partners were free to also contact donors directly. An advantage with RFN was that its officers could understand Bahasa Indonesia. Nevertheless, the FPIC team still admitted that email communication in-between reporting periods were irregular due to the lack of understanding on the importance of such regular communication, not just during reporting periods. As a recommendation, the translation of relevant field monitoring reports into English as well as ongoing updates of achievements/gaps in the project can be used as basis for regular communication with donors.

4.1.7 Reporting to Donors

Progress and Annual Reports (both narrative and financial) were usually sent to donors within two to three months after the expected reporting period ended, but there was no realisation from the Project Coordinator that this may have been late for RFN. The process of preparing the reports involved a discussion among the FPIC team members as to the contents of the report, followed by the preparation of the report by the Project Coordinator, before given a final check by the AMAN Secretary General.

Although field monitoring and workshop reports etc were available which can be a basis for the report to donors, there was limited reporting of progress, and the reports did not always reflect fully, the activities and achievements and challenges on the ground. The Project Coordinator expressed that this may be due to him being too diligent in following the reporting format from RFN, which is rather limited and to his understanding, does not allow adequate reporting on process. The report would benefit from a more complete analysis of project achievements/gaps to provide a better picture on the ground especially before the end of the annual reporting period which can then be used to update the proposal for the upcoming project period.

Although a translator was hired to translate the report from Bahasa Indonesia to English, the evaluators found language use and translation of the report into English rather unclear. A good translation of relevant sections of the field reports which can be attached to the annual/progress report may be useful, and this would imply providing adequate, but important, budget for translation.

4.1.8 Project Management by AMAN

The FPIC project inception was developed by AMAN and FPP. It then further developed into a partnership with AMAN focused on project coordination and administration, FPP for the FPIC substance/content, and JKPP to conduct participatory mapping in the field. To facilitate the analysis of the project management, the evaluators have divided the FPIC project into two stages. Stage 1 (2005 – 2007) laid the foundation, where the selection of the areas/locations, participatory mapping, development of FPIC materials, socialisation and building the agreement with the selected communities and local organisation were carried out. Stage 1 was conducted with support from WWF and DFID.

The composition of project personnel was:

Responsible Person for Project	: Y.L. Franky (AMAN Programme Coordinator who was directly responsible for overseeing project implementation with the AMAN Executive Secretary);
Project Coordinator	: R. Yando Zakaria (Responsible for implementing the project activities and report to AMAN Programme Coordinator)
Mapping Coordinator	: Jaringan Kerja Pemetaan Partisipatif (JKPP)
Project Funding	: Asep Suhendar /AMAN
Project Administration	: Ratna/AMAN
Volunteer	: Yuyun Indradi (staff joint program DtE-AMAN); Emil Kleden/AMAN; Patrick Anderson/FPP
Consultant	: Marcus Colchester/FPP

Stage 2 (2007 – 2010) was the continuation and development from stage 1 with the main objective of achieving an agreement with the conflicting party. Stage 2 received financial support from Ford Foundation, GTZ and RFN.

In the 3rd AMAN Congress in Pontianak, the change in AMAN management, structure and priorities occurred. The AMAN leadership also changed from Emil Kleiden as Executive Secretary to Abdon Nababan as Secretary General. These changes in the organisation had an influence in the development of the FPIC project and its strategic choices. The handing over of the FPIC project from the previous managers to the following new managers occurred on 9 April 2007.

Responsible Person	: Abdon Nababan
Project Coordinator	: Mahir Takaka, replaced by Erasmus from January 2008.
Finance Manager	: Rainy Situmorang

There were good documentation in stage 1, and with the handing over of the project, the new managers in AMAN showed capability in providing firm administrative boundaries and responsibilities in managing the FPIC project. Nevertheless, the change in personnel (all the FPIC administrative managers in AMAN were new), coupled with a different focus from the new management affected the degree of understanding of FPIC and implementation strategy. The change in the Project Coordinator in the middle of the project influenced the order of administration and reporting of progress because the Project Coordinator is responsible not only for the communication between AMAN and its two partners (FPP and JKPP), but also with the local organisers in the field and the local organisations. He is also responsible for

preparing the report to donors with the supervision by the responsible person. There was some general delay and gaps in reporting which were mentioned in 4.1.7.

An observation was made regarding the inconsistencies and lack of focus of AMAN in the project when the AMAN Secretariat took on more responsibilities in 2007/2008 and where much of the energy of its staff were shifted towards political mobilisation, which subsequently affected project administration. This was however, defended by AMAN leadership as necessary and based on the decision of its members.

4.2 Conceptual Framework

4.2.1 Understanding of FPIC Concepts

The principle of FPIC is relevant for conflict resolution and where the concept is already an integral part of indigenous peoples' own concept of rights. FPIC concept and principles are also recognised at the international level. There were numerous lessons from the FPIC processes that communities undertook to reach an agreement with the third party that they were in conflict with in Lowelema and Lusan but these were not synthesized well into the reports and findings of the project. Another weakness in the project has been its inability to produce training modules which can be applied and used widely by communities or organisations wishing to promote the concept.

4.2.2 Content of FPIC materials

The materials that have been produced and published are comprehensive, providing a rights-based approach that could lend strength and support for communities to organise themselves. However, there are delays in publishing and disseminating materials, which includes a detailed analysis of relevant national laws, particularly on forestry laws. The FPIC Handbook is designed only for activists, and similar handbooks have been requested by governments and the private sectors which could provide guidance in applying FPIC.

4.2.3 Building FPIC facilitators/resource persons

The FPIC facilitators or resource persons who are mainly members of the FPIC team are committed and knowledgeable individuals, with the capability to give training of trainers. These are important resources who can build more facilitators since there are currently only a limited number of such persons. Trainings of trainers are therefore required, again bringing the need for training modules.

4.3 Achievement of Project Objectives

4.3.1 Strengthening community movement/organisations

One of the key achievements in the project is the apparent sectors that have been strengthened or created in the communities such as the negotiation teams in both Kuntu and Lusan, and the formation of the Punaliput Forum, to follow-up the aspirations of the community (Kuntu) or the demands as per agreement (Lusan and Lewolema). There were also some capacity enhancement of women - in particular, the reported active participation of women in the participatory mapping and other workshops (Lusan), involvement of women in negotiation team (Kuntu) but more efforts are still required to build leadership. While the participation of

youths was mentioned by the communities in all three areas, this was not very obvious in the site visits.

There is also a general acceptance of the FPIC activities by traditional institutions and the communities in all three sites, although sustained efforts to build up knowledge on indigenous laws and practices and relevant national and international laws are still needed. The incorporation of indigenous laws into the negotiations (for example the PHBM model), as well as the use of these as counter arguments are still needed. There are different levels of needs by these traditional institutions in the three sites which will be dealt with later in this section.

In terms of building inter-village cooperation, some attempts were made in Lusan, and as part of the work programme by Hakiki and AMAR in Kuntu, but a better mechanism for sharing with other villages and local organisations working in the same area are still needed (eg wider distribution of materials and meetings).

More specifically in Kuntu, past mistrust of outsiders and among leaders and community members took time to overcome, especially with the community facing multiple institutions and companies, including encroachment by outsiders. This has contributed to the delay in negotiating the FPIC agreement with PT RAPP. A good mechanism is needed to assist the *Ninik Mamak* towards better information-sharing to bridge their hierarchical structure, as well as to intensify efforts to assist the community negotiation team in unity-building. There is also a need to speed up process of inter-village understanding especially on setting village boundaries and to strengthen the informal network for other ongoing project work with other organisations, even if these are not focused on strengthening community organisations.

For Lusan, the formation of the *Lembaga Adat* has not been effective and there is a need to focus efforts in strengthening traditional structures and leaders and on the understanding of indigenous/adat laws by all communities. With a mixed community in Lusan, it is important to decide whether it is necessary to prioritise the building of local (and indigenous) leaders. There is also a need to select potential leaders from the beginning (not just rely on existing leaders in the community who are mainly teachers). Inter-village sharing and communication has not been consistent or maximised, which may be necessary in building-up unity in the area in view of the multiple threats of land loss due to expansion by the private sector.

In Lewolema, there is still a need to further strengthen community representatives within the Punaliput Forum, which is currently dominated by the Forestry department representative. Keeping Punaliput Forum as a forum for decision-making among stakeholders as equals is critical. Currently, the activeness of the Forum is mainly due to the initiative of the Secretary of the Forum, who is also *Dishut* staff from Flores Timur district. This situation opens the possibility for conflict of interest between him as a member of the Punaliput Forum which should respect the principles of equality, and himself as the forest department staff which places higher priority to the security of the State compared to land rights of local communities. Therefore, there should be improvement in the meetings and in documenting decisions that are approved by all members of the Forum based on the principle of FPIC. There is also a need to carry out capacity building of community representatives so that they understand the debate and work patterns of a Forum and be able to compete with members of the board from other elements.

4.3.2 Process of achieving/implementing negotiated/FPIC agreements

In Lusan, the good communication with the public relations (*Humas*) section of PT. RKR enabled timely agreement and delivery of some aspects of the demands (for example house building and solar panels, water wells and rubber seedlings), although there are some confusion on the terms of agreements by both the community and the company. While the formation of a negotiating team is significant in the implementation of the FPIC agreement, there is still some clarity needed on whether the negotiation team or the village head (who apparently has been doing this work) should be following-up with PT RKR. This also implies the need to clarify the roles of the village head, since there is current tension between him and other village leaders.

The community map that was overlaid on PT. RKR's concession area provided solid evidence in achieving the negotiated FPIC agreements. There is now further effort to link with Yayasan Padi and IHSA to set aside a Community Forest area that is currently under the name of Pak Talib, one of the indigenous elders in Lusan. There is also a need for the community to grasp land rights issues with co-responsibility on forest protection.

Although several efforts to invite neighbouring communities to workshops in Lusan have been organised over the 3-year project period, it appeared that these communities do not seem to be attracted to the developments in Lusan, most likely due to lack of sharing and socialisation between the two communities. Nevertheless, the neighbouring Muara Payang community recognises the need to also understand and apply the FPIC concept as they too face large companies in the area.

In Kuntu, an agreement between the community and PT RKR has not been achieved but solid preparatory work is in place, with the negotiation team having a clear position, and efforts to ensure neighbouring communities accept the territorial boundaries with Kuntu. This delay in the negotiations is attributed to a change in negotiating team leader and "waiting for each other" (*saling menunggu*) to act. With this delay, it is recommended that AMAN adopts Kuntu as one of the sixteen areas in which it will identify in its new proposal and to re-visit the timeframe for Kuntu in achieving negotiated FPIC agreement. The planned negotiation skills workshop, map overlay, paralegal training and dialogues with authorities are yet to be implemented (now scheduled for July – December period).

Other reasons for the delay stem from the lack of support from the local government, and PT RAPP being a huge company with enormous power. As such there is a need to build better relationship with the local government and PT RAPP, both of which expressed openness to the FPIC concept. The negotiation team members are also very dependent on leaders to act/give their approval, indicating the need for AMAN to have a proper understanding of the traditional structure and decision-making processes and the situation in Kuntu (and neighbouring villages) to ensure better timing of output. The mapping team also failed to secure the maps from the private sector and the government (for the SM) to get a good and complete overlay with the updated community map.

In Lewolema, the Panaliput Forum served as an important achievement, as was the implementation of the PHBM concept in 50 ha of community land in two areas for 25 years. However, the Punaliput Forum could be hijacked by *Dishut* if there is no proper monitoring guidance provided by the FPIC team. A mechanism to prevent misuse of community maps needs to be instituted by the community with the help of JKPP. With respect to the PHBM

concept, there is a need to provide a clear comparison to the community between HKM and PHBM concepts and processes with the aim of strengthening the PHBM model.

In general, it is still unclear whether the change in Project Coordinator and LOs with multiple tasks on the ground also contributed to the delay in the field to achieve the planned FPIC agreements. As mentioned earlier, an ongoing process of analysis and sharing of challenges between the local implementers and FPIC team could have benefited the project. Additionally, an ongoing process of understanding of the use of FPIC as a tool to strengthen land and community rights, and to negotiate with other private sectors (in Lusan) and government departments (responsible for SM in Kuntu) present in the territories of these three sites are also recommended.

4.3.3 Acceptance of FPIC concept by government, private sector and LSM

As far as acceptance of the FPIC concept by the *government*, both the representatives of *Dishut* in Grogot, Kaltim and Bakinang, Riau expressed support for FPIC and community rights to land. For Lusan, a Decree (*Surat Keputusan*) was issued by the village head (*Kepala Desa*), although such a letter only has limited jurisdiction even if it was sent to the District Officer (*Bupati*). The evaluators found that government departments have a poor institutional memory, and acceptance at the district level may or may not mean that the department adopts the FPIC concept and the processes. In actual fact, both representatives of the *Dishut* in Bakinang and Grogot were unable to provide an analysis of the FPIC project as they were not involved personally in any of the project activities such as workshops and negotiations.

More generally, the project suffers from a lack of a clear mechanism to achieve Expected Output 4 (*Agreement endorsement by local, national and provincial governments. Indicator – commitment & political decision from government & legislative or official letter of endorsement*). It is therefore necessary in future projects to draw up a clear mechanism/plan towards achieving this output and include this as a specific task of the LOs or local implementing organisations.

In Lewolema, the East Flores Regency Decree No. 124 of 2006 on the Inauguration Forum Punaliput Tana Ekan Lamaholot - East Flores ('Embracing the Livelihood lands of the Lamaholot people'), showed that the local government supports the agreement. However, it is unclear whether this Punaliput Forum has an understanding and desire to implement FPIC as the values and commitments of the forum. It should be noted that the initiative to form this forum already existed before the FPIC project in Lewolema, as the basis for the principles of negotiation was included into the Multistakeholder Forestry Project funded by the DFID, and it was agreed that all negotiations will then be undertaken to decide on matters that have been mentioned in the details of the agreement that has been made. Negotiations would involve the *Raja Tuan*, traditional leaders, representatives from neighboring villages, an observer from the district or adjacent islands, the regents/*bupati*, the forest department, the 40 village heads in the district, local NGOs and religious leaders. Therefore, the need for constant supervision from the FPIC team to encourage the FPIC principles should be applied in the Punaliput Forum.

As for the *private sector*, both PT. RKR and PT. RAPP expressed that it is company policy to respect indigenous/community rights and demands. PT RKR has allocated personnel just to deal with the delivery of agreed terms, while PT RAPP sees this as sound management, not just as part of their Corporate Social Responsibility or Community Development plans. PT

RAPP has created a unit (Sustainability, Environment and Stakeholders Engagement) headed by Dian Novarina who claims she is in constant contact with AMAN Executive Director. The PT RAPP representative expressed that she is not entirely convinced about FPIC principles, particularly on the issues of representation; prior i.e. whether this means before the Environmental Impact Assessment or decree (SK) has been issued; and transparency. Like the local government, PT RAPP also has poor institutional memory, and participation in project activities was apparently not consistent over the years.

Among key recommendations are the need to encourage companies to also communicate agreement (in the case of PT. RKR) or commitment to resolve issues with communities to build up consistency and understanding of the issues at hand eg holding discussions or training with other companies; providing information on FPIC issues directly to relevant people in the respective companies and to hold ongoing meeting and information-sharing through workshops and materials to build good relations and pressure, and to ensure proper understanding of community rights and FPIC principles to these companies.

For *organisations*, YPPS, SPKS, Hakiki and Scale Up all see FPIC as an important tool which they can also use/have been using. Yayasan Padi (Kaltim) and Hakiki (Riau) see the network and organisational building as part of their work and will continue the partnership with AMAN, FPP and JKPP as well as with the communities. Large amount of work with communities on FPIC negotiations already exists, and therefore information and cases especially with respect to RSPO by Scale Up. Disseminating such cases and information and other materials can be distributed to communities. Collaboration on advocacy work with government and private companies, in particular with Scale Up is also a possibility.

Relevant organisations do not have funds for core support on institutional building in the 3 sites, only project funds, although Hakiki sees the possibility of incorporating support for the community in case funding from AMAN is not available although this was expressed by its Executive Director as not desirable. Ongoing discussions to ensure continuity on the ground at the minimum to support organisational building after project has ended (especially if no focused support for these sites) are therefore needed.

4.3.4 Production of materials

Materials for FPIC workshops and for general distribution were also described as one of the main output for the project. The output also includes the production of maps through a participatory process, overlaid with concession or protected area maps, and received community recognition (and in the case of Lusan and Lewolema, the recognition by PT RKR and *Dishut* respectively). However, the relevance of these maps does not seem to be understood by government or private sector. Mapping efforts were also linked to spatial planning, where five such maps have been produced in Lewolema. The policy to involve communities in spatial planning, which is an important government planning process starting from the village to national level, was not realised early enough or given enough attention. The mapping and planning process could have been an important contribution to this policy at the local and district levels. Spatial planning in all three sites can be a follow-up or possible activity for other future areas.

The first and second editions of FPIC Handbook for Activists were published and distributed widely and available in AMAN's website. The text in the handbook however is too small and not very friendly reading for old/long-sighted people! The book on *Lessons Learnt* from the

three sites (*Pengalaman Penerapan FPIC di Tiga Lokasi*), which is rather overdue, is on its final stage of completion, and planned for wide distribution.

Research was carried out in all the three areas, through training for, and data gathering by local researchers but the results were not well-circulated in the community, nor sent to donors or other organisations. The objectives and methodology of the research was not clear and did not seem to be consistent for the three sites. As an example, the Kuntu data was not comprehensive enough. The research on *Reform on Forestry Laws*, which was a planned output for 2009, is also delayed and there is some confusion on who among the FPIC team should be doing the research. There is also planned production of leaflets (see Annual Application 2009 6a.12) but these not produced yet.

In general, publications seem to be invariably delayed and it is critical to have a closer follow-up on planned publications date for research results, leaflets and lessons learnt that could have served a good background for leaders, organisations, government, private sectors and donors to have a better understanding of the process if produced earlier. Regular extraction of available information on the process of realising the FPIC agreement, negotiation and capacity enhancement from field monitoring reports to be made into a newsletter and shared with leaders/interested communities and other relevant people may be easier.

4.3.5 Expansion Plan

As discussed under 4.1.2 “Efficiency in Resource Allocation”, the expansion plan to six new sites was incorporated in the 2008 proposal but it was decided that this was not feasible, and instead ongoing focus will be on the three original sites for the duration of the project. Although much efforts and funds were spent on identifying sites, the FPIC team felt that this was not necessarily a waste as the information can be used later. However, the lack of expansion plan could have affected the potential of getting stronger position with respect to lobbying changes in government policy.

When project ended in Dec 2009, AMAN further decided not to expand but focus on three sites and to finalise the outputs that were not achieved. AMAN is currently planning to have a programme to apply the FPIC principles (not clear whether as a project or organisational building). Meanwhile FPP has been working for two years on FPIC with national and local NGO’s and community organisations in three provinces where REDD pilot projects will affect communities (Riau, Papua and West Papua), and in 2010 is expanding this work to include cooperation with communities and NGO’s in Aceh and Central Kalimantan.

4.3.6 Enhancing AMAN’s organisational capacity

In order to strengthen AMAN as an organisation, four activities were undertaken, namely building an AMAN website, database and library, internship, and Critical Legal Course. But not all the above activities are directly related to the FPIC programme. Only the Critical Legal Course has a strong relationship with the FPIC project, where an insight into community legislation and policies related to the forestry sector to strengthen the capacity of communities in the negotiations and to build facilitators who understand critical laws. The rest are not at all related to the FPIC project directly.

Looking ahead, it would be better if there are structural plans to strengthen AMAN's capacities in conducting and disseminating the FPIC approach as one alternative conflict resolution on natural resources. For example, in Website development, there needs to be a specific corner that dialogs about the FPIC projects and application issues. Regarding the databases and libraries, there is a need to have good documentation of FPIC, including FPIC assessment results in the field, meeting notes, memorandum of understanding, and narrative reports, to enable AMAN to build an 'organizational memory' on the issue of consent. For Internships, there must be a specific curriculum for interns about FPIC, that will build an understanding of FPIC and ensure the dissemination of FPIC issues in a systematic way and simultaneously supports local initiatives.

4.3.7 Project Follow-up

An oral commitment and goodwill was made by all three partners to continue work in the three sites (but particularly Kuntu in view of the work that needs to be done). Follow-up Spatial Planning workshops similar to those previously held in Kuntu and Lusan were planned, with involvement of neighbouring communities and in five communities in Lewolema by AMAN and JKPP.

It is however unclear who among the FPIC team members will follow-up the monitoring and legwork in the three areas and how the LOs will be funded to carry out the work since the LOs and the organisations from Kuntu and Lusan are not independent enough to continue on its own. In Lewolema there is already an initiative to draft the *Peraturan Daerah* (Regional Law) on PHBM initiated by Forum Punaliput.

There is also a need to develop a mechanism to provide advice to the communities on how to engage other companies, since only one was engaged in the negotiation during the project period. There is ongoing informal collaboration between FPP and AMAN on the promotion of FPIC concept and principles targeting government and private sectors, together with civil society organisations such as Sawit Watch and Scale Up. Further dissemination of materials should also be continued.

AMAN, FPP and JKPP have made organisational decisions to include the FPIC concept in their work in other communities. However, from the FPIC team's assessment, there are still only a few individuals who have the capacity to act as resource persons necessary for such expansion work. If AMAN plans to apply the FPIC principles to sixteen areas, there is also a need for the FPIC team to develop a module and to do a Training of Trainers to build up a team of resource persons.

5. Conclusions and Recommendations

As of December 2009, the FPIC project which was jointly implemented by the three partner organisations, AMAN, FPP and JKPP came to an end.

Below are a general set of recommendations for the funding partners with respect to the project period of 2007 – 2009. Since FPP and AMAN are each continuing in their own way to implement the FPIC principles and concept into their work with communities, involving government and the private sector (with JKPP continuing to support mapping in some of these areas), these may still have relevance for such projects. The recommendations could also serve as insights into AMAN's roles and functions and its future relationships between AMAN and RFN, since AMAN has already started to act as sole project implementer for the period January – July 2010, and envisages applying the FPIC concept into sixteen areas within its network.

1. Effective interventions and sustainability in the sites to ensure community rights are respected through the FPIC concept can only be assured if strong leaders and local organisations exist. AMAN's strategy to have strong community organisations as members, in the long term, is critical. Important mechanisms include identifying and building capacities of community leaders, especially women and youths; enhancing skills in advocacy and campaigning; providing more opportunities for networking and exchanges between community representatives; and helping local organisations to produce better quality reports and analyses.

In the short-term and for the purpose of follow-up in the three sites, AMAN's role could strengthen the *Lembaga Adat* for each of the three sites with the aim of achieving organisational stability. In Lusan, this may need to be a mixed committee comprising the existing traditional and new leaders and the *Kepala Desa* (or at least, his support). In Kuntu, this can be the *Ninik Mamak* and members of the negotiation team. In Lewolema, this could be the traditional leaders and community representatives in the Punaliput Forum.

2. A more collective and continuous approach to monitoring and assessment of the progress in the field will also ensure that the planned objectives and outputs are achieved. At the same time, increasing the shared learning and understanding among key people (project coordinator, resource persons, local organisers and community leaders etc) involved in the implementation of the project is critical. These may be attained through the key meetings at appropriate times (usually before fiscal year end where an assessment can also be helpful to draw up new proposals/strategies), and through dissemination of relevant information to all key people.
3. Devote more efforts to refining and updating the FPIC concept and principles to deal effectively with land and resource rights of indigenous communities, building on indigenous, national and international laws. The negotiation strategies and priorities can then be reviewed and modified based on community needs and capacities.
4. Strengthen collaboration both locally and internationally in influencing government and private sector policies at the local and national level, and for AMAN and its local partners and networks to explore multiple strategies in advocating for the recognition of FPIC. This involves identifying key issues, and collaborating and building understanding with

civil society organisations, and publishing and disseminating information in a timely manner. Willing government and private sectors (eg PT RAPP) can also be encouraged to hold workshops/seminars to promote understanding and acceptance among themselves respectively.

5. AMAN to improve project administration which includes improved and timely reporting to donors. Important mechanisms, particularly projects that involve multiple sites, include clear reporting format and timelines, division of tasks and responsibilities, monitoring mechanisms and ongoing analysis and assessments of project needs and outputs, as well as budget items and allocations.

Adequate allocation for human resources and technical needs such as translation from Bahasa Indonesia to English and improvement of administrative and technical capacities, should also be ensured.

Annex 1 - Evaluation Programme

No	Kegiatan	Waktu	Keterangan
1	Evaluator sampai di Jakarta	08/06/2010	
2	Diskusi bersama di Kantor AMAN	09 /06/2010	Tim Evaluasi, AMAN, FPP dan JKPP
3	Diskusi sendiri-sendiri di tiga lembaga (AMAN-FPP-JKPP)	10/06/2010	Evaluator dengan AMAN; evaluator dengan JKPP; evaluator dengan FPP.
	<i>Tim evaluasi bersama-sama</i>		
	Kunjungan lapangan ke Lusan, Kaltim	11-13/06/2010	Evaluator dengan fasilitator local dan Angky (FPP)
	Diskusi dengan PT. RKR	14/06/2010	Evaluator dengan fasilitator lokal
	Kembali ke Jakarta	15/06/2010	
	<i>Tim terpisah, evaluator 1</i>		
4	Kunjungan Lapangan ke Lewolema, Flores Timur	16-18 /06/ 2010	Arimbi dengan fasilitator lokal dan Erasmus (Project Coordinator)
5	Diskusi dengan forum Multipihak (Punaliput), Dinas Kehutanan, DPRD Kabupaten Flores Timur	19/06/2010	Evaluator dengan fasilitator lokal
6	Kembali Ke Jakarta	20/06/2010	
	<i>Tim terpisah, evaluator 2</i>		
7	Kunjungan lapangan ke Kenegerian Kuntu, Riau	16-18/06/2010	Jannie dengan fasilitator lokal, Imam (JKPP) dan Yudi (AMAN)
8	Diskusi dengan PT. RAPP di Riau	19/06/2010	Evaluator dan fasilitator lokal
9	Kembali ke Jakarta	20/06/2010	
10	Persiapan penulisan bahan presentasi	21/06/2010	evaluator
11	Presentasi Hasil Temuan Sementara, diikuti oleh diskusi dan masukan dari AMAN-FPP-JKPP	22/06/2010	Evaluator, AMAN, FPP & JKPP
12	Batas waktu draf evaluasi dalam bahasa Inggris dan bahasa Indonesia	30/6/2010	evaluator
13	Batas waktu masukan dan komen pada drafnya	6/7/2010	RFN dan AMAN-FPP-JKPP
14	Batas waktu laporan final dalam Bahasa Inggris dan Bahasa Indonesia	9/7/2010	evaluator

Annex 2 - SWOT Analysis Table

Project Management

<i>Kekuatan/Strengths</i>	<i>Kelemahan/Weaknesses</i>	<i>Kesenjangan/Gaps</i>	<i>Saran/Suggestions</i>
1. Selection and roles of local implementer			
<ul style="list-style-type: none"> Local organisers (LO) are trained and familiar with the local conditions Efficient way of maximising available resources in the field Allows quick start for the project 	<ul style="list-style-type: none"> Direct contract to the LOs (but with the consent of the local organisation) mean lessons learnt by the LO are not necessarily passed to his local organisation. LOs have much involvement and the Project coordinator and FPIC team has to follow-up on the LOs, which is problematic when the LOs are very busy. FPIC team lamented about poor quality and frequency of reporting from the LOs, while LOs lamented lack of understanding about the project objectives 	<ul style="list-style-type: none"> Capacity enhancement at the site level for follow-up work is not the priority for the local organisations. Local organisations do not have core funds to do follow-up work after the project ends. Although FPIC team did not envisaged the LOs just event organisers, but the ToR did not really allow for them to have a bigger role. 	<ul style="list-style-type: none"> Could do a contract with local organisation instead of LOs (change in AMAN's membership structure is an opportunity and a weakness in terms of the lag in building capacity of community organisation for the project) Identify opportunities and mechanisms to transfer lessons to other organisations working in the same area Identify LOs and build leaders from the site community from the start
2. Allocation of funds/human resources			
<ul style="list-style-type: none"> To check allocation of funds (esp monitoring by FPIC team and LOs; Allocation of for all key activities – meetings, production of materials, training, (nego) and human resources Search for new sites produced useful information that can be used in future 	<ul style="list-style-type: none"> Allocations for LOs and building of leaders are too little considering these are the backbone of the project sites Allocation for translation is not sufficient Allocation for advocacy and networking with government and PT is not obvious Allocation for travel in areas that involve difficult terrain (i.e. Lusan) should be higher. 	<ul style="list-style-type: none"> No analysis of the % of allocation from different donors that can show whether available funds are allocated according to priorities of the project No ongoing analysis of the amount allocated and the output produced as well as problematic areas (eg materials and lobbying; and travel for Lusan) Information gathering of areas 	<ul style="list-style-type: none"> Bigger allocation for building local work and human resource to ensure sustainability Allocation for advocacy work To allocation of translation for reports, in accordance to skills of PC Better pre-analysis of the expansion areas and less elaborate activities eg one which may not necessarily involve all the FPIC team going to the areas.

	<ul style="list-style-type: none"> • Allocation for lobby work was insufficient • Large allocation + efforts to identify new sites but this failed to identify new sites 	prior to site visits & workshops	
3. Decision-making among partners (during project period)			
<ul style="list-style-type: none"> • Consensus decision-making and division of tasks/focus by each partner. • Mechanism for dispute resolution i.e. a Steering Committee made up of Marcus and Abdon • Regular meetings with representative(s) from all 3 partner organisations • After project completion in December 2009, an MoU to continue supporting the sites was signed 	<ul style="list-style-type: none"> • Consensus decision-making sometimes found to be tedious and may cause bottle-necks if keys persons are not available from one of the partner organisations. • Gaps between stage 1 & stage 2 of the project • Some gaps in the transfer of knowledge in 2008 after Mahir handed over project coordination to Eras • Some disputes on project focus could not be resolved entirely • Change in AMAN's membership structure which affected the project implementation was outside the control of the FPIC team 	<ul style="list-style-type: none"> • Necessary follow-up activities to support/exit strategies (AMAN assumed to follow-up) in the areas was not made clear in the MoU as well as decision on what constitute programme closure (note: Angky sees project objectives in both Lewolema and Lusan as achieved and project should be considered closed). • 	<ul style="list-style-type: none"> • All 3 organisations have decided to terminate the partnership as of Dec 2009, however they pledged to continue providing support for similar future activities. AMAN will head its own FPIC project involving 16 areas, while FPP will work in 5 areas. JKPP and AMAN has started a new initiative to map adat territories (BWRA). All three organisations agree it is <i>easier</i> to administer the project on their own. • AMAN to adopt 3 sites into its programme/organising work, especially Kuntu. • Identify clear exit/follow-up strategies in any other future sites.

4. Project Monitoring by FPIC Team			
<ul style="list-style-type: none"> • Very committed, well-informed and skilled FPIC team members • Regular meeting by FPIC team to discuss progress (2 -3 meetings a month) • Regular monitoring of local implementers in the field by FPIC team (at least once in 3 months or sometimes 2 times a month) • Direct follow-up by project coordinator (Eras) with LOs • Reporting format for monitoring and for LOs 	<ul style="list-style-type: none"> • Field monitoring and lessons/challenges in the field are not well socialised esp LO. • Progress reports, or site reports on what is happening in other areas were not sent to local LO/PO. • LOs report according to activities (as per ToR) which may not necessarily provide a comprehensive analysis of the site. 	<ul style="list-style-type: none"> • Progress reports to donors do not reflect field monitoring visits (and frequency). • Better recording of discussions during FPIC team meeting (there was no materials to back up the claim that minutes were taken during the meeting). • Format for FPIC team members to document field visits/progress • Standard format for reporting in the sites by LOs 	<ul style="list-style-type: none"> • Easy but efficient format for FPIC team members and LOs to document field visits/progress • Standard format for monitoring report that includes ongoing analysis of the work on the ground. • Monitoring visits by FPIC team to include information sharing and reflection session with LOs to check whether they understand their tasks etc • Better reflection of project monitoring report into reports to donors
5. Formulation of Proposals			
<ul style="list-style-type: none"> • Proposals were drafted and sent to donors annually after a collective decision by partner organisations • Donors have commitment to provide 3-yr but the annual proposal may be adapt to needs in the 3 sites 	<ul style="list-style-type: none"> • Distinction between what was already achieved and what was still needed to be done for a particular project period was not clear and tended to overlap previous year(s). • Tendency to copy-paste past proposal and outputs. • Only 2009 Proposal provided clear information on outputs. • 2009 Proposal does not give sufficient information on FPP and JKPP (see 2009 prop section c, pg 8) 	<ul style="list-style-type: none"> • Some expected outputs were perhaps too ambitious/not properly assessed based on local situation, staff, time or financial resource allocation (eg FPIC agreement for Kuntu, recognition by govt and PT and research work). • This could have resulted in unnecessary stress for the PC and FPIC team members. 	<ul style="list-style-type: none"> • Proper assessment of needs and allocation of budget especially on human resource needs. • Clear additional plans on how to achieve the expected outputs by FPIC team and LOs could provide better clarity for all partners and LOs • Involve local organisers and POs in proposal-making in order to get a better picture of challenges before finalising future proposals

6. Communication with donors			
<ul style="list-style-type: none"> • Communication channeled through AMAN Project Coordinator (esp after 2006) but other partners could also contact donors directly • RFN officers (Anja) understands BI 	<ul style="list-style-type: none"> • Email communication in-between reporting periods irregular 	<ul style="list-style-type: none"> • Lack of analysis about the importance of such regular communication, not just during reporting period 	<ul style="list-style-type: none"> • Translation of field reports into English which can be used as basis for communication. • Better ongoing updates of achievements/gaps to be communicated on a regular basis
7. Report to RFN (narrative and financial)			
<ul style="list-style-type: none"> • Progress and Annual Reports are in place/sent to donors within 2 – 3 months after the expected reporting period. • Field/workshop reports etc are available which can be a basis for report to donors • FPIC team members are also involved in checking the report, which is then given a final check by AMAN-PB. 	<ul style="list-style-type: none"> • Narrative reports tend to repeat previous reports (i.e. outside the report timeframe) • Limited reporting of progress and does not always reflect fully, the activities and achievements/challenges on the ground/sites. • Progress reports to donors do not reflect field monitoring visits well • Language use and translation of report into English not very clear. • Report format from RFN is limited and does not allow for report on the process 	<ul style="list-style-type: none"> • More complete analysis of project achievements/gaps that can provide a better picture on the ground esp before the end of the reporting period so this can be used for the progress report. 	<ul style="list-style-type: none"> • Translation of relevant (sections of) field reports to be attached to the annual/progress report • Adequate allocation of funds for translation of report from BI to English • Better analysis of achievements/gaps to be incorporated in the progress and annual reports.

Achievement of Project Objectives

<i>Kekuatan/Strengths</i>	<i>Kelemahan/Weaknesses</i>	<i>Kesenjangan/Gaps</i>	<i>Saran/Suggestions</i>
1. Strengthening community movement/organisations			
- Lembaga adat, women & youths			
<ul style="list-style-type: none"> Strengthened sectors in the communities eg negotiation teams, Panaliput Forum following-up demands as per agreement Some capacity enhancement of women mapping and workshops (Lusan), involvement of women in nego team (Kuntu) Acceptance of activities by traditional institution (Kuntu and Lusan) Inter-village cooperation – some attempts in Lusan, part of the work programme by Hakiki/AMAR (Kuntu) Informal network for other ongoing project work with other LSM although not focused on strengthening community organisations 	<p>(Lusan)</p> <ul style="list-style-type: none"> Formation of Lembaga Adat not effective Building of local (& indigenous) leaders is not very clear/prioritized Inter-village sharing/communication is not consistent/maximised <p>(Kuntu)</p> <ul style="list-style-type: none"> Past mistrust of outsiders and among leaders and community members has to take time to overcome Community face multiple institutions and companies, including encroachment by outsiders Women involvement insufficient Involvement of youths is also not apparent yet 	<ul style="list-style-type: none"> Participation of youths was mentioned but it was not very obvious Sustained efforts to build up knowledge on relevant international and national laws. Sustained efforts to incorporate hukum adat into the negotiations such as PHBM model, as well as to use these as counter arguments <p>(Lusan)</p> <ul style="list-style-type: none"> Selection of potential leaders from the beginning (not just rely on existing leaders in the community eg teachers) More focused strengthening of Lembaga Adat <p>(Kuntu)</p> <ul style="list-style-type: none"> Mechanism to assist Ninik Mamak towards better information-sharing to bridge the hierarchical structure 	<ul style="list-style-type: none"> Mechanism for sharing with other villages and LSM working in the same area (eg wider distribution of materials and meetings) Build-up knowledge on indigenous laws and practices and relevant national and international laws Sustained efforts to incorporate hukum adat into the negotiations such as PHBM model, as well as to use these as counter arguments <p>(Lusan)</p> <ul style="list-style-type: none"> Focus efforts on using adat laws and strengthening of traditional structures and leaders <p>(Kuntu)</p> <ul style="list-style-type: none"> Speed up process of inter-village understanding especially on setting village boundaries Intensify efforts to assist Ninik Mamak and nego team in unity building <p>(Lewolema)</p> <ul style="list-style-type: none"> Strengthen community representatives within the Panaliput Forum

2. <i>Process of achieving/implementing negotiated/FPIC agreements</i>			
<p>Lusan</p> <ul style="list-style-type: none"> • Good communication with Humas section of PT. RKR enabled timely agreement and delivery of some aspects of the demands (house & solar panels, sumur/wells and rubber seedlings) • Community map overlaid on PT. RKR's concession area provided solid evidence • Nego team and KD (emphasis on KD) made consistent follow-up • Link with Y. Padi & IHSA to set aside of Community Forest area <p>Kuntu</p> <ul style="list-style-type: none"> • Agreement not realised but solid preparatory work is in place (nego team with a clear position, ensuring neighbouring communities accept the territorial boundaries with Kuntu) <p>Lewolema</p> <ul style="list-style-type: none"> • Punaliput Forum • PHBM of 50 ha of land in 2 areas for 25 years. 	<p>Lusan</p> <ul style="list-style-type: none"> • Confused terms of agreements (no of seedlings/delivery) • Unclear follow-up with PT RKR (KD or nego team) • Land rights and co-responsibility on forest protection do not seem to have been properly grasped • Other communities have not seemed to be attracted to the efforts in Lusan <p>Kuntu</p> <ul style="list-style-type: none"> • Fair amount of time lag due to change in nego team leader and "waiting" for others (<i>saling menunggu</i>), AMAN secgen's visit to Kuntu overdue. • Lack of support fm government & PT RAPP being a huge company with enormous power. • Team members are dependent on leaders to act/give their ok. • Mapping team did not secure maps from private sector and govt (SM) to get a good and complete overlay with community map <p>Lewolema</p> <ul style="list-style-type: none"> • Panaliput Forum could be hijacked by Dishut if not proper monitoring guidance provided by team 	<ul style="list-style-type: none"> • Unclear whether the change in Project coordinator and local implementer with multiple tasks on the ground also contributed to the delay on the field. • Relationship with local govt and PR of PT RAPP was not developed • Proper understanding of the traditional structure and decision-making processes and situation in Kuntu (and neighbouring villages) to ensure better timing of output. • Ongoing process of analysis and sharing of challenges between the local implementers <p>(Lewolema)</p> <ul style="list-style-type: none"> • Mechanism to prevent misuse of community maps • Comparison between HKM and PHBM process and with the aim of strengthening PHBM model. 	<ul style="list-style-type: none"> • Ongoing process of understanding the use of FPIC as a tool to strengthen land and community rights; and to negotiate with other PT & government departments (eg SM) present in the territories of these 3 communities. • Re-visit timeframe for Kuntu in achieving negotiated FPIC agreement, including nego skills workshop, map overlay, paralegal training and dialogues with authorities. <p>(Lewolema)</p> <ul style="list-style-type: none"> • Clearer understanding of who should be responsible for the maps • Strengthening PHBM model

3. <i>Penerimaan FPIC</i> - Pemerintah, Perusahaan, LSM lain			
<p>Government</p> <ul style="list-style-type: none"> • Dishut in Grogot, Kaltim and Bakinang, Riau and Lewolima expressed support for FPIC and community rights to land • SK from the KD of Lusan <p>Companies</p> <ul style="list-style-type: none"> • Both PT. RKR & PT. RAPP expressed company policy to respect indigenous/community rights and demands. • PT RAPP sees this as sound management, not just CSR/CD. • PT RAPP has Sustainability, Environment and Stakeholders Engagement unit, constant contact with AMAN-PB. • PT RKR allocated personnel to deliver agreed terms <p>LSM</p> <ul style="list-style-type: none"> • SPKS, Hakiki and Scale Up see FPIC as an important tool they can also use/have been using. • Y. Padi/Hakiki see the network and organisational building as part of their work and will continue the partnership Large amount of work with communities on FPIC negotiations, and therefore information and cases esp wrt RSPO by Scale Up 	<p>Government</p> <ul style="list-style-type: none"> • Poor institutional memory in both areas, and therefore not clear on the FPIC concept and the processes that have happened • Unable to provide an analysis of the FPIC project <p>Companies</p> <ul style="list-style-type: none"> • PT RAPP also has poor institutional memory, and participation in project activities is not consistent. • PT RAPP expressed is not convinced about FPIC principles (representation, prior i.e. sblm AMDAL/SK, transparency) <p>LSM</p> <ul style="list-style-type: none"> • Relevant LSMs do not have funds for core support on institutional building in the 3 sites, only project funds. • Hakiki sees the possibility of incorporating support for the community in case funding from AMAN is not available – but this is not desirable. 	<p>Government</p> <ul style="list-style-type: none"> • Mechanism to achieve Expected Output 4 not clear. (<i>Agreement endorsement by local, national and provincial governments. Indicator – commitment & political decision from government & legislative or official letter of endorsement</i>) <p>Companies</p> <ul style="list-style-type: none"> • Encouraging companies to also communicate agreement (in the case of PT. RKR) or commitment to resolve issues with communities to build up consistency and understanding of the issues at hand eg holding discussions or training with other PTs. • Providing information on FPIC issues directly to relevant people <p>LSM</p> <ul style="list-style-type: none"> • Disseminating cases and information that were developed by Scale Up, or available to be distributed to the communities. 	<p>Government</p> <ul style="list-style-type: none"> • To draw up a clear mechanism/plan towards achieving this output and include within the LI's ToR • Unsure whether the Lusan Agreement or SK was sent to kpd bupati) <p>Companies</p> <ul style="list-style-type: none"> • Ongoing meeting and information-sharing through workshops and materials to build good relations and pressure, and to ensure proper understanding of community rights and FPIC principles to these PTs. <p>LSM</p> <ul style="list-style-type: none"> • Ongoing discussions to ensure continuity on the ground at the minimum to support organisational building after project have ended (especially if no focused support for these sites). • Collaboration on advocacy work with government and PTs, in particular with Scale Up

4. <i>Production of materials</i> - Maps, Handbook, Research, Lessons Learnt			
<ul style="list-style-type: none"> • Map produced through a participatory process is out, overlaid with concession map, and received community recognition (& government/PT). Also distributed widely in Lusan. Mapping efforts was also linked to spatial planning. • 1st and 2nd edition of FPIC Handbook for Activists published and distributed. Also available in AMAN's website. • Research carried out in all 3 areas, through training and data gathering by local researchers • Research on Forestry Laws initiated • Publication on Lessons Learnt from the 3 sites is on its final stage of completion, and planned for wide distribution • Planned production of Leaflets 	<ul style="list-style-type: none"> • (original) map is not put out in a prominent place. Relevance does not seem to be known/understood by government or PT. • Handbook for governments and companies not developed. Handbook text is too small (not very friendly reading for old/long-sighted people!!) • Objectives and methodology of the research not clear and did not consistent for 3 sites. Research results not well-circulated in the community or donor or other organisations. Kuntu data was not comprehensive. • Research on Forestry Laws delayed – initial output planned in 2009 • Lessons Learnt taking a fairly long time to complete. • Leaflets not produced yet. 	<ul style="list-style-type: none"> • The policy to involve communities in Spatial Planning was not realised early enough/given enough attention that could have enabled the mapping process to be an important contribution to this policy at the local and district levels. • Closer follow-up on the planned publication of research results, leaflets and Lessons Learnt which could have served a good background for leaders, LSM, government, PT and donors to have a better understanding of the process if produced earlier. Publications seem to be invariably delayed. • Some confusion on who should be doing the Research on Forestry Laws 	<ul style="list-style-type: none"> • Follow-up on spatial planning in all 3 sites. • Regular extraction of information on the process of realising the FPIC agreement, negotiation and capacity enhancement from field reports to be made into a newsletter to be shared with leaders/interested communities and other relevant people. • Re-visit materials that were planned to be produced and check timeframe for publication.
5. <i>Area Expansion</i>			
<ul style="list-style-type: none"> • Expansion plan in 6 sites incorporated in 2008 proposal but it was decided that this was not possible, and instead ongoing focus will be on the three original sites until the project ended. • AMAN is currently planning to have a programme to apply the FPIC principles (not clear whether as a project or 	<ul style="list-style-type: none"> • When project ended in Dec 2009, AMAN further decided not to expand but focus on 3 sites and to finalise the outputs that were not achieved. • Too much efforts and funds spent on identifying sites but eventually, no sites were decided upon. 	<ul style="list-style-type: none"> • Lack of expansion plan could have affected the potential of getting stronger position wrt lobbying changes in government policy/new spatial planning period • See also under “allocation of funds/human resources” 	<ul style="list-style-type: none"> • See also under “allocation of funds/human resources”

organisational building), FPP started work in 5 new areas			
6. Enhancing AMAN's organisational capacity (Arimbi)			
There is an initiative to strengthen AMAN's organisational capacity through website development, database and literature, internship, and critical legal course.	Only one activity (critical legal course) has a direct relation with FPIC project.	<ul style="list-style-type: none"> The initiatives begin in the middle, thus need to renegotiate to the partners and the donor (the Ford Foundation) as well. 	<ul style="list-style-type: none"> There should be a structural planning in enhancing AMAN's organisational capacity for advocating FPIC as an alternative natural resources conflict resolution. There should be a specific database and literature development on FPIC, so that organisational memory on FPIC would remain.
7. Follow-up Planning (after July 2010)			
<ul style="list-style-type: none"> AMAN, FPP and JKPP have made organisational decisions to continue including the FPIC process in their work. Follow-up Spatial Planning workshops (previously held in Kuntu and Lusan and with involvement of neighbouring communities, and now with 5 communities in Lewolema). Oral commitment and goodwill from 3 partners to continue work in all 3 sites (but particularly Kuntu in view of the work that needs to be done). Initiatives from LO (Melky) in Lewolema to do expansion work and to work on <i>Peraturan Desa</i> 	<ul style="list-style-type: none"> Unclear whether 3 sites (or at least Kuntu) will be included in the new proposal from AMAN Unclear who among the FPIC team will follow-up the work in the 3 areas and how the LO will be funded to carry out the work Assessment criteria on who can act as resource persons for the project Local organisers and organisations from Kuntu and Lusan not independent enough to continue on its own. 	<ul style="list-style-type: none"> No mechanism/advice on how communities engage other companies, since only one was engaged in negotiation during the project period. 	<ul style="list-style-type: none"> Joint collaboration between FPP and AMAN to do national natural resources campaigns promoting FPIC principles targeting govt and private sectors with CSO, Sawit Watch and Scale Up Joint collaboration between JKPP and AMAN on spatial planning Wide dissemination of materials Collaborative work to do Training of Trainers by FPIC Team

Annex 3 - List of people interviewed

No	Nama	Keterangan
Jakarta		
1	Abdon Nababan	Sekjen PB AMAN
2	Erasmuc Cahyadi	Koordinator Proyek FPIC AMAN
3	Rainy Situmorang	Direktorat Operasional dan Manajemen
4	Mahir Takaka	Wakil Sekjen
5	Emil Kleiden (FPP/ YYS Pusaka)	FPP – Yayasan Pusaka
6	YL. Frangky	FPP – Yayasan Pusaka
7	Patrick Anderson	FPP - Via email
8	Kasmita Widodo	Direktur JKPP
9	Imam Hanavi	JKPP
Kalimantan Timur		
10	Masyarakat desa Lusan (FGD)	Dihadiri oleh 67 orang dan sempat ada FGD khusus kelompok perempuan
11	Muksin	Sekretaris BPD
12	Bahli	Ketua BPD
13	M. Thalib	Tokoh Adat/ Tuan tanah
14	Masyarakat desa Muara Payang	Dihadiri 13 orang, 1 perempuan
15	Eko	Kabag perusahaan hutan Dishuttamben, Paser
16	Supriyanto	Bidang Sosial PT. RKR
17	Asep Rachmat	Bidang Perencanaan PT. RKR
18	Ahmad SJ.	Direktur Yayasan Padi - Balikpapan
NTT		
19	Samuel (JKPP – Nusra)	
20	Masyarakat desa Bantala Lewolima	FGD dengan 5 orang masyarakat, dan 8 perempuan
21	Romanus (YPPS)	Juga FGD dengan 8 staff YPPS lainnya
22	Marthen B	Stas Dishutbun Flotim sekaligus sebagai Sekretaris Forum Punaliput
23	Anton Hadjon	Anggota DPRD Kab. Flotim
24	Frans LS Hurint	Anggota DPRD Kab. Flotim
25	Yos S Bethan	Anggota DPRD Kab. Flotim
26	Masyarakat Desa Boru Kedang	FGD dengan 25 orang
27	Edu Sareng	Pengurus Daerah AMAN NTT
28	Fabby	Pengurus Daerah AMAN NTT
Riau		
29	Taryudi,	AMAN Secretariat
30	Imam H	JKPP
31	Fatra Budianto	LO for Kuntu/Hakiki Executive Director
32	Damanhuri	Kuntu nego team member
33	Alfa Yontayak	Kuntu nego team member
34	Jafri	AMAR/Kuntu nego team member
35	Erdawati	Kuntu nego team member
36	Kahirudi	Kuntu nego team member
37	Azman	Kuntu nego team member
38	Bustamir	AMAR/Ninik Mamak
39	Purwadi	Dishut, Bangkinan
40	Ir. M. Syafi'i	Sekretaris Dishut Bangkinan
41	Dian Navarina	PT RAPP
42	Lukmantara	PT RAPP
43	Edward Wahab	PT RAPP
44	Zazali	Scale Up

Annex 4 - Literature and References

1. AMAN Funding Application to Rainforest Foundation for the FPIC Project 2007
2. AMAN Funding Application to Rainforest Foundation for the FPIC Project 2008 (exactly the same content as 1)
3. Annual Application 2009 - Multiple year application form for new projects or continuation of existing projects for the partners of Rainforest Foundation Norway (RFN)
4. Formulir permohonan tahunan untuk kelanjutan pendanaan proyek bagi mitra Rainforest Foundation Norwegia (RFN) – 2010
5. Progress Report - Free Prior and Informed Consent (FPIC) Project - Period: 1st September 2007 to 31st January 2008
6. Progress Report - Free Prior and Informed Consent (FPIC) Project - Period: 1st February 2008 to 31st January 2009
7. Progress Report - Free Prior and Informed Consent (FPIC) Project - Period: 1st February 2009 to 31st January 2010
8. LAPORAN AKHIR 2006 - *Resolving Conflicts Over Forests: Free, Prior and Informed Consent and Negotiated Agreements*
9. Draft (2010) - *Pengalaman Penerapan FPIC di Tiga Lokasi di Indonesia*, ed. Emil Ola Kleiden
10. *Standard Operating Procedure* adopted by AMAN-FPP-JKPP for the project
11. Laporan Kegiatan Pelatihan Pembuatan Peraturan Desa di Lusan, 16 – 18 September 2009 by Erasmus Cahyadi
12. Laporan pelaksanaan seminar nasional FPIC, 14 – 16 Maret, 2010 by Erasmus Cahyadi
13. Kontrak Kerja: Pengurus Besar AMAN dengan Syahtul sebagai Local Organiser di Lusan, Kalimantan Timur (and same contracts for Melky, Lewolima and Fatra Budianto, Kuntu)
14. AMAN audited financial reports for the FPIC project year ending 2007, 2008 and 2009.
15. Hasil Supervisi dan Monitoring Program FPIC, Komunitas Kuntu, Kenegerian Kuntu, Kec. Kampar Kiri, Kab. Kampar, Provinsi Riau by Mahir Takaka, Feb 2008
16. Laporan Pertemuan Kampung dan Latihan Fasilitator Pemetaan Partisipatif bagi Kader AMAN, Komunitas Adat Lewolema, Flores Timur, 1 – 3 September, 2009.
17. Catatan Diskusi Sekjend AMAN dengan Tokoh Masyarakat Kenegerian Kuntu, 8 – 9 Mei 2009
18. Laporan Monitoring Perkembangan Proyek FPIC di Lewolema: Proyek contoh pengembangan kebun masyarakat di dalam Hutan Lindung oleh Emil Ola Kleden
19. FPP, *Prinsip Free, Prior and Informed Consent: Sebuah Panduan bagi Para Aktivis*, 2009
20. Buku Saku Kongres Masyarakat Adat Nusantara III di Pontianak 2007
21. Laporan Riset Lewolima “Memahami Kompleksitas Hak Masyarakat Adat Lewolima atas Hutan dan Mekanisme Pengambilan Keputusan atas Hak-hak tersebut” Melky Koli Baran (2008)
22. Laporan Riset Paser “ Memahami Hak Masyarakat Adat atas Hutan dan Mekanisme Pengambilan Keputusan di Lusan, Kecamatan Murama Komam, Kab. Paser, Kalimantan Timur” Amin Jafar (2009)
23. Laporan Riset Kuntu ”Penelitian Hak Masyarakat Adat atas Hutan dan Mekanisme Pengambilan Keputusan di Kuntu, Kec. Kampar Kiri, Kab. Kampar – Riau, tanpa tahun/undated
24. Buletin Kabar dari Kampung, Edisi 1 Juli – 31 Oktober 2009
25. Seri Panduan Pemetaan Partisipatif, JKPP (tanpa tahun)
26. FPIC, REDD dan Resolusi Konflik, Pusaka 2009.

Annex 5 - Terms of Reference

Term of Reference Evaluasi Proyek FPIC by RFN

Nama Proyek:

“To Support for Organizational Development and for Training and Technical Assistance to Help Indigenous Communities to Negotiate Agreements based on Free, Prior and Informed Consent (FPIC) in the Forestry Sector”.

A. Tujuan Evaluasi Proyek FPIC:

Kemitraan antara Rainforest Foundation Norway (RFN) dan Aliansi Masyarakat Adat Nusantara (AMAN) didirikan pada tahun 2007 dengan memulai proyek FPIC, sebuah proyek yang diselenggarakan oleh AMAN, Forest Peoples Programme dan JKPP. Proyek ini akan diselesaikan pada bulan Juli tahun ini, dan oleh karena itu tepat waktu untuk RFN mengevaluasi hasil-hasilnya, dan juga untuk melihat kemungkinan untuk kerjasama dengan AMAN sebagai pemimpin proyek FPIC. Selanjutnya, evaluasi merupakan persyaratan dari NORAD (sebagai back donor), yang mengharapkan evaluasi berkala dari proyek yang dikelola oleh penerima hibah.

Tujuan penting dari evaluasi adalah untuk menilai sejauh mana sumber daya manusia dan keuangan telah digunakan secara efisien untuk mencapai hasil yang diharapkan proyek, dan sejauh mana proyek ini telah berhasil dalam mencapai tujuan utama. Selanjutnya, evaluasi ini bertujuan untuk mendapatkan pembelajaran dari keseluruhan proses implementasi proyek, baik dari perencanaan, pelaksanaan sampai dengan pelaporan, termasuk di dalamnya adalah gambaran tentang kemajuan-kemajuan yang telah dicapai maupun kendala-kendala yang dihadapi selama implementasi proyek.

B. Hasil yang diharapkan:

6. Penilaian efisiensi proyek dalam hal memaksimalkan sumber daya yang tersedia.
7. Tinjauan tentang kekuatan, kelemahan, tantangan dan kesenjangan dalam perencanaan, pelaksanaan dan pelaporan, dan saran untuk bagaimana kelemahan bisa diatasi
8. Sebuah gambaran kekuatan dan kelemahan dalam manajemen internal proyek dan rekomendasi untuk bagaimana kelemahan dapat diatasi dalam proyek-proyek lain di masa depan
9. Sebuah set rekomendasi untuk para mitra pendanaan, yang dapat memberikan wawasan peran dan fungsi AMAN dan bentuk hubungan masa depan antara AMAN dan RFN

C. Isu-isu khusus untuk ditangani:

1. Kontribusi proyek dalam rangka pengembangan gerakan dan organisasi masyarakat adat.
2. Penerimaan prinsip-prinsip FPIC oleh pemerintah Indonesia setelah proyek.
3. Faktor internal dan eksternal yang menyebabkan kemajuan-kemajuan proyek maupun hambatan-hambatannya
4. Proses kerjasama antara tiga organisasi pengelola proyek (AMAN-FPP-JKPP), dan dengan RFN
5. Kapasitas pengelolaan program dan pelaporan capaian di beberapa tingkat, dari fasilitator lapangan sampai ke laporan kepada donor.
6. Kendala-kendala yang dihadapi selama proyek berlangsung, dan kemungkinan cari jalan keluar.

D. Ruang lingkup evaluasi:

Fokus utama evaluasi adalah pada pelaksanaan project selama 2007-2010. Di samping itu juga perlu melihat proyek dari proses inisiasi dan bagaimana lahirnya project ini. Point-point berikut dibawah ini bertujuan untuk menjadi panduan evaluasi:

1. Efektifitas dalam pencapaian keberhasilan:

- a. Melihat pencapaian proyek secara umum, baik hasil maupun tujuan proyek.
- b. Menganalisis proses bagaimana mencapai hasil dan kendala-kendala yang dihadapi serta sejauh mana proyek mengatasinya kendala-kendala tersebut.

2. Efisiensi.

- a. Apakah pengalokasian anggaran dengan penentuan prioritas kegiatan cukup tepat terhadap pencapaian output?
- b. Sejauhmana pengadaan dan pengembangan sumber daya manusia (staf) memadai dalam pelaksanaan proyek?

3. Dampak Proyek:

- a. Melihat dampak yang diharapkan dan dampak yang tidak diharapkan yang ditimbulkan proyek ke stakeholders kunci terutama terhadap komunitas-komunitas masyarakat adat di tiga site FPIC (Lewolema, Lusan dan Kuntu).
- b. Memberikan analisa dan penjelasan mengenai penyebab dampak dan bagaimana dan sejauhmana dampak negatif dapat diatasi sesuai urgensinya.
- c. Response pemerintah di tingkat lokal kabupaten dan nasional terhadap prinsip-prinsip FPIC
- d. Response perusahaan setempat ataupun pihak lainnya (Dishut dalam kasus Lewolema) yang terlibat bersengketa terhadap prinsip FPIC dan penerapannya dalam kebijakan perusahaan dan pihak lainnya;
- e. Response masyarakat sekitar site project terhadap prinsip FPIC dan penerapannya;

4. Berkelanjutan

- a. Melihat manfaat yang bersifat berkesinambungan yang didapat stake holders kunci dari proyek baik ditingkat hasil-hasil maupun tujuan proyek.
- b. Memberikan analisa dan rekomendasi terhadap hasil proyek yang mungkin berpotensi untuk berkelanjutan.
- c. Bagaimana menggunakan pengetahuan dan kapasitas yang didapat selama implementasi proyek untuk implementasi selanjutnya?

5. Organisasi Proyek dan Manajemen.

- a. Melihat dan menganalisis organisasi proyek yang dikaitkan dengan penanganan permasalahan yang dihadapi proyek.
- b. Melihat hambatan-hambatan internal dan eksternal secara organisasi dan manajemen proyek.
- c. Melihat pola kemitraan antara AMAN, FPP dan JKPP
- d. Melihat pola kemitraan antara tim FPIC dengan RFN

E. Evaluator yang Diusulkan:

1. Jannie Lasimbang (pemimpin tim)
2. Arimbi Haroe Putri

Pemimpin tim memiliki tanggung jawab keseluruhan (has the overall responsibility) untuk perencanaan kegiatan di lapangan, mendelegasikan tanggung jawab dalam tim dan menyerahkan draft dan laporan

akhir. Kedua evaluator bertanggung jawab untuk melakukan evaluasi dengan cara terbaik sesuai dengan pedoman dalam ToR.

F. Jangkauan dan Metode Evaluasi:

Tim evaluasi akan mempersiapkan evaluasi sebelum berangkat ke lapangan, supaya mereka sejauh mungkin ada pengertian awal dan secara efisien bisa melakukan evaluasi di lapangan dalam waktu yang singkat. Persiapan itu termasuk membaca dokumen esensial dan diskusi lewat telepon atau email bersama tim FPIC dan koordinator proyek di RFN.

Pelaksana proyek (AMAN-FPP-JKPP) akan mengirimkan *document project essential* kepada tim evaluasi paling lambat tanggal 17 Mei. Dokumen itu termasuk kontrak (aplikasi, rencana kerja dan anggaran) dan laporan pertengahan tahun dan tahunan (laporan narasi baik laporan keuangan) untuk setiap tahun dalam periode 2007-2010. Dokumen tersebut akan membantu tim evaluasi untuk dapat mempelajari dan mempersiapkan metodologi untuk pengumpulan data sebelum tiba di site proyek. Publikasi AMAN yang relevan dengan project juga harus dipelajari oleh evaluator. Beberapa dokumen seperti peta, photo pelaksanaan, catatan proses, kesepakatan-kesepakatan, kliping koran, video dan lain-lain sangat membantu tim evaluasi mengerti proses implementasi proyek.

Dalam melakukan kegiatannya di lapangan, tim evaluasi akan menerapkan metode wawancara terhadap individu-individu dan kelompok yang terkait dengan proyek, baik pelaksana proyek (AMAN-FPP-JKPP, dan para fasilitator lokal sebagai pelaksana proyek di lapangan), maupun penerima dampak proyek (masyarakat Kuntu, Riau; Lewolema, Flores Timur; dan Lusan, Paser-Kalimantan Timur dan pemerintah lokal). Tim evaluasi juga bisa melakukan Focus Group Discussion. Untuk mempertimbangkan soal gender, FGD bisa dilakukan khusus dengan kelompok perempuan kalau ada kebutuhan. Orientasi evaluasinya adalah evaluasi partisipasi, jadi tim proyek harus dilibatkan dalam perencanaan metode wawancara di lapangan.

Untuk merencanakan kegiatan tim evaluasi di lapangan, tim FPIC akan mempersiapkan:

1. Focus Group Diskusi (FGD)

FGD dilakukan untuk mendapatkan keterangan dan informasi langsung, baik dari penanggungjawab proyek, pendamping, mitra kerja dari pihak terkait (pemerintah, LSM, perguruan tinggi, dll) dan masyarakat sebagai penerima manfaat. FGD akan dipersiapkan dan difasilitasi secara struktural oleh tim FPIC.

2. Wawancara

Metode wawancara dilakukan pada beberapa orang baik pelaksana program, pihak pemerintah terkait, LSM mitra, masyarakat adat. Untuk itu, perlu dipersiapkan terlebih dahulu sejumlah beberapa pertanyaan yang membantu proses wawancara ini berlangsung. Pertanyaan itu bisa dibuat oleh tim evaluasi dibantu tim FPIC

3. Kunjungan lapangan

Kunjungan lapangan ini akan dilakukan untuk memantau secara langsung dampak-dampak program yang sudah terjadi dilapangan. Tim FPIC akan mempersiapkan dan mengurus perjalanan tim evaluasi ke masing-masing site proyek.

Mengenai waktu evaluasi, sejauh mungkin harus dipertimbangkan mengenai saat-saat, di mana orang atau masyarakat yang hendak diwawancarai memiliki kesibukan, misalnya hari libur.

G. Rencana Waktu Evaluasi:

Evaluasi akan dilakukan selama 14 hari, dimulai pada tanggal 09-22 Juni 2010 dengan pembagian sebagai berikut:

No	Kegiatan	Waktu	Keterangan
1	Evaluator sampai di Jakarta	08/06/2010	
2	Diskusi bersama di Kantor AMAN	09 /06/2010	Tim Evaluasi, AMAN, FPP dan JKPP
3	Diskusi sendiri-sendiri di tiga lembaga (AMAN-FPP-JKPP)	10/06/2010	Evaluator dengan AMAN; evaluator dengan JKPP; evaluator dengan FPP.
	<i>Tim evaluasi bersama-sama</i>		
	Kunjungan lapangan ke Lusan/Kaltim	11-13/06/2010	Evaluator dan salah satu dari tim FPIC
	Diskusi dengan PT. RKR	14/06/2010	Evaluator dengan fasilitator lokal
	Kembali ke Jakarta	15/06/2010	Evaluator dengan salah satu dari tim FPIC
	<i>Tim terpisah, evaluator 1</i>		
4	Kunjungan Lapangan ke Lewolema	16-18 /06/ 2010	Evaluator dengan fasilitator lokal / salah satu dari Tim FPIC
5	Diskusi dengan forum Multipihak (Punaliput), Dinas Kehutanan , DPRD Kabupaten Flores Timur	19/06/2010	Evaluator dengan Melky Kolibaran (Fasilitator lokal)
6	Kembali Ke Jakarta	20/06/2010	Evaluator dan salah satu dari tim FPIC
	<i>Tim terpisah, evaluator 2</i>		
7	Kunjungan lapangan ke Kenegerian Kuntu, Riau	16-18/06/2010	Evaluator dengan fasilitator lokal/ salah satu dari tim FPIC
8	Diskusi dengan PT. RAPP di Riau	19/06/2010	Evaluator dan fasilitator lokal
9	Kembali ke Jakarta	20/06/2010	evaluator
13	Persiapan penulisan bahan presentasi	21/06/2010	evaluator
14	Presentasi Hasil Temuan Sementara, diikuti oleh diskusi dan masukan dari AMAN-FPP-JKPP	22/06/2010	evaluator
15	Batas waktu draf evaluasi dalam bahasa Inggris dan bahasa Indonesia	28/6/2010	evaluator
16	Batas waktu masukan dan komen pada drafnya	2/7/2010	RFN dan AMAN-FPP-JKPP
17	Batas waktu laporan final dalam Bahasa Inggris dan Bahasa Indonesia	5/7/2010	evaluator

H. Deskripsi Proyek

1. Latar Belakang Proyek

Proyek FPIC dilaksanakan karena adanya kenyataan di mana sekitar 87-90 juta orang hidup di dalam dan atau di sekitar kawasan hutan yang oleh Negara dikelompokkan sebagai Kawasan Hutan Negara. Mereka hidup tanpa adanya kejelasan status atau tanpa ada pengakuan terhadap hak mereka atas kawasan di mana mereka tinggal. Padahal untuk bertahan hidup, kelompok-kelompok orang ini sangat tergantung pada adanya akses terhadap hutan. Seringkali kelompok-kelompok orang ini memiliki dan mengatur akses ke dalam kawasan menurut hukum adat dan memiliki gagasan sendiri tentang bagaimana mereka hendak memperbaiki kehidupannya.

Kebanyakan kawasan ini telah mengalami zonasi sebagai kawasan hutan lindung, produksi, dan konservasi, tanpa mempertimbangkan kebutuhan dan hak-hak masyarakat tersebut. Bagian terbesar kawasan ini sudah pula dialokasikan untuk kepentingan lain seperti konsesi penebangan, hutan tanaman, perkebunan sawit dan kawasan lindung serta konsesi tambang.

Konflik antara masyarakat dan pejabat pemerintah serta perusahaan-perusahaan merebak di mana-mana. Dalam sebagian besar kasus, pemerintah tampak tidak mampu atau tidak mau mengambil prakarsa untuk menyelesaikan perselisihan-perselisihan ini dengan cara mengakui hak-hak masyarakat atau membantu pihak perusahaan dan masyarakat untuk menemukan penyelesaian yang setara. Perselisihan-perselisihan ini sesungguhnya merusak pengelolaan hutan yang berkelanjutan, kesempatan mendapatkan keuntungan di pihak perusahaan dan menunda dinikmatinya manfaat pengelolaan tersebut oleh masyarakat. Dalam banyak kawasan-kawasan tersebut, perusahaan bernegosiasi dengan masyarakat hanya berbekalkan pengetahuan yang sedikit sekali tentang konsep-konsep pemilikan dan penggunaan lahan oleh masyarakat, tidak cukup memahami hak-hak adat dan proses-proses hukum yang layak. Di pihak masyarakat, keterlibatan mereka dalam negosiasi terjadi dengan persiapan yang jauh dari cukup, juga masih kurangnya kesadaran tentang hak-hak mereka, kapasitas negosiasi yang rendah, dan tanpa perlengkapan atau alat-alat yang layak dan cukup untuk memastikan adanya kesepakatan bersama di tingkat komunitasnya tentang perundingan. Dengan demikian penyelesaian pertikaian sering bersifat sementara, mengakibatkan perpecahan di tingkat komunitas, konflik yang berkepanjangan dan mengurangi efektifitas pembangunan.

Karena itulah, sebagai bagian dari upaya menyelesaikan sengketa maka AMAN-FPP-JKPP memperkenalkan suatu pendekatan berbasis hak dalam penyelesaian konflik. Pendekatan ini menegaskan pentingnya pengakuan hak atas tanah, pentingnya prinsip menyatakan persetujuan secara bebas berdasarkan informasi yang sejelas-jelasnya tentang sebuah proyek pembangunan, dan perlunya kesepakatan-kesepakatan dibangun melalui negosiasi. Prinsip persetujuan tanpa paksaan setelah mendapatkan informasi yang lengkap, jelas dan terbuka adalah prinsip yang diterima secara luas sebagai prinsip hukum dan yurisprudensi internasional. Prinsip ini menghendaki adanya proses-proses pengambilan keputusan untuk mengakui hak masyarakat adat atas tanah dan menjamin adanya negosiasi-negosiasi yang transparan dan tanpa paksaan dalam mencapai penyelesaian sebelum memasuki tahapan pengusulan pembangunan-pembangunan ke depan jika persetujuan telah tercapai.

2. Tujuan proyek:

Proyek ini bertujuan untuk mendukung dan mempromosikan kesepakatan-kesepakatan antara komunitas-komunitas masyarakat adat dengan pihak ketiga dalam sektor pengelolaan sumber daya alam di Indonesia berdasarkan prinsip-prinsip free, prior and informed consent.

3. Pengorganisasian Proyek.

Proyek FPIC dilaksanakan oleh tiga lembaga, yaitu: AMAN, FPP dan JKPP. Ketiga lembaga ini bekerja sebagai tim, di mana AMAN ditempatkan sebagai lead project. Dalam kapasitas itu, 1 orang direktur di AMAN diberi tugas sebagai project officer. Sebagai tim, maka ketiga lembaga ini memiliki tugas dan tanggung jawab masing-masing. AMAN bertanggung jawab dalam bidang implementasi proyek di lapangan termasuk dalam persoalan peningkatan kapasitas organisasi AMAN, dan juga membuat laporan-laporan proyek. FPP bertanggung jawab dalam hal pengembangan pengetahuan mengenai FPIC, dan JKPP bertanggung jawab dalam bidang pemetaan partisipatif. Ketiga lembaga melakukan pertemuan secara berkala untuk menentukan kegiatan-kegiatan yang akan dilakukan.

Sebagai lead project, AMAN menempatkan seorang staff dalam proyek ini untuk mendukung pelaksanaan proyek. Dukungan yang diberikan staff ini adalah dukungan-dukkungan yang bersifat teknis, misalnya mengorganisasikan rapat-rapat sampai pada perencanaan implementasi proyek di lapangan dan penulisan laporan-laporan serta melakukan kunjungan-kunjungan lapangan bersama-sama dengan

anggota tim proyek yang lain dalam rangka melakukan kegiatan monitoring dan evaluasi di lapangan. Dukungan rutin didapatkan dari administrasi dan keuangan. Dukungan juga diberikan oleh direktorat infokom di AMAN. Tugas dari bagian infokom ini terutama ditujukan untuk penyebaran informasi terkait dengan proyek FPIC.

Untuk melakukan pendampingan rutin di site proyek, maka pelaksana proyek mengikat kontrak dengan fasilitator lokal di tiga site proyek. Para fasilitator bertugas dan bertanggungjawab untuk melakukan pendampingan terhadap komunitas di lapangan, membuat perencanaan proyek, dan membuat laporan pelaksanaan proyek. Para fasilitator ini bertanggung jawab langsung kepada project officer.