

Indonesia's National Commission of Human Rights Releases Report on Local Community Complaint Against TPL

The National Commission of Human Rights of the Republic of Indonesia (Komnas HAM) has released its findings, following a pre-mediation process with parties involved in a land claim in PT Toba Pulp Lestari Tbk (TPL) concession areas in North Sumatra.

A complaint was filed with the Commission by NGO AMAN Tano Batak (in 2024), acting on behalf of certain groups within the communities of Sihaporas Village and Dolok Parmonangan Village, Simalungun Regency, and the community group of Natumingka Village, Toba Regency in North Sumatra.

The complaint to the Commission, in summary, demanded that PT. Toba Pulp Lestari:

- Not carry out Industrial Plantation Forest (Hutan Tanaman Industri - HTI) business activities on cultivated land that the Complainant claimed as their customary territory.
- Return the cultivated land in question to the Complainant.
- Not use acts of intimidation, criminalization, or other acts of violence against the local community members who were part of the complaint.

The Commission conducted pre-mediation activities in August – November 2024, aimed at understanding the context and details of the complaint objectively. These involved impartially reviewing information from all parties and recommending a fair solution based on the principles of human rights and applicable laws and regulations. TPL cooperated fully with the Commission's conduct of this process.

The Commission recently released its conclusions, including:

- The nature of the complaint made to Komnas HAM is a land dispute that has occurred in a State forest area and is not a violation of human rights.
- The Complainants have not been officially recognized by the Indonesian Government as a Customary Law Community (Masyarakat Hukum Adat - MHA) and the land they are claiming cannot therefore be designated as customary forests at this time.
- As there is no MHA recognition and determination of customary forests for the Complainant by the Indonesian Government, TPL has the right to utilize, manage, and secure the HTI concession area as per the license granted by the Indonesian Government.
- TPL has carried out social and environmental programmes as stipulated in the applicable laws and regulations. As a Company that is committed to realizing Sustainable Forest Management and becoming part of the global supply chain, TPL is obliged to respect human rights as stipulated in the UN Guiding Principles on Business and Human Rights.
- Respect for human rights is not limited to the provision of Corporate Social Responsibility (CSR) programs or partnerships that have been implemented so far, but must also include the implementation of human rights due diligence and the provision of access to remedy ("recovery") for affected community residents through the FSC Remedy process. TPL is related to RGE and APRIL which is undertaking FSC remedy and re-association.
- The incidents of violence reported by both the Complainant and TPL officers, and the related legal proceedings, were the result of a lack of mutual understanding of the rights and responsibilities of each party. In this regard, communication and discussion are required, and Law Enforcement Officials are expected to prioritize settlement through the Restorative Justice mechanism.

The Commission also released a series of recommendations, including:

- The Complainant and the NGOs (Aman Tano Batak and KSPPM) need to establish discussions with TPL to avoid prolonged conflicts and find a permanent solution in a fair and respectful manner, based on the rights and obligations of both parties.
- The Complainant and the NGOs need to consider changes in their advocacy strategies to obtain Customary Law Community recognition and the determination of Customary Forests. A revised approach that is centered on dialogue with the Government needs to be prioritized rather than direct conflict with TPL.
- TPL must continue to build effective communication with the Complainants and respect the rights of the affected community members as stipulated in the 2011 UN Guiding Principles on Business and Human Rights.
- TPL needs to provide access to remedy for affected community members, following the FSC Remedy Framework.
- To accelerate the process of resolving land tenure disputes, relevant authorities should immediately conduct Land Tenure Solution in Forest Areas (PPTKH) Inventory and Verification, especially in Sihaporas Village.
- The governments of Simalungun Regency and Toba Regency need to conduct an anthropological and social study on the existence of indigenous communities in their territories as the basis for the preparation of draft regional regulations on the protection and recognition of Customary Law Communities.
- If the Complainants can meet the requirements of the laws and regulations regarding Customary Law Community and Customary Forests identification, the Ministry of Forestry needs to provide such recognition and determination of the customary forests.
- It is hoped by the Commission that these pre-mediation results will serve as guidelines for the parties to make efforts to find a fair solution to the complaints.

TPL accepts the recommendations of the Commission and is committed to continuing its efforts to resolve land claims in compliance with Government laws, regulations and processes. A full version of the Commission's report is available <[See here](#)>.

The Commission's findings, conclusions and recommendations are based on extensive pre-mediation consultations with a wide range of local stakeholders.

The process included meetings with the specific indigenous communities involved in the complaint - Ompu Mamontang Laut Ambarita (Lamtoras Community), the Head of Sihaporas Village, other community members at Natumingka Village and Dolok Parmonangan, meetings with NGOs AMAN Tano Batak and KSPPM, coordination meetings with the Simalungun Regency Government and the North Sumatra Provincial Government, and meetings with TPL. During that process, the Commission reported that:

- The Commission heard from the Lamtoras group that land concession areas operated by TPL under licence from the Ministry of Environment and Forestry (MoEF) was deemed by them to be their customary lands.*
- However, at a meeting with the Head of Sihaporas Village, he explained that the group of Sihaporas residents who call themselves Lamtoras did not represent all residents of Sihaporas village and there was concern that the Lamtoras group's efforts to claim customary territories could trigger social conflicts between the residents of Sihaporas Village.*
- In a meeting with NGOs AMAN Tano Batak and KSPPM, the Commission heard that the NGOs would continue to fight for the rights of the Lamtoras segment of the community to obtain protection and recognition of what they claimed as customary territories*

- *At a coordination meeting with the Simalungun Regency Government, the Commission was advised that it had not recognized the Lamtoras community group as a customary law community as history had proven that the Lamtoras community group is in fact an immigrant group, not part of the indigenous community in Simalungun.*
- *At a further coordination meeting with the North Sumatra Provincial Government, one of the meeting's conclusions was that dialogue should be encouraged and prioritized between the local communities in an effort to resolve conflicts with TPL.*
- *In October and November 2024, the Commission met with TPL and the company explained the chronology of the conflict and the efforts made to resolve it to date. TPL told the Commission it was willing to continue discussing the issue with the local community and asked for the Commission's help to facilitate mediation with the Complainant.*