



TABLE OF CONTENTS

1.0	BACKGROUND & PURPOSE	1
2.0	SCOPE	1
3.0	RESPONSIBILITIES	1
4.0	DEFINITIONS	2
5.0	INTRODUCTION	2
6.0	COMMUNICATION	3
	6.1 Verbal - Informal Communication	3
	6.2 Formal Communication	4-5
7.0	IDENTIFICATION, PREVENTION AND RESOLUTION OF DISPUTES	5
8.0	RECORD KEEPING AND DOCUMENTATION OF DISPUTE CASES	5
9.0	CEASING OPERATIONS WHERE DISPUTES EXIST	5
10.0	ENGAGING AFFECTED STAKEHOLDERS	5
11.0	REFERENCES	5
	11.1 Applicable and customary laws	6
	11.2 Available tools for management of disputes	6

ANNEXES

<i>Annex 1</i>	7
<i>Annex 2</i>	8
<i>Annex 3</i>	9
<i>Annex 4</i>	10
<i>Annex 5</i>	11



1.0 BACKGROUND & PURPOSE

Sabah Forestry Department (SFD) has initiated a policy to pursue certification by meeting the requirements of FSC as well as national standards in its management systems for Sabah. To ensure that its operations are in line with FSC requirements the SFD has developed a series of Guidelines for forest management in 2010 that has been adopted into procedures for use in Pin Supu Forest Reserve Development and Management Planning Project (PSDMPP).

The purpose of this procedure is to define the process for communication and conflict or dispute resolution between forest managers and other stakeholders namely the local communities and forest workers to meet the requirements of the FSC Forest Management Standard for Pin Supu Forest Reserve Development and Management Planning Project (PSDMPP).

2.0 SCOPE

The scope of this procedure is limited to **communication and conflict or dispute resolution between forest managers and other stakeholders namely the local communities and forest workers** within PSDMPP managed by SFD. The procedure is to ensure that communication dispute can be resolved in an effective manner.

3.0 RESPONSIBILITIES

The SFD Chief Conservator of Forests is responsible for:

- Chairing the dispute resolution committee at department's level
- Representing SFD in any conflict or dispute resolution
- Ensuring the implementation of this procedure

The *Majlis Bersama Jabatan (MBJ)* worker's representative and management level is responsible for:

- Chairing the dispute resolution committee at department's management level
- Representing staff according to their representative grade in any conflict or dispute resolution at the worker's representative level
- Ensuring the implementation of this procedure
- Ensuring any conflict or dispute resolution shall be made available to all staffs.

The District Forest Officer/Liaison Officer is responsible for:

- Handling the complaints or dispute raised by stakeholders/communities
- Organizing meetings to resolve conflict or dispute with indigenous groups and local communities
- Training of supervisors and rangers
- Reporting on conflict or dispute resolution



4.0 DEFINITIONS

This procedure contains definitions of common terms used by FSC & SFD in the procedures for forest management.

ACM: Alternative Conflict Management.

FSC: Forest Stewardship Council, an international non-government organization that (governs) the Forest Management and Chain of Custody standard.

FMU: A clear defined forest area with mapped boundaries, managed by a single managerial body to a set of explicit objectives, which are expressed in a self –contained multi-year management plan.

Conflict: Occurs when relationship involving two or more parties who have, or perceive themselves to have, incompatible interests or goals. Violence is, in the first place, the threat or use of strong physical force.

Negotiation: Bargaining relationship among the opposing parties. Negotiations are voluntary and require that all parties are willing to consider the others' interests and needs. If negotiations are hard to start or have reached an impasse, the conflict parties may need assistance from a third party.

Mediation: The process whereby an acceptable third party who has limited or no authoritative decision-making power assists the principle parties in a conflict to resolve their dispute through promoting conciliation and facilitating negotiations. As with negotiation, mediation leaves the decision-making power primarily in the hands of the conflict parties. They enter into a voluntary agreement, which they themselves, and not the mediator, implement.

5.0 INTRODUCTION

Natural resources are important to the livelihoods of many households in rural areas. Conflicts over natural resources can be useful in making needs and rights clear and helping to solve injustices or inequities in resource distribution. However, some conflicts have the potential for becoming obstacles to livelihoods and sustainable resource management if they are not addressed. When conflicts escalate, they can also hurt relationships by increasing mistrust and suspicion. Violent confrontations may even destroy the resource base for people's livelihoods.

In most of the developing countries, a small group of political or business leaders reap the benefits from timber exploitation, while local communities and indigenous people bear most of the associated social and environmental cost. Conflicts can occur when local people do not receive a



fair share of the benefits from the exploitation of their forests or compensation for seized land, environmental damages, or health risks. The same applies to all the forest workers employed to work in a FMU who are being mistreated and their rights violated by their contractors.

In order to prevent conflicts or disputes, it will be important to clarify and acknowledge basic rights of indigenous people and local communities by laws, customary rights over land resources, and to provide opportunities for participation in decision making processes at various stages, in particular at the early stage.

6.0 COMMUNICATION

Communication with stakeholders is a critical part of forest management especially with local communities and forest workers that are directly affected by forestry activities.

Conflicts can easily arise as a result of poor communication and differences in communication styles. Negotiation multiple interests in forest resources and management requires effective communication among all key stakeholders.

An important element of communication is the establishment of a formal system of continual dialogue with local communities. It is important to manage the relationship between stakeholders through formalized system. The following communication elements should be established:

- System of regular communication local communities and indigenous populations that includes both the management and adequate representation of the community including women. The committee based meeting systems are usually established such as Conflict/Dispute Resolution Committee.
- Communication on forest resource usage by communities (collection of non-timber forest products, hunting, timber use, etc)
- Communication on the establishment and progress of any social programmes. There should be a formal system on development of social programmes in terms of defining responsibilities budgeting and scheduling of activities.
- Provide relevant information on the type, scope, potential impacts and timing of forest operations to be carried out to the affected local people, especially the community within or adjacent to the Forest Management Unit.

6.1 Verbal - Informal Communication

Often most communication can occur through general conversation between the organization and local communities. This can be highly beneficial; however there can also be misunderstandings that can lead to conflicts. In addition verbal communication is normally not recorded thus cannot be audited by a third party in regards to certification requirements. As



such it is critical to ensure communication between SFD and local communities are always within a formal system.

6.2 Formal Communication

The SFD has established a formal committee group between each local community identified in the SIA as having significant impact with the FMU. The SFD should recommend that each local community develop an internal committee that is representative of all critical groups of the community not only men thus the committee in the community should include women and younger and older people.

The community should elect several members within the committee to represent the others in meetings unless the community feels that all meetings should be held where all members of the community are invited to participate.

The SFD and communities can elect to hold meetings with other communities or separately. Committee meetings should be held regularly about every 3-4 months. The SFD and committee can define the communication protocol during the set up of the committee-based system. Attendance and all discussions should be recorded in minutes of the meeting in the local language. Participants should have the right to speak but should not be in a position to dominate any specific topic that includes SFD staff as well as local community leaders. The meeting shall always have a chairperson to manage the meeting and a secretary to maintain attendance and recording of all discussions.

The SFD should require that all proposals for projects or assistance be raised formally within the committee. All proposals should be formalized under a standard format that includes (Attached):

- 1) Purpose:
- 2) Scope:
- 3) List of Activities
- 4) List of Materials
- 5) Responsibilities:
- 6) Schedule of project implementation:
- 7) Monitoring & Reporting of Project:
- 8) Budget:

All conflicts or disputes shall also be raised formally within the committee. The committee shall try to resolve the conflict through consensual negotiation. It seeks to facilitate agreement based on mutual gains among individuals, groups or institutions. When people's understanding of their own and others' interests and needs is gradually broadened, and they are encouraged to



think outside fixed, emotionally held positions, mutually beneficial outcomes may become possible.

Resolution of conflicts within the Committee should be recorded with actions to be taken to resolve the issue and person in charge. These records should be maintained by the SFD and distributed to relevant committee members and stakeholders involved. Actions to resolve the conflict shall be recorded and reported in the following meeting to ensure the conflict is fully resolved as agreed in the meeting. Any conflict that cannot be resolved within the committee needs to be taken through a formal dispute resolution process.

7.0 IDENTIFICATION, PREVENTION AND RESOLUTION OF DISPUTES

The flowcharts will be used as guidance for identification, prevention and resolution of disputes for any problem arises among the SFD staff, related stakeholders and community. (Refer Annex 1, Annex 2 & Annex 3).

8.0 RECORD KEEPING AND DOCUMENTATION OF DISPUTE CASES

The flowcharts will be used as guidance for record keeping and documentation of dispute for any problem arises among the SFD staff (MBJ), related stakeholders and community. (Refer Annex 4).

9.0 CEASING OPERATIONS WHERE DISPUTES EXIST

The flowcharts will be used as guidance for ceasing operations where disputes exist among the SFD staff, related stakeholders and community. (Refer Annex 5).

10.0 ENGAGING AFFECTED STAKEHOLDERS

A process by which an organization involves people who may be affected by the decisions it makes or can influence the implementation of its decisions. SFD engaged with affected stakeholders through consultations to find out what dispute or issues matter most to them and involve stakeholders in the decision-making process. The procedures are as below:

- i. Stakeholders submit their complaints / issues.
- ii. Complaints / issues recorded by the SFD Offices.
- iii. DFO receives and accessing the complaints / issues.
- iv. Invite affected stakeholders for meeting / consultations for discussions, decisions-making process and resolutions of the complaints / issues.
- v. Official letters to affected stakeholder on resolutions results.
- vi. All discussions, decisions-making process and resolutions of the complaints / issues are to be documented for records.



11.0 REFERENCES

11.1 Applicable and customary laws:

- i. Sabah State Constitution.
- ii. Interpretation (Definition of Native) Ordinance, 1952.
- iii. Native Court Enactment, 1992
 - Native Court (Native Customary Laws) Rules, 1995.
- iv. All Adat recognised and enforceable by the Native Courts, including relevant decisions of the Civil Courts.

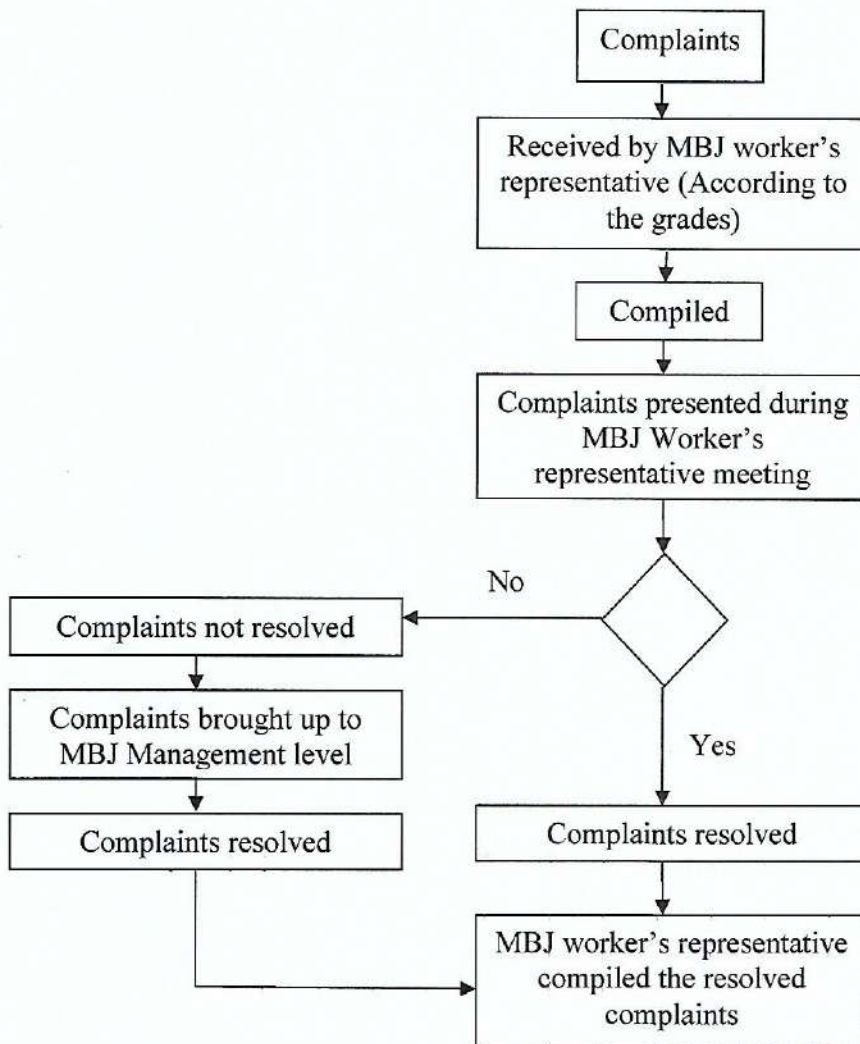
11.2 Available tools for management of disputes:

- i. A TOOLKIT for Developing a Dispute Management Plan.
- ii. National Alternative Dispute Resolution Advisory Council (NADRAC)



Annex 1

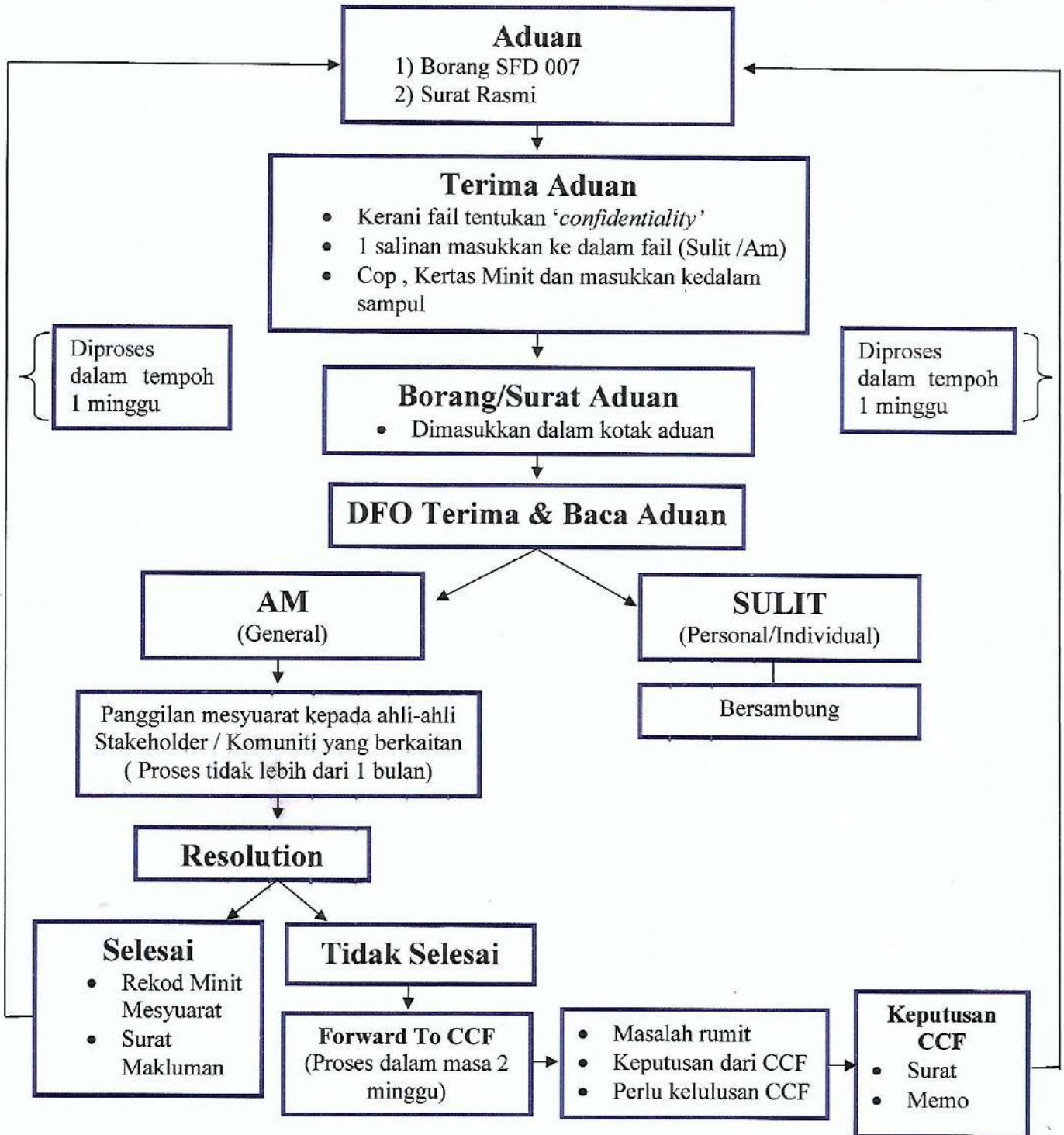
GRIEVANCE RESOLUTION MECHANISM FOR SFD STAFF (MBJ WORKER'S REPRESENTATIVE LEVEL AND MBJ MANAGEMENT LEVEL)





Annex 2

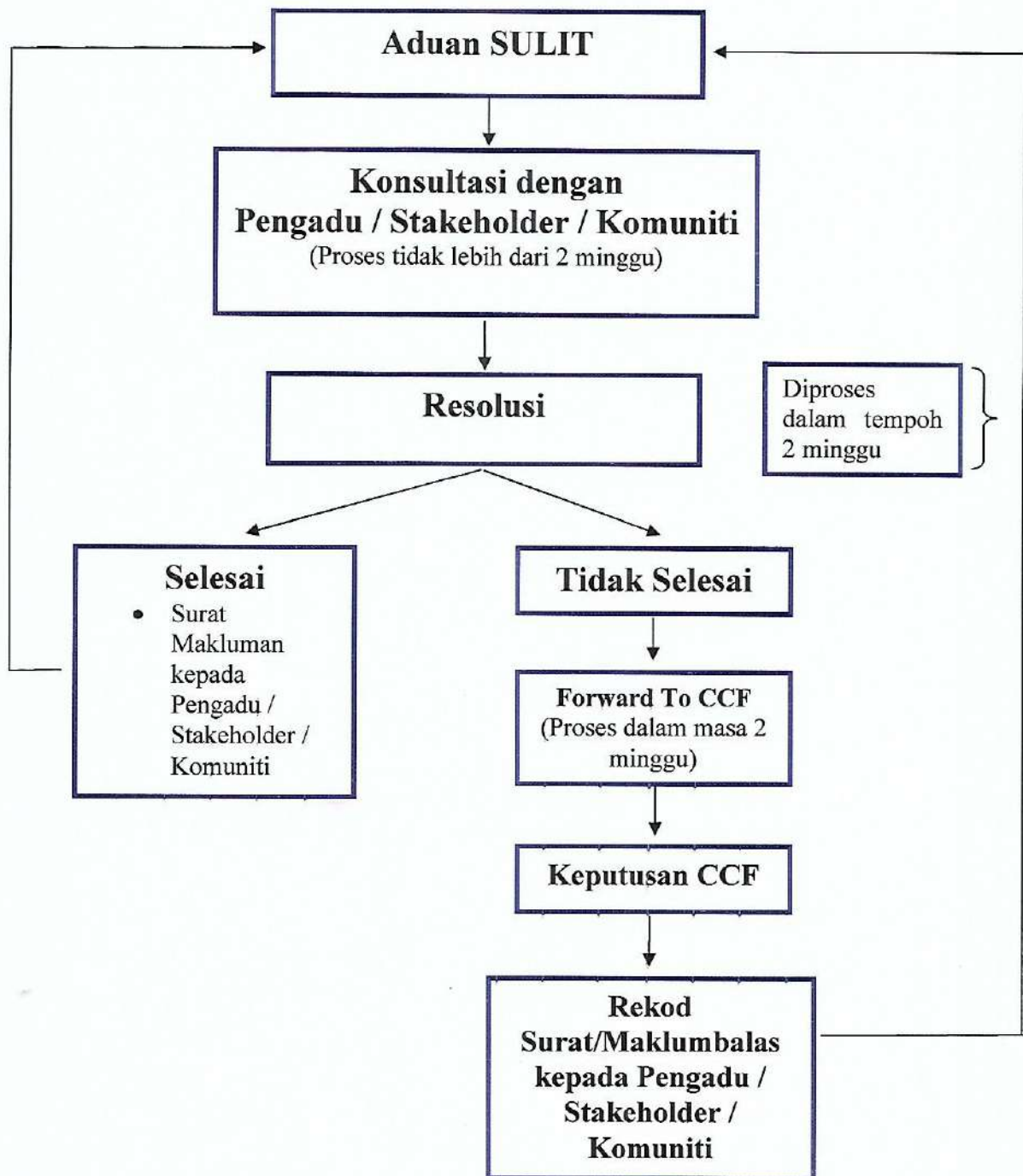
**GRIEVANCE RESOLUTION MECHANISM FOR STAKEHOLDER & COMMUNITY OF
PIN SUPU DEVELOPMENT AND MANAGEMENT PLANNING PROJECT (PSDMPP)**





Annex 3

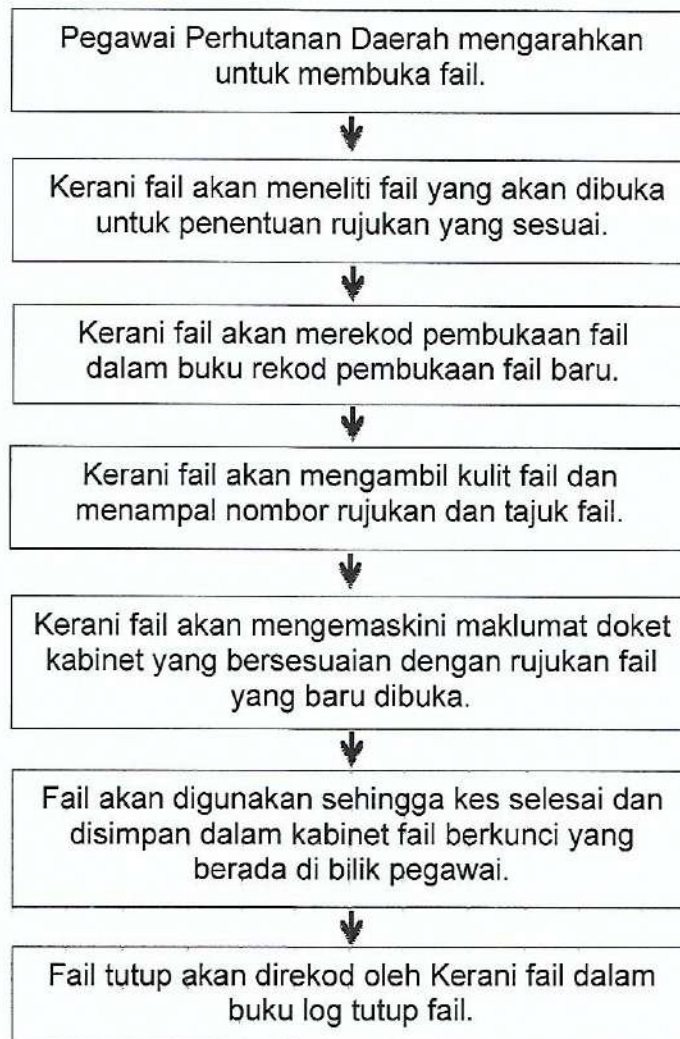
GRIEVANCE RESOLUTION MECHANISM FOR STAKEHOLDER & COMMUNITY OF
PIN SUPU DEVELOPMENT





Annex 4

FLOWCHART FOR RECORD KEEPING AND DOCUMENTATION OF DISPUTE CASES





Annex 5

FLOWCHART FOR CEASING OPERATIONS WHERE DISPUTES EXIST

