



WORLD RAINFOREST MOVEMENT

Monthly Bulletin - Issue 201 - April 2014

OUR VIEWPOINT

- The expansion of industrial oil palm plantations in Africa: A call for greater solidarity and action

GREENWASHING TOOLS FOR THE EXPANSION OF INDUSTRIAL OIL PALM PLANTATIONS

- RSPO: fake promises promoting further oil palm plantations expansion
Industrial oil palm plantations have been expanding in many countries in the global South, increasingly in Africa and Latin America, invading territories of rural populations, indigenous peoples and traditional communities in order to produce palm oil for export or agrofuel for foreign markets.
- Metamorphosis of destructive logging companies
It does sound like a bit of a fairy tale. Multinational companies destroy forests and trample on human rights. Then, international environmental organisations come into play and transform the culprits into responsible companies within just a few months. Multinational palm oil, pulp and paper companies such as Wilmar, Golden Agri, APRIL (Asia Pacific Resources International Limited) or APP (Asia Pulp and Paper) have already completed the magic metamorphosis from destroyers to protectors of the Indonesian rainforest. All of these companies now sport a "zero deforestation policy".
- Malaysia, Sarawak: Native customary landowners continue to protest against large scale oil palm plantation schemes
The State Government of Sarawak has issued a 60 year lease for an oil palm plantation scheme to Woodijaya Sdn Bhd, a subsidiary of Rimbunan Hijau Sdn Bhd, on 4,658 hectares. Ever since the encroachment, the communities have been protesting against this scheme.
- Indonesia - Interview with Sawitwatch about the impacts of industrial oil palm plantations in Indonesia and the experience with the RSPO
Sawitwatch is an Indonesian NGO monitoring the impacts of industrial oil palm plantations on smallholder farmers, laborers and indigenous peoples in Indonesia. The WRM bulletin talks with Sawitwatch director Jefri Saragih about the plantation impacts in Indonesia, a country that globally concentrates most of the industrial oil palm plantations, and the experience with the RSPO.

- Indonesia - How RSPO addressed concerns raised against First Resources, one of its members

On 17 October 2012 London-based NGO Environmental Investigation Agency (EIA) presented a complaint to the RSPO,(1) with indigenous Dayak Benuaq community Muara Tae and the Indonesian indigenous peoples organization AMAN also listed as complainants on the RSPO website. The complaint against Singapore-based RSPO member First Resources Ltd. is that its subsidiary PT Borneo Surya Mining Jaya (PT Borneo) has been violating RSPO's New Planting Procedures and RSPO Principles and Criteria.(2) PT Borneo has been active in the Kutai Barat regency, East Kalimantan since 2010 and the expansion of its oil palm plantations threatens an estimated 4,304 hectares of Muara Tae's customary land (3).

- Liberia – RSPO's inability to address root causes of the conflict related to Sime Darby's operations

A new trend in the global expansion of industrial oil palm plantations is the move of the biggest oil palm plantation companies from Indonesia and Malaysia towards the African continent. This is the case of the Malaysia-based company and founding member of RSPO, Sime Darby (SD), that went to Liberia searching for new expansion areas.

- Nigeria – RSPO legal opinion ignores core of the complaint against Wilmar International subsidiary Biase Plantation Limited

Wilmar International acquired 5,561 hectares of land in 2011 from the Cross River State government in Nigeria. Nigerian NGO Rainforest Resource & Development Centre (RRDC) filed a complaint with the RSPO in November 2012 in which the organisation documents how the acquisition of land by RSPO member Wilmar threatens the livelihood of the indigenous IBIAE community. In addition to the complaint to the RSPO, RRDC also filed court cases in Nigeria related to shortcomings and inconsistencies in the privatisation of the land acquired by the Wilmar subsidiary. On the basis of a controversial legal opinion that only covers some of the issues raised in the complaint, RSPO repealed a temporary 'stop work' request to Wilmar and the company was allowed to continue activities again on 'undisputed land' in December 2013. That no agreement had been reached with informal settlers on the estate, that communities might have been misled, or that the courts in Nigeria have yet to rule on the issues did not seem to matter when RSPO decided to allow Wilmar to proceed with preparing for the oil palm plantation.

- Brazil – Discourse of “innovation” contrasts with a reality of life in conditions akin to slavery for workers employed by one of Agropalma's suppliers

The Brazilian Agropalma Group has become part of a group of companies and NGOs aiming to go beyond the RSPO rules: the Palm Oil Innovation Group. Agropalma's record of having contributed to negative social and environmental impacts, common to any large-scale industrial plantation project, does not seem to have been a hindrance to joining this group (see (1) and (2)). One particular aspect of this company is worth remembering here: the way it dealt with a supplier maintaining workers in conditions akin to slavery.

PEOPLES IN ACTION

- Nigeria: Stop Corporate Land Bazaar in Edo State!

- [Mexico, Lacandon Rainforest: Montes Azules REDD/día Movement](#)

RECOMMENDED

- [Peasants and Politics Virtual Special Issue](#)
- [APRIL clears high conservation value forest in Sumatra's Kampar Peninsula, as it breaks its own commitment](#)

OUR VIEWPOINT

- The expansion of industrial oil palm plantations in Africa: A call for greater solidarity and action



In late 2013, a group of representatives of African, Indonesian and international NGOs met with members of La Via Campesina and the African Biodiversity Network in Calabar, Nigeria, to address the massive expansion of industrial oil palm plantations on the African continent and discuss, in particular, the situation in Nigeria, Sierra Leone, Liberia, Cameroon, Benin, Côte d'Ivoire, the Democratic Republic of Congo and Gabon.

The oil palm is native to west and central Africa, but it is not common for local communities to establish large-scale monoculture plantations of these trees. Normally, oil palms are planted alongside other crops, guaranteeing diversity that contributes to the food sovereignty of the community and the protection of the environment. Cultivated in this way, and under community control, oil palm has provided a range of benefits for African people in more than 20 countries. It is particularly noteworthy that in almost all of these countries, it is women who control the entire oil palm production chain, from cultivation to the sale of the various products derived from the tree.

Over the last 10 years or so, African governments have granted land concessions totalling millions of hectares to big palm oil companies and investors from Europe, the United States, and also Indonesia, India, Singapore and Malaysia. As a result, another model of production has been introduced on lands that traditionally belonged to peasant farmer communities: the large-scale monoculture plantation model, under the control of transnational corporations and with few or no benefits for local communities. This process forms part of the ongoing land grab by foreign investors to ensure the production of food and other products for export.

At the meeting in Nigeria, emphasis was placed on the similarities between the different countries, beginning with the fact that local communities are not consulted to determine whether or not they want oil palm plantations in their territories. This represents a total lack of respect for the communities who have traditionally controlled and used these lands for many generations. Governments prefer to side with the transnationals, pointing to the alleged importance of “foreign direct investment”. It is extremely difficult for communities and the organizations that support them to obtain information on the contracts signed for the concession of these lands to the transnationals. The result is the destruction of forests, scarce and poorly paid employment, poverty and hunger – quite the opposite of the publicity spread by the corporations and backed by governments and international financial institutions praising the “progress” and “development” that this model will supposedly generate. The consequence of this “progress” is the transformation of these countries into suppliers of raw materials and semi-finished products for the large consumer markets, under the control of the transnationals.

The participants in the meeting in Calabar observed that they must contend with numerous challenges, including the fact that the peasant communities where the industrial oil palm plantations arrive already face many difficulties in their daily lives – a fact that in some way facilitates the entry of the companies. In addition, the companies seek to convince community leaders with various promises that are not kept. The resulting disillusionment, combined with all of the problems resulting from the loss of the land, often lead to divisions within the community. Women, who play such an important role in traditional oil palm cultivation, are hit especially hard by the impacts. All of this points to the enormous need to support these communities who must join together (the leaders and the community members, including women and youth) and organize to fight back, as a united front, against this ongoing process of the theft of their lands.

The meeting participants also stressed the importance of learning about the experience of other places, particularly those who have been facing this problem for a longer time, such as Indonesia. This edition of the bulletin has been prepared in this same spirit, as it aims to serve as an information tool to support the struggles of communities on various continents and to help them join together to create a more powerful force against the expansion of oil palm plantations. This is especially relevant in the month of April, given that April 17 is the International Day of Peasant Struggle.

Numerous participants also highlighted another need: if an organization in one country is facing repression, the others must lend their support. We hear many stories of repression and criminalization of opposition, and mutual solidarity is crucial. Moreover, it is not enough to talk about the problem; it is essential to take action and support communities in their struggles to defend their territories. When communities have control over their territories and receive support for their local economic activities and proposals, this is a much more promising road to ensure the future of these communities than the model of monoculture plantations and land grabbing that benefits only the transnationals.

The meeting ended with the signing of a declaration of support for communities affected by the expansion of oil palm plantations in Africa: the Calabar Declaration. (2)

(1). For more information on the expansion of industrial oil palm plantations in Africa, including an interactive map, see: http://wrm.org.uy/books-and-briefings/oil_palm_in_africa/

(2) The Calabar Declaration is available at: <http://wrm.org.uy/meetings-and-events/calabar-declaration/>

GREENWASHING TOOLS FOR THE EXPANSION OF INDUSTRIAL OIL PALM PLANTATIONS

- RSPO: fake promises promoting further oil palm plantations expansion



Industrial oil palm plantations have been expanding in many countries in the global South, increasingly in Africa and Latin America, invading territories of rural populations, indigenous peoples and traditional communities in order to produce palm oil for export or agrofuel for foreign markets.

While the main benefits accrue to oil palm processing mills, private and state banks and investment funds, and national and transnational palm oil corporations, for hundreds of thousands of people the expansion or large scale oil palm plantations imply the destruction of their local economies as well as the natural conditions these economies depend on.

When communities fight back, trying to kick out companies from their territories, they often face police repression, they witness state institutions siding with the companies and undermining community demands and they often suffer human rights violations.

Oil palm corporations have been aware of the fact that their activities cause negative impacts. The exposure and reporting on these impacts by social movements, NGOs and the press has tainted their image, sometimes even put at risk their business expansion plans in certain regions and countries. No surprise then to see corporations 'fighting back' as well, their struggle being against the bad publicity that could negatively affect their sales and profits. The 'sustainable development' concept from the end of the 1980s opened a door for a continuation of the logic of increased production and profits, but with the appearance of more social and environmental 'corporate responsibility'. Inspired by this sustainability discourse, plantation companies effectively started to engage with voluntary certification schemes, one of the new 'sustainability' tools. This tool enabled them to present destructive activities as 'sustainable', as a 'green' innovation of their same production processes and products for consumer markets that, over the course of the past two decades, have come to request more from corporations than just 'business-as-usual'.

RSPO, the Roundtable on Sustainable Palm Oil, was announced in 2004 as a certification scheme for industrial oil palm plantations. For the RSPO 'sustainability' means that plantations should be "economically viable", "environmentally appropriate" and "socially beneficial".

RSPO, which has certified 1.45 million hectares and is increasing its visibility for the consuming public, has been strongly criticized by many communities, social movements and NGOs from the very beginning. The main criticism has been the false promise of 'sustainability' that this certification scheme provides for products from industrial oil palm plantations. By their very nature of being large scale and being grown as monoculture, requiring significant use of water, agrotoxins, chemical fertilizers and fossil energy, these operations simply cannot transform into a land use that would

justify the label 'sustainable'. They occupy huge areas where many people lived before or could be living with more dignity than in overpopulated urbanized areas. Criticism also points out that excessive consumption of products based on palm oil by a minority of the world's population remains largely unchallenged with certification. Yet it is this excessive consumption and the transnational company's need to keep expanding to increase corporate profits that are pushing the continuous expansion of industrial oil palm plantations.

RSPO aims to "improve" company activities, to make them more "socially and environmentally responsible", maybe to increase benefit leaking to communities but not to halt plantation expansion or to tackle excessive consumption. All in all, RSPO grants a "green label" to industrial oil palm plantations and strengthens its image as a "sustainable" activity and thus facilitating further expansion while weakening communities' defence of their livelihoods and lands.

This bulletin is focused on the fake promises of the RSPO certification scheme, and with oil palm expanding fast in the global South, we need to keep on showing what is hidden behind it.

[index](#)

- Metamorphosis of destructive logging companies



It does sound like a bit of a fairy tale. Multinational companies destroy forests and trample on human rights. Then, international environmental organisations come into play and transform the culprits into responsible companies within just a few months. Multinational palm oil, pulp and paper companies such as Wilmar, Golden Agri, APRIL (Asia Pacific Resources International Limited) or APP (Asia Pulp and Paper) have already completed the magic metamorphosis from destroyers to protectors of the Indonesian rainforest. All of these companies now sport a "zero deforestation policy".

Similar promises have also been made by consumer goods giants like Nestle, Unilever, Mars, L'Oreal and Colgate-Palmolive, who require palm oil as a raw material for their products.

Greenpeace, WWF and Co. appear to have success in what Indonesian environmental groups have been struggling to achieve for years, that is persuading notorious rainforest destroyers to make improvements. The scripts of these stories all resemble each other: Initially, a large company group is forced to the negotiating table by a major campaign in North America or Europe. Negotiations are tough but usually lead to a happy end: The company publically announces it will do better and is applauded by the organisations involved in the campaign, who are proud of their achievement. The realisation of agreed targets is left to a consulting organisation, such as the Tropical Forest Trust.

Far from the success portrayed in press releases by the companies and NGOs concerned, some

critical voices can be heard: What is a no-deforestation promise really worth?

For company groups such as APP these deals have come just at the right time. APP has taken over enough land to establish sufficient acacia plantations for its pulp production. This makes it easy for APP to join environmental organisations in their pledge against further destruction of rainforests. Also, Indonesian laws and regulations, like the logging moratorium which entered into force in 2011, have made life harder for rainforest destroyers.

As a matter of fact APP has already completed all the dirty work: For years the company destroyed more forest on our planet than anyone. Until a few years ago APP was destroying peat rainforests on the Kampar peninsula.

Now, APP is cashing in: The US stationery giant Staples has announced to recommence business with this Indonesian company. Staples had stopped its cooperation with APP in 2008 due to APP's criminal environmental behaviour.

The palm oil company Wilmar, too, claims that no forests are destroyed for its production. This claim has been backed up by environmental organisations since 2013. To maintain an unblemished green image problematic subsidiaries are simply sold, for example PT Asiatic Persada. When one of the land conflicts with the local population was becoming more and more intense, Asiatic Persada was sold within the Sitorus family to the Ganda Group, which is managed by the brother of Wilmar co-founder Martua Sitorus. On paper, Wilmar is no longer responsible for that company even though, according to the Indonesian NGO Perkumpulan Hijau, Wilmar still uses Asiatic Persada as a raw materials supplier. The population is now suppressed more brutally than ever. Apart from that, Wilmar has also started establishing palm oil plantations in a national park in Nigeria.

The management of APRIL went even further. In anticipation of obligations the pulp giant presented a sustainability strategy in January 2014, just ahead of an imminent international eco campaign. The Stakeholder Advisory Committee installed by APRIL to monitor the sustainability strategy also comprises the WWF. This is particularly remarkable as the same environmental organisation already got ripped off in deals with APRIL in 2005. APRIL simply ignored the agreements and kept producing paper from tropical forests. After a few years, the WWF was exasperated and gave up.

Further questions remain unanswered: Could this be a new type of colonialism, NGO-colonialism? Can the WWF, Greenpeace and other international environmental activists still be considered legitimate when making agreements with notorious environmental criminals in Indonesia? Did they actually consult the local population affected by the land claim conflicts with Wilmar, APP, April and Co.? What about their right to a "Free and Prior Informed Consent"?

An expansion stop is certainly not mentioned in any of the companies' green promises, even though this has always been a key requirement for many Indonesian NGOs in negotiating with their national pulp and palm oil industry. The danger is that other companies might take over the destruction of Indonesia's primary forests in the future.

It seems that the large environmental organisations are trapped in their own campaigns logic. They are trying to keep donors in the industrial countries interested by means of apparent success stories; rainforest and orangutans have proven to be particularly popular. This is directly matched by the companies' eco campaigns and green policies with headlines such as "No deforestation" and "orang utan free chocolate bar". Human rights or land claim conflicts no longer play a significant part.

Environmental organisations competing for success and brand awareness have even created the paradox situation of hindering each other. In one case, for example, one NGO applauds its "partner" company's new green policy while another NGO would never skip the chance to point out the downside of this partnership.

Couldn't we achieve more in the long term if all this self-centredness was left behind and the international community supported the many Indonesian NGOs in their actions? They could be strengthened in their role as true advocates of human rights, democratisation and environmental protection and make sure that the land rights of forest dwellers do not only exist on paper. Naturally, this would not be as spectacular as senior level agreements with multi-national companies.

In addition, the role of certifiers, inspectors and consulting organisations should be assessed. All of these service providers play a decisive role in implementing eco deals. They operate under names like Pro Forest, Rainforest Alliance or Tropical Forest Trust, and call themselves independent inspectors or consultants. Can they actually be trusted to be independent considering they are paid for their work by the companies they inspect? There is no shortage of examples of so-called independent inspectors in Indonesia producing "favourable" reports. Who says that this is going to change? Why should it?

Who exactly is going to ask companies like APP to accept responsibility for the crimes they committed in the past? What about the sense of justice of the past decades' many APP victims who can now see the same company's business flourish, applauded by environmental organisations?

The author of this article is aware of the many benefits of negotiating with destructive logging companies. Also, international NGOs such as Greenpeace have undoubtedly made a huge difference. Nevertheless, it is important to reflect on the work of not-for-profit organisations as well. This article is not intended to be scholarly but rather to contribute to a discussion.

The author, Peter Gerhardt, works for the NGO denkhausbremen.de and can be reached at peter@denkhausbremen.de

[index](#)

- Malaysia, Sarawak: Native customary landowners continue to protest against large scale oil palm plantation schemes



The State Government of Sarawak has issued a provisional lease for an oil palm plantation scheme

to Woodijaya Sdn Bhd, a subsidiary of Rimbunan Hijau Sdn Bhd on Lot 197 Teraja LD and Lot 1200 Puyut LD, both which are 4,658 hectares. The 60 year lease that was issued by the State's Lands & Surveys Department encroaches on lands belonging to the Malays of Marudi and Ibans of Lubuk Amam.

The leaders of both these communities informed SAM (Friends of the Earth Malaysia) that the company entered their customary lands without their prior knowledge or consent in 2010. Since 2010, the communities have undergone constant pressure from having outsiders on their lands and have had to endure the impacts of the large scale monoculture plantation including degradation in the soil and water pollution. The communities depend on the river for supply of potable water and other daily activities. This scheme has also caused a decrease in their livelihood as they depend on the forests and the river for resources for their sustenance.

Ever since the encroachment, the communities have been protesting against this scheme. In May 2010, they set up an Action Committee led by Othman Jais, Wasli Othman and Abang Lee @ Suhaili Lie. They brought their repeated complaints and protests to the District Office in Marudi but to no avail. They also wrote to the then Chief Minister of Sarawak Abdul Taib Mahmud, who was also the state's Minister of Resource Planning and Environment to cancel the lease issued to the company and recognise their native customary rights and customary territories. The committee also arranged for a number of dialogues with the local authorities and representatives of the company. Nothing came out of this too.

On 08 May 2012, after unsuccessfully trying to get the companies out of their customary lands, they filed a civil suit in the High Court of Sabah & Sarawak in Miri against Woodijaya. As a result of the civil suit, Woodijaya has currently removed all its machineries from the customary lands belonging to them and have not trespassed into their area until now. The case is still pending in court.

There are many other similar cases like this pending in court as a result of communities' resistance against large scale plantation schemes.

Theivanai Amarthalingam, Sahabat Alam Malaysia (Friends of the Earth Malaysia), e-mail: theiva.lingam@gmail.com

[index](#)

- Indonesia - Interview with Sawitwatch about the impacts of industrial oil palm plantations in Indonesia and the experience with the RSPO



With about 11.5 million hectares in 2011, Indonesia concentrates the biggest area of industrial oil palm plantations globally, followed by Malaysia with about 4 million hectares. This extensive use of land and the continued rapid expansion have provoked numerous conflicts between communities and the companies operating these plantations. Especially the devastating deforestation caused by the expansion of oil palm plantations in Indonesia and Malaysia has led to strong and sustained negative publicity for the companies in the “consumer” countries in Europe and the USA.

RSPO started in 2001 as a response to these conflicts and the related environmental destruction. 12 years on, the many unresolved conflicts between communities, workers and RSPO-certified companies were one of the key issues during the 2013 general assembly of RSPO in Indonesia.

According to the Bogor-based NGO SawitWatch, in 2010 at least 663 communities were in conflict with more than 172 oil palm companies throughout Indonesia, with 106 arrests reported as a result. The National Land Bureau (Badan Pertanahan Nasional) of Indonesia has registered in 2009 some 3,500 on-going land conflicts related to oil palm plantations. (for more info see WRM’s global overview on industrial tree plantations: <http://wrm.org.uy/books-and-briefings/an-overview-of-industrial-tree-plantations-in-the-global-south-conflicts-trends-and-resistance-struggles/>).

Most RSPO company members are active in Indonesia and/or Malaysia. The WRM bulletin talks with Jefri Saragih, the executive director of Sawitwatch about the organization’s more than 10 years of experience with the RSPO, to learn more about the impacts of oil palm plantations in Indonesia, the conflicts with communities and the experience with the RSPO.

Question: In Indonesia, what have been the main impacts on communities from the large expansion of industrial oil palm plantations during the past decades?

Jefri Saragih: There are many impacts due to the huge expansion of large scale oil palm plantations. CSOs [Civil Society Organizations] often differentiated the impacts into two issues: environmental impacts (e.g. deforestations, destruction of peatlands, water & air pollution, land degradation, etc) and social impacts (land grabbing, human rights violations, criminalization, partnership scheme, food sovereignty, forced & child labor, etc), although both issues are always linked to each other. As a social NGO, our focus has been on the social impacts. Since established, we have been working with communities affected by the development of large scale plantations. We have found many land grabbing cases where the local and indigenous communities lost and were forced to give up their lands. Communities are forced to give up their lands because they are being threatened or misled into a fraud in the sense that companies often benefit from the communities’ lack of documentations (i.e. land titles). Several companies also use military force in order to force the communities to give up their lands. Expansion has also affected communities’ food sovereignty where they are losing their food producing lands which are being converted into oil palm plantations. Labor has also been an issue which has not been addressed well by government, growers companies or the RSPO. Labor problems include practices of child and forced labor, issues around not guaranteeing minimum wage, daily contractual labor, unfulfilled promises, poor living condition, etc.

Question: Can you identify differentiated impacts on men and women?

Jefri Saragih: With regards to the labor, wives of laborers are indirectly forced to assist their husbands due to the limited time and high targets the laborers must accomplish. With regards to land

rights, women do not have rights to their family lands. Land titles are under the husbands' name. Therefore, when their husbands pass away, they often lose their lands.

Question: Has the RSPO been capable to revert the negative impacts of oil palm plantations in Indonesia? Please explain.

Jefri Saragih: With over 50 cases unresolved, it is fair to say that the RSPO has been unable to address the many negative impacts caused by large scale oil palm plantations. From a social perspective, we can see that today there are over 40 cases that have been submitted to the RSPO Secretariat and that have not been resolved. In addition to that there are many additional cases where there are conflicts with communities involving RSPO members but where cases have not been filed.

From the environmental perspectives, we can see that the recent extensive smoke in Riau was caused by the fires that happened in RSPO members' plantations. In addition, there are still many cases involving deforestation, etc.

Question: What has been the experience of communities in Indonesia when they have been using the complaints mechanism of RSPO?

Jefri Saragih: Throughout our experience in assisting communities, only a few of the complaints were resolved. RSPO has an important role to accommodate the conflict resolution process. This means they should also be able to clarify the reality on the ground. This is the role that the RSPO has yet to accomplish. We have been urging the RSPO Secretariat to be able to come to the field to re-check and clarify the information they have received. Unfortunately, they have not been able to implement this role against all the cases that are submitted to them.

Communities are not happy with the lack of progress the RSPO is making in resolving their conflicts. Although SW role as an RSPO member has allowed the communities' representatives to meet with companies during the annual roundtable meetings, most of the communities have not been able to communicate directly with the RSPO Secretariat.

Question: In the past few years, companies and investors active in Indonesia have set up large-scale oil palm plantation projects in Africa and they are also entering into Latin America. In these new expansion areas, they make many of the same promises to local communities as they did in Indonesia like job generation, progress and development. Based on the Indonesian experience, what would be your message to these communities in Africa and Latin America?

Jefri Saragih: Possible affected communities should be more careful in engaging with palm oil companies. They need to strengthen their capacities with regards to FPIC and their rights, e.g. land rights. NGOs and local activist also play an important role, both in assisting communities and running advocacy activities. They should be able to build dialogues with the government to protect the community's rights to their land and livelihoods.

[index](#)

- Indonesia - How RSPO addressed concerns raised against First Resources, one of its members



A short video “Manufacturing Consent”, (4) shows how PT Borneo representatives came to the Muara Tae village on 18 August 2011, asking for permission to enter the community’s territory. According to traditional leader Ignacius Igoqu, in a meeting that day “the community including me and the village head refused the presence of PT Borneo who wanted to partner with us”.(5) He also notes that about a month later, on 11 September 2011, PT Borneo people returned. During that visit the company representatives stated “we will not be detrimental to the community” and claimed that partnering with the company would be “very profitable” for the community. The community again refused to partner with the company. Ignacius Igoqu summarizes: “We do not want to accept the presence of oil palm because the only resource Muara Tae villagers want are forests and land [...] since most of our territory is converted into a coal mine, we only have the left side of Nayan river to make a living.”

The dispute over the destruction by the oil palm plantation company of communal forest and land used by the communities for planting food crops escalated in June 2012. According to Ignacius Igoqu: “Although many of us tried to stop the conversion, they stop when they see us, but when we get back to the village, they continue. Even during the night”.

Several community members have tried to fight back by replanting territory taken by the company, with food crops in an attempt to reassert their use of the land. With the deforestation resulting from expansion of the oil palm plantations, the Utak Melianu river, one of the two rivers crucial for supplying the village with water, is becoming severely degraded. Village leader, Masrani notes that: “Under these conditions, with the river destroyed in this way, there might be no source of water for public consumption in the village”.

On 18 September 2012, while bulldozers from First Resources’ subsidiary were still destroying Muara Tae communal forest and land, First Resources posted documents on the RSPO website that it had started the 30 days consultation period for new plantings of PT Borneo. Other documents were posted on the same website, showing the results of the Social and Environmental Impact Assessment (SEIA) and the High Conservation value (HCV) assessment, carried out by RSPO auditor TUV Nord. The assessment declares PT Borneo’s compliance with RSPO principle 7. This principle prohibits clearance of primary forests for new plantings established after 2005, demands that no “area required to maintain or enhance one or more High Conservation Values” be destroyed in the course of establishing new oil palm plantations, and that “no new plantings are established on local peoples’ land without their free, prior and informed consent”.(6)

In the video, a village leader explains that “(...) they did not enter with the consent of the community. They forced entry, demolishing the community territory forcibly. (...) they ignored the rejection by the villagers of Muara Tae”. Another villager complements that the company brought in “BRIMOB [riot

police] to intimidate people so they don't defend their land", adding that they also have been "destroying the forest wood and traditional medicines that have been maintained by the community". About the HCV areas, village leader Masrani comments that:

"[...] this HCV assessment is only to survey certain areas and only protects certain areas based on their own desires. As for us here, all of the territory of Muara Tae has a high value. The forests in Muara Tae's territory all have great potential. Besides that, it's really for the community. The territory of Muara Tae is a daily source of livelihood. For farming, for gardening. So if you want to find high value, all of Muara Tae has value."

The complaint to the RSPO

In October 2012, EIA presented a formal complaint to RSPO, requesting a number of actions such as that the RSPO call for the company to "cease land clearing immediately", that the RSPO facilitate "the restitution of annexed lands", and ensure a "compensation process agreeable to the affected parties".(7)

Ignoring its own timelines for responding to such complaints, RSPO took no action for three weeks, and on 7 November 2012, EIA publically stated that "RSPO fails to act as Muara Tae is destroyed."(8) EIA goes on to note that RSPO acceptance of the complaint as legitimate would have obligated First Resources to cease operating in Muara Tae until the dispute was resolved. Furthermore, EIA notes, that:

"Masrani, the Petinggi (village head) of Muara Tae, attended the RSPO's annual roundtable in Singapore last week. At the meeting, both Bambang Dwi Laksono, Corporate Head of Sustainability at First Resources, and Ravin Krishnan, RSPO complaints coordinator, encouraged the community to enter into dialogue with the company. However, in meetings with First Resources during the past two years, the community has repeatedly rejected the proposed plantation, a view which has been entirely ignored. Indeed, while offering the prospect of dialogue to Masrani in Singapore, First Resources was simultaneously preparing to bulldoze his father's land."(9)

Only on 10 December 2012, the RSPO finally informed First Resources by letter that a complaints procedure had been opened. In its letter, RSPO states that its Complaints Panel considered that EIA had submitted sufficient evidence for the RSPO to accept the complaint that First Resources had neither identified HCV areas in advance, nor conducted a SEIA before planting. Furthermore, RSPO "suggests a possibility of infringements where Free Prior and Informed Consent (...) may not have been obtained prior to development in the said area" RSPO further notes that the company had been involved in clearing HCV areas before in another region, adding that this might suggest not just a "one off failing" but possibly an issue "more systemic in nature." To address the issues raised in the EIA complaint, the RSPO Complaints Panel requested among others that PT Borneo "review the situation on-the-ground via an independent third-party Certification Body" and "work with the complainants on a suitable roadmap/action-plan to deal with the land dispute of the local community (Muara Tae), leading towards an amicable solution." This was all to be done within 6 months, and PT Borneo was requested to "cease all development on this said piece of land, pending satisfactory completion" of the action requested in the RSPO letter.(10)

This list of 'homework' provided the basis for the review on the ground - which basically confirmed the claims made by EIA.(11) As a consequence, RSPO sent another letter to First Resources (FR)

on 17 April 2013. This letter includes another long list of activities that should be done by FR to “resolve” the conflict and achieve compliance with RSPO Principles and Criteria. While requesting a lot of technical assessments, the company is allowed to resume planting on land identified not to be in dispute once HCV and impact assessment reviews have been completed. For the land in dispute, the company must resolve the conflict with the community first. RSPO recommends the company should improve the FPIC process, and make a “Schedule of Payments for Compensation”, and the company should provide regular updates on its operations to be disseminated to the communities. In RSPO’s view, “this will help FR in communicating the details of the plasma scheme [the scheme through which villagers plant oil palm for sale to the company] and the [Corporate Social Responsibility] programmes.”(12)

On 24 April, FR was “pleased to inform” that “we are committed to implementing all the recommended actions by 30 June 2013”. They further mention that they will hire “external expertise” and “develop a timeline programme for (...) HCV management and monitoring and send it to the [Grievance] panel for review”.(13) On 29 June 2013, FR informs that “constructive progress” has been achieved in relation to the proposed actions. 892 hectares were identified through a consultancy report as HCV areas.(14) The last available information on RSPO’s website is that RSPO, in its reply on 16 December 2013, demands a number of additional actions to the company, including a timeframe when these actions will be implemented and completed (15) 18 months after the complaint was presented, no substantial information regarding the status of resolution of the issues raised in the complaint is available on RSPO’s website.

What can we learn from this experience?

The Muara Tae community has all along voiced two basic demands: That the company stop operating in their territory immediately and that the land already occupied by the company be given back to the community. RSPO’s appeal for an “amicable solution” marginalizes these two basic demands from the community.

The community requests all but disappear in the RSPO letters and the company’s responses. Requests for the company to stay out of the community’s traditional territory are turned into appeals for yet more “dialogue” and “communication” with the new invader into their territory, about discussing sizes of HCV areas and “clear procedures” for “management” and “dispute settlement”. The community had on several occasions already given clear answers to these attempts at “dialogue” and “communication”: They did not wish to take up the company’s offer. In this context, RSPO’s call for “improving” FPIC is disingenuous. FPIC includes the option to say ‘no’, as RSPO notes in its letter of April 2012. The letter, however, does not adequately acknowledge that members of the communities have said ‘no’ on several occasions to requests from First Resources that they be allowed to enter their territory. The RSPO responses thus far show either unwillingness or inability on the part of the RSPO to listen to, understand and attend to community demands expressed in the complaint. As a result, the RSPO suggestions in and by themselves amount to an implicit rejection of the demands presented by community members while the original request from the company for the community to accept payment and become oil palm growers for the company – the request rejected on numerous occasions by community members long before they filed a complaint – is strengthened.

Where there are different perspectives in a community over how to respond to such offers by oil palm companies, the way RSPO dealt with the complaint in this case further complicates these internal debates and may contribute to escalating rather than resolving these as implicitly, RSPO sides with those arguing for partnering with companies in the expansion of industrial plantations in

such a context.

(1) See http://www.rspo.org/en/status_of_complaint&cpid=21

(2) See www.rspo.org for more information on these New Planting Procedures and RSPO Principles and Criteria

(3) http://www.eia-international.org/wp-content/upload/PT-BSMJ_NPP_Grievance_ALL_171012_FINAL.pdf

(4) <https://vimeo.com/52941829>; this video was produced by EIA and later included in the complaint to RSPO

(5) In Indonesia, about 30% of the national palm oil production is produced by smallholders often through a so-called 'plasma' scheme where they have about 2 hectares of lands in an area surrounding the plantation of one particular company with whom they have a contract to supply their oil palm fruit harvest.

(6) http://www.eia-international.org/wp-content/upload/PT-BSMJ_NPP_Grievance_ALL_171012_FINAL.pdf

(7) http://www.eia-international.org/wp-content/upload/PT-BSMJ_NPP_Grievance_ALL_171012_FINAL.pdf

(8) <http://www.eia-international.org/rspo-fails-to-act-as-muara-tae-is-destroyed>

(9) <http://www.eia-international.org/rspo-fails-to-act-as-muara-tae-is-destroyed>

(10) <http://www.rspo.org/file/PTBSMJFR.pdf>

(11) Except for suggesting that FPIC had been 'poorly done', in contrast to the statements in the EIA film that the community had not given its consent to the oil palm project.

(12) <http://www.rspo.org/file/CPDecisionMoodyReport17Apr2013.pdf>

(13) http://www.rspo.org/file/Reply_on_BSMJ_Complaint_24April2013.pdf

(14) <http://www.rspo.org/file/Letter%20to%20RSPO%20re%20completion%20of%20BSMJ%27s%20corrective%20actions%2029%20June%202013.pdf>

(15) <http://www.rspo.org/file/16Dec2013%20decision%20on%20PT%20BSMJ-FR%281%29.pdf>

[index](#)

- Liberia – RSPO's inability to address root causes of the conflict related to Sime Darby's operations



One would expect that RSPO members also uphold RSPO principles and criteria when they expand their operations on the African continent, not least in order to prevent a repetition of negative PR experiences from Indonesia and Malaysia. One would expect particular caution in countries like Liberia, where longstanding unresolved land tenure issues and the trauma of a recent and long civil

war have led a UN panel of experts to recommend the Liberian government place a moratorium on further land leases until the land tenure clarification in Liberia has been concluded.(1)

Despite this context, Sime Darby (SD) in 2009 signed a 63-years lease with the government of Liberia for a total of 311,187 hectares. For the bargain price of US\$ 5 payable to the state of Liberia per year for each hectare planted, the company obtained rights to plant about 220,000 hectares of oil palm within a 20 years period on the land included in the lease. The contract violates RSPO principles and criteria in the sense of not recognizing customary land rights and being very weak in terms of guaranteeing community rights. It also fails to recognize the responsibility of the company to obtain FPIC from affected communities, and even allows for involuntary resettlements of communities.(2) According to the local NGO SDI (FoE-Liberia), the contract also violates the Liberian law and international agreements.

Yet, RSPO member Sime Darby comments that it “signed a concession agreement with the government of Liberia which gives us rights to land”, adding that “we have entered into a legal contract with a democratically-elected government and do not believe there is any evidence whatsoever that it violates human rights.”(3)

This view that everything is fine was strengthened by the consultancy company BSi Group Singapore Pte Ltd, responsible for the RSPO certification procedure of the SD plantations in Liberia. A letter from the consultants, which is available on the RSPO website, states that “Sime Darby’s Development Plan is based on the best practices that have been applied at its oil palm operations in Malaysia and Indonesia and takes into consideration the recommendations of the SEIA [Social and Environmental Impact Assessment] and the HCV [High Conservation Value] Studies and is consistent with the applicable RSPO P&C for New Plantings and addresses the concerns and aspirations raised by affected stakeholders”. The letter further notes that “[t]he SEIA and HCV assessments are comprehensive, professional, and comply with the applicable RSPO principles, criteria and indicators for new plantings.”(4) The contract between Sime Darby and the Liberian government is mentioned as “evidence of land tenure”(5), without any critical reflection on the veracity of such a statement in the complex Liberian land tenure context. The positive certification advice the consultancy gives thus only strengthens SD’s expansion plans in Liberia.

What the communities have to say, however, about their experiences with this contract is a story of bad rather than “best practices”, an experience in which their “aspirations” as “stakeholders” were not at all addressed. In 2011, the company began planting on its first oil palm plantation in Garwula District, Grand Cape Mount County. In the process, farmland used by local communities was invaded and compensation payments for the crops lost were so low that the result was hunger in the communities when land was not available anymore for growing food, and compensation was insufficient to buy the food needed. Also forest areas, including sacred sites of very high value for the communities, were destroyed.

The RSPO complaint

In October 2011, inhabitants from towns and villages from Bomi and Grand Cape Mount County presented a formal complaint to the RSPO, detailing how their rights had been infringed. In the letter, they cite the SD Environmental and Social Impact assessment itself that describes the nature of land tenure in the areas affected by SD’s expansion as “tribal land”, “family land” and “community land”. According to the inhabitants, these are lands “owned by us”. They add that “[w]e are therefore legally entitled to free prior-informed consent with the full power to reject or accept proposals to invest on

our property”, complementing that “[SD] have engaged into massive destruction of our crops and culturally significant sites such as graveyards and shrines using heavy earth moving equipment, they have polluted our water sources.”(6)

In its response to the complaint, RSPO states that the company has shown “commitment” to “cease their operations immediately from the said operation site”, and that the company is “open for bilateral discussions among affected parties.” The RSPO secretariat considers this is “a good step forward towards discovering the detail of the issues and hence moving towards an amicable solutions plan”. As in similar cases in Indonesia and Nigeria where complaints have been filed against RSPO members, the RSPO response is silent on the very nature of these very important “detail of the issues”; equally, the responses fail to reflect on the adequacy of the action proposed by RSPO in light of these “details” - which in the case of SD in Liberia is the very contract that allowed Sime Darby access to the peoples lands in the first place.(7)

Sime Darby has stated that it “will not develop any land without the express permission of the local communities.” SDI / FoE Liberia however has warned that if the concession agreement between Sime Darby and the Government – and the fundamental problems this contract contains - is not renegotiated in the first place, communities will continue to be vulnerable in future. But Sime Darby has not taken any initiative to renegotiate this agreement with the Liberian government.

Simultaneously, “negotiations” held between the company and communities have not been capable to solve the problems with oil palm invasion on community lands. In a meeting with 150 community representatives in November 2012, one year after communities filed the RSPO complaint, the representatives from Garwula district who attended the meeting reiterated the absence, in their case, of any consultation before Sime Darby took over their land and that they had not given their consent to the oil palm plantations (see <http://wrm.org.uy/articles-from-the-wrm-bulletin/section2/liberia-our-future-is-now-communities-gather-to-discuss-oil-palm-expansion-and-to-repair-and-prevent-human-rights-violations/>). Representatives at the conference demanded for a thorough FPIC procedure for any new company operation. They further demand that there be no displacement, that employment rights be respected and that the company commit to transparency. Furthermore, during the conference a significant number of attendees stated their unequivocal resistance against Sime Darby’s presence on their community territories.

In a letter dated June 2013 (8), about 20 months after the RSPO complaint was presented, SD announces that it “is engaged in full consultation with all stakeholders”, including with what the company considers “responsible NGOs”, adding that “we are working to ensure that our plantations are expanded responsibly and with the consent of all stakeholders”. Excluding one of the key Liberian organisations supporting communities in their struggle for justice and rights to their lands, SDI/FOE-Liberia, from its interpretation of “responsible NGOs” does not bode well for SD’s commitment to helping resolve the conflicts it has caused. However, the company statement is in line with RSPO’s response to complaints about oil palm development projects, insisting on complainants committing to ‘solutions’ through ‘amicable dialogues’ between ‘stakeholders’ - which in reality translates to a process that allows companies to continue oil palm plantations expansion even in the face of explicit community resistance.

What does the Liberian experience show?

Until now, a real dialogue with all parties about the fundamental problems with Sime Darby’s activities in Liberia seems far away. RSPO does not work towards such a dialogue as long as it allows its members to act in violation of RSPO principles and criteria without any consequence to RSPO

membership. In the case of SD, meaningful intervention from RSPO in response to the violations of RSPO rules could include requesting that the company must not sign contracts with local governments in ways that violate the RSPO rules. Also, a dialogue aiming to achieve “the consent of all stakeholders” is difficult to imagine if organizations that play the crucial role of providing information that otherwise would not be available to communities about fundamental problems and impacts of the Sime Darby plantations, like SDI in Liberia, can simply be excluded by the company from the category of “responsible NGOs”. To be meaningful, engagement must include those who provide such information crucial to enable communities to make informed decisions.

The next area to be cultivated with oil palms from Sime Darby are 20,000 hectares in Gbarpolu County. Recently, research by Reading University (UK) funded by the UK Department for International Development and Rights and Resources Initiative assessed the potential social and environmental impacts of this SD project. The research showed that the plantation plans for this county are likely to lead to more major – and negative - social and environmental impacts. Sime Darby responded aggressively, claiming that the research “lacks credibility and rigour.” Reacting to an SDI and Friends of the Earth International factsheet launched to coincide with the release of the Reading University report, Sime Darby also accused SDI of making false allegations. The contention from SD’s perspective? SDI in a report about the impacts of Sime Darby in Liberia explains consequences in terms of increased landgrabbing as a result of contracts such as that signed with Sime Darby:

“(…) it is a national disaster waiting to happen. Allocating large swathes of fertile agricultural land to foreign companies for several decades is dangerous, because as these companies expand their plantations less and less farmland is available in rural areas. [...] It will also push people further into poverty, as their income generating activities are curtailed and earning capacities become limited.”(9)

As long as RSPO and SD refuse to delve into the details and roots of the conflicts caused by Sime Darby that NGOs and communities have raised with the RSPO, including through filing a complaint, any “solutions plan” proposed by the RSPO will be designed to fail.

A recent community victory in Liberia against Equatorial Palm Oil (10)

Since 2012, community people in Grand Bassa County have been accusing the UK-listed oil palm company Equatorial Palm Oil (EPO) of clearing lands and planting oil palm without asking for their permission. EPO argues that they got these lands legally, in a reference to concessions totaling 30% of the country’s territory that the Liberian government has been handing out in recent years. The affected villagers filed a complaint in September 2013 with the RSPO. The RSPO website notes that “investigations into the complaint are on-going”.

The communities, tired of waiting for resolution of their grievance through RSPO complaints procedures, organized and marched with 200 people to the state capital Buchanan in the beginning of 2014. They were violently stopped by a group of police and company security people. 17 villagers were arrested. After this community action and protests, Liberia’s president Ellen Johnson-Sirleaf promised community people in a meeting in the capital Monrovia in the beginning of March 2014 that the government of Liberia would not allow the company to expand oil palm plantations on their lands. Silas Sikor from SDI called the promise “a victory for community rights in Liberia”. This example shows the importance of

community organizing and community action and resistance when it comes to the defense of territories and forests on which communities depend.

- (1) Final report of the UN Panel of Experts on Liberia submitted pursuant to paragraph 6(f) of Security Council resolution 1961, 7 December 2011 (UN Doc. S/2011/757)
- (2) <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Liberia%20S2011%20757.pdf>
- (3) SDI/FOE-Liberia. Factsheet about Sime Darby in Liberia, 2013.
- (4) [http://www.simedarby.com/Open Letter to Friends of the Earth, in Response to the Publication %E2%80%98Sime Darby and Land Grabs in Liberia%E2%80%99 June 2013.aspx](http://www.simedarby.com/Open%20Letter%20to%20Friends%20of%20the%20Earth%20in%20Response%20to%20the%20Publication%20%E2%80%98Sime%20Darby%20and%20Land%20Grabs%20in%20Liberia%E2%80%99%20June%202013.aspx)
- (5) [http://www.rspo.org/v2/file/Notification%20&%20BSi Verification%20Statement%20New%20Plantings %20Assessment%20 Stage%20II %20of%20Sime%20Darby%20 Liberia %20May%202011.pdf](http://www.rspo.org/v2/file/Notification%20&%20BSi%20Verification%20Statement%20New%20Plantings%20Assessment%20Stage%20II%20of%20Sime%20Darby%20Liberia%20May%202011.pdf)
- (6) <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2011/letter-complaint-roundtable-sustainable-palm-oil-rspo-members>
- (7) <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2011/letter-complaint-roundtable-sustainable-palm-oil-rspo-members>
- (8) [http://www.simedarby.co/Open Letter to Friends of the Earth, in Response to the Publication %E2%80%98Sime Darby and Land Grabs in Liberia%E2%80%99 June 2013.aspx](http://www.simedarby.co/Open%20Letter%20to%20Friends%20of%20the%20Earth%20in%20Response%20to%20the%20Publication%20%E2%80%98Sime%20Darby%20and%20Land%20Grabs%20in%20Liberia%E2%80%99%20June%202013.aspx)
- (9) <http://wrm.org.uy/books-and-briefings/uncertain-futures-the-impacts-of-sime-darby-on-communities-in-liberia-2/>
- (10) Based on article of Mark Olden from FERN, available on <http://farmlandgrab.org/post/view/23300>

[index](#)

- Nigeria – RSPO legal opinion ignores core of the complaint against Wilmar International subsidiary Biase Plantation Limited



The government of Cross River State, Nigeria has given the go-ahead for development of large scale oil palm plantations, including on lands used by rural communities. One such case involves the acquisition by Biase Plantations Ltd. of lands used by the indigenous peoples of IBIAE community in the Biase Local Government Area. Wilmar International, one of the world's largest oil palm companies, with headquarters in Singapore (1), through its subsidiary, Biase Plantations Ltd acquired 5,561 hectares of land from the Cross River State government in 2011. 55% of this area (i.e. about 3,054 hectares) is existing natural forest, while about 2,419 hectares is already planted with oil palm - an oil palm estate was first established on this land by the government in the early 1960's but

it was abandoned in the 1980s - and is being cut down for replanting.(2)

Nigerian NGO Rainforest Resource & Development Centre (RRDC) filed a complaint with the RSPO in November 2012 in which the organisation documents how this privatisation of land previously held by the state has resulted in human rights violations, environmental destruction, and the violation of municipal laws and legislations.(3) The acquisition of land for development of large-scale oil palm plantations by RSPO member Wilmar poses a particular threat to the future and survival of the indigenous IBIAE community. In addition to the complaint to the RSPO, RRDC also filed court cases in Nigeria related to shortcomings and inconsistencies in the privatisation of the land acquired by the Wilmar subsidiary.

Though not covered in the RSPO complaint about Wilmar's operations in Cross River State, the purchase of the land in the Biase Local Government Area is not the only controversial acquisition by Wilmar in Nigeria. Wilmar is involved in at least two additional controversial acquisitions. Through its Nigerian subsidiary, Wilmar also bought land from Obasanjo Farms Ltd, a company belonging to former Nigerian President Olusegun Obasanjo (see article 'Stolen Land: Nigerian Villagers Want Their Land Back From Wilmar' <http://intercontinentalcry.org/stolen-land-nigerian-villagers-want-land-back-wilmar-21559/>). The original donation of land to the president's company was shrouded in secrecy, communal land owners were not consulted, nor compensations paid to them when the Cross River State Government forcefully collected about 10,000 hectares of land belonging to the forest communities of Ekong Anaku, Mbobui, Mfamosing, Abiati, Anigheje, for the donation to the president's private company.

A 24 April 2014 RRDC news release exposes additional recent grabbing of forestland by Wilmar International in the vicinity of the Afi Wildlife Sanctuary in Cross River State. RRDC notes that this "has raised serious ethical issues pertaining to the commitment of Wilmar International to its International Policy Declaration to Protect Forest and Communities of 5th December 2013."

The RRDC complaint to RSPO

The RRDC complaint to RSPO is focused on five principal issues that should have prevented an RSPO member following the certification scheme's principles and criteria from starting preparatory works at the IBIAE plantation site. These five principle issues are:

1. Failure by Biase Plantations Ltd. to reach an agreement with communities as outlined under clause 4(4) of the May 2012 "Fundamental Terms for Privatization of Ibiae Estate". According to this government document, Wilmar is required to "assist landlord communities in the provision of such facilities as shall be mutually agreed by the investor and the landlord communities." (4) While meetings have been held, no such mutual agreement has been reached between Biase Plantations Lt. and the landlord communities living on the land the company acquired;
2. Unlawful acquisition by Biase Plantations Ltd. of land leased to farmers that are part of the government's CARES programme;
3. Failure to properly account for migrant communities within the estate the company acquired;
4. Lack of commitment to transparency through refusal to make available key documents requested by the landlord communities affected by the privatisation; despite repeated requests to the government and Wilmar, none of the landlord communities have been provided with copies of the 'Fundamental Terms of Privatisation' document, which RRDC considers "not in the spirit of

transparency, as advocated by the RSPO”; another document that the company refused to make available was the Environmental Impact Assessment required by Nigerian law before the work on the plantations could begin.

5. Lack of compliance with applicable federal and municipal laws and regulations, including on Environmental Impact Assessments. (5) In their submission to the RSPO complaints panel, RRDC suggest “that Wilmar halt all their activities on the estate until all comments are dealt with in a manner consistent with RSPO protocol.” (6)

In relation to 1., the RRDC submission documents how community acceptance of Wilmar establishing the oil palm plantations was contingent on community demands for road improvements, ...[include list just deleted] being incorporated into the ‘Fundamental Terms of Privatisation’ document. Communities are assuming that these demands have been included, but in reality they have not been. Withholding this key document from the communities thus leaves them in the false understanding that their demands have been met. Consequently, RRDC considers that community consent for Wilmar entering the estate was gained under false pretences.

In relation to 2., RRDC explains how land leased to farmers that are part of the Cross River State Agricultural and Rural Empowerment Scheme (CARES) has been unlawfully included in the privatisation of the old plantation estate to Wilmar.

Under CARES, a poverty alleviation program, approximately 1,100 hectares were allocated in 2009 to farmers for 25 years for the purpose of planting oil palm on a small scale. Each farmer received between 10 and 20 ha of land. According to the Ministry of Agriculture, 32 farmers had developed 470 hectares with oil palm at the time the estate was privatized to Wilmar. RRDC’s submission states that those farmers have been informed not to invest further on the land allocated to them because of the privatization. “Although compensation was promised - though has not been paid as of 5 November, 2012 - as per the CARES leasehold agreements, the government does not have the right to terminate the agreement unless the lessee: (i) fails to pay rent or is (ii) in breach of the covenants in the agreement. Considering that privatization is not included in the termination clause, the acquisition of the land and its allocation to Wilmar is unlawful” RRDC concludes its comments on this point in its submission to RSPO.

With regards to the presence of migrant communities living within the estate, comments pertaining to this issue 3. explain that Wilmar failed to properly account for migrant communities within the estate. “Based on data from the 1991 national population census and assuming population growth in line with state averages (3.0 %), approximately 3696 persons reside within the Ibiae estate. These persons originate from the neighboring state of Akwa Ibom, most of whom having migrated in search of plantation work in the early 1960's when the estate was first established. Since the estate was in a state of neglect since the 1980's and employment opportunities became less abundant, these migrant workers were permitted by former Ibiae management to farm parts of the undeveloped areas of the Ibiae estate. While Wilmar indicated that it will compensate those farming within the undeveloped parts of the estate, compensation has not been disbursed to date - nor has there been a consultative process to determine the appropriate nature and extent of compensation”, the RRDC submission reads. The document further explains the social consequences of privatisation for these ca. 3700 people: “With most migrant households residing in the estate not having any legal and customary rights to land, few alternative livelihood options besides plantation employment will be available to them once they lose access to their farmlands within the estate. Since Wilmar is seeking to rebuild the worker camps and only those employed at the estate will have right to be housed in those camps, those migrant households who are unable to regain plantation employment (e.g. those

too old or physically unfit) will be forced to vacate the estate. In another estate acquired by Wilmar in Cross River State, Calaro, such workers were granted only a 'retirement package', which in no case exceeded Naira 10,000 (equivalent to approximately Euro 50). Clearly, this does not enable households to effectively reconstruct their livelihoods. Since many of those households have lost social ties to Akwa Ibom, having migrated generations ago, and have few alternative livelihood options within Cross River State, displacement from the estate could have dire implications. The Social Impact Assessment, dated April 2012, conducted by [RSPO accredited consultancy] ProForest makes no mention of this stakeholder group, raising serious questions as to the quality of the said Assessment." (7)

On 14 May 2013, the RSPO Complaints Panel found that Ibiase Plantations Ltd. was not in compliance with the RSPO criterion 1.1. related to transparency by failing to make the Environmental Impact Assessment (EIA) necessary for establishing the plantations available on request. The EIA, which Wilmar had only submitted to the responsible authorities in Nigeria on 13th March, 2013, was missing crucial information that in the view of RRDC render the EIA invalid. For example, the pages that should have contained maps of the Ibiae territory that will be affected by the plantation, were left blank. The RSPO Panel further decided that a lawyer well acquainted with Nigerian law be appointed to assess whether Biase Plantations had complied with Nigerian EIA legislation. Finally the company was "instructed to stop all work" until the issues over the EIA have been clarified and implemented to the satisfaction of the RSPO complaints panel. (8)

Two things stand out. First, the points on which RSPO seeks legal advice are also part of cases that RRDC presented to the Nigerian courts. It is thus surprising that the RSPO would risk being seen to prejudge the outcome of a court case if they accepted the legal opinion on the very issues before a Nigerian court. In addition to the procedural question this raises, the legal opinion RSPO requested from a Nigerian law firm only covers some of the issues raised by RRDC in their complaint to RSPO while not addressing others. The question discussed in the legal opinion is whether Nigerian legislation on Environmental Impact Assessments, the publication of notices and the precise mandate of a government commission related to land privatisation has been complied with.

Questions such as whether the conditions set in the 'Fundamental Terms of Privatisation' document have been complied with are not addressed in the legal opinion. Yet, on the basis of this legal opinion that only covers some of the issues raised in the complaint, RSPO decided that Wilmar be allowed to commence activities again on 'undisputed land.' That no agreement had been reached with informal settlers on the estate, that communities might have been misled over the content of the 'Fundamental Terms of Privatisation' document, or that the courts in Nigeria have yet to rule on the issues also covered in the legal opinion prepared by a consultancy for RSPO did not seem to matter when RSPO decided to allow Wilmar to proceed with preparing for the oil palm plantation.

The latest information on the RSPO webpage about the case dates from December 2013, and consists of a letter from Wilmar explaining how the company's new 'No deforestation' policy will be applied on the plantations acquired in Nigeria. Wilmar issued a statement in December 2013, (9) stating that they "are pleased to announce that the review has concluded, and the RSPO Complaints Panel is of the view that our plantation operations in Nigeria is in compliance with the national laws of Nigeria, including the lawful acquisition of land and that due process of environmental impact assessment (EIA) was followed." Communities affected by Wilmar's operations in Nigeria might beg to differ with that view. RRDC's demand for Wilmar to cease all its operations in Cross River State of Nigeria until all relevant laws and community interest and rights would have been completely complied with; and that Wilmar release to the interested public and the communities affected the

maps that clearly indicate which are the communities that are currently and will in future be affected by Wilmar's oil palm operations.

(1) www.wilmar-international.com

(2) http://www.rspo.org/file/RSPO-NPP_Report_Ibiae-Assessment_Findings%20Final.pdf for Wilmar's New Planting Procedures as requested by RSPO for such activities.

(3) http://www.rspo.org/en/status_of_complaint&cpid=26

(4) RRDC Submission of complaint in respect of Wilmar Nigeria Ltd. 10 November 2012.

<http://www.forestpeoples.org/sites/fpp/files/news/2012/11/NGO%20Complaint%20to%20RSPO%20about%20Wilmar%20NPP%20in%20Nigeria.pdf>

(5) Ibid.

(6) Ibid.

(7) Ibid.

(8) http://www.forestpeoples.org/sites/fpp/files/news/2012/11/RSPO%20-%20CPDecisionFinal%2014May2013_Nigeria.pdf

(9) <http://www.wilmar-international.com/wp-content/uploads/2013/12/Wilmar-Affirms-Commitment-to-Open-Transparent-and-Responsible-Practices.pdf>

[index](#)

- Brazil – Discourse of “innovation” contrasts with a reality of life in conditions akin to slavery for workers employed by one of Agropalma's suppliers



Agropalma started its activities in 1982 and according to its website, has since grown to become “the main producer of palm oil in Latin America”. (1) Its oil palm plantations are located in the state of Pará in the Brazilian Eastern Amazon Region, with a refinery and mill in the port of Belém, the state capital. Agropalma is member of the “Palm Oil Innovation Group” (2), launched in June 2013 in Jakarta. The group, is a joint initiative of the NGOs Greenpeace, WWF, RAN and FPP, and Agropalma as well as other companies described by Agropalma on its website as “acknowledged leaders in socio-environmental innovations in this industry”.

Agropalma states that the initiative has been set up “[t]o intensify and improve the principles and criteria of the Roundtable of Sustainable Palm Oil (RSPO), which according to the participants of this group, could have been broadened during the last review in January 2013, especially where they relate to deforestation, carbon stocks, biodiversity and social relations.”

One of the criteria of the “Palm Oil Innovation Group” relates to labour rights and the companies' performance on this issue (3). Social relations, as well as labour rights have indeed been a

challenge for Agropalma. Workers on the plantations of farm owner Altino Coelho de Miranda, a supplier of oil palm fruit to Agropalma, have been found twice by inspectors of the Brazilian Ministry of Work and Employment, forced to work in conditions akin to slave labour.

During the first incident in 2007, 15 workers were released by the inspectors. Because of having committed the crime of employing workers in conditions akin to slavery, Miranda was sentenced to eight years in prison in 2009, but he appealed against the sentence. A final ruling has not been made yet on the case – a delay that is not unusual in the Brazilian court system. Meanwhile, Miranda was caught again for the same crime in 2012, when 10 workers were released by a government inspection team; again, people were encountered working and living in conditions akin to slave labour. Agropalma was challenged by the Brazilian NGO Reporter Brasil, an organisation that has played an important role in combating working conditions akin to slavery in Brazil. Reporter Brasil asked Agropalma why they had not cancelled the contract with Miranda after the first incident. Agropalma responded, through its head of social and environmental responsibility, Tulio Dias. Dias explained at the time that the company had a 25-year contract with Miranda, and that although the contract included a clause that allowed for Agropalma to cancel the contract if infringements of labor legislation took place, the company preferred “pedagogical actions” that would encourage Miranda to improve their behaviour: “To cancel the contract would mean that we are running away from the problem, not solving it”. (4) However, by continuing to buy a product produced by workers living in conditions akin to slavery - a crime under Brazilian law - Agropalma also bears responsibility for this crime and the repeated grave human rights violation. Miranda had already been sentenced to no less than eight years imprisonment. Although Miranda used his right to appeal the court ruling, it is inconceivable how an RSPO member can consider “pedagogical action” as an appropriate response in such a context of grave human rights violations on the part of one of its suppliers.

Only as late as June 2013 did Agropalma issue a press release declaring “that it excluded from its list the provider Mr. Altino Coelho Miranda.” The press release explains that the cancellation of the contract is because of the fact that the producer has been included in the list of companies and people fined for employing people in conditions akin to slave labor, published by the Ministry of Labor and Employment on 28 June 2013. The press release notes that the producer is appealing the lawsuit on forcing people to work in conditions akin to slavery, but with the inclusion of the company in the dirty list, Agropalma felt that “nothing more can be done than excluding him [from the list of suppliers]. To take such a decision, Agropalma considered the Brazilian legislation, the code of internal conduct of the company and the principles and criteria of the Roundtable of Sustainable Palm Oil (RSPO), principle 6, criteria 6.5 and 6.12” (5)

Apparently, neither the eight-year sentence of imprisonment the farmer received in 2009 nor the fact that 15 people had been found forced to work and live in conditions akin to slavery conditions by state authorities in 2007 were considered sufficiently disturbing by Agropalma to justify cancellation of the contract with Miranda. Only the inclusion of Miranda in the official “dirty” list of those subjecting people to working or living in conditions akin to slave labor in Brazil forced Agropalma to act and exclude Miranda from its list of providers. This “dirty” list is regularly published and updated by the government.

It is disturbing that a company participating in an initiative that claims to bring together “acknowledged leaders in social and environmental innovations” considers it appropriate to maintain relations with a supplier that has been caught twice for subjecting workers to living in conditions akin to slavery. Only the supplier’s inclusion in the official ‘dirty’ list seems to have prompted Agropalma to opt for cancellation of the contract instead of ‘pedagogical actions’. Slave labor is a practice that even in this

day and age persists throughout rural areas in Brazil.

For additional info on the social and environmental impacts of Agropalma's operations, see "Impactos socioambientais da dendeicultura em comunidades tradicionais na Amazônia Paraense", por João Santos Nahum e Cleison Bastos dos Santos, 2013. ACTA Geográfica, Boa Vista, Ed. Especial geografia agraria, p.63-80 e, and Reporterbrasil, "Expansão do dendê na Amazônia brasileira", 2013, at <http://reporterbrasil.org.br/documentos/Dende2013.pdf>

(1) www.agropalma.com.br

(2) <http://www.agropalma.com.br/palm-oil-innovation-group.asp>

(3) <http://www.agropalma.com.br/palm-oil-innovation-group.asp>

(4) <http://reporterbrasil.org.br/2012/12/denuncias-de-violencia-e-trabalho-escravo-envolvem-cultura-do>

[-dende-no-para](#)

(5) <http://reporterbrasil.org.br/2013/07/nota-da-agropalma/>

[index](#)

PEOPLES IN ACTION

- Nigeria: Stop Corporate Land Bazaar in Edo State!

Okomu Oil Palm Plc, the Dangote Group and United Food Industries Ltd representing Indonesia's Salim Group are to benefit from plans by the Edo State Government to allocate 410,000 hectares of forest land belonging to community people in order to establish large scale monoculture plantations. Only 30,000 will be left for the over 170,000 local farmers in the communities who earn their livelihood from farmlands and forest resources.

In a statement issued in Benin city, ERA/Friends of the Earth Nigeria said that it was unacceptable for the Edo state Government to shun the original landowners who have lived all their lives and depended on the forests for their sustenance and enter into deals with corporations to pave way for large scale monoculture plantations. ERA/FoEN Executive Director, Godwin Ojo said: "This land bazaar is simply outrageous and unacceptable. We will not sit back and watch as forest concessions including reserves and communal farmlands are taken over by transnational companies with the consent of the Edo state Government. We have said it time and again that plantations are major drivers of deforestation and biodiversity loss."

Ojo explained that the development is even more disturbing when viewed from the prism that the lands are shared out with reckless abandon for plantation cultivation without due process or free, prior and informed consent of community men, women and children who depend on forests and its resources for survival.

He revealed that in communities bordering Iguobazuwa Forest Reserve where French Rubber Plantation giant Michelin is operating and fronting as Rubber Estates Nigeria Limited (RENL) there are cases of human rights abuses like forceful eviction, servitude, hunger and starvation, among others and pointed out that other players of corporate land grab in Edo State include: PRESCO PLC in Ikpoba Okha Local Government Area of the State and Okomu Oil Palm Company PLC at Udo, Ovia South West Local Government Area of Edo State, South-south Nigeria.

ERA/FoEN demands the state government to “put a brake on this plan.”

See ERA/FoEN press release at <http://www.farmlandgrab.org/post/view/23364-stop-corporate-land-bazaar-in-edo-state-era-foen-cautions>

[index](#)

- Mexico, Lacandon Rainforest: Montes Azules REDDeldía Movement

In the ejido (communal landholding) of Pichucalco, Montes Azules Biosphere, in the Lacandon Rainforest, delegates from the Montes Azules REDDeldía (“REDDellion”) Movement gathered from April 8 to 10 to discuss the issue of the inclusion of biodiversity and the traditional knowledge of indigenous peoples in the draft multinational free trade agreement known as the Trans-Pacific Partnership (TPP).

The movement established three objectives:

1. To denounce the wave of privatization of the world’s biodiversity.
2. To do something to stop it and to build a peoples’ alternative.
3. To offer a new flank of resistance in the general struggle of the peoples to provide support to other struggles and encouragement to those who, for the moment, have lost the battle against the structural reforms that have impacted them.

The delegates agreed on a Defence Plan, which includes the denunciation of the threats faced; calling on communities to resist against official and foreign programmes for conservation, land privatization and research on the forests and knowledge of the peoples; the creation of a global site to denounce the plans, strategies and actions aimed at plundering the forests and traditional knowledge and a worldwide campaign to alert consumers; the promotion of global solidarity-based distribution of biodiversity and traditional knowledge; the promotion of the organization of regional peoples’ collection and storage centres; and opposition to the “Brecha Lacandona” territorial demarcation.

They also developed a Work Plan of alternatives that include promoting, with support independent from the government and persons or groups that serve it, “the recovery of our traditional knowledge and practices and also of our own histories, to be stored in archives under the control of the communities themselves or of organizations or persons of proven trust”; promoting the community use and management of biodiversity, “primarily for the satisfaction of our health and food needs”; and developing community biodiversity management plans.

The full declaration is available at <http://reddeldia.blogspot.mx/>

[index](#)

RECOMMENDED

- Peasants and Politics Virtual Special Issue - The Journal of Peasant Studies is celebrating its 40th anniversary in 2013-14. Part of their series of initiatives to commemorate the anniversary of JPS is the publication of virtual special issues, starting with the 40 Classics in Peasant Studies. The second in the series is JPS 40: Peasants & Politics. This collection highlights some of the key articles that have been published in the journal over the past four decades on peasant politics. They launched it during

the week of 17th of April to coincide with the International Day of Peasant Protest.

The articles are free to access at <http://explore.tandfonline.com/page/bes/fips-peasants-and-politics-vsi>

[index](#)

- APRIL clears high conservation value forest in Sumatra's Kampar Peninsula, as it breaks its own commitment, is an Investigative Report of Eyes on the Forest, a coalition of environmental NGOs in Riau, Sumatra, which monitors the performance of APRIL, a pulp and paper company with a very bad reputation for its operation since 1995, as well as violations to its own commitment to protect high conservation value forest (HCVF).

[http://www.eyesontheforest.or.id/attach/EoF%20%28April2014%29%20APRIL%20clears%20HCVF %20in%20Kampar%20Peninsula%20PT%20Triomas.pdf](http://www.eyesontheforest.or.id/attach/EoF%20%28April2014%29%20APRIL%20clears%20HCVF%20in%20Kampar%20Peninsula%20PT%20Triomas.pdf)

[index](#)
