

Joint Statement of the Medan Conference on Land Grabbing and Oil Palm Plantations in Southeast Asia

We, the participants of the Southeast Asia Conference on Land Grabbing and Oil Palm Plantations, hosted by Lentera Rakyat, coming from Indonesia, Malaysia, the Philippines and Cambodia, gathered in Medan, Indonesia, from November 5-10 2012 to discuss and share information on land grabbing and the adverse impacts of the expansion of oil palm plantations on local communities across the region.

The conference reviewed and shared present-day situations of landgrabbing across Southeast Asia, as experienced by Cambodia, the Philippines, Malaysia and Indonesia in the name of State-sanctioned economic development policies. The practice has created a wide range of adverse impacts, in particular the rapid depletion of tropical forests in the region, a high number of agrarian conflicts, and the forced eviction of local people from their lands. About 16 million hectares have been planted with oil palm in Southeast Asia, of which 80 % has been converted in the last 15 years.¹ As shared by the participants land grabbing in the region has also often led to repeated instances of criminalisation of local people, indigenous peoples and human rights defenders who struggle to defend their rights and legitimate claims under existing international human rights law. In some cases, landgrabbing has been facilitated by formal State regulations and the use of repressive apparatus of the State. More importantly, victims often are left without any means to exercise their right to remedy.

The conference welcomed and supported the concerns and recommendation of actions of the *Bali Declaration on Human Rights and Agribusiness in Southeast Asia*, which calls for urgent steps to be taken by governments to address the adverse impacts of the expansion of oil palm monoculture plantations, including among others, through the adoption of international human rights standards, and the reform of national laws relating to land tenure, agrarian reform and land acquisition.

The participants of the conference affirmed their support for the *Statement of the Phnom Penh Workshop on Human Rights and Agribusiness in Southeast Asia*², an outcome of the workshop held in October 2012, convened by the Indonesian National Human Rights Commission (KOMNAS HAM) and attended by various National Human Rights Commissions and Institutions (NHRIs) of Indonesia, Thailand, Malaysia, the Philippines, Cambodia, Timor-Leste, Myanmar and South Korea as well as concerned civil society organizations and the Indonesian representative to the ASEAN Inter-Governmental Commission on Human Rights (AICHR). The *Statement* calls for concrete actions from the AICHR, the governments of the ASEAN region and NHRIs to address the violation of human rights of local communities, indigenous peoples and human rights defenders caused by the rapid and ill-regulated expansion of agribusiness in the region.

¹ Oil Palm Expansion in Southeast Asia, Trends and Implications for Local Communities and Indigenous Peoples, Marcus Colchester and Sophie Chao (eds.), FPP and SW, July 2011, page 5.

² <http://www.forestpeoples.org/sites/fpp/files/news/2012/10/Finalised%20Statement%20of%20the%20Phnom%20Penh%20Workshop.pdf>

We also support the recommendations of the *Southeast Asia Regional Workshop on Promoting Peoples' Rights to Land and Natural Resources*³ held in Bali on July 2012, hosted by HuMa, which called for a strengthening of CSO networks and capacities in confronting land grabbing and human rights violations.

We acknowledge that land grabbing is a process of dispossessing the people from their rights to land, natural resources and livelihoods, and routinely in violation of their right to Free, Prior and Informed Consent. The country report presentations demonstrated the escalating land grabbing realities in Southeast Asia. By visiting victimized communities, we understood that there are similar situations across the region, such as stigmatization against those individuals and communities who stand up for their rights to land in the face of external pressures. Some have already been imprisoned; others are on wanted lists. Some are released on bail but still face criminal charges. We also found out that existing legal systems in the region are not in favor of people's customary tenurial rights, even where they possess legal and physical evidence of long-term use of the land. Conversely, it is the national governments who are facilitating large-scale businesses to convert forests, peat land and agricultural lands into oil palm plantations for profit-oriented export purposes.

Moreover, at the ASEAN level, despite the mandate of the AICHR, there is no functioning human rights mechanism in place which could adequately respond to the needs of people suffering from the impacts of land grabbing. The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security*, adopted by the Committee on World Food Security on 11 May 2012 have yet to be implemented in practice implemented.

Reflecting on the aforementioned situations, we call on:

1. The governments of the ASEAN region to respect and uphold land rights for local communities, including farmers and indigenous peoples. We urge governments to make the right to Free, Prior and Informed Consent a mandatory requirement in national laws pertaining to land tenure.. We urge the State authorities to strengthen national legal systems to effectively stop the criminalization of people who struggle to defend legitimate tenure rights;
2. ASEAN to extend the mandate of AICHR as an effective and independent human rights mechanism to investigate the violation of farmers and indigenous people's rights; and to encourage Member States to domesticate the *Voluntary Guidelines* into national legislation.

³ <http://huma.or.id/en/pendamping-hukum-rakyat/aktivitas/hentikan-perampasan-tanah-sekarang-mari-mendorong-investasi-positif-atas-tanah-pertanian-dan-kedaulatan-pangan.html>

3. The European Union to integrate in its bilateral trade agreements a transparent monitoring mechanism which handles and avoids conflict between transnational companies and local communities;
4. The Roundtable on Sustainable Palm Oil (RSPO) to put in practice their Principles and Criteria and to apply the internationally accepted human rights principle of “PANTHER” (Participatory, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law). We also urge the RSPO to make effective use of alternative dispute resolution mechanisms.
5. Agribusiness companies and investors to respect the rights of local communities to land and natural resources by respecting their right to Free, Prior and Informed Consent.

Adopted by Acclamation on (ADD DATE) by the following:

1. Agus Sutomo, Gemawan Kalbar, Indonesia
2. Maly Seng, Cambodia
3. Herwin Nasution, Lentera, Indonesia
4. Shandi Renata, Lentera, Indonesia
5. Touch Setha, Cambodia
6. Rusliadi, JKMA Aceh, Indonesia
7. Nur Hidayati, WALHI, Indonesia
8. Indri Diah Saptaningrum, ELSAM, Indonesia
9. Surambo, Sawit Watch, Indonesia
10. Dewi Kartika, KPA, Indonesia
11. Septer Manufandu, Fokker Papua, Indonesia
12. Ahmad, Walhi Sulteng, Indonesia
13. Imam Bambang Setiawan, SPP, Indonesia
14. Ms. Estrella F. Catarata, FIAN, Philipines
15. Starjoan D. Villanueva, AFRIM, Philipines
16. Su Mei Toh, Wild Asia, Malaysia
17. Tandiono Bawor, HUMA, Indonesia
18. Alejandro C Carillo, FIAN Philipines
19. Junpiter, KSPPM, Indonesia
20. Carolin Callineus, BftW, Germany
21. Michael Schirmer, BftW, Germany
22. Fatilda, Sawit Watch, Indonesia
23. Sophie Chao, FPP, United Kingdom
24. Sisilia, HUMA, Indonesia
25. Florian Johaness, Papua, Indonesia

26. Saurlin Siagian, Indonesia
27. Longgena Ginting, Indonesia
28. Ben Indris, SBPI, Indonesia
29. Kusnadi, Walhisu, Indonesia
30. Dana Tarigan, Walhisu, Indonesia
31. Hawari, Bitra, Indonesia
32. Natal Sidabutar, Lentera, Indonesia