



Plot 7, Block 12, Federal Housing Estate,
P. O. Box 2483, Calabar, Cross River State, Nigeria.
E-mail: odehyoyama@hotmail.com,
Website: www.rainforestcentre.org GSM: 08035033824

RAINFOREST RESOURCE & DEVELOPMENT CENTRE

A Nigerian NGO for the Environment, Development & Information Delivery

Wednesday, February 06, 2013

Ravin Krishnan

Grievance Coordinator

Roundtable on Sustainable Palm Oil

Unit A-33A-2, Menara UOA Bangsar,

No.5 Jalan Bangsar Utama 1

59000 Kuala Lumpur, Malaysia

T: +603 2302 1500 **I F:** +60 322 014 053 1; **E :** Ravin.Krishnan@rspo.org **W :** www.rspo.org

Dear Sir,

ISSUES PERTAINING TO OBASANJOR FARMS WHICH IS BEING TURNOVER TO WILMAR

RRDC has observed that Wilmar has made strenuous efforts to address issues pertaining to IBIAE estate. In our letter of Tuesday, February 05, 2013, we have listed the issues outstanding in respect of IBIAE estate.

The main object of this specific letter is to draw RSPO's attention to the fact that so far Wilmar has not said anything pertaining to its operations at Obasanjor Farms. Our basic contentions in this respect are as follows:

- i) The land acquisition that has been purported to have been granted to Obasanjor farms (which is now being turnover to Wilmar) has encroached on large portions of the Oban Hill Division of the Cross River National Park;
- ii) Some large portions of the land purported to have been granted to Obasanjor farms (which is now being turnover to Wilmar) occupy large portions of the Ekinta Forest Reserve;
- iii) In view of the above, the land occupied by Obasanjor farms had never been properly acquired. Please refer to the "Newswatch" publication of September 16, 2002, (a Nigerian national newspaper) captioned: ***"OBASANJO, DUKE IN LAND SCANDAL, NGO takes protest abroad"***.
- iv) The final position of RRDC on this specific matter is that:
 - a) Obasanjor farms cannot give out to Wilmar what they do not legitimately own;

- b) Wilmar cannot occupy land that belong to the Cross River National Park except there is a gazetted notice separating the said portion of land from the Cross River National Park (CRNP);
- c) Wilmar cannot occupy land that has been placed under reservation (i.e. Ekinta Forest Reserve) unless there is a gazetted notice of de-reservation.

You will observe that in our petition of November 10, 2012, and our reply to Wilmar's letter dated December 26, 2012, the issues raised pertain to IBIAE estate and Obasanjor farms. Our present prayer is that, RSPO should make Wilmar to also address the issue pertaining to Obasanjor farms.

We expect your urgent attention also on this matter.

With our best regards,

Oidey Oyama
Executive Director

CC: Norashikin Rasikon (RSPO); National Assembly.

From: **Ravin Krishnan** (ravin.krishnan@rspo.org)
Sent: Thu 2/07/13 6:28 AM
To: Odey Oyama (odeyoyama@hotmail.com)
Cc: darrel rspo (darrel@rspo.org); salahudin.yaacob@rspo.org

Dear Odey,

I acknowledge receipt of your complaint.

However , I am a little concerned as when read your last paragraph,

1. you said that this complaint has been mentioned in your original letter of complaint dated 10 Nov 2012.

2. But , I did not see the word Obasanjor Farms at all in it.

3. Is this a new complaint in light of the developments with Ibiae?

Please advise.

rgds,
ravin

Dear Ravin,

It would appear that the issue of Obasanjor Farms must have been overlooked by RSPO. In the attached RRDC letter of December 26, 2012, addressed to RSPO in response to Wilmar's letter, the issue was already listed before RSPO among the pending and unresolved matters pertaining to WILMAR's project in the Cross River State of Nigeria. For the avoidance of doubt, please find attached RRDC's letter of December 26, 2012. From the content of the letter you will observe that the issue of Obasanjor farm is not just invented by RRDC in February 6, 2013

following developments at IBIAE. The issue has already been listed before RSPO for consideration in their own merit.

Nevertheless, we look forward to Wilmar's response to our demands pertaining to outstanding issues in proof of their COMPLIANCE with the laws of the Federal Republic of Nigeria and Cross River State of Nigeria as they pertain to land acquisition, Environmental Impact Assessment and sundry matters.

Thank you for your prompt response and kind consideration.

With our best wishes to you and ALL at RSPO,

Odey Oyama

Ravin Krishnan

(ravin.krishnan@rspo.org)

Sent:

Wed 2/13/13 3:40 AM

To:

Odey Oyama (odeyoyama@hotmail.com)

Cc:

darrel rspo (darrel@rspo.org); salahudin rspo (salahudin.yaacob@rspo.org)

Dear Odey,

With reference to your complaints on Obasanjor Farms. Please let me explain.

1,The original complaint came from the NPP notification of Ibiaie Estate.

2.At no time was Obasanjor mentioned until much later in November 2012.

3.Since , Obasanjor was not mentioned in the NPP; I strongly suggest that it is not included as a complaint under the NPP notification of Ibiaie but treated as a fresh new complaint .

Please let me have your thoughts.

rgds, ravin

Dear Ravin,

In response to your email of 13th February, 2013, it is RRDC's position that if RSPO wants to open Obasanjor Farms up as a new complaint, it is absolutely your own decision. If RSPO want to make it as a continuous complaint, it is also absolutely your own decision. RRDC does not determine how complaints are handled at RSPO. The Obasanjor Farm issue was raised in RRDC's letter of December 26, 2012. We are surprised that RSPO is discussing it as if it is an isolated issue altogether. Till date, RRDC has not received any reply to our letter of December 26, 2012, to Wilmar. We supposed that RSPO actually forwarded RRDC's letter of December 26, 2012, to Wilmar. If Wilmar on its own has decided not to address issues pertaining to the Obasanjor Farms, then RRDC cannot be held accountable for that decision of Wilmar. RSPO should however note that the critical issue in the Obasanjor farms is that a significant portion of

the farm is lying right inside the Oban Hills Division of the National Park as well as the Ekinta Forest Reserve; areas significant for conservation.

As a matter of fact, RRDC cannot compel Wilmar to make declarations on all their projects in Cross River State. RRDC's position is that if Wilmar's operations on any of its sites amounts to contravention of the Laws of the Federal Republic of Nigeria, or the Laws of Cross River State of Nigeria, or environmental ethics, or the rights of indigenous peoples and communities, RRDC will find it necessary to make representations of such matters. It should be noted that Wilmar has already commenced operations in its three initial concessions in Calaro, Biase and Ibiae. It would appear from field observations that Wilmar is in contravention of the following RSPO principles and criterion:

- Principle 1: Criterion 1.1, pertaining to commitment to transparency
- Principle 2, Criterion 2.1 pertaining to compliance with applicable laws and regulations
- Principle 7, Criterion 7.1 pertaining to responsible development of new plantings.

In addition to the three concessions mentioned above, information available to RRDC reveals that Wilmar has already processed acquisition of additional community lands in not less than three (3) locations across the State for New Plantings. RSPO must note that each acquisition has its own peculiarities and specificities, and must therefore be treated on its own merit. The issue at IBIAE does not answer the situation in any of these concessions.

Nonetheless, following RRDC's request letter of Tuesday, February 05, 2013, to WILMAR through RSPO, and in proof of its obligations and commitments to Transparency and compliance with the Laws of the Federal Republic of Nigeria and Cross River State of Nigeria, RRDC is still looking forward to receiving documentary evidence of the following:

- i) Wilmar's approved final Environmental Impact Assessment Report (EIAR) and certificate issued by the Federal Ministry of Environment;
- ii) Certificate of Occupancy of lands already acquired and their survey maps;
- iii) Schedule of compensations;
- iv) Payment receipts;
- v) Notices of acquisition;
- vi) Copies of government Gazettes in which the land transactions were made public.

We thank you exceedingly for your deep concern in respect of our complaints.

With our kind regards,

Odey Oyama
Executive Director, RRDC