



Roundtable on Sustainable Palm Oil

RSPO Secretariat Sdn Bhd
Company No.: 787510-K
Unit A-33A-2, Level 33A, Tower A
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Simon Siburat
Group Sustainability Controller
Wilmar International Limited
56 Neil Road, Singapore 088830

14 May 2013

Dear Sir,

RE: Complaint Against Biase Plantation/Ibiae Estate

With reference to the complaint by Rainforest Research and Development Centre on 10 November 2012 and your last email dated 29 April 2013

The Complaints Panel (the Panel) of RSPO having reviewed the complaint and all the evidence before it, is of the opinion that:

1. EIA Report

Biase Plantation has not fulfilled Principle 1: Criterion 1.1 of the RSPO on commitment to transparency and has not acted within the spirit of the RSPO Code of Conduct by not sharing this report.

The Panel hereby instructs that the member makes copies of the EIA report available to the complainants and all stakeholders for their scrutiny and shall incorporate and implement any recommendations arising there from. The onus of proving that the documents fall within the exception as stated in Criterion 1.2 shall be on the member.

2. Notice of Acquisition

Despite, the assertions of the member that this notice of acquisition should be the responsibility of the Cross River State Privatisation Council, the Panel has not seen the evidence of the said notice being published. There are doubts as to whether this part of the compliance has been satisfactorily fulfilled in accordance with Principle 2 of the RSPO: on compliance with applicable local, national and ratified international laws and regulations.

Therefore, the Panel has made a decision that :

1. the RSPO shall appoint a lawyer, who is well acquainted with Nigerian laws to review and give an authoritative opinion, on whether Biase Plantation/Wilmar has complied with the legal requirement as stated under the Federal Environmental Protection Agency (FEPA) Act Cap. F10 of 1988 and the Environmental Impact Act of 1992.
2. the costs of appointing this lawyer shall be borne by Biase Plantation/Wilmar.



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3. Upon receipt of the legal opinion, Biase Plantation/Wilmar must undertake all necessary actions to ensure compliance with the said Acts, the RSPO Code of Conduct and the RSPO Principle 2 ,before it begins operations in Biase Plantation.

Biase Plantation/ Wilmar is hereby instructed to stop all work until the above mentioned actions are undertaken and implemented to the satisfaction of the Panel and the complainant. We look forward to your positive reply by 28 May 2013.

Yours faithfully

Ravin Krishnan

Complaints Coordinator

for and on behalf of the Complaints Panel of the Roundtable on Sustainable Palm Oil,

Copy to Odey Oyama- Rainforest Research and Development Centre.