



Forest Peoples Programme

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RSPO Complaints Panel
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Dear Members of the RSPO Complaints Panel,

We were shocked and disappointed to learn last week that Plantaciones de Pucallpa (PdP) had withdrawn from the RSPO and, as a consequence, that the formal complaint presented in December 2015 by Santa Clara de Uchunya is no longer being processed by the complaints panel. We also note that information regarding PdP's membership has been withdrawn from the RSPO's website.

Only 3 weeks ago we were given to understand by the Secretariat that a final decision from the panel was imminent and it is thus clear to us that PdP have accepted they can no longer maintain the absurd fiction that they did not clear old growth forest, have complied with all legal requirements and have respected the customary land rights and FPIC of the community of Santa Clara de Uchunya. This clearly represents an act of bad faith on behalf of PdP and their wider commercial group and a contempt for the RSPO process which they had signed up to. If they had accepted the rules and principles of the RSPO when they registered as members and promoted a national interpretation of these principles in Peru they cannot simply withdraw as soon as it is no longer convenient for them.

This is of particular concern given that we have engaged energetically and in good faith with the complaints panel since December 2015. During this time we have reviewed and provided detailed commentary on the copious and largely spurious documentation submitted by PdP. This engagement has clearly demonstrated that PdP have violated numerous RSPO procedures and principles as well as Peruvian law and have provided no robust evidence to counter the evidence that they have:

1. Failed to observe the New Plantings Procedure
2. Failed to comply with relevant legal requirements (2.1). In Peru this includes;
 - a. the prohibition on conversion of primary forest

- b. authorization required prior for any deforestation or forest clearance including environmental impact assessments and relevant land use change approvals
 - c. respect of FPIC and property rights of indigenous peoples which exist on indigenous peoples' customary lands irrespective of title deeds.
3. Failed to conduct an HCV assessment (7.1)
 4. Failed to conduct participatory mapping or any adequate due diligence (2.2, 2.3, 7.5)
 5. Failed to conduct an EIA (5.1,7.1)
 6. Failed to respect the customary land rights of Santa Clara (2.2, 2.3, 6.3, 7.5)
 7. Failed to respect the FPIC of Santa Clara (2.2, 2.3, 6.3, 7.5).
 8. Failed to observe the principle of no clearance of primary forest (7.1)

Instead of addressing these issues as a responsible operator PdP have sought to present false, misleading and distorted information in their attempt to:

1. Undermine and discredit the community's legitimate and lawful rights to their traditional lands.
2. Make the absurd and unfounded suggestion that there are no land conflicts or overlaps in Peru where indigenous peoples' untitled customary lands are concerned.
3. Dismiss with no evidence the very clear deforestation analysis that has been conducted by the Peruvian government and independent analysts which shows that PdP have cleared over 5000ha of forest.
4. Ignore the fact that the Peruvian government has ordered the suspension of their operations, upheld this order and fined them for failure to comply and to permit access to environmental prosecutors.
5. Spread confusion by submitting misleading documents purporting to constitute authorisation of their deforestation.
6. Undermine and discredit the legitimate efforts of community leaders and local activists to challenge their operations through efforts to defame and prosecute individuals.
7. Generate social divisions and dangerous conditions for potential conflicts between neighbouring communities and groups in the area impacted by oil palm plantations.


In this context we have been extremely frustrated that the complaints panel has not appeared able to review and assess this documentation itself and to produce an agile response that could assist in resolving this case. This inability to deliver a timely and clear resolution has meant that there has been no remedy or solution for Santa Clara de Uchunya and PdP has been able to maintain their operations in community territory resulting in increased environmental damage and social conflict yet escape sanction.

It is clear to us that in taking this decision PdP have determined that they are in clear violation of the RSPO's rules but have preferred to abandon the membership which they joined in 2013 rather than face its sanction. We remind you that PdP, and its affiliates, that are part of the Melka commercial group, have strongly promoted the implementation of the RSPO in Peru where it coordinated some of the activities of the National Interpretation process. If companies which have so publically announced their commitment to the RSPO can withdraw so easily from this scheme and escape the remit of its complaints panel then what message does this send about the ability of the RSPO to offer effective remedy to communities affected by palm oil?

Although PdP have now left the RSPO we insist that the complaints panel must publish its final resolution on this case which must engage with the substance of the complaint and not simply address procedural issues. This is the first case of its kind in Peru and effectively a test case. PdP's withdrawal is an act of contempt of the complaints system and the RSPO and this position risks being endorsed if the RSPO cannot pronounce on the substance of the case thereby undermining the credibility of the RSPO and its accountability mechanism. In short, the jury is out on the RSPO and to fail to issue a final verdict would deal a massive blow to its credibility in this rapidly expanding market in Latin America.


Yours sincerely,


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