



Forest Peoples Programme

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Salahudin Yaacub
Julia Malail
Roundtable on Sustainable Palm Oil
Bangsar
Kuala Lumpur
Malaysia

30th September 2011

Dear Salahudin and Julia,

The Forest Peoples Programme is an international human rights programme, with consultative status with the United Nations (ECOSOC) that defends the rights of peoples who live in forests. We are and have been active members of several RSPO committees including the Criteria Working Group, the Verification Working Group, the New Plantings Procedure Working Group, the Biodiversity and High Conservation Values Working Group and the Task Force on Smallholders.

It has come to our attention that the Malaysian palm oil company, Sime Darby, has plans to open a 220,000 ha oil palm estate in Liberia in West Africa. This project will affect the livelihoods of several thousand Liberians many of whom live in communities with clear customary rights to their lands. Sime Darby is a member of the Roundtable on Sustainable Palm Oil (RSPO), which requires members to observe the RSPO standards and procedures.

Information about this concession was recently posted on the RSPO Web Site including several documents from Sime Darby detailing their plans. These documents are dated 1st September 2011 and seem to have appeared in the RSPO website on the 5th September 2011.

Under the New Plantings Procedure concerned parties have 30 days in which to voice concerns about proposed new plantings by RSPO members. The New Plantings Procedure, which was activated by the RSPO in 2009, requires RSPO members planning to develop new plantations to announce their plans before they commence land preparation and show by posting summaries of their preparatory assessments that they are taking steps to ensure they are in compliance with Principle 7 which requires that no new plantings: clear primary forest; affect areas needed to maintain or enhance high conservation values and; do not take place on local people's land without their free, prior and informed consent.

Forest Peoples Programme staff were recently at a conference in Liberia and observed a press conference (see photo attached) at which local community representatives spoke out about their concerns with regard to the Sime Darby operation. Among the concerns alleged by the affected villagers were the fact that they were being evicted from their lands and they had not given consent to their eviction (see attached press items). Conference participants then travelled to the proposed Sime Darby development area and noted that land preparations are already very advanced: roads have been built and substantial areas have already been cleared

for extensive planting (see attached photos). The affected peoples are also taking their concerns to the Liberian legislature to appeal their situation (press clipping attached).

Based on the above, we have here prima facie evidence that Sime Darby is operating in violation of the RSPO Principles and Criteria and in violation of the RSPO's New Plantings Procedure, including through:

- acquiring lands without respecting customary rights and without the free, prior and informed consent of the customary land owners as represented through representative organisations of their choice (P&C 2.2, 2.3, 7.5 and 7.6)
- forcibly evicting the people from their lands (7.5 and 7.6)
- clearing lands prior to the new plantings procedure (NPP).

We therefore urge that the RSPO immediately:

- informs Sime Darby about this complaint,
- requires Sime Darby to halt all land acquisition and land preparation in Liberia while the current situation is investigated and resolved
- instigates a process to resolve the current land conflict in full compliance with the RSPO Principles and Criteria through a transparent and participatory process agreeable to the affected parties (2.2, 2.3, 6.4, 7.5 and 7.6)

As far as we are aware there are no national members of the RSPO in Liberia. We also note that local NGOs and community based organisations are unaware of the RSPO or its procedures. This means that it is very challenging for the local organisations to activate the RSPO NPP procedure in a timely manner. For this reason we are sending in this complaint today to activate the complaints mechanism but we understand that a more detailed submission is in preparation by NGOs and community members in Liberia which may reach you shortly.

We look forwards to confirmation that this complaint has been received and what actions the RSPO will now undertake to address the concerns raised.

Yours sincerely



Dr. Marcus Colchester
Director

cc. SawitWatch, FERN, OxfamNovib, Green Advocates, SDI