

## FECONAU statement on the RSPO

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### Problem

Since 2009 the Peruvian oil palm company Plantaciones de Pucallpa SAC, a member of the Melka commercial Group and the RSPO (since 2013) has facilitated the purchase and sale of agricultural lands from migrant farmer groups. They did this in complicity with the regional authorities who issued possession certificates to these farmers who subsequently sold these lands to this company. The company also negotiated directly with the authorities of the Regional Agrarian Directorate of Ucayali for the purchase of supposedly degraded lands. The result was that they have cleared more than 5,000 hectares of secondary and primary forests without the respective authorization needed for the conversion of forest lands to oil palm monoculture plantations.

All these actions have had serious environmental and territorial impacts on the lands traditionally used by indigenous peoples and in particular the Shipibo community of Santa Clara de Uchunya. This community has been demanding an extension of its territory which currently only extends to 218 hectares and has filed a law suit seeking to secure the recognition of their rights to the full extent of their ancestral territory. While the extension process is failing to progress and the lands remain overlapped (by the palm oil company), social, territorial and environmental conflict continues, a situation which threatens the cultural survival of the community.

In December 2015, the community of Santa Clara de Uchunya, alongside FECONAU, filed a formal complaint to the RSPO on the basis that Plantaciones de Pucallpa had violated RSPO rules and procedures by deforesting vast swatches of primary and secondary forest without the necessary permits and disclosures. At the same time and through the illegal acquisition of community lands they had violated the community's fundamental rights to territory and associated rights to a clean environment and access to subsistence resources. A temporary stop work order was issued in April 2016 by the complaints panel but the company withdrew from the RSPO in October 2016 before a final ruling had been issued. Thereafter the complaints panel has only published findings related to a satellite analysis of the company's deforestation patterns. This initial analysis concluded that *"The RSPO Complaints Panel has found Plantaciones de Pucallpa (PaP) (Peru) to be in breach of RSPO Code and Conduct and RSPO Principles and Criteria (RSPO P & C) during its membership period from 14 October 2013 to 12 October 2016."* Subsequently the RSPO has refused to publish any additional findings.

### Demands on the RSPO

1. The RSPO must issue a final ruling with respect to Plantaciones de Pucallpa and guarantee effective sanction against their members who fail to comply with RSPO standards as well as national environmental laws.
2. The RSPO must provide guarantees to sanction those companies who have withdrawn from the RSPO while a complaint process was ongoing precisely to avoid such sanctions and who have changed the name of their company such as this case where Plantaciones de Pucallpa has now become Ocho Sur SAC.

3. The RSPO must conduct in situ field visits to experience the impacts and threats of its members in different nation states and listen to the voices of those affected ie the indigenous peoples and local populations.

4. The RSPO must guarantee that its sanction mechanisms are effective. For example, despite their resolutions in the case of Plantaciones de Pucallpa this company did not suspend its operations, it has not restored the harms caused and continues to flout national environmental laws. It continues to operate with impunity.

5. The RSPO should be aware that in Peru there has been no process to conduct prior consultation with indigenous peoples about the government's national palm oil strategy. Such a consultation process would necessarily address the structural problems in the sector which have contributed to the problems we see in the case of Plantaciones de Pucallpa. This consultation process was requested by FECONAU in September 2016 and was approved by the Ministry of Culture in May 2017 who ordered the Ministry of Agriculture to implement out this plan. Despite this there has been no concrete action to implement this on the part of the central government. The RSPO should add its voice to call for this commitment to be upheld.

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