

PNG communities successfully resist palm oil land grab.

Updates about Collingwood Bay, Papua New Guinea

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The people of Collingwood Bay in Papua New Guinea have won back their land from Malaysian loggers and oil palm companies after a hard fought battle.



Collingwood Bay. *Photo Eric Wakker (RAN)*

The National Court in Port Moresby has declared that two Special Agriculture and Business Leases covering 38,350 hectares of land are null and void and ordered the Sate to cancel the title deeds.

Spokesperson for the landowners, Lester Seri, said last night *“the Village people got the news of the Court decision and are celebrating and shedding tears in jubilation”*.

The leases were originally issued in July 2012 to two PNG registered companies, Sibu Management Limited and Wanigela Agro Industrial Limited. But in October 2012 Kuala Lumpur Kepong (KLK) a Malaysian oil palm company [announced](#) that, together with Malaysian investment company Batu Kawan, it had acquired the rights to the land - via a third company, Collingwood Bay Plantations.

The two leases were issued by the Department of Lands despite a government moratorium on new SABLs and a Commission of Inquiry which was on-going at the time, as [we revealed](#) in 2012.

The Commission of Inquiry found more than 5 million hectares of land in PNG has been fraudulently leased using the SABL mechanism, but the government has failed to implement the Commission recommendations and revoke the unlawful leases.

Lester Seri says *“while our people are celebrating they are mindful of the innocent families and other communities struggling throughout the country with the same problem, particularly in Turubu, Pomio and elsewhere and in East Sepik, East New Britain and Oro Provinces. We are urging the government to take a firm and decisive decision in dealing with the Col recommendations by cancelling all the illegal leases. Court cases are expensive and beyond the means of most village people”*.

For Collingwood Bay the court has accepted that the customary landowners never gave their consent to their land being leased and that the lease applications contained serious flaws.

When the applications for the leases were made with the Department of Lands it was not revealed the land in question was customarily owned and the survey plan referred only to a small block of land that was acquired by an Anglican mission over 100 years earlier.

The legal victory will be a serious embarrassment for KLK, a member of the international Roundtable on Sustainable Palm Oil (RSPO), Batu Kawan and the RSPO.

In April 2013 the Collingwood Bay landowners filed a formal complaint with the RSPO pointing out that KLK's involvement in the leases breached RSPO policies but the Roundtable has not taken any action against KLK.

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[Contested KLK PalmOil Leases Declared Illegal by Papua New Guinea Court](#)

High court sides with Indigenous communities in battle over controversial Malaysian palm oil giant's plan to develop large areas of ancestral territory and pristine forest

The National Court of Papua New Guinea has declared that two large land development leases claimed by Malaysia-based Kuala Lumpur Kepong Berhad (KLK) in the Collingwood Bay region of Papua New Guinea are null and void and has ordered the State to cancel the title deeds. As a result, KLK will not be able to develop the 38,350 hectares of land subject to the leases, which is part of the customary territory of nine Indigenous tribes who rely on the natural landscape of the region as the basis for their economy and subsistence livelihoods. Most of the land in question is pristine tropical forest containing extremely high levels of biological diversity.

On April 2nd, Rainforest Action Network (RAN) profiled this case in a report titled "[Conflict Palm Oil in Practice: Exposing KLK's Role in Rainforest Destruction, Land Grabbing and Child Labor.](#)" The report details four cases of Conflict Palm Oil production throughout KLK's global operations.

"The people of Collingwood Bay have spoken clearly through the voices of our chiefs that we are against large scale palm oil development on our lands," said Lester Seri, one of the plaintiffs on the case and a landowner in Collingwood Bay. "The chiefs of our nine tribes have spoken. Tens of thousands of our international allies have spoken. The Roundtable on Sustainable Palm Oil (RSPO) has spoken. And now the National Court of PNG has agreed: these permits are illegitimate. KLK must leave Collingwood Bay immediately and not return."

The issue garnered international attention when Collingwood Bay landowners asked Rainforest Action Network (RAN) and other allies to support their formal complaint to the RSPO against KLK's activities on their land. In January the RSPO issued a decision ordering KLK to cease all activity until the legality of leases was determined by the courts and to demonstrate proof that the Free Prior and Informed Consent process carried out involved the whole of the affected community, rather than small pockets of it.

KLK's disregard for communities' right to withhold their Free, Prior and Informed Consent to developments on their lands is not confined to Papua New Guinea. Communities in Liberia are currently fighting expansion onto their customary lands by KLK's newly acquired subsidiary Equatorial Palm Oil (EPO), which has also been subject to a formal RSPO

complaint. In March Liberian President Ellen Johnson Sirleaf told the communities that the government will support them in protecting their land from further expansion by EPO. But despite the President's support, in the past two weeks the EPO has moved forward with conducting studies of the community's land in preparation for clearance, provoking anxiety amongst community members and escalating the risk of violent conflict.

"Equatorial Palm Oil and KLK must listen to the Jogbahn Clan and accept that their 'no' means 'no'," said Silas Kpanan'Ayoung Siakor, campaigner for the Sustainable Development Institute/Friends of the Earth Liberia. "The continuing determination of these communities is a cautionary tale for EPO, KLK, and other corporations who think they can ignore communities' rights and ownership of land."

By area, KLK is the world's fifth-largest palm oil plantation company with a land bank nearly 250,000 hectares in Indonesia and Malaysia. KLK has significant ties to the international marketplace, selling its palm oil to major global traders and brands. In the United States, KLK is a significant supplier to Cargill, which in turn sells palm oil to dozens of major consumer brand companies.

"At a time when its peers like Wilmar are adopting leadership policies that set a new benchmark for responsible palm oil production, KLK continues to show blatant disregard for human rights across its global operations," said RAN forest campaigner Robin Averbeck. "From Liberia to Indonesia to Papua New Guinea, KLK is involved in everything from the destruction of endangered orangutan habitat to use of child labor to the violation of the rights of Indigenous Peoples. It is past time for KLK to recognize that business as usual as it has known it is no longer acceptable."

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