

Jakarta, 19 April 2016

TO: **RSPO**
Secretariat
Address: Unit A-37-1, Level 37, Tower A, Menara UOA

Bangsar No. 5 Jalan Bangsar Utama 1,

59000 Kuala Lumpur - Malaysia

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Respectfully,

Name : Y.L. Franky
Status : Operational Director of Yayasan PUSAKA
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We wish to submit a complaint to be followed up, concerning an oil palm plantation company which is a RSPO member. The company in question is PT Nabire Baru, which operates in forest within the administrative area of Yaur sub-district, Nabire District, Papua Province. PT Nabire Baru is a subsidiary of Goodhope Asia Holdings Ltd (<http://www.goodhopeholdings.com>) which is owned by Carson Cumberbatch PLC from Sri Lanka. Goodhope Asia Holdings Ltd has been an RSPO member since December 2014.

Based on community reports (document attached) and our findings in the field, PT Nabire Baru has violated the RSPO principles and criteria for sustainable palm oil production, and has also violated both legal regulations and the customary law of the Yerisiam Gua people, who hold customary land rights (*ulayat* rights) in the area. The details are as follows:

1. PT Nabire Baru has taken land belonging to the community, without a collective decision-making process (*musyawarah*) or the agreement of the wider Yerisiam community in their capacity as land rights holders, a situation which has continued from the start of the company's operations until the present day. The company only ever met and managed to gain the support of a small group of community members, causing disharmony to emerge within the Yerisiam indigenous community;
2. The Yerisiam indigenous community have repeatedly complained and raised the issue of this land grab, their suffering and losses, and the violent practices used by the Police Mobile Brigade in their response to the problem, but the government and company have ignored and failed to respect the community's voice and complaints about the problems they face;
3. The company has already destroyed ecologically important forest, and deforestation has occurred, resulting in the loss of the community's sources of income. Most recently severe flooding has inundated Sima village, which is inhabited by Yerisiam people;
4. The company has destroyed sacred forest and the Jarai and Manawari sago groves which represent the Yerisiam people's source of food. This took place on Wednesday 13th April 2016. This is despite

the community having previously met the Nabire District Legislative Council to complain about the plans to clear the sago groves on 7th February 2016. However the company, protected by the Police Mobile Brigade, showed no regard for the community's complaints and continued its violations.

PT Nabire Baru's behaviour has clearly violated the RSPO principles and criteria in the following ways: (1) The company did not act transparently and has still not given documents to the community, because of this the community have not been in possession of the company's legal documents from the company since the start of its operations; (2) The company has not complied with current laws and regulations, including Special Local Regulation (Perdasus) 21/2008 for Papua Province concerning *Ulayat* Rights for Indigenous Customary Communities and Individual Rights; (3) The company has no shown responsibility towards the environment and conservation of natural riches and biological diversity; (4) The company has demonstrated an irresponsible approach to developing its plantation business.

Based on the fact of the aforementioned corporate misdeeds, and in consideration of the RSPO's principles and criteria, we urge the RSPO to:

I. Immediately investigate the allegations that PT Nabire Baru has not followed the RSPO principles in question and resolve the conflict in an open manner which involves the wider Yerisiam community, and if the divergence is confirmed then the company should be penalised by revoking RSPO certification of PT Nabire Baru and its parent company;

II. Insist that P Nabire Baru provides compensation and stops all activities, unless it has the agreement of the wider Yerisiam community to continue.

I hope this complaint will be awarded a swift response.

Respectfully,

Y.L. Franky

Copies to:

1. Environment and Forestry Minister, Jakarta
2. Agriculture Minister, Jakarta
3. Agrarian and Spatial Planning Minister, Jakarta
4. Governor of Papua Province
5. Bupati of Nabire District
6. NGO Network
7. Press

Attachments:

1. Letter from Yerisiam Indigenous Community
2. Photos of damage to sacred places and sago groves.

**Yerisiam Gua Wider Ethnic Group,
Sima Village, Yaur Sub-district, Nabire Regency, Papua**
Secretariat Address: Jalan Re. Martha Tiahahu, Mobile Phone (0822 18312666)

Number: 098/SK-SKYG/IV/2016
Attachments : -
Concerning : Report and Request

To: Head of RSPO representative office, Jakarta.

Respectfully,

This letter concerns the oil palm plantation companies PT Nabire Baru, PT Sariwana Adi Perkasa and PT Sariwana Unggul Mandiri who are carrying out work on the customary land of the Yerisiam Gua people, in Sima Village, Yaur Sub-district, Nabire Regency, Papua. We wish to report several issues which are gravely disadvantaging us, the indigenous community, including:

1. On 12th April 2016 PT Nabire Baru et al. cleared sago groves belonging to the Yerisiam Gua indigenous community in Sima village, closely guarded by Police Mobile Brigade guards. The sago groves in question have existed naturally since ancient times, and are sacred sago groves which have provided food for the people of Sima village from generation to generation up to the present day. Prior to this incident, a meeting had been held on 7th February between the Akaba Business Cooperative, PT Nabire Baru and the whole indigenous community to discuss the plans to clear the sago groves. The company's reason to proceed was that it had already obtained *HGU* cultivation rights title, an environmental impact assessment and other permits, but it had not shown these permits to the whole community. In that meeting the whole community clearly "**OPPOSED**" the destruction of the sago groves. However on the 12th April the company stubbornly and unilaterally cleared the sago grove, going against the community opposition. To put a name to the sago groves which have been cleared or will be cleared, they are called Jarae, Erunggre, Herajore Hamare, Hergaje and Manawari,. The land clearance continues, closely guarded by Police Mobile Brigade security guards. These six sago groves were the heritage of the Yerisiam Gua wider ethnic group, but are now at the point of being wiped out by PT Nabire Baru's plantation expansion.
2. On 25th March this year, flooding took place, leaving half-metre thick mud, caused by the deforestation of the Yerisiam Gua wider ethnic group's forest around Sima village without an Environmental Impact Assessment.
3. PT Nabire Baru has severely disregarded the rights of the Yerisiam Gua indigenous people. To this day there is no clear agreement between the indigenous community and PT Nabire Baru, yet our forest continues to be transformed into bare earth as expansion continues.
4. PT Nabire Baru always uses Brimob guards to provide security for the company to expand and exploit the forest as it wishes.
5. In relation to the above concerns, we the Yerisiam Gua wider indigenous group in Sima village, Yaur sub-district, Nabire Regency, Papua request that a RSPO representative in Jakarta conducts a review of the **CERTIFICATION** of PT Nabire Baru on the Yerisiam Gua people's land.
6. We ask for the support of YAYASAN PUSAKA in Jakarta, to whom we send a copy of this letter, to write to relevant bodies in the interest of advocacy and investigation of our problems.

This is our request. We wish to express our gratitude for your attention and support.

Nabire, 19th April 2016.

On behalf of Yerisiam Gua wider Ethnic Group Chief,

Roberthino Hanebora (Secretary)

Copies sent to

1. Yayasan Pusaka
2. Archive