



# Forest Peoples Programme

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29 January 2024

Dear RSPO Complaints Panel,

## **Further allegations against First Resources Ltd for breach of RSPO Membership Rules**

The complainants respectfully submit further allegations against the RSPO Member, First Resources Ltd. The complainants allege First Resources Ltd. is in breach of Requirement 5.2 of the RSPO Group Membership Rules. The complainants allege First Resources Ltd. has control and influence over a group of companies known as New Borneo Agri (“the Sulaidy companies”), a non-RSPO member who was not declared in First Resources Ltd.’s RSPO Group Membership.

Our expectation is that the following evidence can be considered as part of the upcoming independent investigation for complaint RSPO/2021/04/EN. If this evidence cannot be accepted by the Independent Investigator, please accept this as a second complaint against First Resources for breach of RSPO Group Membership Rules.

The complainants wish to bring to the attention of the independent investigator evidence that was published by the Gecko Project<sup>1</sup> on 20 November 2023 in their article “Chasing Shadows: Extensive evidence suggests corporation selling “sustainable” palm oil hid control of companies destroying rainforest”.<sup>2</sup> Documents obtained in the course of the Gecko Project’s investigation provide strong evidence that First Resources Ltd. is in breach of the current RSPO Group Membership rules which require the compulsory registration of corporate groups under one membership.

The complainants request the independent investigation determine whether First Resources has control over New Borneo Agri in accordance with criterion 5.2.2 (ii) of RSPO Group Membership Rules.<sup>3</sup> Attached to this submission is a folder which provides the corresponding documents underpinning the statement (below in *italic*) taken from the Chasing Shadows investigation:

*“First Resources employees were even named as legal representatives of the Sulaidy companies, documents obtained by The Gecko Project show.”<sup>4</sup>*

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<sup>1</sup> <https://thegeckoproject.org/about>

<sup>2</sup> <https://thegeckoproject.org/articles/chasing-shadows>

<sup>3</sup> 5.2.2. (ii) states: “Control means: (a) having management control which includes the ability to direct, instruct or manage business activity or administration of an Entity whether by having the ability to influence the board, management of an Entity through shareholding, stock ownership or by contractual or operational arrangement; (b) in accordance with whose directions, instructions or wishes an Entity is accustomed or is under an obligation, whether formal or informal, to act in relation to a Parent’s direction, instructions or wishes.

Illustrations for Control: (a) Where the Parent has a controlling interest in another Entity ; (b) Where there exists a contractual or operational or arrangement, whether formal or informal, between Parent and another entity ; (c) Where an Entity or its directors are accustomed, or are under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of the Parent. See:

[https://rspo.org/wp-content/uploads/RSPO\\_Membership\\_Rules\\_20202.pdf](https://rspo.org/wp-content/uploads/RSPO_Membership_Rules_20202.pdf) , p.7

<sup>4</sup> <https://thegeckoproject.org/articles/chasing-shadows>



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## 1. New Borneo Agri

The group New Borneo Agri was first brought to the attention of the Gecko Project by former First Resources' employees who trained at the group's Pekanbaru training centre and provided testimonies to journalists that there were no divisions between First Resources, FAP Agri, or New Borneo Agri – *"It's just one big group."*<sup>5</sup>

*"The companies that fell under the umbrella of New Borneo Agri were those owned, on paper, by Sulaidy – the Sulaidy group."*

These companies are:

1. PT Borneo Citra Persada Abadi ;
2. PT Borneo Citra Persada Jaya;
3. PT Borneo Citra Persada Mandiri;
4. PT Citra Palma Pertiwi;
5. PT Palmdale Agroasia Lestari Makmur;
6. PT Setia Agro Abadi.

[The AHU profiles of all six companies can be found in Folder 1.1]

The first five of these companies concessions border (or are adjacent to) a First Resources subsidiary concession, PT Ketapang Agro Lestari, in East Kalimantan, Indonesia [See Folder 1.2]. PT Setia Agro Abadi [No.6] is adjacent to two FAP Agri concessions, namely PT Borneo Bhakti Sejahtera and Setia Agro Utama [See Folder 1.3].

*"In 2017, a firm called Honor Ace Enterprises Limited [registered in the British Virgin Islands] took control of the companies that form New Borneo Agri, supplanting Sulaidy as the majority shareholder."*<sup>6</sup>

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<sup>5</sup> <https://thegeckoproject.org/articles/chasing-shadows>

<sup>6</sup> As of 26<sup>th</sup> January 2024, Honor Ace Enterprises Limited remains the majority shareholder of all six companies.



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## 2. Aprinia Anggela

*“However, a string of legal documents show that in 2019, a woman named Aprinia Anggela was granted authority to act as the representative of these shareholders. At the time the documents were signed Aprinia was working as a legal officer for First Resources, according to her LinkedIn profile.”*

There are two pieces of corresponding evidence to substantiate this claim.

1. The legal documents cited in the Gecko Project investigation are the Notary Acts of six Sulaidy companies (detailed above) which introduce amendments to the Article of Association for each respective company. All six documents were prepared by a Notary on 26<sup>th</sup> November 2019. [The Notary Acts of all six companies can be found in Folder 1.4] All six Notary Acts were published in Berita Negara (“The State Gazette”), an official government publication through which the Indonesian government issues various official legal announcements on 26<sup>th</sup> November 2019 [A composite screenshot from Berita Negara can be found in Folder 1.5]. All six Notary Acts were passed on the same day, 26<sup>th</sup> November 2019.<sup>7</sup> In each case, the Sulaidy company is represented by a woman named Aprinia Anggela who, according to the Notary Act documents, is acting “based on the power granted by a Shareholders’ Decree” [See page 3 of each Notary Act in Folder 1.4]. The shareholders at this point are Honor Ace Enterprises Limited and PT. Bangka Bumi Lestari [See page 7 of each Notary Act in Folder 1.4]. The Board of Directors and/or Aprinia Anggela have the right to state the decision of the shareholders in a Notary Act and thus authorised to represent the company: “untuk menyatakan keputusan para pemegang saham Perseroan ini dalam suata akta Notaris” [See page 8-9 of each Notary Act in Folder 1.4].
2. A LinkedIn profile for Aprinia Anggela shows that she was employed as a “legal officer” at First Resources in October 2019, a month prior to the notary act being formalised in November. The LinkedIn profile states Aprinia Anggela worked for First Resources until at least July 2022. [See [1] in Folder 1.6] Aprinia Anggela’s Facebook profile corroborates that she worked for the same companies prior to First Resources, PT. MNC Life Assurance and PT Dipa Pharmalab Intersains [See [2] in Folder 1.6]. Aprinia’s LinkedIn profile was deleted between 20 November 2023 and 4 December 2023 – after the publication date of the Gecko Project investigation.

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<sup>7</sup> [http://www.beritanegara.co.id/?nama\\_notaris\\_search=Shafina+Kalia&badan\\_hukum\\_search=&tahun\\_terbit\\_search=2019&page=1&per-page=5&sort=-no\\_bn](http://www.beritanegara.co.id/?nama_notaris_search=Shafina+Kalia&badan_hukum_search=&tahun_terbit_search=2019&page=1&per-page=5&sort=-no_bn)



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### 3. Honor Ace Enterprises Limited

*“Honor Ace Enterprises Limited is registered in the British Virgin Islands, a secrecy jurisdiction that does not disclose companies’ shareholders. The British Virgin Islands is among the world’s most secretive jurisdictions, according to rankings by the Tax Justice Network.”<sup>8</sup>*

Honor Ace Enterprises Limited is the majority shareholder of the six companies that form the Sulaidy Group [See AHU Profiles in Folder 1.6].

*“Among the scant information the [British Virgin Islands] authorities do make available is the sole registered director of Honor Ace Enterprises Limited. As of October 2023, it was a man named Desmon Pangestu.”*

According to a List of Directors filed with the BVI Financial Services Commission on 24<sup>th</sup> August 2020, the sole listed director of Honor Ace Enterprises Limited is Desmon Pangestu. [See Folder 1.7]

### 4. Desmon Pangestu

*“Desmon, like Aprinia, is employed by First Resources. A receptionist at First Resources’ Jakarta headquarters also confirmed to The Gecko Project that a Mr. Pangestu worked at the company.”*

A LinkedIn profile summary for Desmon Pangestu shows that he was employed as a “Business Development Executive” from 2017 to 2023. Desmon Pangestu’s LinkedIn profile was deleted between 20 November 2023 and 4 December 2023. [See Folder 1.8]

*“A notice in Indonesia’s newspaper of record, Kompas, shows that Desmon is also Martias’ nephew — a member of the Fangiono family.”*

The notice in Kompas describes Martias as one of the deceased’s three male children. Desmon Pangestu is listed as a grandchild (Cucu Dalam) of the deceased, along with six Fangiono siblings – Wirastuty Fangiono, Wirasnery Fangiono, Wirasnery Fangiono, Cik Sigih Fangiono, Ciliandra Fangiono and Wiras Anky Fangiono.<sup>9</sup> [See Folder 1.9]

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<sup>8</sup> <https://fsi.taxijustice.net/country-detail/#country=VG&period=22>

<sup>9</sup> <https://web.archive.org/web/20130306022824/http://www1.kompas.com:80/obituary/view/2063>



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## 5. Request for action

The complainants thus formally submit these allegations to RSPO Complaints Panel. We ask that the Independent Investigator look into these claims, provide an independent judgement on the alleged breach of the RSPO Membership Rules, and clarify what if any corrective actions they propose. If these allegations cannot be admitted to the Independent Investigator, we request that these allegations form the basis of a second complaint against First Resources Ltd.

We look forward to learning how RSPO Complaints Panel plans to deal with this complaint.

Your sincerely

A handwritten signature in black ink, appearing to read 'Angus MacInnes', written in a cursive style.

Angus MacInnes

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