

**RSPO Visit to PT Nabire Baru/Goodhope Plantations**

**Joint Field Visit of PT Nabire Baru/ Goodhope Asia Holdings & NGO Pusaka**

**I. Background**

**PT Nabire Baru is a subsidiary of Goodhope holdings and operates two oil palm plantations in NAbire**

**I.I Complaint**

The RSPO received a complaint from the NGO Yayasan Pusaka on 19 April 2016 –

The main allegations contained in the complaint were:

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 Yeresiam 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 Yeresiam 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 Yeresiam indigenous community;
2. The Yeresiam 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 Yeresiam people;
4. The company has destroyed sacred forest and the Jarae and Manawari sago groves which represent the Yeresiam 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 violation

The complainant requested RSPO to:

- Do the ground verification
- Requested PT Nabire Baru to compensate them and stop all their activity, unless they get the consent from the Yeresiam.

Based on the positive response from both parties, NGO Pusaka and Goodhope, the Secretariat categorized the case as a reported base. The case has been shared with the Complaints Panel since May 2016.

*Please see Annex 1. Chronology of the case, for the details*

## **II. Objectives of the Joint Field Visit**

Based on the meetings between the parties (NGO Pusaka and Goodhope) conducted on 22 July 2016 and 16 August 2016, the parties agreed that the Joint Field Visit, with the RSPO Secretariat as observers, must be undertaken with the following objectives:

1. To verify the allegations submitted by the complainant, as well as the data and information submitted by the company.
2. To have discussion with the local community of Siam in order to hear their complaints directly.

3. To disclose the relevant information to the local community based on the community concerns, e.g the acquisition process, concession mapping, HCV areas, etc.
4. To seek the common ground and come up with agreement and action plan as the next steps to settle the complaints.

### III. Schedule

Time	Activities	PIC
<b>Monday, 26 September 2016</b>		
21.00	Departure from Jakarta GA 650 Stopover in Biak	
<b>Tuesday, 27 September 2016</b>		
07.15	Arrival in Nabire	
09.00 – 11.00	Meeting with Pemda Nabire & DPRD Nabire	
13.00 – 15.00	Preparation meeting with Goodhope	
15.00 – 16.30	Visiting Dusun Sagoo & sites	
<b>Wednesday, 28 September 2016</b>		
09.00 – 09.10	Opening from RSPO	RSPO
09.10 – 09.25	Speech from the Local Government	
09.20 – 09.35	Speech from Community Leader of Sima	
09.35 – 09.50	Speech from Goodhope	Goodhope
09.50 – 10.00	Speech from Pusaka	Pusaka
10.00 – 10.15	Break	
10.15 – 11.00	Presentation from PT Nabire Baru : - History of acquisition. - Permits. - Map disclosure - What PT NB have done to support community (e.g job creation, CSR, etc)	Goodhope
11.00 – 12.30	Discussion	All
12.30 – 13.30	Lunch	
13.30 – 15.00	Searching for Common Ground:	RSPO

	Develop Points of Agreement	
15.00 – 15.15	Break	
15.15 – 17.00	Develop an Action Plan based on Points of Agreement	RSPO
Thursday, 29 September 2016		
07.45	Departure from Nabire, GA 7656 (stopover in Timika)	
15.40	Arrival in Jakarta	



## **Annex 1. Chronology of the case**

**14 April 2016** – complaint received from NGO Pusaka

Allegations from NGO Pusaka:

1. Land grabbing from the indigenous people of Yeresiam.
2. Violence and involvement of Brimob (police mobile brigade)
3. Deforestation that caused flooding in the Village of Sima, the native place of the Yeresiam tribe.
4. The company has destroyed the sacred places and Dusun Sagoo (sago farm, the main source of food of the Yeresiam tribe).

The complainant requested RSPO to:

- Do the ground verification
- Requested PT Nabire Baru to compensate them and stop all their activity, unless they get the consent from the Yeresiam.

**21 April 2016** – RSPO sent the complaint form to Goodhope for clarification.

**25 April 2016** – Goodhope sent the reply as follows:

1. The company explained that the problem came from an earlier friction between a local politician Mr. Hanebora, with a logging company, a long time before PT. Nabire Baru existed.
2. The company has presented its corporate programs to the local authorities and communities including land compensation and cooperation with the communities.
3. PT. Nabire Baru has conducted several assessments i.e. HCV, HCS and SIA including basic AMDAL. Acquisition of other licenses/permits such as IUP, Provincial License and HGU have been completed.
4. The presence of Brimob in the area PT Nabire Baru operates, is based on the decision of the police and local government agency for security reasons. The issue has been clarified by the Brimob and local government agencies during various consultative meetings with local community. No violence was committed by Brimob. Local community, including Yeresiam tribe understand and accept the presence of

Brimob. However, only one family of former tribal chief, Hanebora who is aligned with NGOs and media continue to defame the companies for a ransom.

5. The related community have filed a law suit to revoke the legality of PT. Nabire Baru, but previously has been denied by the court's decision.

**12 May 2016** – RSPO Secretariat had a phone call with the complainant. He explained that the company had started to do land clearing (2010) before AMDAL was conducted (2013), and the HCV assessment conducted by the company was not well informed to the community. He requested the company to stop their activity because Brimob has pressured the local community.

RSPO Secretariat to conduct a meeting with the company on 17 May 2016 for further clarification.

**17 May 2016** - RSPO Secretariat conducted a meeting with the company to seek further clarification. The company has clarified on each allegation raised by the complainant. RSPO requested the company to send all the evidence (MoM is attached).

**31 May 2016** – the company sent all relevant documents. RSPO Secretariat to arrange meeting with the complainant.

**14 July 2016** – meeting between RSPO Secretariat and the complainant, NGO Pusaka. Points that arose in the meeting:

**a. Principle 1 and Principle 2**

- The existence of lack of information to the local community in the transfer period from old owner (timber business) to PT Nabire Baru/Goodhope (oil palm plantation) in 2008.
- Lack of transparency regarding the legal status of PT Nabire Baru including business licensing and concession boundary maps, which ideally are needed to be socialized with the local community. Please note that the company has shared these.
- In terms of socialization, collaboration with the Papua People's Assembly (MRP) is recommended.

**b. Principle 5**

The allegation of the sago farm land clearing (HCV 5). \*please note that the company said that this is outside their concession boundary. The disputed lands belong to Koperasi Akaba that has acquired HGU Plasma land title.

**c. Principle 7**

On the allegations on the land clearing before NPP, the company responded that all necessary documents of NPP, i.e., SIA and HCV assessments were already completed in 2010/2011 prior to land development. The company submitted the NPP documents prepared by independent consultant, Mr. Alan Thomas to RSPO secretariat in July 2011. However, since PT Nabire Baru was not RSPO member then was not eligible to have the NPP reviewed and announced, the RSPO secretariat turned down the NPP of the company.

PT Nabire Baru was entitled for RSPO membership as subsidiary of Goodhope which officially registered as RSPO member under a group company –grower category since December 2014.

The company hired another consultant to perform SIA and HCV assessment which were completed in 2014. The NPP documents were resubmitted to RSPO secretariat in November 2015 which are now still being reviewed.

Based on the above, the company is in the opinion that there is no breach of Principle 7 as all necessary assessments and documents have been in place.

It is important to note that the disputed land is not the company's concession, but a parcel of land which has been designated as a smallholder-designated PLASMA scheme for Yerisian tribe. HGU (Rights to cultivate) has been obtained and granted to Koperasi Akaba.

Due to the complaints, the land clearing activities in this particular Plasma area was stopped in April 2016, after the complaint case was lodged with RSPO.

The complainant agreed to have a stakeholders meeting with the company, scheduled on 22 July 2016.

**22 July 2016** – 1<sup>st</sup> stakeholders meeting.

All parties agreed to conduct a visit to PT Nabire Baru's concession. RSPO will attend as observers.

**28 July 2016** – the Complainant shared the data with Goodhope.

**14 September 2016** – Information from Technical Division; NPP for PT Nabire Baru cannot be published on RSPO website yet, until the completion of the HCV review.

**16 August 2016**– 2<sup>nd</sup> stakeholders meeting.

- **Response from Goodhope against the documents sent by NGO Pusaka on 28 July 2016.**

Imam Basrowi was the Director of CV Nabire Baru that was later changed to PT Nabire Baru. The company was operating in the wood industry. Goodhope made the acquisition in 2010 and changed it into palm oil plantation. Imam Basrowi has never been a director or any executives in PT Nabire Bary under the Goodhope. The name is not changed for administration purposes (no need to make new registration).

- **Next step**

Both parties agreed to have joint verification on the field on 26-29 September 2016, with RSPO as observers.

## **Site Visit Report PT Nabire Baru**

### **Morning Meeting Rumah Adat Kampung Sima.**

The RSPO team comprising Imam Marzuq and Ravin Krishnan went for the site visit on the 28<sup>th</sup> of Septembers 2016. We were accompanied by Kipli Anak Ayom the General Manager and Pak Palanisamy, Plantation Manager of PT Nabire Baru.

Pak Edi Suhardi, the director of sustainability and another GoodHope staff by the name of Pak Walid Gani was also there. Goodhope operates two concessions here i.e. PT Nabire Baru (NB) and PT. Sariwana Adi Perkasa (SAP) of about 16,707 ha of Inti and 4,211 ha of PLASMA HGU concession.



1. The first stop was the sago palms, that was said by the villagers to be their sacred sago grove.

The other key attendees were Zely and Franki from Yayasan Pusaka.

Here we met the Kepala Suku Daniel Yarawobi and a group of other people from the community. We were led to area where the sago palms were growing and told that the company wants to plant oil palm on the said land and they are not in favour of it.

The company official said that the land is HGU land for the plasma scheme of Koperasi Akaba and involves about 220 ha and it is the decision of the community and the cooperative (Koperasi) to decide what they want, not the company. The community members stressed that the sago provided food and income for them.

2. Our second stop was at the village of Sima, a village consisting of approximately 150 households and is about 2 km from the sago grove. A meeting was convened by the Kepala Suku in the Rumah Adat and attended by a whole group of people from the Yeresiam community including the youth and women representatives. Also, in attendance were local parliamentarian head and clan elders.

The meeting was chaired by Pak Franki of Pusaka.

In the meeting it was asserted by Kepala Suku Daniel Yarawobi that the company has destroyed the sago grove twice despite, them telling the company not to do so. The villager said that they had marked the area and made complaints to the local government and the police.

The also asserted that the company has never showed them maps, nor signed an MOU or paid any compensation for the said land. It was also said that the company is yet to fulfil its promises of CSR of schools and medical facilities.

They asked that the sago palm area be taken out of concession area.

We heard voices from the villagers and some of them, said the same thing i.e. the company has no authority to destroy the sago palms and it is sacred to them.

The company, they reiterated that they will not develop any land without the consent of the villagers. They are prepared to hear the views of the villagers on the issue of the sago palms. They said that they are not willing to compensate the villagers, as they have not destroyed any sago areas but willing to cooperate with a government sponsored

scheme to plant sago palms, which has been planned for years. The company said that they are in possession of the best quality seedlings of the palm and they will help to plant and preserve the palms.

A community member was heard saying that they cannot wait for the sago palms to grow and harvest it, they prefer compensation for the sago palms that was cleared.

Pak Edi as representative of the company said that that the company operates based on the government permits. It is noted that the company has obtained HGU for its concession area. On the other hand, the government has also granted HGU for Plasma areas for three cooperatives, including the disputed area which belong to koperasi Akaba.

Consent for the company's operations have been obtained from the community as the prerequisites for HGU. The company has fully paid compensation to the legitimate law owners for all the lands within the concession which authorized by Bupati. Therefore, the company will not entertain demand for compensation.

He again reiterated that the disputed area is not the concession area of PT Nabire Baru, but Plasma area with HGU. Therefore, the company has no direct interest in oil palm plantation development in this particular area.

The company reiterates that it is up to the community to decide whether to proceed or cancel the Plasma development on the disputed area. The company will abide by the decision made by the Sima villagers and is prepared to cancel Plasma development on this specific land, however, it is the members of Koperasi Akaba who will lose the opportunity to get the economic benefits from plasma.

As for the RSPO team, were explained that a complaint has been made and as such, we are here as observers and to ensure that our member PT Nabire Baru/Goodhope is compliant with the RSPO rules.

In the midst of the meeting, as there was many exchanges of words going on between the members of the Yeresiam clan; there was a commotion as some members, who were for and against the plantation had a physical confrontation involving kicking and shoving. Thankfully calm was soon restored and an individual by the name of Yunus

Money, Head of Koperasi Perkebunan Masyarakat Adat Suku Waoha (KPMA suku Waoha) took the centre stage and calmly spoke and explained the events that led to the meeting today.

Pak Franki of Pusaka made sure that all members of the clan were given a chance to speak.

We also learnt that the head of local parlementarian was aware of the sago palm issue between the fraction of Sima villagers and PT Nabire Baru. In fact, they have formed a *special committee* on the issue. A survey has also been done but the results have not been public announced. This was stated by the head of local parliamentarian, Ibu Mercy Kegou. Ibu Mercy Kegou, also invited the villagers to give their views on the conflict to the local government special committee, as they are still in the midst of compiling their report. She advised them to be patient.

Pak Franki closed the meeting with the agreement that the clan leaders (after having discussed it internally within the clan) will meet the senior management of the company on the 10<sup>th</sup> of Oct 2016 to further discuss the matter and the possible solutions.

*\*\*The villagers have previously formed cooperatives, when there was logging activities in the area. In other words, they have experience of forming cooperatives and working together with companies to ensure that they benefitted from it as a community.*

### **3. Afternoon Meeting at PT Nabire Baru Office Km 16 Nabire**

The meeting was chaired by Pak Kipli GM of PT Nabire. Attended by members of the local government and the local Brigade Mobile (BriMob) commander. Pak Franki of Pusaka and a representative from Lembaga Bantuan Hukum a social NGO.

The first to speak was a gentleman from the local government office from the Agriculture department.

The representative from the Nabire Agriculture Department spoke first and he elaborated that Goodhope came to Nabire at the invitation of the village people after the logging company ended its operations. People in Tembagapura, Timika Regency are prosperous because mining provides for them work. In Nabire, there is no work until oil palm came.

They have all the necessary permits and licenses required under the law to operate in Nabire. They have planted in accordance with all the regulations and are waiting for the

first harvest. We recognise that sago in Nabire occurs naturally and was not planted by people. Goodhope has plans to plant sago using high yield varieties. The way, they plant will preserve the existing sago groves. The government takes the planting of sago seriously and is committed to assisting villages in planting it.

Preserving the sago grove might have financial implication for Goodhope. He then mentioned that once the mill is ready all FFB will go there and if you do not agree with what I say, please say it now.

Pak Kipli said that there were allegations that Goodhope was committing 'land grabbing' but that is not true, we were invited by the community who voluntarily gave the land for oil palm plantations, and the local government which proactively issue all necessary documents.

The allegation that we destroyed sago palms is not true, as we have preserved the sago palms found within the planted areas and they are thriving.

*There was a statement by PUSAKA that the Goodhope was using the government apparatus in meeting the challenge posed by the villagers.*

**Bapak Widiyanto – Battalion C Brigade Mobile Nabire:**

There are 3 battalions in the Kabupaten. They are here at the command of the government and they will come to the district if requested. They are here to find solutions. Often, there are drinking incidence and if it involves weapons, they have to restore order. We are not here to scare or threaten the villagers, in fact we have their consent to be here. They are respectful of the law and human rights.

Pak Kipli: ; we report to the police whenever there were drinking and threatening incidences that involve weapons, which then deployed Brimob to help maintain order and resolve the social issues like drinking problems. So, it is clear now what is Brimob's role

**Pak Johannes – Badan Lingkungan Hidup**

Pak Kipli issued a response statement to the BLH official's response to the allegations that PT Nabire Baru is destroying forest/environment and causing floods in Sima village.

Pak Johannes elaborated that PT Nabire Baru started work only after the AMDAL. In Papua, the community must approve the AMDAL, and it was approved in 2013, following two surveys.

There is a special committee on sago and the plantation must take care of the sago not destroy it. Whether the sago grove in question is to be cleared or moved, it is a question for the community to decide. The challenge is how to manage oil palm and sago palms together. They are still waiting for the community to decide.

#### **Amon Rumatrai, DINAS Perkebunan:**

On 25 March 2016, there was exceptionally heavy rain, in excess of 460ml and it was high tide too. There was flooding in many places in Nabire and Sima being a low lying area, was flooded too.

Pak Kipli further explains that it can not be concluded that the flood in Sima was due to PT Nabire Baru plantation activities as other areas with no plantation activities were also affected by flood.

#### **Pak Franki – PUSAKA**

The government officials should have been in Sima , so they could have heard the villagers. It would have been a better dialogue and fairer to the community.

The community have made their wishes known to the government on the sago grove via the police report and communication with company since February 2016.

Yet, it was destroyed with the knowledge of the community. Barriers put up by the community was taken down by PT Nabire Baru without their consent.

There was violence but it is better to discuss and settle it. I have photos of the incident and the destroyed sago palms. Papua has been granted autonomy under the law, the constitution and customary land rights are recognised. You can only do any development after consultation and consent of the local communities.

Izin (permit) can only be given after the consultation takes place not before and it is not like Kalimantan.

There was a lot of debate when another oil palm company was there in 2009. Izin is only with the Minister's permission. Consultation prior to izin and all information on HCV etc must be shared with the community.

But, it is good that they will now discuss the issue of the sago grove. I do not agree that it should be destroyed. We also need to know the land status of the sago grove.

**Pak Daniel Yarawobi – Kepala Suku Yeresiam**

We are very thankful today that our voice is being heard. I like to bring your attention to how PT Nabire Baru has treated the community. Nabire Baru destroyed the sago grove and brought the police. The community became scared because they saw police on the excavators. I am sincere and honest and I have met many people from the government. If the sago is destroyed, it will lead to the flooding of Sima. All the creeks leading to Sima is used by Nabire Baru. PT Sariwana Adi Perkasa, we do not know if they have all the permits, ijin and the licenses. Only today, we came and saw everybody concerned, thanks to the gentlemen from RSPO.

We are in the dark, the izin has been given in secret without our knowledge.

Pak Kipli : it is our policy that before we develop any land, we make sure that the lands have the consent of the communities. We have preserved the sago and have paid compensation to customary land owners. We respond to the request from the cooperative head KPMA Suku Akaba and Kepala Dusun through through their letters to develop the said area. But, when we start the work, then we realized that there are two groups who are supportive and against Plasma development on the specific land. As of now, we leave it to the various community to decide.

**Lembaga Bantuan Hukum (LBH) Papua representative, Pak Hardi**

There is a defect administratively as there has to be a 90 days notice period. Izin was in 2008 but AMDAL was in 2013 –Article 25 (pasal 25), section 1(Ayat 1). It is should be AMDAL first before the Izin Usaha Perkebunan (IUP) is issued.

**Nabire Agriculture Official, Pak Amon Rumatrai replied,**

Yes, it should be that way.

But there are other laws applicable as well and it was followed accordingly. I was the one who personally told the company to go ahead with land development, based on Bapak Bupati's instructions and as all necessary permits, including IUP from Papua

Governor were already completed. During that period, AMDAL studies had been completed, but the approval process were dragging and it had to be done in Jayapura. The company could not do anything but to proceed with land clearing due to pressures from local government and community.

### **Pemangku Adat**

Customary law which is not against legislation. The sago grove is also our marriage dowry. Six people have rights over the grove. The land's God's (Iruwee moyang) . Please help us PT Nabire Baru, I should be there to hear the 10<sup>th</sup> Oct decision. There were Sago groves that have been destroyed. He demanded the company to respect the adat (custom) eventhough there is no written document on the agreement, please appreciate the adat (custom).

### **Yunus Money**

Clarifications on some issues and allegations raised by the NGO regarding Plasma and violence. As chairman of Koperasi Akaba he was aware about the land release letters of PT Nabire Baru concession, which are already done and it was agreed by all. He said that the meeting is not to see who is right or wrong, but to share facts and evidences. He said that he was accused of writing a letter and report, that he was involved in and his name was dragged into the "violence issue" related to dispute with PT Nabire Baru. He confirmed that the report is not true. He has never written such a letter as mentioned by the NGO. Also, he mentioned that his brother was beaten by Brimob as he was drunk and attacking Brimob and several company's staff with sharp weapon at the time. The issue has been settled and compensation paid. He told the meeting that all parties should also clear the air on which area for Plasma has been given/allocated to which cooperative (KPMA). There are 3 cooperatives i.e. Saramoi, Bumiofi, Akaba with different Plasma areas located in adjacent to PT Nabire Baru.

### **RSPO Team's assessment of the complaint**

The RSPO Team was there merely as observers but what we understood was on the main issues are as follows:

1. The land grabbing

Allegations are not strong and need to be re-checked and verified further, as the company appears to have all the necessary permits/licences and consents from community leaders and representatives, but this is disputed by a section of the community.

It will be better if the company can share all of the legal compliance documents with the community so this issue is put to rest.

2. Issue of violence by Brimob

From what we heard from the discussions between the community, company and the local government officials.

There was some Brimob present apparently, when some of the Sago palms were destroyed.

No allegation of violence at that time.

Brimob, however, had an altercation with a member of the community who was drunk and attacking Brimbo personnel and plantation staff at the time and this has been settled. The local Brimob commander was there, when this was clarified together with the NGO Pusaka and local government officials.

Violence and intimidation by Brimob and the company is doubtful, at best.

3. Deforestation that causing the flood in Village Sima, the place of Yeresiam tribe.

A check on YouTube reveals that there were floods in Sima as far back as 11 August 2010.

<https://www.youtube.com/watch?v=tKp3lqXxoH0>

The flood in March 2016 is shown here: <https://www.youtube.com/watch?v=mqWX4Y-z3l8>.

<https://www.youtube.com/watch?v=SUTKj8xZH-0>.

By all accounts, it was caused by unusually heavy rains and affected many parts of Nabire, not just the village.

The video also shows, flood relief officials from government.



The assertion that the land clearing by the company caused or contributed to the floods needs further investigation, bearing in mind that the company has been clearing and planting about 3 years before that. Also, there were logging activities in the area prior to the company's presence.

The flooding allegations were not raised at all in the second meeting in the afternoon.

4. The company has destroyed the sacred place and Dusun Sagu (the source of main food of Yeresiam tribe).

Here, what we heard was the community saying that the site of the Sago palms is sacred to them, a source of food and income and as such the company should not destroy it. The company said that the site is Plasma area in which the government has granted HGU for Plasma to Koperasi Akaba and the necessary legal documentation are in place. The company further requested the cooperative and community to decide what they want to do for this area in question and accordingly will act, but, this is denied the group led by Daniel Yarawobi.

The statement by Yunus Money from the community is that all the necessary land release papers are in order, including consent from community leaders and representatives; this has to be weighted in the argument that the company has destroyed the sago palms, without the knowledge or the consent of the community.

Conclusion: the community has got some very knowledgeable people on dealing with cooperatives and companies, as they have formed cooperatives to deal with the logging activities earlier.

Since, all parties agreed to meet on the 10 October 2016 to further discuss the matter, they should be left to negotiate and arrive at a decision which will be acceptable to all.

.....

