

## THE KOTA KINABALU STATEMENT ON PALM OIL AND FREEDOM OF EXPRESSION

7 February 2020

Kota Kinabalu, Sabah, Malaysia

**We, Indigenous Peoples and Non-Governmental Organisations from palm oil-producing countries in Latin America, Africa and South East Asia demand the right to expose the realities we face in our communities about the impacts of the palm oil sector.**

We have gathered here, from Peru, Ecuador, Colombia, Guatemala, Sierra Leone, Liberia, Ghana, Cameroon, Malaysia, Indonesia and the Philippines, in Kota Kinabalu, Sabah, Malaysia to share our experiences with the palm oil sector and its impacts on our communities, territories and peoples. Together, we want to explore potential reforms in our countries and the industry internationally so that palm oil production brings genuine development and not exploitation, deforestation, land-grabbing and impoverishment.

Yet, while we are gathered here, we witness representatives of the palm oil industry labelling us in the media as ‘toxic entities’<sup>1</sup> and condemning our efforts to expose our realities as a ‘black campaign’. We, representatives of environmental justice, human rights, women’s, youth and indigenous peoples’ organisations, categorically condemn these statements.

‘We are citizens of our countries and we have a constitutional right to speak out and seek justice for our communities’ said Wisdom Adjawlo from Youth Volunteers for the Environment in Ghana. ‘This attempt to restrict our activities and muzzle our voices is not only an abuse of our right to freedom of expression but will lead to worse outcomes for all.’

‘Since when were people protecting their traditional forests, lands and the environment “toxic?”’ asks Andrew Aeria from the Non-Timber Forest Products Exchange Program, Malaysia. ‘Planting oil palm without the Free, Prior and Informed Consent of indigenous peoples is toxic to them, their forests and their lands. It’s the pesticides the companies use that are toxic!’

‘Palm oil companies are destroying our forests and grabbing our lands with the complicity of government agencies’ said Miguel Guimaraes from the Shipibo people in Peru. ‘We have sought justice through the local courts, by appeals to government and filing complaints with the RSPO. Yet, palm oil produced by deforesting our stolen lands is being sold into the international market by RSPO-member companies, even after our complaints were found to be valid.’

‘In Indonesia, deforestation, peatland clearance and forest fires, much of it caused by oil palm expansion, has made our country the sixth largest emitter of greenhouse gases worldwide – that is the scale of the impact. Local communities cannot accept that this environmental destruction continues’ says Triana Wardani of the Indonesian women’s mass organisation SERUNI. ‘Palm oil has meant that women have lost control over their land and natural resources, forcing them and their families into hardship.’

‘Women are the custodians of our culture and our lands. Our indigenous women are marching in defence of our lands and for our right to maintain our ways of life which are being destroyed by

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<sup>1</sup> ‘Malaysian palm oil bosses urge action against ‘toxic’ environment groups’, Reuters, 4 February 2020: <https://www.reuters.com/article/malaysia-palmoil/malaysian-palm-oil-bosses-urge-action-against-toxic-environment-groups-idUSL4N2A42DK>.

multiple industries including palm oil production’ notes Hernan Payaguaje from the Secoya people of the Ecuadorean Amazon.

‘In Cameroon, loss of access to land and forests that are taken over by palm oil companies forces women into underpaid employment on the oil palm estates, where they are subjected to sexual harassment and violence. Women labourers don’t even have time for basic childcare. Local languages and traditions are being lost, and with them the knowledge of how to live in prosperity in the tropical forests’ reports Carrele Mawamba from Green Development Advocates in Cameroon. ‘The arrival of the oil palm plantations has brought sexual harassment, underage marriage and worse’.

‘In Guatemala, the indigenous Q’eqchi people have already lost much of their lands and now face problems of pollution and diversion of streams and rivers that deprives them of drinking water’, explains a representative from the local chapter of Action Aid. ‘We want that peoples’ rights are respected and that companies respect the law and their obligations’.

‘Palm Oil is destroying our entire way of life’ says Krissusandi Gunui of Institut Dayakologi from Indonesian Borneo. ‘It has not just taken our customary lands but the very basis for our identities and ways of life. There should be no further expansion so long as palm oil means land grabbing and dispossession’.

‘Land conflicts are rife in Indonesia’ affirms Andi Muttaqien from the Indonesian human rights group ELSAM. ‘These disputes are getting worse as land scarcity increases. Many communities are now forced into stealing palm fruits and even re-occupying small parcels of land within the plantations to grow vegetables for sale in the local markets.’

‘Migrant workers, who are the mainstay of the palm oil industry in Malaysia, face huge problems of exploitation, informal work without contracts or documentation, sub-standard living conditions and even forced labour’ notes Lanash Thanda of the Sabah Environmental Protection Association.

‘Companies should respect labour rights. Providing decent work and decent wages is mandatory to ensure the quality of life for labourers and their families’, adds a representative of trade union OPPUK-SERBUNDO.

‘Companies are not criticised for securing investment from foreign banks, selling their product to foreign markets, or sending their profits overseas, but international NGOs are vilified for standing in solidarity with us’, says Geofani from the environmental justice NGO, Link-AR Borneo. ‘The development and production of biofuels often intersects with environmental problems, the burning of forests, and the loss of land, which is financed internationally. The playing field is skewed against us, so international solidarity is a must. We welcome global efforts to amplify our voices’.

‘Palm oil is a global commodity. Until those who have been impacted can get justice nationally and through local courts, we have to make recourse to international forums to get redress. We welcome the fact that buyers and manufacturers are now refusing to buy palm oil that comes from land-grabbing, deforestation and exploitation’ says Nikodemus Ale of WALHI Kalimantan Barat.

‘All such matters need to be exposed and addressed by the companies and not brushed under the carpet’ says Leili Khainur of the grassroots women’s organisation Serumpun in West Kalimantan. ‘The only ‘black campaign’ in the palm oil sector comes from those who are trying to shut down public debate. Monocultures have diminished local economic options. Our focus now is on rebuilding the diversity of local economies, especially through working with women. They are the

real drivers of local development - they farm rice paddies, tap rubber, grow vegetables, gather forest products and raise the future generation.’

Listening to the voices of local communities and smallholders will improve the global industry and the outcomes for local people. ‘To produce sustainable palm oil, companies and governments should not just rely on industry standards, but they should focus on building local smallholders’ capacities and ensure that they are not excluded from the benefits of palm oil production by the powerful large-scale producers’, notes Nurbaya Zulhakim from Setara JAMBI from Sumatra, Indonesia.

We also note that the situation is not all negative, and some companies are making an effort to address these issues. We note that the RSPO and some certified companies are working to address corruption. However, it is a systemic problem and is often ignored or avoided.

Nevertheless, ‘the RSPO standard is very relevant for our communities and smallholders in Colombia, as we lack appropriate national laws for the palm oil sector’, shares Leonardo Gonzalez Perafan from Indepaz, Colombia. ‘We can use the RSPO to push for better behaviour by the companies which are otherwise violating peoples’ rights. The right to Free, Prior and Informed Consent is vital to protect otherwise vulnerable communities.’

‘These voluntary standards are not a solution by themselves’ adds Linda Rosalina from TuK INDONESIA, which tracks investment in the palm oil sector. ‘We also need national legal reforms to uphold rights, provide access to justice and regulate developers and investors. Especially since policies and regulations from our governments often benefit the companies rather than our people’.

‘In Liberia, a new Land Rights Act now promises land security to indigenous peoples, which is a great step forward, but the problems remain for the communities living in the millions of hectares whose lands have already been allocated to companies for 50 years or more’ reports Sampson Williams of the Sustainable Development Institute. ‘Where national laws are weak, we need alternatives at the international level and in consumer countries.’

Representatives of some of the biggest palm oil companies in the world call us unfriendly and toxic for exposing the realities we face in our communities. They want to hide the impacts of their business on local communities, local environments, our forests, rivers, cultures, territories and our planet. We stand firm in our right to expose the reality of the global palm oil industry. We call on all palm oil companies to uphold their duty to respect environmental limits and human rights, including our right to freedom of expression.

Together, we remind our governments that their first obligation is to respect, protect and promote the rights of their people. They should not remain insensitive to the plight of local communities struggling to survive the impacts of the palm oil industry, and they should not become complicit in human rights abuses for the sake of palm oil profits. We call on our governments to endorse the enactment of a binding treaty on business and human rights.

We are not against palm oil, but we do not accept the reckless environmental destruction and rampant human rights abuses that accompanies palm oil production. Neither should the global palm oil industry, consumers or the governments of palm oil producing and importing countries.

Instead of name-calling and censorship, we welcome genuine, good-faith discussions with governments and palm oil companies who take their environmental and human rights obligations seriously.

**Signed:**

Green Development Advocates, **Cameroon**

Instituto de estudios para el desarrollo y la paz (Indepaz), **Colombia**

Alianza Ceibo, **Ecuador**

Young Volunteers for the Environment, **Ghana**

Action Aid, **Guatemala**

Auriga, **Indonesia**

Ecoton, **Indonesia**

ELSAM, **Indonesia**

Institut Dayakologi, **Indonesia**

Link-AR Borneo, **Indonesia**

OPPUK INDONESIA – SERBUNDO, **Indonesia**

Sarumpun, **Indonesia**

SERUNI, **Indonesia**

Setara JAMBI, **Indonesia**

TuK INDONESIA, **Indonesia**

WALHI Kalimantan Barat, **Indonesia**

Yayasan Masyarakat Kehutanan Lestari, **Indonesia**

Yayasan Pusaka, **Indonesia**

Sustainable Development Institute, **Liberia**

Non-Timber Forest Products Exchange Programme, **Malaysia**

Sabah Environment Protection Association, **Malaysia**

Federacion de Comunidades Nativas De Ucayali y Afluentes - FECONAU, **Peru**

National Movement for Justice and Development, **Sierra Leone**

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