



Mr. Jeremy Goon  
Wilmar International  
56 Neil Road  
Singapore 088830

23<sup>rd</sup> April, 2014

**RE: Compliance of a third party with Wilmar International's No Deforestation, No Peat, No Exploitation Policy**

Dear Mr. Goon,

We are writing to you from Aliansi Masyarakat Adat Nusantara (AMAN) and the Environmental Investigation Agency (EIA). EIA is a UK-based NGO that has campaigned against illegal and unsustainable forest use in Indonesia for more than a decade. AMAN is an independent social organization that advocates for secure tenurial rights for indigenous peoples in Indonesia.

For the past two years EIA and AMAN have been working with the Dayak Benuaq community of Muara Tae in Kutai Barat, East Kalimantan, to address encroachment on customary lands by two palm oil companies. One of these companies, PT Munte Waniq Jaya Perkasa (MWJP), is a subsidiary of TSH Resources Berhad. We note that Wilmar Edible Oils Sdn. Bhd. and TSH Resources Berhad operate a joint-venture palm oil refinery and crushing plant – TSH-Wilmar Sdn. Bhd.

We note, further, that Wilmar International's 'No Deforestation, No Peat, No Exploitation Policy' [hereafter 'the Policy'] applies both to refineries owned by Wilmar, regardless of stake, and 'all third-party suppliers...with whom we have a trading relationship'. As such it is our understanding that the management of and conduct within the MWJP concession falls within the scope of the Policy.

The Policy states:

*'Wilmar pledges to respect and recognize the long-term customary and individual rights of indigenous and local communities, and commit to ensuring legal compliance as well as international best practices in FPIC are implemented, in accordance with the full scope of this policy, prior to commencing any new operations. Wilmar will engage with international stakeholder communities to ensure FPIC processes are correctly implemented and continuously improved.'*

Since at least 2012, MWJP has been engaged in the destruction of community forests and farmland inside the borders of Muara Tae's customary land, without obtaining the Free, Prior and Informed Consent of the community or undertaking a legitimate HCVF assessment.

The customary rights of the community to these lands has already been recognised by the Complaints Panel of the Roundtable on Sustainable Palm Oil (RSPO). The RSPO has ruled in favour of the community subsequent to a complaint by EIA that a subsidiary of an RSPO member had cleared land in violation of Principles governing the right to FPIC. The decision of the Complaints Panel in this case is included as an Annex to this letter.

Given these circumstances it is incumbent on Wilmar International to urgently:

- Engage with TSH Resources Berhad and institute an immediate cessation of all field activities by MWJP;
- Obtain a commitment from TSH Resources Berhad not to begin activities in the concession until it can be demonstrated that the terms of the Policy have been complied with;
- Engage with Muara Tae, neighbouring communities, AMAN and EIA to determine a conflict resolution and compensation process.

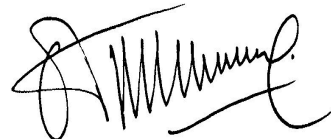
Given the urgency of this situation we respectfully request a formal response by Thursday, 1<sup>st</sup> May, 2014.

Sincerely,



Faith Doherty  
Head of Forests Campaign  
**EIA**

62/63 Upper Street  
London N1 0NY  
ENGLAND



Abdon Nababan  
Secretary General  
**AMAN**

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Kel. Tebet Timur  
Kec. Tebet  
Jakarta Selatan  
INDONESIA

**CC:**

Datuk Kelvin Tan Aik Pen, Chairman, TSH Resources Berhad  
Scott Poynton, Executive Director, The Forest Trust  
Glenn Hurowitz, Managing Director, Climate Advisers