

Open Letter from Indigenous Peoples and civil society organisations to consumer goods companies re: ongoing criminalization, human rights abuses, and land grabbing by Astra Agro Lestari and subsidiaries

September 2022

To: Jon Moeller, Procter & Gamble, CEO; Dirk Van de Put, Mondelēz, CEO; Michele Buck, Hershey's, CEO; Steve Cahillane, Kellogg's, CEO; Noel R. Wallace, Colgate-Palmolive, CEO; Alan Jope, Unilever, CEO; Ulf Mark Schneider, Nestlé, CEO; Ramon Laguarda, PepsiCo, CEO

CC: Consumer Goods Forum; Consumer Goods Forum Forest Positive Coalition

CC: Mary Lawlor, United Nations Special Rapporteur on the situation of Human Rights Defenders

As representatives from Indigenous Peoples, civil society, and community-based organizations around the world, we the undersigned are writing to you regarding ongoing criminalization, human rights abuses, and land grabbing against local farmers, land and environmental human rights defenders, and communities by your palm oil supplier Astra Agro Lestari (AAL) and its subsidiary PT Mamuang in Central and West Sulawesi, Indonesia.

AAL is Indonesia's second largest palm oil company and supplies Crude Palm Oil (CPO) through its mills to various consumer companies, including Procter & Gamble, Hershey's, Kellogg, Unilever, Mondelēz, Colgate-Palmolive, PepsiCo, and Nestlé, amongst others.

In March 2022, five Indigenous farmers and members of the Kailo Tado people were arrested by the Pasangkayu police in West Sulawesi based on allegations made by PT Mamuang. The accusation was made by the company after members of the Kabuyu Community Alliance marched to PT Mamuang's office in February 2022 in protest of the company's sustained role in forcibly grabbing communities' land, contributing to environmental destruction, negatively impacting communities' livelihoods, and criminalizing land and environmental human rights defenders. The leader of the march was one of the five farmers arrested. Notably, two of the five farmers arrested were not present during the march.

This is only the most recent case of criminalization linked to AAL. Since 2017, WALHI/Friends of the Earth Indonesia has documented at least 10 cases of criminalization by AAL. In 2017, four farmers from Polanto Jaya village were criminalized for harvesting palm oil fruit bunches from their own lands, for which they held legal Land Registration Certificates (SKPT) and Freehold Certificates (SHM) demonstrating their ownership. After several court hearings, each side in the dispute was ordered to show documentation of their rights to the land. PT Mamuang failed to provide documentation of its legal rights to the land, but the Pasangkayu District Court sentenced the four Polanto Jaya residents to prison for four to seven months.

In 2003, 107 farming households mobilized to defend their land when they learned that PT Mamuang had planted oil palm outside the HGU concession along the Pasangkayu watershed which is less than 50 meters from the edge of the watershed. Since then, the people of Kaili Tado have been slowly occupying the oil palm land planted by PT Mamuang and managing the land around their area.



In 2010, following several years of forced evictions and land grabbing by PT Mamuang, the company clashed with local communities over the harvesting of palm oil fruit on farmers' lands. When local farmer Franz Hemsí stood up for his community, he was arrested and imprisoned for allegedly stealing from his own land, which the company claimed as part of their operations. In 2015, PT Mamuang sent a group of thugs to intimidate Hemsí and his family. In 2017, he filed a police report against PT Mamuang and was subsequently detained for alleged theft and destruction of property. Hemsí was once again sentenced to prison, this time for five months and seven days.

In April 2018, Hemsí contacted the Indonesian National Land Agency to register his land in hopes of receiving a formal recognition of his rights. The Agency found that the company had no legal right to operate on Hemsí's land. Regardless, in December 2018, one day after his wife gave birth to their third child, Hemsí was picked up by police and charged with theft. He was again sentenced to five months in prison. In 2020, after Hemsí filed an appeal to the Indonesian Supreme Court, which remains pending, and met with AAL's financiers in Europe, about half of the land grabbed by the company was returned.

Since PT Mamuang commenced palm oil operations in 1991, the company has been involved in protracted land conflicts with local communities, accused of forcibly taking communities' land without their Free, Prior, Informed Consent (FPIC), criminalizing farmers and land and environmental defenders, and illegally occupying Indonesia's Protected Forest Zone. The Indigenous Kaili Tado people have been particularly negatively impacted by AAL and PT Mamuang's operations. The Kaili Tado produce a variety of crops, including rice, corn, cocoa, and coconuts, but when the company encroached on their ancestral lands, they lost access to productive lands.

A March 2022 report documented how AAL and its subsidiaries operating in Central and West Sulawesi are responsible for numerous environmental, human rights, and governance violations, including protracted land conflicts with local communities, violent land-grabbing abetted by Indonesian security forces, and illegal deforestation, forest encroachment, and soil, air, and water pollution with negative impacts to communities' livelihoods. In addition to multiple cases of criminalization of land and environmental human rights defenders, PT Mamuang was identified as illegally occupying 255 hectares of Indonesia's Protected Forest Zone, clearing forest and planting palm oil. Additionally, PT Mamuang is in violation of Government Regulation Number 38 of 2011 concerning Rivers, which states that palm oil companies may not plant in the riparian zone, which is 50 meters from the riverbank.

As mandated by international frameworks such as the OECD Guidelines for Multinational Enterprises, consumer companies have a responsibility to address AAL's flagrant and persistent violations of Indonesian law and international human rights laws and standards. Companies' No Deforestation, No Peatland, and No Exploitation (NDPE) policies and commitments require companies to take meaningful action toward accountability and to ensure respect for human rights. We urge your company and all members of the Consumer Goods Forum to:

- Suspend palm oil and palm oil kernel sourcing from AAL until conflicts between AAL subsidiaries and local communities have been resolved, land occupied by AAL subsidiaries without consent has been restored to community ownership, and compensation has been agreed upon and provided to affected farmers. Sourcing from AAL and its subsidiaries should only resume upon full, transparent and independent verification that AAL's operations meet NDPE requirements, including documentation of proof of FPIC by all affected communities that consent to ongoing palm oil production on their lands; grievances have been redressed; remedy provided to impacted communities; and all legally required permits and licenses are in order.



Federación por la Autodeterminación de los Pueblos Indígenas



Forest Peoples Programme



Janca Resource Initiatives
Promoting the Spirit of Ubuntu



LNBBB



LBHM
LEMBAGA BANTUAN HUKUM MASYARAKAT



Les Amis de la Terre-Togo

- Adopt and publish comprehensive noncompliance protocols that include clear thresholds for the suspension and termination of procurement from suppliers that have violated NDPE policies. Noncompliance protocols should define time-bound actions that must be taken in order to resume sourcing from noncompliant suppliers, and independent verification to ensure that all actions taken are in compliance with national laws, international human rights laws and standards, and NDPE requirements.
- Adopt and publish dedicated human rights policies and procedures ensuring zero tolerance for violence, intimidation, murder and criminalization of Human Rights Defenders, including land and environmental defenders. These policies must be developed with inputs from Human Rights Defenders and in accordance with best practices outlined by the Zero Tolerance Initiative and international human rights norms and uphold community land and resource rights, as well as the right to Free Prior and Informed Consent (FPIC).
- Ensure that grievance redress mechanisms are in accordance with the UN Guiding Principles on Business and Human Rights and transparent and accessible to impacted communities and protect land and environmental human rights defenders from violence and intimidation.

There is no justification for allowing, enabling, and perpetuating criminalization, repression and human rights abuses in the production of your company's consumer goods products. We call for an end to these practices, today.



List of signatory organisations

1. Andrew Lees Trust (ALT UK) — United Kingdom
2. Anthropocene Alliance — United States of America
3. Abibinsroma Foundation — Ghana
4. Acción Ecológica — Ecuador
5. African Law Foundation (AFRILAW) — Nigeria
6. Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE) — Asia
7. Asia Indigenous Peoples Pact (AIPP) — Asia
8. Biofuelwatch — United Kingdom, United States of America
9. Bir Duino — Kyrgyzstan
10. Bullisa Initiative for Rural Development Organization (BIRUDO) — Uganda
11. Center for International Environmental Law (CIEL) — Switzerland
12. Climate Finance Action — United States of America
13. Comisión Intereclesial de Justicia y Paz — Colombia
14. Congreso indígenas Maje Embera Drua — Panama
15. Consejo Regional del Pueblo Chango Valparaíso - Colchagua — Chile
16. Corporate Justice Coalition — United Kingdom
17. Coordinadora Ecuatoriana de Organizaciones para la Defensa de la Naturaleza y el Medio Ambiente (CEDENMA) — Ecuador
18. Ejido San Crisanto, Yucatan — Mexico
19. Environmental Defender Law Center — United States of America
20. Fair World Project — United States of America
21. Federación por la Autodeterminación de los Pueblos Indígenas (FAPI) — Paraguay
22. Forest Peoples Programme — United Kingdom
23. Friends of the Earth US — United States of America
24. FIDH (International Federation for Human Rights), within the framework of the Observatory for the Protection of Human Rights Defenders
25. Friends of the Earth Japan — Japan
26. Global Justice Now — United Kingdom
27. Green Advocates International — Liberia
28. Global Justice Ecology Project — United States of America
29. Genetic Resources Action International (GRAIN) — United States of America
30. Haki Jamii Rights Centre — Kenya
31. Inclusive Development International — United States of America
32. International Work Group For Indigenous Affairs (IWGIA) — Denmark
33. Indigenous Perspectives — India
34. Indigenous Women Legal Awareness Group (INWOLAG) — Nepal
35. Jamaa Resource Initiatives — Kenya
36. LAHURNIP — Nepal
37. Landelijk Netwerk Bossen- en Bomenbescherming — Netherlands
38. Legal Rights and Natural Resources Center (FoE Philippines) — Philippines
39. Lembaga Bantuan Hukum ANGSANA (LBH ANGSANA) — Indonesia
40. Les Amis de la Terre-Togo (FoE-Togo) — Togo
41. National Family Farm Coalition — United States of America
42. Otros Mundos Chiapas (FoE-Mexico) — Mexico
43. The Oakland Institute — United States of America
44. Oyu Tolgoi Watch — Mongolia
45. Pakistan Fisherfolk Forum — Pakistan
46. Rivers without Boundaries Coalition — Northeast Eurasia
47. Rainforest Action Network (RAN) — United States of America
48. Sierra Leone Land Alliance — Sierra Leone
49. Society of Native Nations — United States of America
50. The People's Justice Council — United States of America
51. WALHI Central Sulawesi — Indonesia
52. WALHI National Executive — Indonesia
53. Water Justice and Gender — Netherlands
54. Witness Radio — Uganda
55. World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders