



Program Implementation Report
“Enhancing the Position of Local Communities, Smallholders and Labors Through Capacity Building for IMO’s in Accessing and Using the RSPO System”

November 2016 – November 2017

Institute for Policy Research and Advocacy (ELSAM)

A. INTRODUCTION

The “Enhancing the Position of Local Communities, Smallholders and Labors Through Capacity Building for IMO’s in Accessing and Using the RSPO” program has been implemented by ELSAM with the objectives that 1) Local Communities can access and engage with the RSPO system more easily and effectively; 2) IMO’s have adequate knowledge to use the RSPO in facilitation of local community needs, priorities and rights systems; and 3) Enhancement of RSPO’s ability to engage and facilitate local communities in their needs and rights.

This program was scheduled to be implemented from November 2016 to November 2017, however, due to certain obstacles causing delays in completing program activities, it was extended to January 2018, and then re-extended until March 2018.

With the three main objectives stated earlier, various activities related to this program have been directed to enlarge the participation of Indonesian Civil Society in the RSPO system or other matters related to the issue of Sustainable Palm Oil. In the first year of this program, a lot of activities have been carried out that can be categorized as increasing recognition of RSPO, mapping civil society networks in advocating the issue of oil palm, developing the capacity of civil society to access RSPO mechanisms, and involving Civil Society in other RSPO activities.

In addition, other important activities have also been carried out, namely preparing and publishing various literature related to the issue of sustainable palm oil, and more specifically related to the RSPO. This has been conveyed through various media, written and visual.

The achievements in this program, along with a brief description of each activity will be presented in the following sections. The recommendations of the program implemented in the first year are also included in this report.

B. PROGRAM IMPLEMENTATION

1. The identification and mapping of local community, smallholder and labors including women groups actively advocating against palm oil companies.

A mapping of civil society advocacy activities on human rights issues in relation to oil palm plantations has been carried out and can be used as a reference material for the RSPO or

for the civil society itself in seeing the actors and all of their activities and related networks. An overview of the entire process of advocacy initiatives of civil society organizations facing the expansion of palm oil plantations that have an impact on individuals or groups interacting and surrounding oil palm plantations in 5 (five) research areas is illustrated here. The five regions are West Kalimantan, Jambi, Papua, North Sumatra and Central Sulawesi.

The dynamics of the environment of human rights advocacy, both in international forums and national level, have changed with the emergence of new actors, namely corporations that have a dual role. In the context of human rights, the role of corporations is paradoxical because it can play a role in advancing human rights, on the other hand, it also has the potential to be involved in various human rights violations.

Along with the efforts of the international community to build corridors and limitations as a standard for corporations in carrying out their economic roles, particularly after the adoption of the United Nations Guiding Principles on Business and Human Rights, corporations are now starting to improve. Various initiatives that have been developed by corporations in an effort to interpret and translate commitments to respect human rights through their developed self-regulation instruments and remedy mechanisms are important to be responded to by civil society organizations.

At this point, it is strategic for civil society organizations to adapt to this more dynamic new environment, by developing patterns of relations and advocacy strategies to reach out to corporations and the mechanisms available as alternative spaces to fight for recovery rights for affected victims.

From the results of this study, the following recommendations are given to RSPO, namely:

1. The RSPO needs to develop an intensive communication model that is able to adapt to the civil society organization movements working on issues of human rights, natural resources and the environment, indigenous peoples, women and children, and community empowerment.
2. The RSPO needs to develop a model of approach to involve civil society organizations in mitigating risks and conflicts that occur.
3. The RSPO needs to develop a more adaptive complaint mechanism that can adapt to the characteristics of victims (and assistants) in order to build public trust in the RSPO mechanisms.
4. RSPO needs to establish communication and cooperation with state institutions that have mandates to restore affected victims, such as the National Human Rights Commission, LPSK, and the Ombudsman.

5. In particular, the RSPO needs to develop a model of approach to moderate civil society organizations to be more adaptive to global developments related to recovery mechanisms, especially those provided by corporations.

This report also holds a high importance for ELSAM, considering that this material is highly relevant in reflecting social activism/movements in Indonesia in the face of oil palm expansion, and in dealing with it. However, because there are elements or information that are considered as classified, it is necessary for ELSAM and RSPO to sit together and select which parts might be published.

2. The enhanced capacity of local community, smallholder and labors including women groups

2.1. Conducting training to strengthen the organisation of local community, smallholder and labors including women groups actively advocating against palm oil companies

Financially, the activities in this section did not use much funds, but the activities and achievements have been fully implemented. Substantially, this section of the report can also be seen in section 2.3.3.

2.2. Conducting consolidation meeting (RT14 pre-conference) to strengthen the organisation of local community, smallholder and labors including women groups actively advocating against palm oil companies

In this program period, ELSAM has invited and consolidated Indonesian civil society to be involved in RSPO annual events, both RT14 in Bangkok, Thailand and RT15 in Bali, Indonesia. This consolidation process takes the form of a forum for discussion and sharing of information from each NGO in their work on the issue of community defense in areas of conflict with oil palm plantations, or other issues related to oil palm plantations.

The planning for NGO participation in RT 14 Bangkok aimed at maximizing the number of NGOs monitoring RSPO's journey in implementing its principles & criteria for members, so that the participants alongside ELSAM are civil societies who have the record and experience in dealing with RSPO or accompanying communities that are dealing with RSPO member companies. In RT 15 Bali, consolidation was improved, as Bali is located in Indonesia, and the preparation carried out by ELSAM had taken into account the conditions and needs of NGOs in Indonesia regarding the RSPO, and what issues would be addressed. In RT 15 Bali, ELSAM again invited participants from NGOs and community representatives, implemented the event, and consolidated the NGO meeting with BothENDS and OXFAM.

2.3. Participating in annual RSPO Conference (RT14) to strengthen the organisation of local community, smallholder and labors including women groups actively advocating against palm oil companies

2.3.1 Participation in RT

Participatory activities at the RSPO conferences were modified, initially only planned for RT 14, but due to its importance ELSAM re-organized civil society in RT 15. Apart from the reasons of ease of consolidation in Indonesia, it was also because the RT is a major event where NGOs can effectively campaign or even have direct dialogue with companies. Thus, ELSAM modified activities from the initial proposal, and included RSPO RT 15 intervention in Bali as an activity.

RT14

RSPO RT 14 was held on 7-10 November 2016 at the Shangri-La Hotel, Bangkok, Thailand. The RSPO annual event was attended by its members and various related parties. During the 4 days in Bangkok, the RSPO forum also became an open forum for the civil society to criticize RSPO policies and the bad practices of palm oil plantation companies in the field.

In the RT 14, the network of civil society from Indonesia facilitated by ELSAM was represented by 16 persons, including: Gemawan (West Kalimantan); SKP Kame (Merauke); Walhi Jambi; Walhi Bengkulu; Walhi Central Kalimantan; Pusaka Foundation; TuK Indonesia; Dayakology Institute; farmer from Sanggau, West Kalimantan; Mongabay Indonesia; OPPUK (North Sumatra), residents of Ketapang, West Kalimantan and ELSAM itself.

The arena in RT 14 became one of advocacy carried out jointly. In particular, the cases of RSPO members that have been formally filed through the RSPO Grievance Mechanism, or cases that have just occurred.

The activity carried out during RT 14 was a joint press conference of Civil Societies from Indonesia, which informed about several cases which involved RSPO member companies, as well as bilateral meetings with companies.

One of the cases discussed bilaterally was the case of PT. Bangun Nusa Mandiri (BNM), Ketapang, West Kalimantan, related to the conflict with PT. BNM on 9 November 2016. Golden Agri-Resources, as the parent of PT. BNM, represented by Agus Purnomo (Managing Director for Sustainability and Strategic Stakeholder Engagement at Golden Agri-Resources Ltd) and Mr. Richard Kahn, met with Edi Sutrisno (TuK Indonesia); Andi Muttaqien (ELSAM); Agustinus Carlo (Sawit Watch); Krissusandi (Dayakology Institute); Ritung (Ketapang Resident); and assisted by friends of OXFAM to discuss the case of land in the Silat Hulu area. GAR stated that the land considered as problematic by the residents

had been enclaved (excluded from the permit map). However, according to Ritung, the land was actually still being exploited by the company. Finally it was agreed that after the RSPO event, GAR would conduct a re-check with the community and assistants.



After the RT 14 was held in November 2016, communication was still carried out with community groups that participated in that event and communities that communicated with several RSPO member companies. Communication with PT. Nabire Baru (Good Hope) and PT. SMART were the most intensive, considering there has been an agreement between community groups and the two companies to resolve disputes that occur through communication and discussion between the two parties.

2.3.2. Participation in RT Conference in Bali

RT15

In RT 15 in 2017, the network of civil society from Indonesia facilitated by ELSAM included 16 persons attending the annual forum, including: Gemawan (West Kalimantan); Walhi Jambi; Progress (Central Kalimantan); JAMM (North Sumatra); Dayakology Institute (West Kalimantan); Link-AR Borneo (West Kalimantan); PILNET (Jakarta); citizens from Ketapang (West Kalimantan); Binasari (North Sumatra); Kubu Raya (West Kalimantan) and ELSAM itself.

Again, RT 15 became an arena of advocacy carried out jointly. Specifically, raising cases of RSPO members that have been formally reported through the RSPO Grievance Mechanism, or cases that occurred but were not reported to the RSPO. The arena in RT 15 was also a space to raise the issue of the importance of protecting palm oil plantation workers.

The campaign against violations committed by RSPO members and the need to improve the protection of palm oil workers were carried out in the RT 15 forum. ELSAM and the Indonesian civil society had at least carried out several activities and communication with the companies.

This activity was carried out in Nusa Dua - Bali, Indonesia on 26-30 November 2016. The details of the activity are as follows:

1. **NGO Meeting before the RT**
2. **Movie screening + photo exhibition**

The event began with the opening of a photo exhibition curated by ELSAM and INFIS from several collections taken from the handling of cases or documentation in Nabire, Papua; Ketapang, West Kalimantan; and several other collections from Indonesia. There were at least 14 photos shown to show the state of palm oil plantations that intersect with the community. These photos were also closely related to the contents of the movie launched by ELSAM.



In the movie discussion, the company (Smart Tbk) raised a question and stated that the contents of this movie actually made the plan for the conflict resolution process in Silat Hulu back to square one, because it seemed to open up old wounds that existed. However, ELSAM as the moviemaker stated that the content of the movie was a reflection of how the issue of palm oil plantations was still present and effective solutions must be sought.

3. **Book Launching + Public Discussion “The Role of the State in Ensuring Effectiveness of Access to Available Remedy from the Private Sector”**

The event began with a book launch delivered by Andi Muttaqien (ELSAM) and an introduction from Krissusandi (Dayakology Institute). This book documented the struggles in the legal process which involved Japin and Vitalis Andi, Ketapang residents who were criminalized by a plantation company (Sinar Mas) when fighting and rejecting land grabbing of their Indigenous territories. The public discussion presented the following speakers: Ibrahim Reza (Cooperation Staff – Directorate General of Human Rights, Ministry of Law and Human Rights); Nur Kholis (Former Chairperson of the National Human Rights Commission); Marcus Colchester (FPP Senior Advisor); Tiur Rumondang (Director of RSPO - Indonesia); and Andi Muttaqien (Deputy Director of

Advocacy - ELSAM). The event was moderated by Ridzki R Sigit (Director of Mongabay Indonesia).

4. Media Talkshow (BaliTV, RRI Denpasar, and TVRI Bali)

To campaign and provide other portrayals of civil society in the RT 15 series, on Tuesday and Wednesday, 28-29 November 2017, ELSAM held talks on local media, namely on BaliTV, RRI Denpasar, and TVRI Bali. The theme chosen was to propose improvements in the RSPO principles and criteria, and how to encourage the RSPO complaints mechanism to be an effective choice for conflict resolution.

5. Meeting with the Company or RSPO

While in Bali, several community representatives accompanied by local NGOs, and ELSAM met with companies where conflicts occurred. Likewise for the RSPO, community representatives expressed some clarification regarding the RSPO complaints process that was currently occurring. These include: 1) Meeting with RSPO, Wednesday - 29 November 2017; 2) Meeting with GAR, 27 Nov & 28 Nov 2017; 3) Meeting with ANJ, 29 November 2017; 4) Meeting with Good Hope, November 28, 2017;

Factsheet

In supporting victims and demanding attention from companies where there are cases related to social and/or environmental impacts, from several cases that are included in complaints to ELSAM, we facilitated the making of fact sheets whose sources come from NGO reports in the regions, including: 1) Case in Binasari (North Sumatra), plasma issues between the community and PT. ANJ Agri Siaes, with whom we finally had the opportunity to meet on the sidelines of the RT-15 event; 2) Case of PT. Rezeki Kencana, land conflict with the Olak-olak Kubu community, Kubu Raya, West Kalimantan. In this case PT. Rezeki Kencana is a CPO supplier to WILMAR Group; 3) The "Labor Rights in RSPO: Way Forward?" Leaflet, which contains a brief description of labor cases in oil palm companies in Yerisiam Gua, Papua and the importance of RSPO to improve PnC specifically related to labor rights because there is no transparency in it. In addition, there is no reference to plantation standards, which creates a legal loophole that violates many workers' rights. This further eliminates the principle of sustainability that the RSPO has upheld.

Low motion

A short animated movie was made to facilitate the understanding of what FPIC is (free, prior, informed consent). This 7-minute movie provides a brief understanding of FPIC, specifically as a guide to FPIC for RSPO members. The film was distributed to the public, with the specific target of local communities that intersect with plans to develop oil palm plantations. This short movie was made by ELSAM and Trifos Indonesia, completed on 20 July 2018 and has been disseminated through ELSAM's social media. This short movie is

expected to be a media for spreading the values of sustainability, which are the principles of RSPO. The movie can be watched at <https://youtu.be/xxuW5d3qkk8>.

2.3.2. Training for IMO's

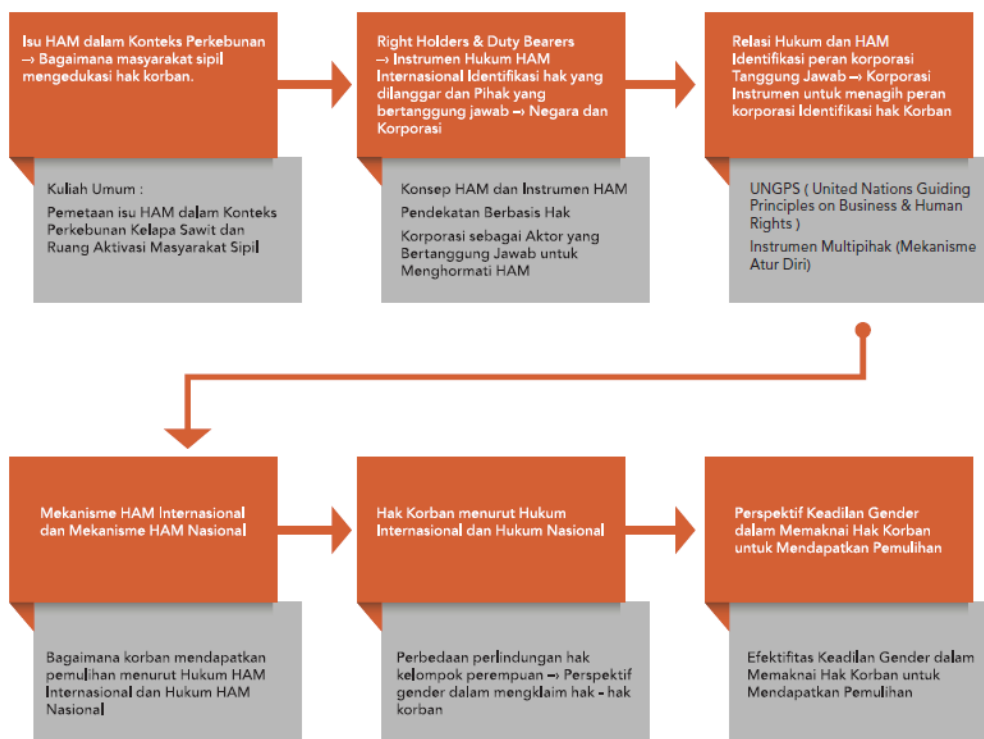
The most important part of the entire program is training of civil society and the community about access to remedy. ELSAM held the Indonesian Movement for Plantation And Human Rights Transformation (IMPACT) Training series for civil society which was conducted in 3 training sessions, namely:

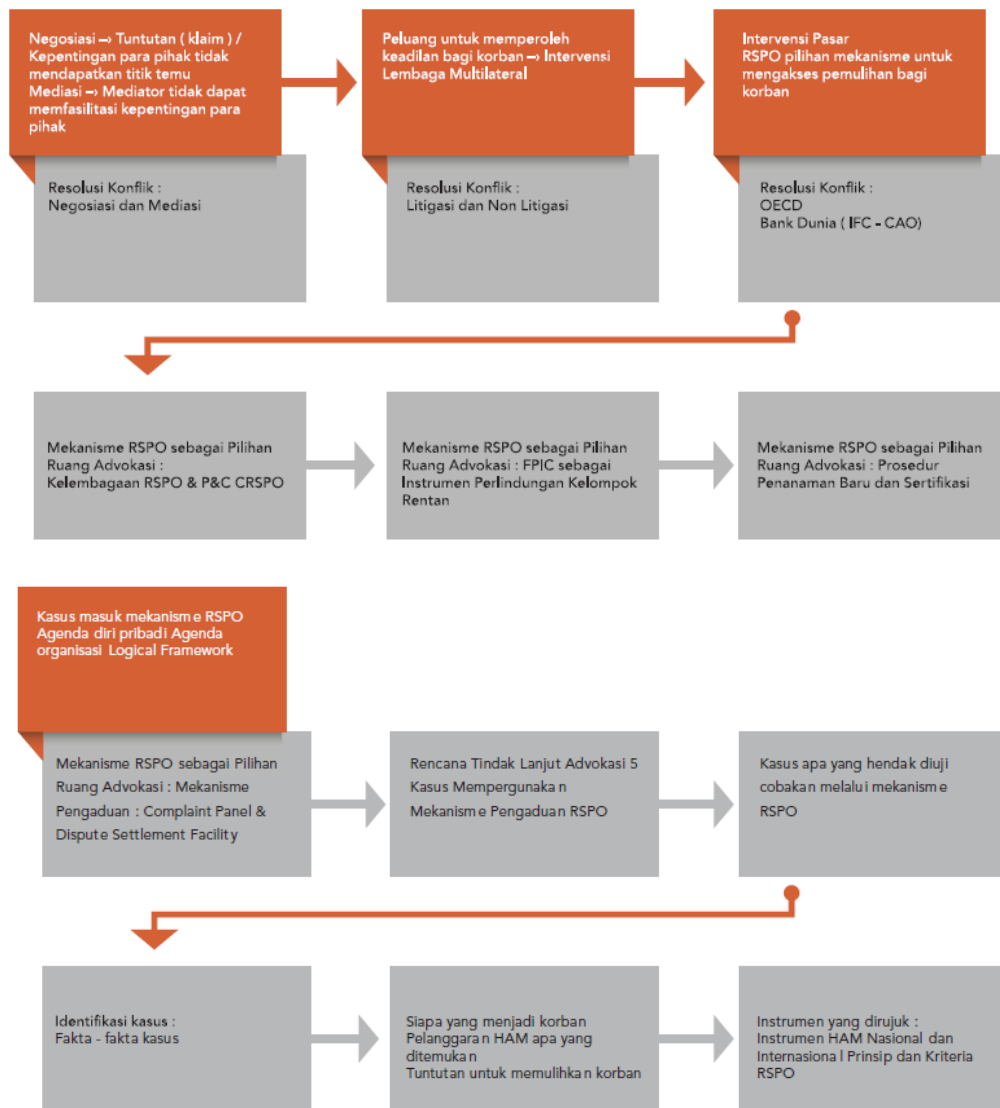
- 1) 20-24 February 2017
- 2) 3-7 April 2017
- 3) 3-7 April 2017

The trainings were held in Bogor, West Java

The trainings were expected to increase the capacity of civil society in defending and advocating for the rights of the people affected by the development of palm oil plantations. The trainings were also expected to help activists to have a knowledge of human rights and its mechanisms at the International, regional and national levels. Thus, they could better understand the human rights mechanism that can be taken in facilitating the community in accessing justice.

Training Schematic

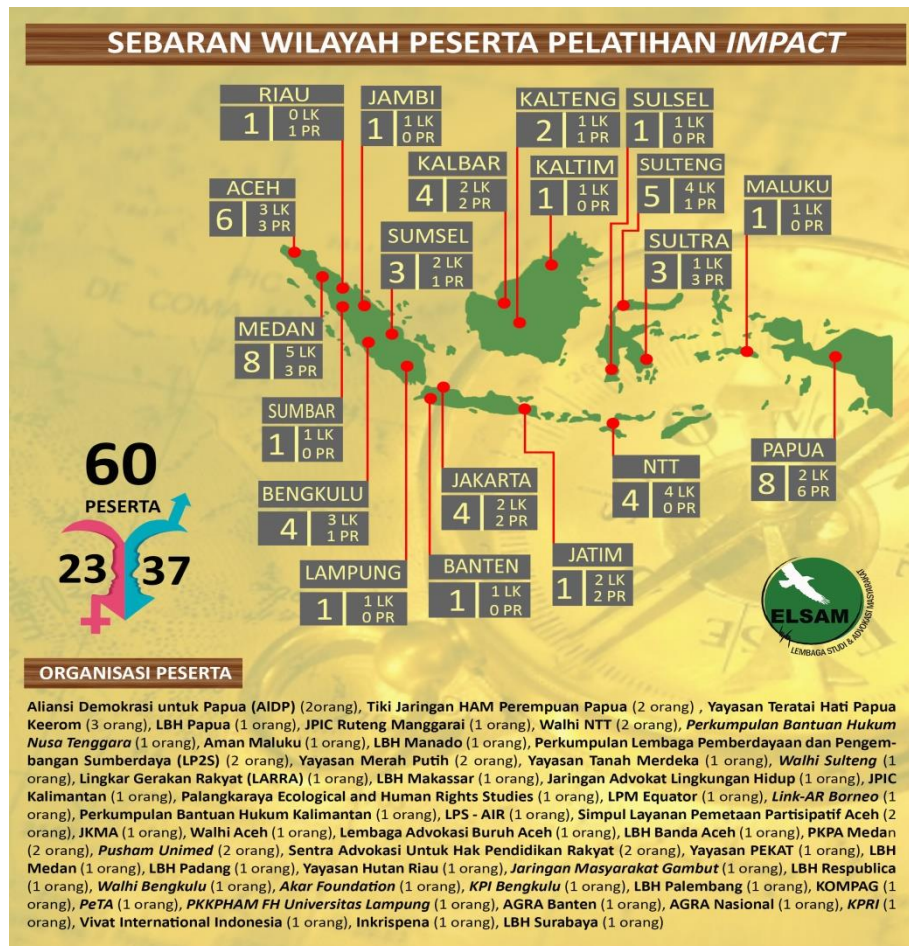




The skill provided in the training was how to use conflict resolution mechanisms provided by the state and the market in order to guarantee the right to remedy for victims, one of which was the complaints mechanism available in RSPO. The method used in training for 5 (five) days was an adult education, based on active participation of participants with the composition of materials (40%) as well as discussion and simulation (60%).

During the 3 (three) batches of IMPACT training, participants who attended came from various regions in Indonesia, the majority of whom came from areas where expansion of palm oil plantations occurred. Of the total participants there were 60 people out of a total of 49 (forty nine) institutions, with the composition of 38% females and 62% males, coming from Papua 8 persons; East Nusa Tenggara 4 persons; Maluku 1 person; Central Sulawesi 5 persons; South Sulawesi 1 person; East Kalimantan 1 person; Central Kalimantan 2 persons;

West Kalimantan 4 persons; Aceh 6 persons; North Sumatra 8 persons; West Sumatra 1 person; and Riau 1 person.

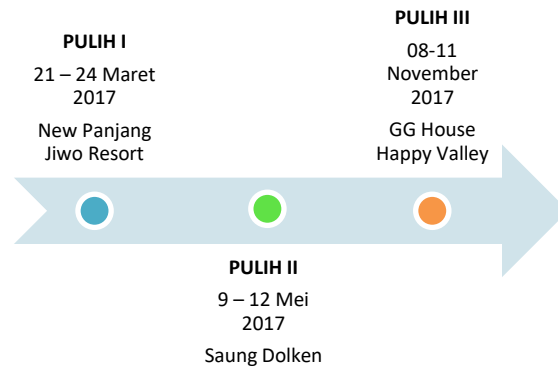


In each training batch, the sessions ended with a follow-up plan (RTL). The RTL aimed to identify cases in the area of origin of participants. Furthermore, through the RTL participants can prepare cases that have the potential to be pushed into the RSPO mechanism or other mechanisms. The method used in compiling the RTL is through group discussions, in which each group discusses a worksheet containing several relevant aspects to prepare cases that can be encouraged to be resolved through state-based mechanisms, both judicial or non-judicial, and market-based mechanisms, including the RSPO mechanism.

2.3.3. Training for Community

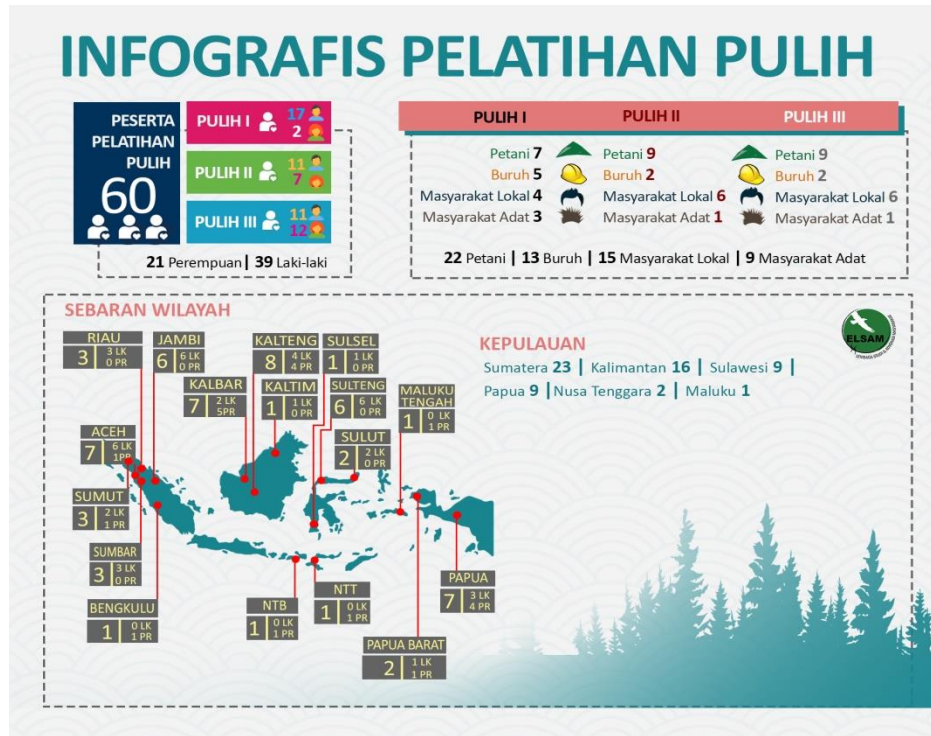
Dedicated to civil society from NGOs, training on human rights to understand and increase the ability to observe the process and deal with the impacts of the development of palm oil plantations was also carried out for local communities, labors, smallholders, and women. These trainings also described anticipation and steps that can be taken to minimize or mitigate the impacts that might occur due to the construction of oil palm plantations.

PULIH Training (Plantation Issue in Utilizing Local Communities to Integrate Human Rights) was one of the trainings specifically intended for Local Communities, Labors, Smallholders, and Women to understand and use the RSPO as a mechanism that can facilitate their struggle. PULIH training has been held 3 (three) times with a total of 60 (sixty) participants.

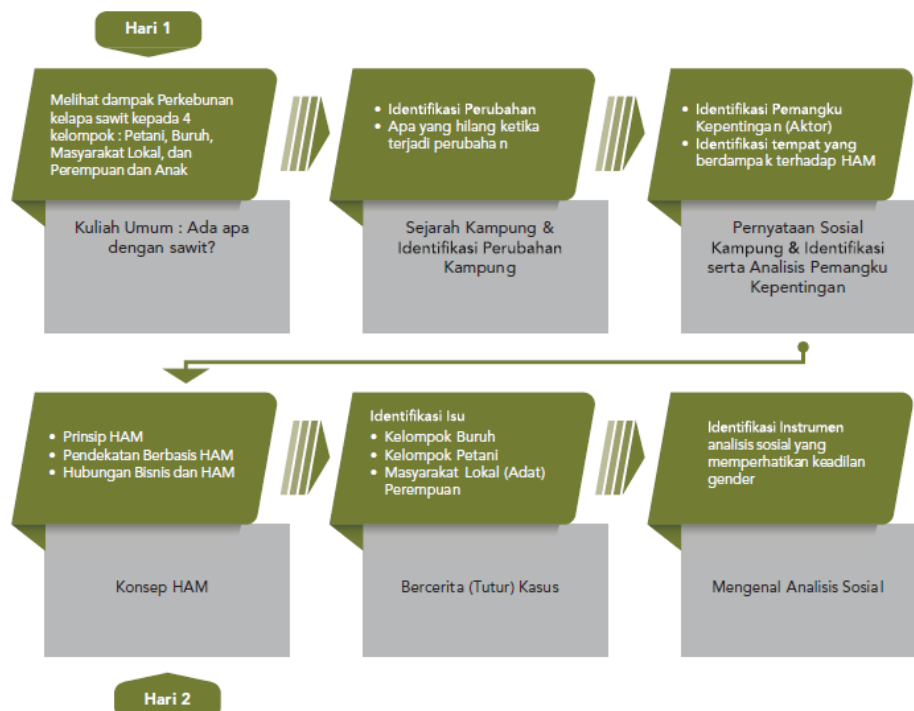


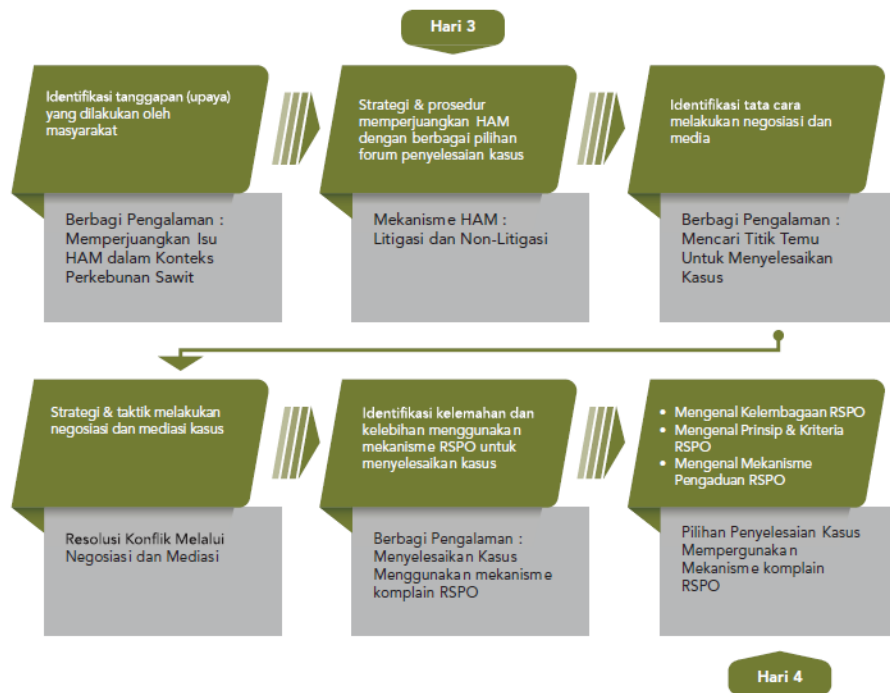
The participants were selected by a committee and their registration was based on recommendations from NGOs in the regions who were also involved together with participants in advocacy.

The participants of the three PULIH Training sessions were 60 persons from Aceh, North Sumatra, West Sumatra, Jambi, Riau, Bengkulu, East Kutai (East Kalimantan), West Kalimantan, Central Kalimantan, Central Sulawesi, South Sulawesi, North Sulawesi, West Nusa Tenggara, Papua and West Papua. In the training, participants were also introduced to the RSPO mechanism when dealing with companies that were considered to violate the RSPO P & C. This training was important because the experience of the participants when dealing with the operations of oil palm companies became the background in conducting social analysis which also included village history, background of conflict and advocacy.



The training process identified the experience of the participants facing the operation of the palm oil plantation company. The technique used was social analysis instrument: including the history of the village, the background of conflict and advocacy carried out. In short, the training flow can be understood through the following schematic:





Each batch of training ends with a follow-up plan (RTL). The RTL aims to identify cases in the area of origin of participants. Further, through RTL participants can prepare cases that have the potential to be pushed into the RSPO mechanism or other mechanisms. The method used in compiling the RTL is through group discussions and each group discusses a worksheet that contains several relevant aspects to prepare cases that can be encouraged to be resolved through state-based mechanisms, both judicial or non-judicial and market-based mechanisms, including the RSPO mechanism.

2.3.4. Personnel Support for Training for Local Communities, Small Holders and Labors

3. The Utilisation of RSPO Mechanism by Local Community, Smallholder and Labors Including Women Groups

3.1. Handling dispute resolution using RSPO mechanism

a. Case Handling and Education

Throughout the program implementation, case-handling activities oriented to be submitted and resolved through the RSPO mechanism were focused on the communication with various CSOs and communities in the regions, especially with institutions that actively assist the community. Communication was carried out to explore cases that would or have been handled and submitted to the RSPO, such as the Dayakology Institute, Pontianak; Linkar Borneo, Pontianak; Pusaka Foundation, Jakarta; PROGRESS, Palangkaraya; and the Marginal Community Advocacy Network (JAMM), North Sumatra.

In some cases, due to consideration of effectiveness and the desire to obtain settlement through dialogue, ultimately the complaints process by the RSPO mechanism was not carried out. ELSAM also plays a role in assisting the community in the process of dialogue or negotiation with the company. One case that is currently still being assisted is the case of the Silat Hulu community, Bantansari, Ketapang, West Kalimantan. Together with the Dayakology Institute, and Sawit Watch, as well as the Lembaga Bela Banua Talino and WALHI West Kalimantan, ELSAM continues deliberations with PT. Bangun Nusa Mandiri to obtain resolution.

Resolution of the Claims of the Silat Hulu Indigenous Community

A series of processes to encourage efforts to settle these claims have been carried out with a bilateral approach between the community and the Sawit Watch Association, ELSAM, and the Dayakology Institute (ID) with GAR since the 10th RSPO Roundtable Meeting (RT) in Singapore, and followed up with several other meetings thereafter. Furthermore, at the meeting initiated jointly during the 14th RT in Bangkok among representatives of the Silat Hulu community accompanied by Sawit Watch, ELSAM, ID and TUK Indonesia with GAR, several things were agreed to become the basis for continuing the process of resolving this issue, among others:

1. Representatives from the Silat Hulu hamlet and the management of PT BNM (the parties) will conduct a verification process of land rights claims submitted by the community of Silat Hulu hamlet;
2. Identify opportunities for a possible settlement process that is acceptable to both parties;
3. Involve third parties namely RSPO as observer in this whole process.

Then at a meeting in Pontianak on 16 December 2016, which was attended by PT. BNM and community representatives from Silat Hulu hamlet accompanied by several companion institutions, an agreement was made, which essentially agreed that the parties would carry out field verification, schedule it, and proceed with discussion to find a solution by promoting consensus agreements that could be accepted by all parties. Furthermore, based on a joint consultation meeting conducted at the Secretariat of the Sawit Watch Association on 29 September 2017, it was agreed:

1. A joint verification process will be carried out between the parties as a first step to encourage the settlement process, especially in determining the object of land claimed by the community (dispute);
2. Commitment to accelerate the settlement process by prioritizing participation, consultation and mutual agreement from the parties through the procedures for settlement as stipulated in criteria 2.2 and 2.3 RSPO P & C and the 2015 RSPO FPIC guidelines;

3. Limited involvement of other parties in accordance with their competencies and non-involvement of security forces including the military in the whole process, including in the follow-up.

On the basis of the agreement in the above meetings, the parties then agreed to resolve the problem by conducting joint verification activities on the area/land claimed by the community in the PT BNM business permit. This joint verification activity would be carried out with reference to the form of activity, location and time of implementation, place/location of activities, output to be achieved, definition of the parties and other parties involved in this activity, the role of the parties and other parties in this activity.

The joint verification was carried out after the RSPO RT15 in Bali, 28 November 2017. The meeting and implementation of joint verification had taken place at least 2 (two) times at the time. In the two meetings, ELSAM was asked by the parties to be the moderators or mediators of the two parties. In summary, the general description of the claim resolution efforts meeting is as follows:

The first meeting was held on February 6-8 2018 in Silat Hulu Hamlet, Ketapang, West Kalimantan. Several important points were that the Participatory Map of Indigenous Peoples is one of the basis or references in settling claims, in addition, each party (the Silat Hulu community and PT. BNM), will exchange their own data and communicate later at the second meeting.

The second meeting was held on 8 March 2018 in the Gemalaq Kemisiq Hall, Jelai Hulu, Ketapang. The meeting began with the presentation that a letter from the District Head of Jelai Hulu to the regent stated that there were boundary setting conducted by Bantansari Village, which interferes with the boundary of Biku Sarana Village, and this was carried out without agreement from Biku Sarana Village elements. This is a problem for PT BNM, because it turns out that the boundaries of the Participatory Map of the Silat Hulu overlaps with Biku Sarana. As a result, the people from Biku Sarana came to the meeting and forced the meeting to be dissolved with intimidation and threats to the NGO companion of the Silat Hulu community. The meeting was stopped based on the agreement of the PT. BNM and Silat Hulu community and NGOs.

Teaching of Human Rights Materials and the RSPO Complaint Mechanism in Papua

ELSAM has the opportunity to provide capacity building for Indigenous Peoples in Papua in the training entitled “Workshop and Training on Capacity Building and Legal Rights for Papuan Indigenous Peoples concerning Rights to Land and Management of Natural Resources.” This training was initiated by the PUSAKA Foundation and Forest

Peoples Program (FPP) by involving ELSAM and LBH Papua to facilitate the training on 22-24 May at the Mahavira Hotel, Nabire, Papua.



Azhar N. F Alam, ELSAM Legal Advocacy Staff provided an understanding of basic rights ranging from civil and political rights, basic economic rights, and the social and cultural rights of indigenous Papuans. Azhar also provided an understanding of the structural causes of perpetual agrarian conflicts, as well as ways of independent advocacy that can be done within the internal scope of indigenous Papuans. In the agrarian sector, Azhar explained a number of complaints mechanisms available in addition to the mechanism of litigation. One of them is the mediation mechanism provided by the Roundtable on Sustainable Palm Oil (RSPO) in the palm oil industry sector, a complaint mechanism provided by the Forest Stewardship Council (FSC) in the case of logging of customary forests, or complaint mechanisms to the Organization For Economic Co-Operation And Development (OECD) when there are companies from OECD member countries that commit human rights violations and other international mechanisms.

This capacity building training was attended by 25 representatives from various large tribes in Nabire Regency, Papua, such as representatives of the Yerisiam Tribe, Sima Village, Yaur District, Representatives of the Wate Tribe, Yaur District and Malikikimi District, Representatives of the Kwatisore Tribe, Teluk Umar District, Representative of the Moor Island Tribe, Institute of Indigenous Peoples in Nabire, Papuan Customary

Council in Nabire, also participants from the Protestant Church of Papua in Paniai in Nabire, Diocese in Nabire, and journalist representatives in Nabire.¹

Providing Assistance to Victim Communities of Palm Oil Companies

a. PT Rezeki Kencana (Tianjin Julong Group)

PT. Rezeki Kencana –Tianjin Julong Group, a supplier of WILMAR, entered the Kampung Baru area, Sungai Raya, Kubu Raya District, West Kalimantan in 2007, without conducting appropriate socialization with the residents. Due to the lack of Free, Prior, Informed Consent (FPIC) processes, most residents did not know about the environmental impact assessment, the Cadastral Map, the Development Plan, and even the unclear profit sharing system. PT. Rezeki Kencana claimed lands of the community/Darat Jaya Farmers Union in the Kampung Baru area. The extent of land claimed by PT. Rezeki Kencana was 2,600 ha. The land was previously planted by villagers, in the form of rubber trees, banana trees and others. PT. Rezeki Kencana carried out land clearing and destruction and extraction of plants which resulted in the destruction of ± 20,000 trees in the area to be planted with palm oil.

The local government through the National Land Agency (BPN) of Kubu Raya District letter number BA 28 / BA / SPP / VI / 2015 confirmed that the land belonged to the village community who were members of the Darat Jaya Farmers Union and a letter from the Kubu District Government No. 102/184 / pem dated 3 May 2017 reviewed the HGU of PT. Rezeki Kencana. The land ownership is reinforced by the re-measurement of land carried out by the Kubu Raya District National Land Agency and the field chronology signed by village officials from several villages belonging to the Darat Jaya Farmers Union. In addition, the letter rejecting permission and HGU of PT. RK by the village heads of Teluk Nangka, Jangka II, Kampung Baru, Teluk Bayur, and rejection signatures from the 4 village communities.

In this case, ELSAM provided assistance and supported advocacy funding through Linkar Borneo to campaign about the case and violations that occurred. The campaign was carried out through a press conference in Pontianak ², accompanying complaints to various State institutions in West Kalimantan and in Jakarta, such as: Komnas HAM; Ministry of Villages; and Law Enforcement of the Ministry of Environment and Forestry in May 2017.

PT. Rezeki Kencana has also been reported to the RSPO. Linkar Borneo reported Julong Group to RSPO for violating one of the RSPO criteria, “land use for palm oil does not

¹ <http://elsam.or.id/2017/06/penguatan-kapasitas-masyarakat-adat-papua-mempertahankan-hak-atas-tanah-dan-sumber-daya-alam/>

² See <http://www.mongabay.co.id/2017/05/30/berlarut-konflik-lahan-masyarakat-dengan-perusahaan-sawit-di-kubu-raya/>

eliminate the legal rights and customary rights of other users without their voluntary agreement.” However, the RSPO replied that PT. Rezeki Kencana was not included by Julong Group’s main holding as an RSPO member.

b. Assistance to the Community of Binasari, South Tapanuli, North Sumatra in Conflict with ANJ Agri Siais

In September 2017, ELSAM and JAMM conducted assistance and a clarification meeting of land ownership conflict of the residents of Binasari Hamlet, South Tapanuli, North Sumatra, whose land is currently controlled by PT. Austindo Nusantara Jaya (ANJ) Agri Siais. This is an old case that has not been resolved by the community for some time, namely the issue of plasma land.

There were quite a lot of problems, because before being bought by ANJ, the company was PT. Ondop Perkasa Makmur, which was mentioned in the 2009 Special Committee Report on the discussion of Land Problems in the South Tapanuli District, with various violations committed by the company, and concluding that the issuance of HGU for PT. ONDOP PERKASA MAKMUR (OPM) was legally flawed. Finally, according to the community, there is a problem with the MoU to resolve the plasma. According to the community, the memorandum of understanding was not carried out properly by the company. What was lamentable is that the agreement in fact caused a conflict among the people. The contents of the note were used to divide the indigenous people of Dusun Binasari with immigrant communities. Only 81 households were given plasma land with different sizes (ranging from 1 ha to 2 ha). The horizontal conflict escalated as plasma land was misdirected and given to migrant communities.³

This was then delivered directly to the company during the RSPO RT15 meeting in Bali, in which the community representatives met with company representatives, and recorded all community complaints. The company also invited ELSAM and the community to Medan to discuss this issue. The meeting at the ANJ Agri Siasi office in Medan was held on 22 January 2018. During the meeting in Medan, the company responded to the claim submitted by Baktar Nasution at the previous meeting in Bali. The company confirmed that in 2006 PT Ondop Perkasa Makmur (OPM), the South Tapanuli Head of District and the Regional House of Representative (DPRD) had signed a Memorandum of Understanding / MoU to resolve the Binasari conflict. The MoU agreed on the provision of plasma palm oil profit sharing equal to 2 ha / KK, but when about to be realized, the residents of Binasari refused and instead demanded 3 ha / KK. The company, which at that time was still called PT OPM (In December 2004 ANJ acquired the company) refused, because the community denied the agreement made

³ See <http://elsam.or.id/2017/10/konflik-perkebunan-pt-anj-agri-siais-tidak-menjalankan-nota-kesepahaman/>

in the MoU. The South Tapanuli Head of District also refused, because the request was out of agreement.⁴

b. Voices of Victim Representatives & Companies in Launching National Business & Human Rights Action Plan

ELSAM in collaboration with the Human Rights National Commission, in order to encourage the implementation of the UN Guiding Principles on Business and Human Rights (UNGP) for the State and companies, launched the National Action Plan on Business and Human Rights through the Human Rights National Commission Regulation No. 1 of 2017 on Ratification of the National Action Plan on Business and Human Rights on 16 June 2017 at Sari Pan Pacific Hotel, Jakarta. In the framework of this launch, in an effort to raise the voice of victims of the expansion of oil palm plantations, ELSAM presented Roberthino Hanebora from the Yerisiam Gua Tribe, Nabire, Papua whose customary land was seized by the oil palm company PT. Nabire Baru. This was to provide a full perspective on the situation in the field, so that the Government, business entities and civil society can see it. Likewise on the company side, on this event PT. SMART Tbk or Golden Agri Resources was invited to explain their commitments in respecting human rights. Some short videos can be seen on the ELSAM multimedia page <http://multimedia.elsam.or.id/langkah-perusahaan-dalam-penghormat-ham-lingkungan-hidup/>

c. Workshop “Tracing the Obstacles and Challenges of Access to Effective Remedy in the Palm Oil Plantation Industry”

ELSAM conducted this workshop to look back on the challenges faced by civil society in using the remedy mechanisms provided by RSPO. The meeting was held on 23 October 2017 at ELSAM by presenting selected priority cases, and including examples of judicial and non-judicial resolution mechanisms. These cases were those of PT. Rezeki Kencana in West Kalimantan; the case of PT Lonsum in North Sumatra; the WILMAR case in Central Kalimantan; the case of the Dusun Binasari community in conflict with PT ANJ in North Sumatra; the case of the Silat Hulu community with GAR; and the case in Yerisiam Gua, Nabire with PT Nabire Baru.

Each explained their experience in testing the system or dealing with RSPO complaints, for example Agus Sutomo, Director of Linkar Borneo described his experience using the RSPO mechanism in resolving land disputes in West Kalimantan. He considered the slow dispute resolution process in RSPO, whether it was a complaint panel or dispute settlement facility (DSF), was due to lack of staff resources and staff turnover in the conflict handling division.

⁴ See <http://elsam.or.id/2018/03/anj-agri-siais-menyatakan-tak-ada-lagi-persoalan-plasma-di-binasari/>

In addition to conflicts over indigenous peoples and their relation to the ownership of land, labor and human resources involved in the process of the palm oil industry are also victims of injustice. Suhib Nuridho, staff of OPPUK (Organization for Strengthening and Developing People's Businesses), observed the weak enforcement and fulfillment of basic rights of workers in the palm oil plantation industry. Several OPPUK studies and findings show that there are still many workers who are paid below the provincial minimum wage standard. In addition, there is no humanitarian safety and security facilities such as proper accommodation and proper protective equipment. Also the system of employment contracts for BHLs (casual daily labors) harms workers. This condition is a mainstay of the company to easily break unilaterally the work agreement by not giving social security, severance pay, bonuses and other rights.

Suhib saw the RSPO certification mechanism for its company members not able to provide full assurance, that the company was obedient to the rules specifically related to the fulfillment of the basic rights of palm oil workers. The certification issued by this institution seems to be a means of enhancing and boosting the company's image to sell in the European market, although not proportional to the findings in the field.

At the end of the session, the participants agreed to hold a follow-up agenda, reviewing the cases that had been handled by the RSPO. The aim was to evaluate the complaint panel mechanism and dispute settlement facility (DSF) provided by RSPO. It was especially based on reflection of the findings of the obstacles and challenges that arise from this mechanism, which are focused on the cases currently handled. In addition, it also drew together alternative strategies for other solutions so that the conflicts over palm oil plantations can be completed quickly and simply at low cost.

This workshop is also the beginning of ELSAM in looking at the possibility of supporting funding in advocacy carried out by CSOs in the regions and providing an assessment of the systems that apply in the RSPO complaints mechanism.

d. Identification of Obstacles and Opportunities for Civil Societies Related to the RSPO Complaint Mechanism (ext)

In order to observe the development of cases related to palm oil plantations, ELSAM held a workshop to exchange experiences in assisting cases reported by civil society through the RSPO complaint mechanism. The workshop, held on 22 March 2018 in Jakarta, was attended by several civil society organizations, including Linkar Borneo, Progress, JAMM, Pusaka Foundation, AGRA, and OPPUK. This workshop was also intended to present the results of the CSO's reflection on complaints or contact with the RSPO.

The meeting began with the presentation of Kania Mezariani (ELSAM) on the latest information regarding the RSPO complaints & appeals procedure mechanism, which was passed in June 2017. The new RSPO complaints and appeals procedures already had progress such as the case handling period, role strengthening from the Complaints Panel, the existence of appeal procedures, initial diagnosis, protection of whistleblowers and human rights defenders. However, the complex process takes a long time, at least almost a year.

An important note for civil society in taking the mechanism at RSPO is to ensure the existence of accurate village data. Village data is “inaccurate” because it does not have complete evidence. The problem of data is the reason most often used to refuse handling cases. In addition, civil society also needs to monitor the complaints reporting process. For example, using the RSPO system accessed through its website to find out the status of reporting. This is rarely done by civil society who assists victims because of their location which is usually in the field.

Meanwhile, regarding the RSPO mechanism, some participants argued that the RSPO mechanism should be faster in the process. Other things that were also important according to participants, include: RSPO to prioritize field checks; RSPO to be more responsive and more open in communication. Responsive communication will facilitate the settlement process and will not result in prolonged handling.⁵

3.1.2 Case Workshop

The section of this activity has been carried out using the budget slots at the top (3.1), however there are also other activities that also relate to workshops on case handling or information dissemination of complaints mechanisms under the RSPO. On 27 January 2018, ELSAM in collaboration with Palangkaraya Ecological and Human Rights Studies (PROGRESS) held a case workshop related to the RSPO Complaint Mechanism Learning on in Palangkaraya, Central Kalimantan. This program was part of a campaign and support for the case being handled by PROGRESS involving Kusasi, one of the residents of Kapuk Village, Mentayu Hulu District, Kotawaringin Timur District, against a subsidiary of the Wilmar Group. In handling Kusasi's case, PROGRESS tries the complaint mechanism provided by the RSPO. The case itself has been going on for ten years and is still struggling to restore land rights that were forcibly seized without consent by the Wilmar Group subsidiary. In this event, Kusasi described his experience using the RSPO complaint mechanism.

3.1.3 Handling Case contribution

ELSAM provides funding support to 4 regional institutions to re-consolidate the community, campaign, reformulate the strategy and reflect on the handling of each case in the region, or

⁵ See <http://elsam.or.id/2018/03/identifikasi-hambatan-dan-peluang-masyarakat-sipil-atas-mekanisme-pengaduan-rspo/>

on the community assisted. Four institutions are supported by ELSAM, namely: 1) Marginal Community Advocacy Network (JAMM) in North Sumatra; 2) Linkar Borneo in West Kalimantan; 3) Dayakology Institute in West Kalimantan; and 4) PROGRESS in Central Kalimantan. The written materials from the reflection of these colleagues in the regions will be used as a source of writing the reflection on the use of the RSPO mechanism that will be written by ELSAM in absorbing and extracting the opinions of NGO friends in using or interacting with the RSPO complaints system. These notes were then conveyed in a workshop on “Identifying Obstacles and Opportunities for Civil Societies Related to the RSPO Complaints Mechanism” in Jakarta.

In addition, specifically for Linkar Borneo, with regard to contributions made from ELSAM, it has been followed up by making new complaints against 3 (three) RSPO member companies, namely: 1) PT. HSL Cargill group; 2) Wilmar International Limited; 3) Genting Plantations Berhad.

3.2 Formulation of reflection of 5 cases handled using RSPO mechanism

With regard to the contributions provided by material funding and assistance in the 4 (four) cases above, ELSAM also requested the views of 4 (four) lawyers in discussing and giving their legal opinions about the 4 (four) cases. Lawyers who were asked for their opinions by ELSAM were then involved in meetings with local assistants or with ELSAM, which would then be used in advocacy. The four lawyers are: 1) Judianto Simanjuntak, SH. in the case of the community of Pantap Village and Kapuk Village, Kotawaringin Timur, Central Kalimantan; 2) Azhar Nur Fajar Alam, SH., In the case of the community of Desa Binasari, Kabupaten Tapanuli Selatan, North Sumatra; 3) Muhammad Irwan, SH. in the case of the community of Bantansari Village, Tanjung District, Ketapang, West Kalimantan; and 4) Ronald M. Siahaan, SH., MH., in the case of the people of Sanggau District and Kubu Raya District, West Kalimantan.

4. The identification and mapping of CSOs actively conducting advocacy against palm oil companies (Budget inc. Activities 1)

The implementation of Activity 4 is in line and conducted at the same time with Activity 1. Both only have different focus. The activity 1. targeted at the indigenous community, labors and women. Meanwhile, activity 4. targeted at CSOs and the institutions actively defending and assisting indigenous community, labors and women.

4.1. Formulation of method to conduct identification and mapping of CSOs actively conducting advocacy against palm oil companies

4.2. Series of meetings to identify and map CSOs actively conducting advocacy against palm oil companies

4.3. Analysis of result of identification and mapping of CSOs actively conducting advocacy against palm oil companies

5. The Enhanced Capacity of Local CSOs to Facilitate the Utilisation of RSPO Mechanism

5.1. Conducting series of workshops to strengthen the local CSOs actively conducting advocacy against palm oil companies;

The activities in this section are efforts to strengthen the involvement of civil society in using or providing intervention to the RSPO. This is needed to increase the capacity and level of civil society participation in strengthening the RSPO. The activity in question is the delivery of views of civil society on the Draft 1 of the amendment of RSPO P & C; then also we held a focus group discussion in order to see and criticize the issues of the European Parliament Resolution on palm oil, etc.

Focus Group Discussion on Palm Oil Diplomacy Strategy

On 31 August 2017, ELSAM and the Human Rights National Commission (Komnas HAM) held a focus group discussion on palm oil diplomacy strategies. This was conducted to form or recommend a single narrative regarding the attitude of the Indonesian State Ministries and Institutions to the EU Parliament's resolution of palm oil. The European Union Parliament Resolution issued in April 2017 confirms several issues relating to the objectives of the Sustainable Development Guidelines (SDGs) including the issue of sustainable agriculture, food security and sustainable forest management. Based on records from the European Union Parliament, half of the forests that have been illegally cleared is used to produce palm oil for the EU Market.

The operation of palm oil plantations is very closely related to human rights violations. For example evictions, child labor, discrimination against indigenous peoples, and conflicts involving violence. Therefore, the resolution proposes the termination of the use of vegetable oil that causes deforestation, including palm oil as one of the biofuel ingredients, starting in 2020. This is a challenge for Indonesia as one of the largest palm oil producers in the world. But unfortunately, both the ministries, local governments and business actors are still acting defensively and there has been no strategic action to address this challenge.

Deputy Head of District of Musi Banyuasin, South Sumatra, Beni HERNEDI stated his concern regarding the welfare of palm oil farmers that could decrease due to the resolution. According to him, RSPO certification is enough as a commitment to fulfill the resolution because it reaches companies and independent smallholders. A similar opinion was also conveyed by PT Perkebunan Nusantara VI Jambi, because according to them palm oil plantations were not the main cause of deforestation. They also said that the RSPO certificate was influential because there were many problems related to replanting. "Of the 667 members, only 50% of the members have already received ISPO. But they are still having difficulties at the global market level," said Fadhil Hasan, Director of GAPKI (Indonesian Palm Oil Association).

From the civil society side, Nirarta Samadhi (WRI Indonesia) said that the civil society would not play a major role without the willingness of the government and the companies. On the other hand, addressing the Resolution and challenges of palm oil plantations, Fadhil Hasan representing GAPKI proposed a counter trade policy to respond to the economic competition of vegetable oils at the international level.

In this discussion also came recommendations for conducting objective cross-ministerial research to map palm oil problems in Indonesia. This assessment is expected to be able to provide a complete picture in building the narrative, so that the expected uniform narrative will be able to unite the voice of Indonesia in the forum of palm oil plantations at the international level that protects human rights, women, the environment, children and indigenous peoples.⁶

From the series of discussions about the importance of a single narrative on the issue of palm oil in Indonesia, ELSAM made a note about the urgency or points that could be included in the Government's official view regarding the European parliament's palm resolution.

Review Workshop on Changes in the RSPO Principles, Criteria and Indicators in the First Stage Public Consultation

In an effort to guard the process of changes to the RSPO P&C, a number of civil society organizations held a workshop to review changes to the RSPO P&C on 24 October 2017 in Jakarta. Changes to the RSPO P&C are conducted every five years to ensure sustainable RSPO standards.

The discussion was attended by one of the members of the RSPO P & C Change Task Force, Marcus Colchester from Forest Peoples Program (FPP). One of the new criteria added is about peatlands. Palm oil plantations are no longer to operate by opening new plantations on peatlands. However, they can still continue the plantations that are already located on peatland. The issue regarding the environment proposed by civil society is the use of the High Conservation Value (HCV) method. If the proposal is approved at the next drafting team meeting, the subject of the discussion will focus on the discussion of the Environmental Impact Analysis and detailed social impact assessment.

In addition, labor issues are also included as changes in the criteria, especially in terms of transparency and company ethical policies. However, there are concerns that the problem will increase because the number of formal workers is getting higher. The issue regarding the provisions of the Free Prior Informed Consent (FPIC) agreement is also one of the indicators

⁶ Indonesia Membutuhkan Narasi Tunggal Terkait Resolusi Parlemen Uni Eropa Mengenai Kelapa Sawit, <http://elsam.or.id/2017/09/indonesia-membutuhkan-narasi-tunggal-terkait-resolusi-parlemen-uni-eropa-mengenai-kelapa-sawit/>

that need to be reviewed in terms of its position to strengthen the position of the people who own the land.

ELSAM considers that the quality of the translation of the RSPO P & C document also has the potential to cause problems in the implementation. Some of the terms used are not equal to the terms used in Indonesian, and cause confusion. For example, the term “growers”, if translated into Indonesian, can refer to plantation workers, plantation owners, palm oil factory owners, and others. The use of the word equivalents is not steady and is still changing. This can be misinterpreted so that the community is not protected.⁷

Based on the input from the participants in this workshop, ELSAM representing the CSO Coalition compiles the input and sends it to the RSPO P & C Change Formulation Team through the RSPO website.

5.2. Conducting a consolidation meeting (RT14 pre-conference) to strengthen the local CSOs actively conducting advocacy against palm oil companies (Budget Inc. Activity 2)

5.3. Participating in annual RSPO conference (RT14) to strengthen the local CSOs actively conducting advocacy against palm oil companies (Budget Inc. Activity 2)

6. The Facilitation to Utilise RSPO Mechanism in Dispute Resolution by Local CSOs (Budget Inc. Activities 3)

6.1. Facilitation of cases using RSPO mechanism by local CSOs

6.2. Formulation of writing on reflection of 5 cases facilitated using RSPO mechanism

The implementation of Activity 6 is in line and conducted at the same time with Activity 3. Both only have different focuses. Activity 6 was targeted at CSOs and the institutions actively defending and assisting indigenous communities, labors and women. Meanwhile, activity 3 was targeted at indigenous communities, labors and women.

7. Responsiveness of RSPO Mechanism in Accomodating the Participation of Local Community, Smallholder, and Labor (Budget Inc. Activities 3)

7.1. Handling complaints using RSPO mechanism

8. Established Communication Between RSPO and Stakeholders

8.1. Developing the communication mechanism between RSPO and stakeholders

⁷ <http://elsam.or.id/2017/11/loka-karya-peninjauan-perubahan-prinsip-kriteria-dan-indikator-rspo/>

The activities in this section are efforts to recapture and invite civil society to continue to discuss the RSPO and strengthen its role in improving palm oil governance in Indonesia. The communications established between the RSPO and other parties are carried out through meetings and discussions that will directly or indirectly intersect with the role of the RSPO in ensuring sustainable palm oil.

Public Discussion: Agrarian Reform and Conflict Resolution in the Palm Oil Sector

The first discussion held in this program was a panel discussion at the Sawit Watch Congress. In the discussion on Agrarian Reform and Conflict Resolution in the Palm Oil Sector, ELSAM, represented by Wahyu Wagiman, became one of the resource persons besides the other sources: Consortium for Agrarian Reform (KPA); HaKI; Impartial Mediator Network (IMN); and others. The event was held at IPB International Convention Center, on 22 November 2016 with the aims to:

1. Discuss the effectiveness and weaknesses of the conflict resolution mechanism
2. Find the best solution to the mechanism of conflict resolution both within the framework of the State and outside the State mechanism
3. Formulate a roadmap for resolving agrarian conflicts in the oil palm plantation sector
4. Re-map opportunities in the dispute resolution process through the mechanism provided by the RSPO



Multiparty Dialogue on the Palm Oil Bill

In order to respond to the discourse on the drafting of the Oil Palm Bill, ELSAM and Komnas HAM held a Multiparty Dialogue entitled “The Palm Oil Bill and Development of Human Rights Due Diligence Instruments in the Palm Oil Plantation Industry in Indonesia” on Tuesday, 31 January 2017 at the Sari Pan Pacific Hotel Jakarta. The discussion presented Iman Prihandono

from the Faculty of Law of Airlangga University, Mediati as the representative of the Director General of Plantation of the Indonesian Ministry of Agriculture, Tiur Rumondang from RSPO Indonesia and Nur Kholis, commissioner of the National Human Rights Commission.

The development of the palm oil industry that is more friendly with the value of human rights can basically be done through the application of Human Rights Due Diligence (HRDD). Based on the developing theory, there are three (3) HRDD models that can be applied in a regulation, namely: first, through indirect Obligations used only if there are legal issues; second, Voluntary through the taxation system; third through Regulations that stipulate obligations; fourth, through a combination of legal obligations to certain sectors such as land, environment or labor administration with voluntary models such as taxation or credit. In the Palm Oil Bill, the opportunity for the HRDD concept as an obligation could be made through the implementation of a human rights audit as a requirement for a business permit.

In this discussion, the Ministry of Agriculture, represented by Ms. Mediati, said that one of the government's efforts in implementing a sustainable palm oil certification system was through ISPO. As of December 2016, 226 oil palm companies were registered with ISPO with an area of 1.4 million ha and CPO production of 6.74 million tons. By early 2017 there were still around 600 companies that were in the process of being audited by the ISPO certifying agency. As for the RSPO, Tiur Rumondang stated that the purpose of using the RSPO mechanism is not much different from ISPO. The fundamental difference is the point of view between the government and the global industry.⁸

⁸ <http://elsam.or.id/2017/02/membidik-peluang-penghormatan-hak-asasi-manusia-oleh-korporasi-dalam-uu-perkelapasawitan/>



Introducing Non-State Mechanisms in AGRA Public Discussions

On 25 March 2017, ELSAM together with the Agrarian Reform Movement Alliance (AGRA) - a community organization consisting of farm labors, farmers, fishermen and minority groups - held a dialogue and public discussion with the theme “Implications of Business and Investment in the Palm Oil Plantation Sector and Respect for Human Rights in Indonesia”. The public discussion was held to observe and unravel the issue of respect to human rights in the business and investment of palm oil plantations. One of the materials presented at this public discussion was Conflict Resolution of Palm Oil Plantations through the RSPO: Challenges and Opportunities.

In the discussion it was found out that most AGRA members did not yet know and understand the RSPO as one of the mechanisms that could be used in an effort to resolve palm oil plantation conflicts. In the future, conflicts involving AGRA members can be directed to use the RSPO mechanism as an alternative solution. The material about the RSPO was delivered by Andi Muttaqien (ELSAM).



Other Activities to Increase the Role of RSPO:

In the context of activities to increase the role and open communication between various parties with the RSPO, ELSAM also conducts other activities that indirectly build and link the role of RSPO in Indonesia's palm oil governance. These include:

a. Follow up on the NAP on Business and Human Rights

After the launch of NAP on Business and Human Rights by the Komnas HAM in June 2017, ELSAM also facilitated a Director General level meeting from various Ministries to follow up on the NAP on B & HR into the concrete steps for each Ministry. One of the highlights is the issue of palm oil governance.

b. Encouraging Regulation for the Protection of Palm Oil Workers

ELSAM is part of the Coalition for the Protection of Oil Palm Workers, who has also voiced critical records of the weak protection of palm oil workers. ELSAM contributed to the writing of fact sheets,⁹ as well as holding press conferences and public discussions.

c. 2017 Tenure Conference

At the 2017 Tenure Conference, ELSAM participated in a panel related to "The Role of Corporations in Respecting Human Rights in the Development of Forests and Sustainable Land" held on 26 October 2017. This discussion was a continuation of the Pre-Focus Group discussion held earlier on 4 October 2017 in Jakarta.

In the previous discussion there were several recommendations submitted from the government, corporations and the community. One of them is the creation of legal instruments that confirm the obligatory nature for the corporation. The Panel Discussion on 26 October 2017 was conducted at JS Luwansa, attended by 7 speakers representing multiple

⁹ <http://elsam.or.id/2018/04/lembar-fakta-perlindungan-buruh-sawit-indonesia-2018/>

stakeholders. They were Nur Kholis (Chair of the National Human Rights Commission); Prof. Hariadi Karto (Professor of IPB); Ignatius Purnomo (President Commissioner of PT. Toba Pulp Lestari); Dr. Haskarlianus Pasang (Head of Sustainability Policy and Compliance PT SMART Tbk); Marcus Colchester (Forest People Program); Rudi (Director of WALHI Jambi); and Fr. Anselmus Amo, (Merauke Archdiocese Justice and Peace Secretariat - SKP-Kame). Also present were four responders namely Andi from the Director of Human Rights Cooperation, Directorate General of Human Rights, Ministry of Law and Human Rights; Tiur Rumondang (Director of RSPO Indonesia); Andiko Sutan Mancayo (ASM Law Office); and Delima Silalahi (Study Coordinator - KSPPM).

In the aspect of the system of licensing policies and the understanding of positive tenure, the prevailing regulation has a strong colonialist nature. The rights of many indigenous and local communities have been neglected and marginalized. Therefore, there is a need for a radical change in the ideology of the plantation system, so the system that forces people to give up their rights to land forever is no longer used. One system is the Cultivation Rights (HGU) system, to allow plantations to be built on land leased from the community.¹⁰

8.2. Organising series of meetings between CSOs or involved communities and RSPO

Discussion of “The Amsterdam Declaration in Support of a Fully Sustainable Palm Oil Supply Chain by 2020”

On 27 February 2017 at the Sari Pan Pacific Hotel, ELSAM held a discussion about the Amsterdam Declaration, with Michael Rice from the Natural Resources Governance Officer - Asia, (Both ENDS) as guest speaker. The Amsterdam Declaration is a step forward that signifies support from the governments of several European countries to achieve sustainable palm oil industry operational standards and respect for human rights, including a multi-stakeholder approach, both private and public. One of them is the use of the RSPO mechanism which emphasizes responsibility to the corporate parties in carrying out sustainable palm oil production. The Amsterdam Declaration aims to encourage supply chain groups of the palm oil industry to commit to the public in achieving one hundred percent of certified sustainable palm oil inputs. The initiative and commitment is present to keep consumers of palm oil products increasingly intelligent and understand the importance of respecting human rights and business relations. The discussion was attended by several CSOs who had been active in advocating palm oil issues, namely: Pusaka, Sawit Watch, Madani Foundation, FNV Mondiaal, TuK Indonesia etc. This is an alternative instrument in advocating the issue of palm oil in Indonesia.¹¹

Workshop “Dimension of Gender Justice and Women’s Rights in the Context of Large-Scale Plantations”

¹⁰ <http://elsam.or.id/2017/11/memastikan-peran-korporasi-dalam-menghormati-hak-asasi-manusia-dalam-pembangunan-hutan-dan-lahan-berkelanjutan/>

¹¹ <http://elsam.or.id/2017/03/potensi-the-amsterdam-declaration-dalam-menahan-laju-ekspansi-perkebunan-kelapa-sawit-di-indonesia/>

In order to increase the role of women in the advocacy movement of negative impacts of development, especially land-based investment in Indonesia, women's groups have a responsibility to resolve the problem step by step to improve life and achieve prosperity. Therefore, it is important to establish communication and consolidation between women victims of large-scale plantation corporations. This consolidation is carried out to gather inputs, views, and support from various groups who care about the condition of the people, environmental sustainability, and justice for natural resource management in Indonesia.

In this framework, ELSAM, SERUNI (Indonesian Women's Union), and AGRA held a workshop to facilitate the achievement of these ideas and gave rise to a comprehensive resolution formula for the state, corporations, and communities on various problems that had been caused, and prevent further widespread adverse effects and victims of large-scale plantations in Indonesia. This workshop aimed to:

1. Identify issues and establish the consolidation of women plantation workers and women living around large-scale plantations in Indonesia.
2. Collect inputs and views of women plantation workers and women living around large-scale plantations in Indonesia from various circles related to the adverse effects of the development of large-scale plantations in various aspects.
3. Build commitment and support from various groups to strengthen campaigns, advocacy, and organizing of women and communities who are victims of large-scale plantations in various regions.
4. Formulate resolutions against the state and corporation to resolve various problems and impacts of large-scale plantation management in Indonesia.



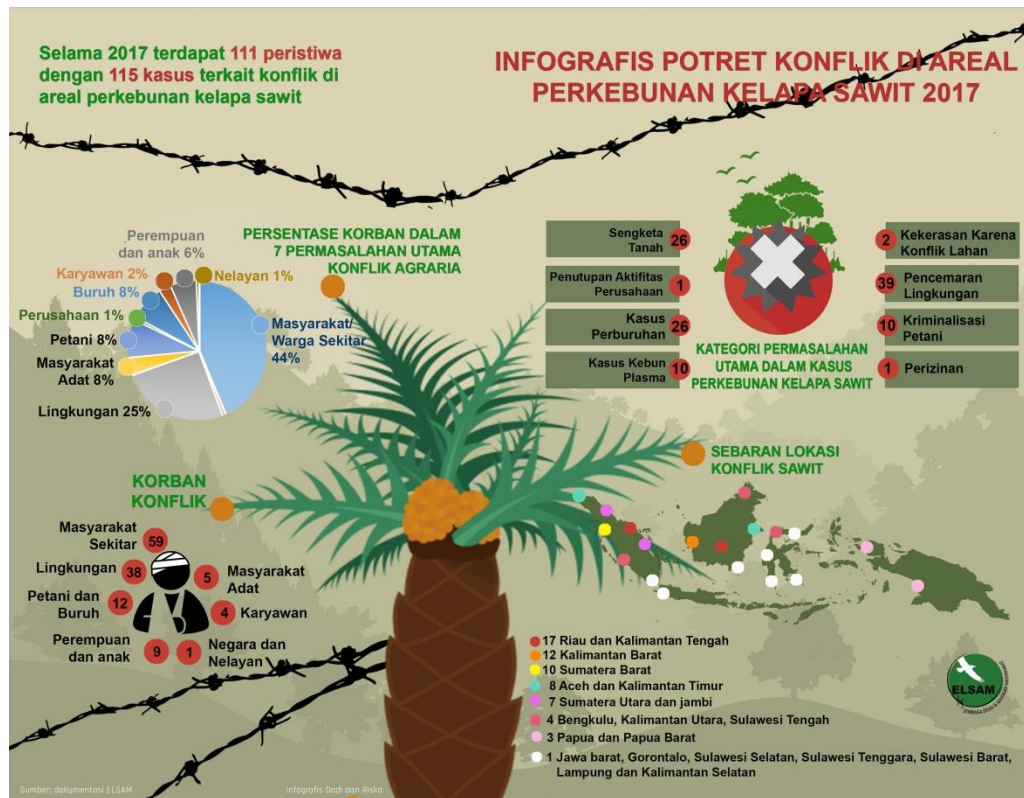
The event held on 28 April 2017 was attended by approximately 100 participants and invitees from local, national and international levels consisting of women's organizations and farmer organizations from various regions in Indonesia, representatives of women's, youth and student organizations, labors, cultural organizations, NGOs, and academics.

9. Developing information documentation system on the industry of palm oil plantations in Indonesia

9.1. Conducting documentation of information and analysis on the issues related to palm oil plantation industry in Indonesia (such as issue trend based policy, government and business sectors responses)

Regarding the documentation and analysis of issues arising around palm oil plantations, in particular ELSAM has developed and built a special channel in the ELSAM intranet directory of materials related to the issue of palm oil plantations. This channel will later become a terminal and reference source for ELSAM and the network to find out general and specific issues that occur related to palm oil plantation issues. In addition, on the ELSAM website a page on plantations was also established which would later become a window for news, analysis results or policy frameworks related to palm oil plantations <http://elsam.or.id/category/fokus/bisnis-dan-ham/perkebunan/>

In 2017 ELSAM also collected data related to cases or conflicts in the area of palm oil plantations. The data come from various sources from the ELSAM network, as well as information from various media. Within the area of palm oil plantations in Indonesia based on ELSAM records during 2017 there were 111 events with 115 cases categorized in 8 main problems: 1) plantation land disputes; 2) labor cases, 3) cases of plasma plantations; 4) pollution cases; 5) criminalization of farmers; 6) licensing cases; 7) violence based on land conflicts, and 8) closure of company activities by the community. Furthermore, out of 115 cases that occurred, the main victims were sequentially the surrounding community, followed by groups of farmers, labors, women and children, employees, indigenous peoples, the state and the environment (including fauna). The surrounding community is most likely to be a victim in cases involving palm oil plantations, with as many as 59 events. The second place was occupied by the environment as the direct impact of cases involving palm oil plantations, with 38 events. It is described in the following infographics:



In addition, during the period of implementation of this program, ELSAM has conducted a study on the results of documenting the situation of social and environmental issues relating to palm oil development. This analysis or study has been published in 3 editions:

- 1) **The Oil Palm Bill Potentially Violates Human Rights: Perspective of Business and Human Rights Relations.**¹² The large number of implementing regulations that has to be formulated indicates that the bill is far from operational and has the potential to cause various norm conflicts in the implementing regulations. In addition, considering that almost all the material contained in the Bill has existed in existing laws, it is only natural that arrangements should be made in the implementing regulations under the existing laws to ensure synergy and harmonization of regulations. The potential norm conflict that may arise from this bill will actually lead to legal uncertainty, not only for the affected community but also for the palm oil business actors. The Palm Oil Bill is predicted to be a “stumbling block” in the development of palm oil plantations in Indonesia, especially those that use the RSPO principles and criteria as the main guideline in carrying out the development of palm oil plantations. This is because, for the most part, the substance of the Palm Oil Bill contradicts, or at least differs, from the principles of sustainable palm oil. For example, it should not be developed in peat areas, FPIC and community participation.

¹² <http://elsam.or.id/2018/02/ruu-perkelapasawitan-berpotensi-melanggar-hak-asasi-manusia-perspektif-relasi-bisnis-dan-ham/>

- 2) **Palm Oil: Between the European Union's Energy and Climate Change Resilience Policy, and the Government of Indonesia's Response**¹³ The Non-Legislative Resolution on Palm Oil and Deforestation and Renewable Energy Directive are the efforts of the European Union legislative body to link energy security issues with the environment so that there are a number of initiatives that are considered “discriminatory” against the economic products of other countries. Indonesia, as one of the largest palm oil producers, responds to the debate at the EU legislative level harshly, but not unanimously. The opinions of Ministers differ from each other, tending to be reactive and defensive because Indonesia sees this issue from the approach of international political economy. There are several statements from Ministers who consider that “This discriminatory action is contrary to the position of the European Union as a champion of open, rules based free, and fair trade.” Differences in opinion on the issue of palm oil are related to the issues of energy security, climate change, and economy, sparking debate and “politicization” of relations between Indonesia and the European Union. Meanwhile, real issues are not discussed, such as deforestation, land conflicts, palm oil labor problems and human rights violations. The problem is being explained from various approaches of international relations theories especially about international energy security. Of course this can also be analyzed using international political economic theories, but in the paper, the writer focused on the issue of international energy security wrapped in the issue of environmental politics.
- 3) **Sustainable Palm Oil NAP: Action Plan Lacks Respect for Human Rights**¹⁴ In February 2018 the Indonesian Sustainable Palm Oil Forum (FoKSBI) published a draft of National Action Plan for Sustainable Palm Oil for the 2018 – 2023 period. The rationale underlying the national action plan is the strategic value of palm oil in supporting national development. But on the other hand, the palm oil plantation sector faces the challenge of implementing commitments in realizing sustainable palm oil development based on the principles of people, planet and profit. Based on this, the national action plan is prepared to increase commitment and coordination between the government and stakeholders in order to accelerate the achievement of sustainable palm oil plantations. However, this national action plan has not touched the human rights issues affected by the existence and expansion of Palm oil plantations, and the remedy mechanism for affected victims. ELSAM tries to encourage this National Action Plan so that it can be included as a document and instrument that serves to interpret human rights, especially the relations of business and human rights, in the local context and to effect universal norms in the national domain. In addition, the National Action Plan also has the dimension of environmental protection because it uses the terminology ‘sustainable’. Thus, ELSAM believes that this document must refer to Human Rights Law instruments, both international and national, and legal

¹³ <http://elsam.or.id/2018/05/kelapa-sawit-antara-kebijakan-ketahanan-energi-dan-climate-change-uni-eropa-serta-respon-pemerintah-indonesia/>

¹⁴ <http://elsam.or.id/2018/05/ran-kelapa-sawit-berkelanjutan-rencana-aksi-minus-penghormatan-hak-asasi-manusia/>

instruments for environmental protection, both international and national. In another dimension, the National Action Plan should also refer to the right to development as stated in the Sustainable Development Goals (SDGs). Overall, the ELSAM study observes the contents of the National Action Plan for Sustainable Palm Oil of the 2018-2023 period from the perspective of human rights, to the extent that this document places human rights issues as paradigms and values.

Publication and Advocacy for the Protection of Indonesian Palm Oil Workers

Apart from the 3 (three) studies, as an advocacy step for labor protection on palm oil plantations, ELSAM as part of the Indonesian Palm Oil Workers Coalition has made a series of activities to encourage the regulation of palm oil labor protection to be issued by the Ministry of Manpower. Advocacy steps are carried out, namely: issuing a Position Paper on the issue of “Exploitation of Palm Oil Workers in Indonesia”,¹⁵ which describes various forms of violations of basic labor rights on palm oil plantations, especially large-scale plantations, which have been hidden from state and public attention. The state is urged to provide comprehensive protection for palm oil plantation workers and is responsible for resolving issues of violations of workers’ basic rights. The next Fact Sheet was published in March 2018, The conclusion of the Fact Sheet is the lack of law enforcement and the absence of specific regulations on workers on palm oil plantations. It is expected that there will be special regulations regarding laborers on palm oil plantations. “Fact Sheet on the Protection of Indonesian Palm Oil Workers 2018”¹⁶ has been presented at a workshop on Wednesday, 7 March 2018 in Jakarta. Present as a speaker in the workshop was Krisman P. Butar-Butar, who was the Head of the Facilitation of the Work Agreement of the Job Requirements Directorate, Ministry of Manpower and Rapolo Hutabarat representing the Central GAPKI Labor Compartment.¹⁷

Limited discussion: Implications of EU resolution related to palm oil (ext)

This discussion is the second in the series, continuing from the previous discussion on “Focus Group Discussion on Palm Oil Diplomacy Strategy” in August 2017. The European Union Parliament’s resolution on palm oil has caused a strong reaction from the governments of the world’s largest palm oil producing countries, including Indonesia. ELSAM held a limited discussion about the implications of the European Union Parliamentary Resolution on Thursday, 15 March 2018, in Jakarta.¹⁸ The discussion was opened by Bambang Iriana, as a representative of the Directorate General of Human Rights, Ministry of Law and Human Rights, and attended by Siswo Pramono (Ministry of Foreign Affairs BPPK), Dedi Junaedi (Directorate General of Plantation), Wiko Saputra (Auriga), and Achmad Surambo (Sawit Watch) as discussion triggers. Jaka Triyana (UGM) and Iman Prihandono (UNAIR) also attended the

¹⁵ <http://elsam.or.id/2017/05/eksploitasi-buruh-di-industri-kelapa-sawit-indonesia/>

¹⁶ <http://elsam.or.id/2018/04/lembar-fakta-perlindungan-buruh-sawit-indonesia-2018/>

¹⁷ <http://elsam.or.id/2018/03/diskusi-koalisi-buruh-sawit-uu-ketenagakerjaan-belum-melindungi-buruh-sawit/>

¹⁸ <http://elsam.or.id/2018/03/implikasi-resolusi-uni-eropa-terkait-kelapa-sawit/>

discussion as responders. Several civil society organizations, representatives of farmers/oil palm growers, and plantation companies were also present at the discussion.

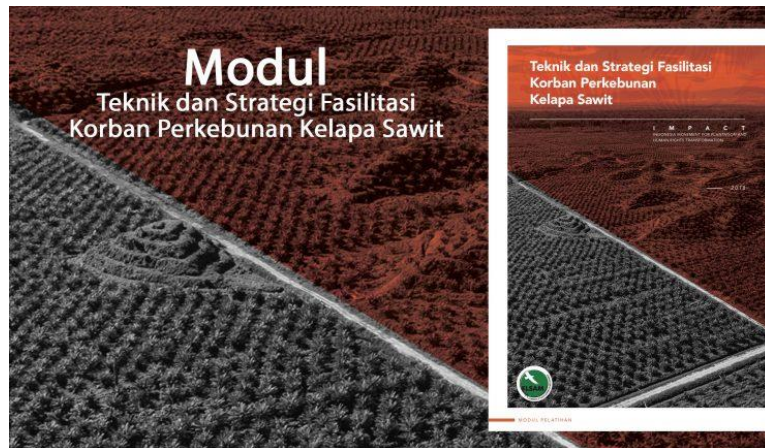
Responding to the resolution, Indonesia must ensure law enforcement, ensure a reduction in deforestation rates, and increase domestic palm oil consumption. In addition, there needs to be an increase in research to ensure the existence of sustainable palm oil, and how to develop it into renewable energy. Farmer productivity must be increased, as well as smallholder plantations. There are already many regulations regarding land burning, deforestation and licensing.

In addition, there needs to be an strengthening of ISPO (Indonesian sustainable palm oil), one of which is by implementing the National Action Plan on Sustainable Palm Oil (RAN KSB) which has been prepared by FoKSBI (Indonesian Sustainable Palm Oil Forum). Meanwhile, Wiko Saputra (Auriga) stated that policies issued by the government tended to be biased towards corporations, not society. Meanwhile, the Government does not have data on smallholders, and there is no specific definition of smallholders. Smallholders can include self-sufficient, plasma, and also include “cukong” or non-farmers, namely investors. Achmad Surambo (Sawit Watch) notes that palm oil plantations increase by 500 hectares annually. However, there is no solid data from the Government. “There are basic problems that have resulted in conflicts over palm oil plantations. They are: inequality in land tenure, overlapping permits and land use, vulnerable position of indigenous peoples, dualism of land regime (between BPN and KLHK), and the absence of adequate land conflict resolution mechanisms. These are the issues that have triggered conflicts with palm oil plantations.” Jaka Triyana (UGM) responded that there were two different approaches between Indonesia and the European Union. Indonesia uses an anthropocentric approach, while the European Union uses a holistic approach in looking at existing problems. He also assessed the existence of segregation between stakeholders, namely the government, society, and consumers.

Then, there is a legal vacuum in issues related to plantations, especially palm oil. In line with that, Iman Prihandono, an academic from UNAIR, considers that the European Union often uses legal instruments to ensure companies respect human rights. The EU Parliament’s resolution regarding palm oil is classified as a “directive” and is lower than a “regulation”, therefore, the road is actually still long. The United Nations Guiding Principles on Business and Human Rights (UNGPs) can be a common platform for dialogue with European Union countries because companies in the European Union are recommended to implement the UNGPs. However, the process of implementing the UNGPs in Indonesia is still slow, so there needs to be an effort to accelerate its implementation. From these two series of discussions, ELSAM made written proceedings and opinions that summarized the responses of the parties.

9.2. Developing the module for RSPO mechanism utilisation

ELSAM has completed two training modules in this program, which are used in the training for CSOs, namely: Techniques and Strategies for Facilitating Victims of Oil Palm Plantations, which can be downloaded from <http://elsam.or.id/2018/05/modul-teknik-dan-strategi-fasilitasi-korban-perkebunan-kelapa-sawit/>



In addition, there is also a training module for indigenous communities, laborers, and women, “The First Step in Accessing Recovery: A Guide for Affected Communities of Oil Palm Plantations”, which can be downloaded from <http://elsam.or.id/2018/05/modul-langkah-awal-akses-pemulihan-panduan-untuk-masyarakat-terdampak-perkebunan-kelapa-sawit/>



Both the IMPACT and PULIH modules have been used in 3 (three) training sessions for CSOs and 3 (three) training sessions for indigenous communities, laborers and women.

Based on the results of the evaluation of the trainings that have been conducted, there are several main materials that will be the substance of this module, both for the community and CSOs, for example relating to:

- a. History of the village and identification of problems faced by the community;
- b. Identifying the actors involved in the problems faced by the community;
- c. How to solve problems faced by the community;

- d. Concepts and mechanisms of human rights;
- e. Negotiation and mediation; and
- f. Introduction of RSPO as a mechanism for conflict resolution.

Both of these modules are strong capitals in the implementation of other similar training in the regions of previous participants. Or it would also be better if the portion of the complaints mechanism in the RSPO is further enlarged as needed in areas that might be in conflict with oil palm plantations.

9.3. Conducting campaign promoting the utilisation of RSPO mechanism

There are three major issues done to campaign and use the RSPO mechanism by CSOs and the community. First, through efforts to translate the main reference materials for press conferences or press releases on palm oil plantation issues. Second, filmmaking, and third talk show.

9.3.1. Translation

During the implementation of the program, as an effort to raise the discourse regarding the standards of sustainable palm oil which became an alternative management of natural resources. Based on the suggestions and recommendations of Both ENDS and communication with the RSPO Indonesia Outreach Manager, several materials were initially to be translated and published in Indonesian. This publication aims to provide clear information to the public, especially CSOs and communities regarding the role of the RSPO in developing sustainable and human rights “friendly” palm oil. However, in its implementation, ELSAM only translated 4 (four) books, although initially 7 (seven) books were to be translated and published, namely:

1. Free, Prior and Informed Consent: Guide for RSPO Members, RSPO;
2. A Practical Handbook for Conserving High Conservation Value and Habit within oil palm landscapes, ZSL, 2011;
3. Towards sustainable palm oil: a framework for action, ZSL and Proforest, 2011;
4. Code of Conduct for Members of ROUNDABLE ON SUSTAINABLE PALM OIL, RSPO, 2015 DIAGNOSTIC STUDY ON INDONESIAN OIL PALM SMALLHOLDERS;

However, because of the need to obtain an official permission from the author and publisher in the English version that requires a long process, it was finally agreed that from the four translated books, only Free, Prior and Informed Consent: Guide for RSPO Members will be published in print. ELSAM also added one chapter at the beginning as an analysis and view of ELSAM regarding the FPIC, and with Emil Kleden (Forest People Program) as the expert reader. Other books that have been translated will only be used as internal learning materials.

9.3.2. Media Campaigns

Radio Talkshows

Of the 6 radio talk shows that were originally planned to be carried out in Jambi, Pontianak, Medan, and Jakarta, in the end none was held in Jakarta. The talk shows planned for Jakarta were held in Bali during the RSPO RT15 in November 2017.

For the radio talkshow conducted in Medan on 14 July 2017 in Lite FM, the main theme was about the role of plantation companies as one of the driving forces for the protection of human rights and labor rights of palm oil plantations, one of which made the RSPO P & C as one of the main guidelines in the operation of palm oil plantations.

The talkshow at Ruai TV in Pontianak was held on 11 May 2017, with the theme of “Portrait of the Problem of Palm Oil Plantations in West Kalimantan”. This theme explained about the current condition of the issue of palm oil plantations in West Kalimantan in general, and the dynamics of handling cases, patterns of violations, and the process of complaints to the RSPO. This was delivered by Agus Sutomo (Linkar Borneo). Another resource person, Dr. Hermansyah (UNTAN Faculty of Law) highlighted the importance of the State in taking a more proactive role and also encouraged corporations to respect human rights. Andi Muttaqien (ELSAM) discussed how currently the role of corporations in respecting human rights is becoming increasingly important, and encouraging this to be done with the parties.

The last talkshow was held in Jambi on 7 September 2017 on Radio Republik Indonesia - Jambi with the theme “The Role of the Regional Government in Investment in Palm Oil & Risk Mitigation”. The discussants were Rudiansyah (Director of WALHI Jambi), Kania Mezariani (ELSAM), Agus Rizal (Head of Plantation Office), Dr. Wilyus (UNJA Faculty of Agriculture Lecturer). The talkshow has discussed the opportunities and challenges of palm oil investment in the region and disseminated information about the role of the regional government in protecting palm oil investments and how to prevent impacts.

Talkshow in RRI Jambi



Film making

There are two films that were planned to be made during this program period, but because one film has to wait for the case resolution process, it cannot be completed and will be the priority for completion in the second phase of the program.

Building Hope in the Steep Paths of Palm Oil Plantations

The film was made to tell the history or process of efforts to resolve conflicts between communities and companies. We portrayed 2 (two) cases as examples. The first is the case of Goodhope in Kampung Sima, Nabire, Papua, which was resolved through the RSPO complaint mechanism. The second is the case of the Golden Agri Resource (GAR) or Sinar Mas in the village of Silat Hulu, Ketapang, West Kalimantan, where the process of resolution is currently undergoing a bilateral solution. The portrayals of the two cases were taken to the film as a reflection of the RSPO and the civil society itself in dealing with and seeking to resolve cases related to RSPO members. It is hoped to improve the role of RSPO in mitigating plantation conflicts in Indonesia. The film was launched in the RSPO RT15 event in November in Bali. This film can be watched on the ELSAM website <http://multimedia.elsam.or.id/menata-asa-di-jalan-terjal-kebun-kelapa-sawit/>



Campaign Materials

The making of campaign materials that has been carried out in this program is to create the 2017 Palm Conflict Infographics which summarizes the ELSAM record of palm oil conflicts. In addition, also compiled the layout of the ELSAM publications in this program, namely: the palm labor leaflet entitled "Labor Rights in RSPO: Way Forward?" Leaflet; conflict with PT. Rezeki Kencana in Kubu Raya; and conflicts between the people of Binasar Village and PT. ANJ AGRI SIAIS. Other campaign materials made include e-posters of all radio takshow activities and other activities such as: seminars, public discussions, book reviews etc. Finally, ELSAM also made one infographic about 7 reasons to reject the Palm Oil Bill.

Press Conference

A press conference is an important tool in raising an issue to the mass media, both in responding to a policy or discussing a solution for the government or the wider community about something. ELSAM has held a number of press conferences in an effort to strengthen the system in the RSPO or raise the issue of sustainable palm oil. The press conference or press release of the results can be seen on the page <http://elsam.or.id/tag/siaran-pers/>.

There were two press conferences which were fully facilitated by ELSAM, and both were themed about the dangers of the Palm Oil Bill. The first was held on Sunday, 5 February 2017 at 11.00 at Kopi Oey, Sabang Road, with other NGOs, namely AURIGA and HRWG. The second press conference was held on Wednesday, 17 May 2017 at Ke:Kini, Cikini. ELSAM is a member of the Civil Society Coalition of Human Rights and Environmental Observers and has compiled a special policy paper to address the Palm Oil Bill that is continuing to be discussed in the DPR. The Policy Paper "Why the Discussion on the Palm Oil Bill Should Be Immediately Discontinued" explains the seven reasons why the government should reject the continuation of the discussion of the Bill initiated by the DPR.

First, instead of defending national interests, the contents of this bill better protect the corporate interests ruling the palm oil industry, most of which are foreign. At present, the largest shareholder of Indonesian palm oil is Malaysia, followed by the United States, Britain, Singapore, Bermuda, Brazil, Canada, France and the Netherlands. The biggest holders of debt/bond letters are the United States, Canada, Switzerland, Britain, France, Denmark, Germany, Japan and Italy. Meanwhile, the biggest lenders in the industry are Malaysia, Indonesia, the United Kingdom, the United States, Singapore, Japan and Germany. Secondly, a special law to regulate palm oil is not needed because most of the norms contained in the Palm Oil Bill have been stipulated in Law No. 39 of 2014 on Plantations, Law No. 7 of 2014 on Trade, and Law No. 32 of 2009 on Environmental Protection and Management.

Third, the Palm Oil Bill has the potential to interfere with the functions and provisions that have been regulated in various other laws. The reason is that this bill reduces criminal sanctions for violations and the use of facilities and/or methods that can disrupt health, human safety, cause interference and damage to natural and/or environmental resources, from a maximum of 5 years imprisonment and a maximum fine of 5 billion to only a maximum of 1 year 4 months and a maximum fine of 145 million. Fourth, this bill has the potential to violate various government policies to protect the environment and community rights. This bill is strongly oriented to facilitate foreign interests and maintain the status quo of domination of land tenure in Indonesia, as well as opening new land and allowing management of palm oil on protected peatlands. That way, this bill clearly contradicts Jokowi's commitment to carry out agrarian reforms, plans for a palm oil moratorium, and a policy to completely protect peat lands as proclaimed by the President.

Fifth, this bill gives more privileges to big corporations compared to the welfare of small farmers and palm oil labors. Sixth, this bill has the potential to worsen land and social conflicts in the plantation sector. Data from the Directorate General of Plantations in 2012 noted that there were 739 cases referred to as business disruption and plantation conflicts, with details of 539 cases being land conflicts (72.25%); 185 cases of land disputes (25.05%); and 15 cases of forestry disputes (2%). In the midst of the rampant land conflict, the presence of the Palm Oil Bill that would legalize large-scale illegal plantations is completely unreasonable. Seventh, this bill will threaten Indonesia's remaining forests and peat by legalizing and protecting illegal activities in forest areas. This bill has the potential to negate GR No. 71 of 2014 on the Protection and Management of Peat Ecosystems. The government regulation states that every person is prohibited from opening new lands until the zoning of protected functions and cultivation functions are established in the area of peat ecosystems for certain plants. However, this will not apply if the Palm Oil Bill is passed into law.

9.4. Publication and dissemination of thematic issues on RSPO and human rights

The publication and dissemination of information related to the issues of RSPO and Human Rights in this program is a continuation of the translation of the books previously mentioned. During the program, there were only 4 (four) books that had been translated, 3 (three) of them had finished proofreading, namely:

1. Free, Prior and Informed Consent: Guide for RSPO Members, RSPO; proofread by Emil Kleden (Forest People Programme)
2. Towards sustainable palm oil: a framework for action, ZSL and Proforest, 2011; proofread by Iman Prihandono (Airlangga University Law lecturer, Surabaya)
3. Code of Conduct for Members of THE ROUNDTABLE ON SUSTAINABLE PALM OIL, RSPO, 2015 DIAGNOSTIC STUDY ON INDONESIAN OIL PALM SMALLHOLDERS; proofread by Eko Cahyono (Sajogyo Institute)

Of the three books that have been proofread, only the first, in Indonesian titled **“Panduan Tentang Persetujuan atas Dasar Informasi Sejak Awal Tanpa Paksaan (PADIATAPA) Untuk Anggota RSPO”** will be printed as many as 500 exemplars, to be finished in the second phase of the program.

Another book to be published in the second phase of the program, but still within the same program as in the first phase is titled **Menguji Kelaikan dan Kelayakan Mekanisme Berbasis Pasar Dalam Memulihkan Keadilan bagi Korban Terdampak: Refleksi atas Fasilitas Organisasi Masyarakat Sipil dalam Mengakses dan Menggunakan Mekanisme RSPO** (Testing the Feasibility of Market-Based Mechanisms in Restoring Justice for Affected Victims: Reflections on Facilitation of Civil Society Organizations in Accessing and Using the RSPO Mechanism) containing critical notes on the progress of several cases involving RSPO members.

C. CONCLUSION

The activities in general can be carried out well even though in practice they require time adjustments and modifications to the issues raised. Activities that cannot be implemented on the schedule are eventually moved to a later time. These activities have had a quite massive effect in the advocacy steps of civil society in Indonesia. The participation and attention of civil society in strengthening the existing system in the RSPO appears to have increased considerably through the existence of this program. Matters relating to documentation and analysis, filmmaking, talk shows and campaigns are activities that must receive serious attention in the following period in order to increase civil society participation in the RSPO system.

Jakarta, 26 September 2018

Lembaga Studi dan Advokasi Masyarakat (ELSAM)