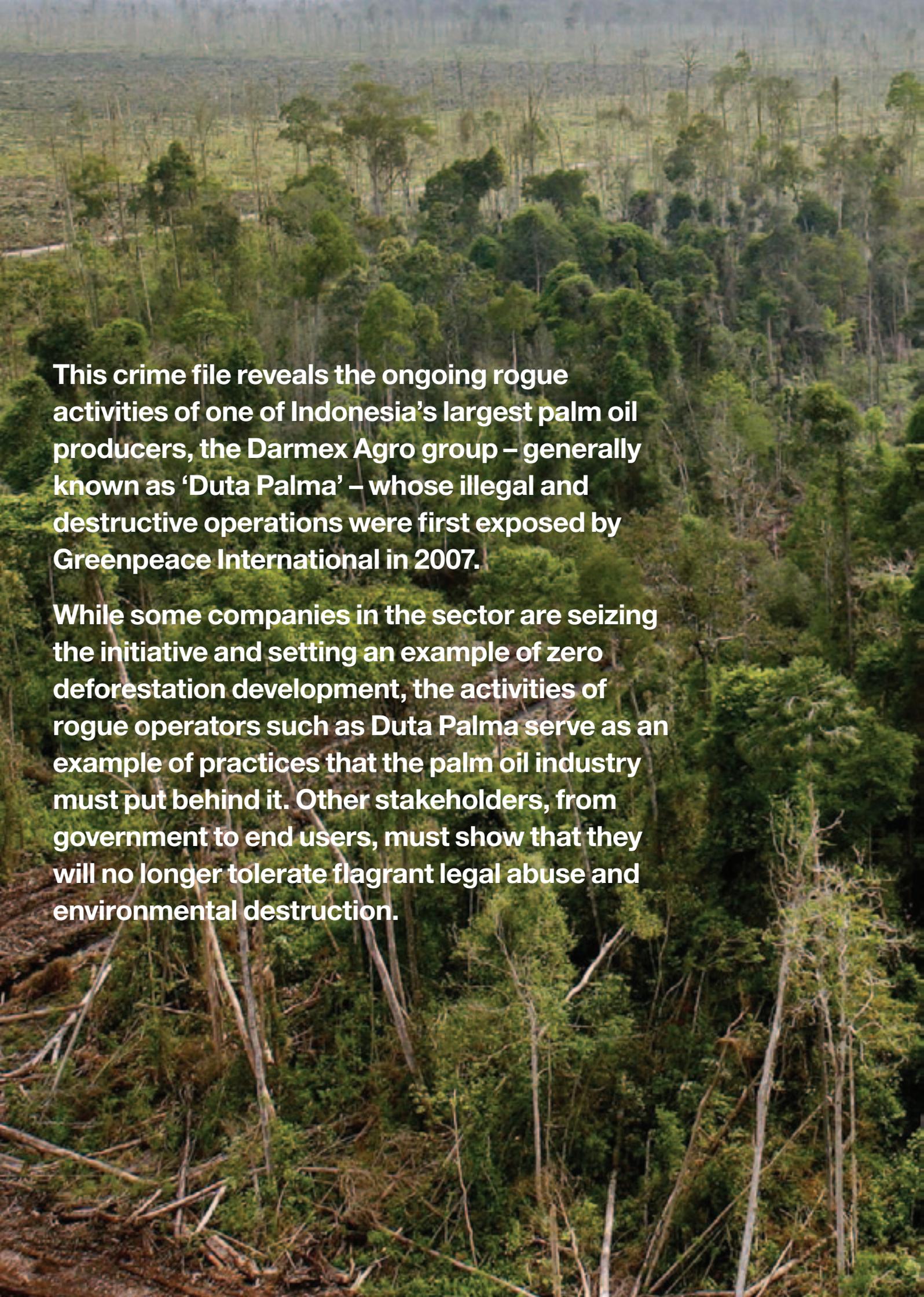


GREENPEACE



A DIRTY BUSINESS

How a leading RSPO palm oil producer is clearing peatland tiger habitat covered by Indonesia's moratorium on deforestation

An aerial photograph showing a vast landscape of palm oil plantations. The foreground is dominated by a large area of deforestation, with numerous fallen tree trunks and branches scattered across the ground. In the background, a dense forest of standing palm trees stretches towards the horizon under a clear sky.

This crime file reveals the ongoing rogue activities of one of Indonesia's largest palm oil producers, the Darmex Agro group – generally known as 'Duta Palma' – whose illegal and destructive operations were first exposed by Greenpeace International in 2007.

While some companies in the sector are seizing the initiative and setting an example of zero deforestation development, the activities of rogue operators such as Duta Palma serve as an example of practices that the palm oil industry must put behind it. Other stakeholders, from government to end users, must show that they will no longer tolerate flagrant legal abuse and environmental destruction.

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Cover: PT Palma Satu, Indragiri Hulu, Riau, September 2011: An excavator clearing peatland forest; 0°34'06.6"S 102°38'40.8"E. ©lfansasti/Greenpeace

Here: Duta Palma concessions, Indragiri Hulu, Riau, October 2007: Drainage canal and recent peatland rainforest clearance in a palm oil concession in Riau owned by the Duta Palma group. ©Budhi/Greenpeace

Introduction

Indonesia's rainforests are under threat from some of the most destructive companies within one of the world's fastest growing industries. The vast global demand for palm oil – boosted by expanding markets in China and India and the growth in production of processed food, personal care products and biodiesel – is fuelling the expansion of plantation and processing companies ever deeper into the forest. Indonesia's rainforests are home to many forest communities, and of incalculable importance to endangered wildlife including the Sumatran tiger and orang-utan. These rainforests – many standing on peat several metres deep – also store vast amounts of carbon whose release through clearance and illegal burning has made Indonesia one of the world's top emitters of greenhouse gases (GHGs).¹

None of this is news. Over the last decade, Greenpeace and others have been highlighting the palm oil industry's destructiveness and sounding the alarm at its unfettered expansion through some of the world's most important natural habitats. The Indonesian government itself identifies the palm oil and pulp sectors together as the lead industrial drivers of deforestation in Indonesia.²

In 2004, a number of industry stakeholders, from producers and processors through to food and personal care products corporations and international NGOs, set up the Roundtable on Sustainable Palm Oil (RSPO) to establish environmental and social standards. To date, however, these have not proved strong enough to break the link between palm oil and deforestation. Fortunately, there are encouraging signs: individual firms – such as Golden Agri-Resources, Indonesia's largest palm oil producer – have begun to introduce strict forest conservation policies prohibiting all deforestation, including of peatlands. Palm oil

users such as Nestlé have committed themselves to zero deforestation in their supply chains, working with suppliers to ensure implementation. However, many palm oil producers continue to trash the remaining rainforest with impunity. Collectively, the Indonesian government, the producers themselves, and the global companies who use their oil in countless products ranging from soap to chocolate to biodiesel have yet to take effective steps to halt the destruction.

Despite being a member of the RSPO, the Darmex Agro group – generally known as 'Duta Palma', one of Indonesia's largest palm oil producers – has apparently recently annexed and cleared hundreds of hectares of largely forested peatland outside the official boundaries of one of its registered concessions, within an area covered by Indonesia's moratorium on new permits to clear primary forests and peatlands, and which is mapped as habitat for critically endangered Sumatran tigers. The company appears to have no valid concession title for this operation and since August 2012, it has failed to answer Greenpeace Southeast Asia's requests for further information.

The case of Duta Palma reveals the risk faced by respected global brands that the palm oil they purchase through international traders may come in part from illegal and destructive operations. As part of dramatic reform of the supply chain, palm oil traders need to scrutinise their third-party suppliers to eliminate this risk. Most critically, it shows the urgent need for the Indonesian government and the RSPO to tighten standards and enforcement. Failure to take action against such operations not only undermines the rule of law, but also jeopardises the future of critically endangered wildlife species, and Indonesia's international commitment to dramatically reduce its GHG emissions, which are primarily linked to deforestation.³





Duta Palma concessions, Indragiri Hulu, Riau, July 2007: Excavators clearing peatland forest. ©Greenpeace

Duta Palma concessions, Indragiri Hulu, Riau, March 2008: A worker in the plantation nursery carries an oil palm sapling. © Behring/ Greenpeace



Duta Palma: a pedigree of illegality



Palma Satu, Indragiri Hulu, Riau, September 2011: Haze from fire and burnt tree stumps within recently cleared peatland forest; 0°34'54"S 102°37'55.2"E ©Ifansasti/Greenpeace

Background

The PT Darmex Agro group, commonly referred to as 'Duta Palma' after its subsidiary PT Dutapalma Nusantara, was established in 1987. It has since become one of the largest privately owned palm oil concerns in Indonesia. Its core business is palm oil plantation and refining and most of its plantations are located in Riau Province, Sumatra, and in West Kalimantan.⁴ According to its website, as of 2009 the group had 155,000 hectares of palm oil plantation in Indonesia,⁵ with an annual crude palm oil production of 432,000 tonnes⁶ – roughly 1% of global production at the time.⁷ The group's total landholding is estimated at around 200,000 hectares, over half of it in Riau.⁸

The group has a long history of deforestation, environmental damage, community conflict, illegality, lack of transparency and non-compliance with the regulations of the RSPO, to which Darmex Agro and several of its subsidiaries belong.⁹ In

2007, for example, a Greenpeace International report showed how the group's operations in Riau appeared to involve multiple breaches of Indonesian law, including illegally clearing land by burning, as well as clearing peatland deeper than the 2-metre limit stipulated by guidelines then in force.¹⁰ In 2010, BBC's Panorama exposed illegal peatland clearance by Duta Palma in Kalimantan.¹¹

Yet the group's subsidiaries have continued to flout laws and regulations with apparent impunity, helped by poor governance and oversight from relevant government bodies, and have failed to meet even the relatively weak standards set by the current RSPO Principles & Criteria, which allow them to go on clearing peatland and high carbon stock forest. This crime file focuses on ongoing forest destruction by Duta Palma in and around its Palma Satu concession, located near Penyaguan village in the Indragiri Hulu district of Riau Province.

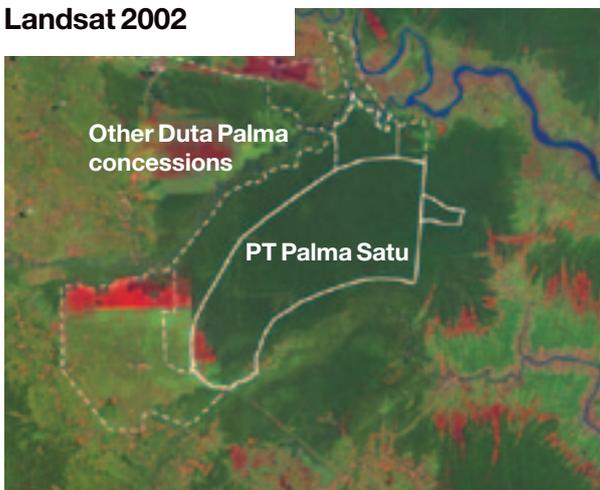
Duta Palma's operations in Riau

Greenpeace International analysis of satellite data¹² from 2002, 2007, 2010 and 2012 shows the progression and extent of recent deforestation and peatland destruction in and around Duta Palma's Palma Satu concession in Riau.

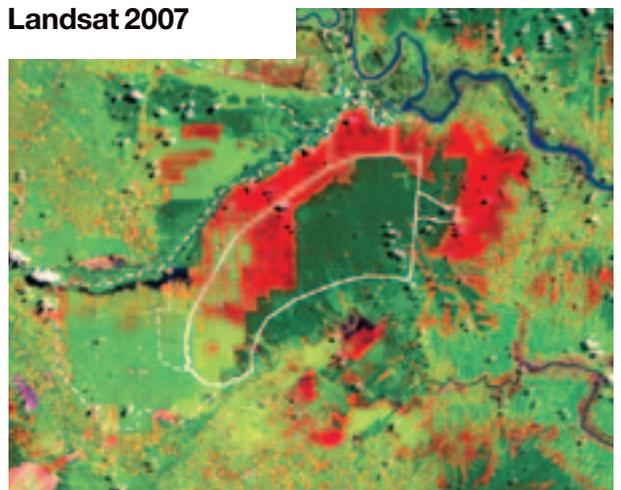
In 2002, virtually the entire concession area was forested. By 2007, the western half of the concession area had been cleared prior to Palma Satu receiving initial

permits to develop the 14,400-hectare area for palm oil plantations in 2007.¹³ By 2010, virtually the entire original area had been cleared despite a subsequent government revision to the concession title reducing its area to 10,000 hectares.¹⁴ Additionally to these legal issues, it appears that there has been no high conservation value (HCV) assessment done for the Palma Satu concession,¹⁵ in clear violation of RSPO principles and criteria.¹⁶

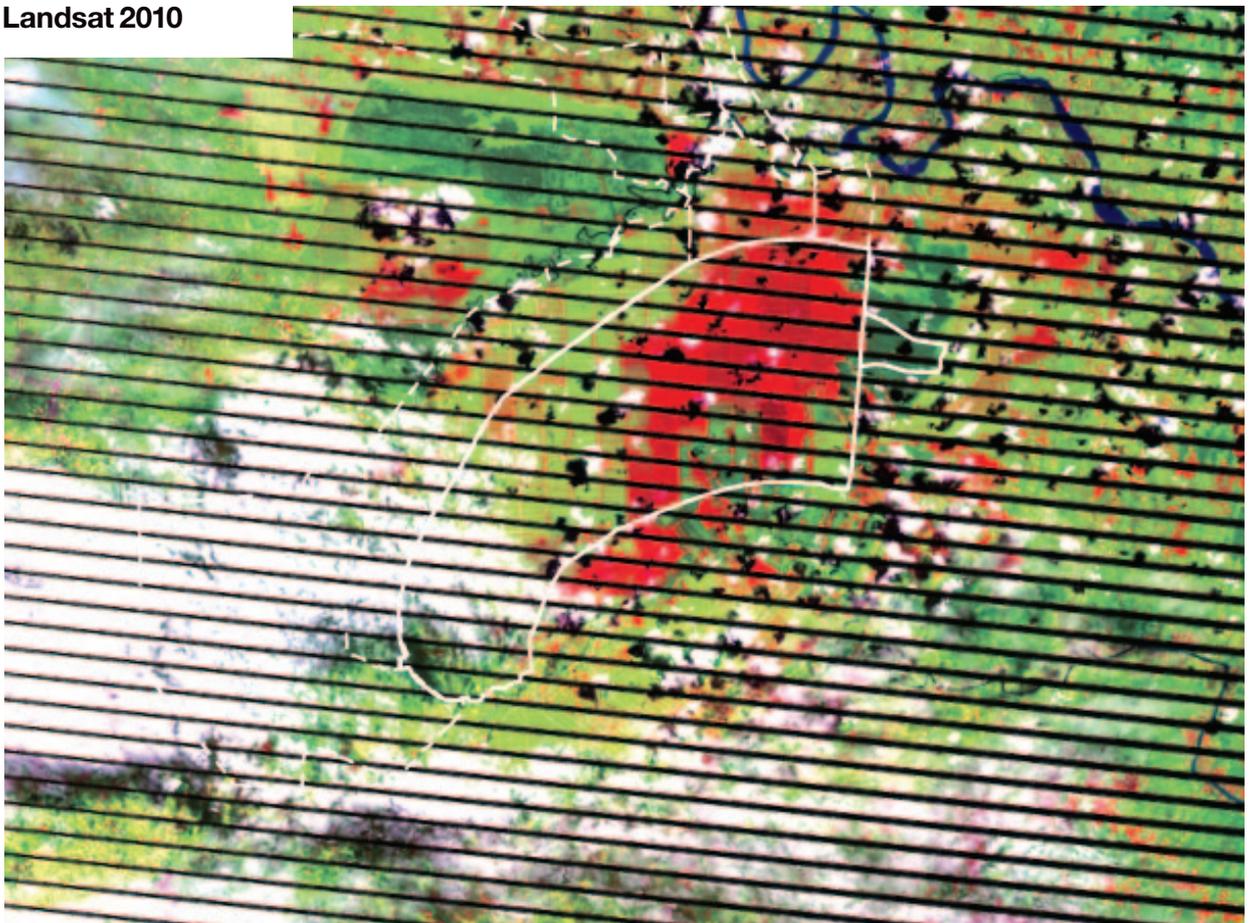
Landsat 2002



Landsat 2007

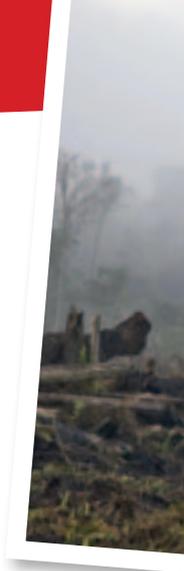
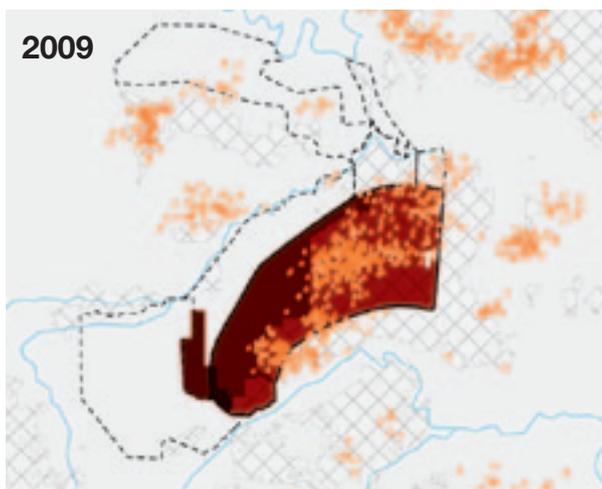
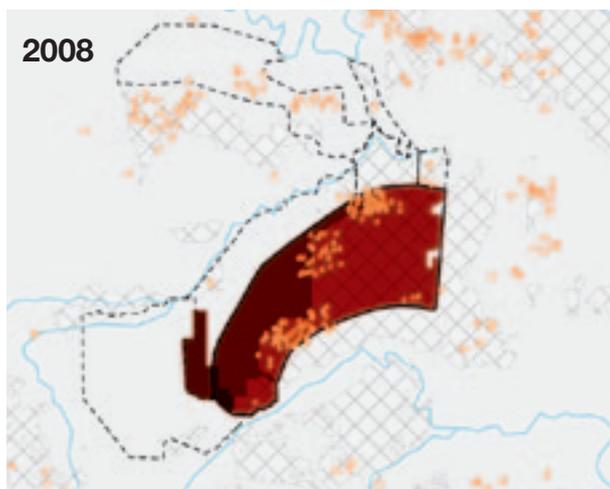
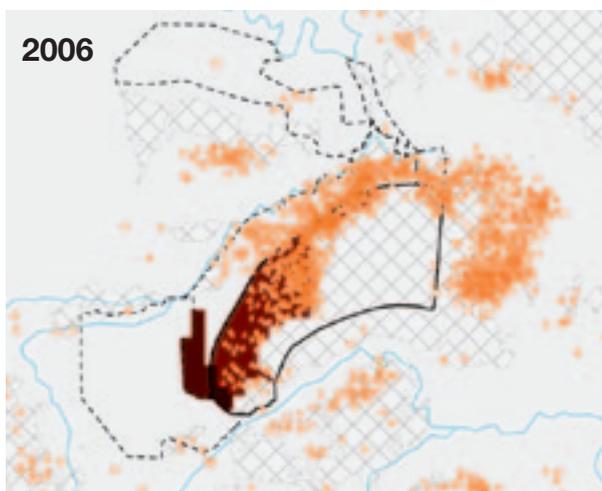
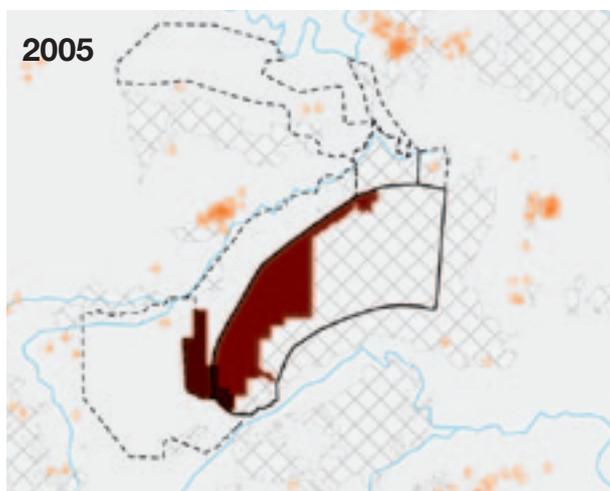
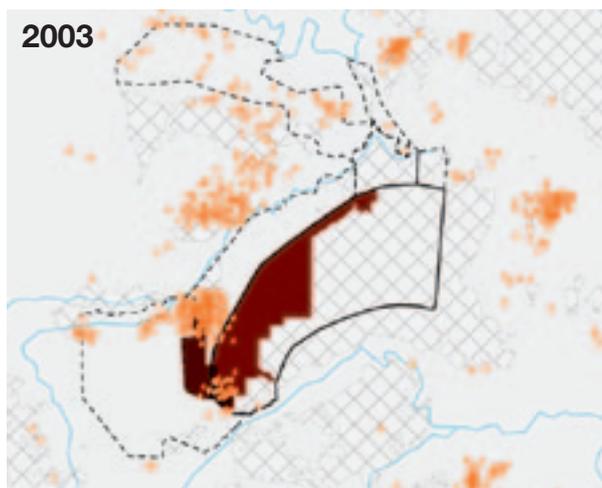
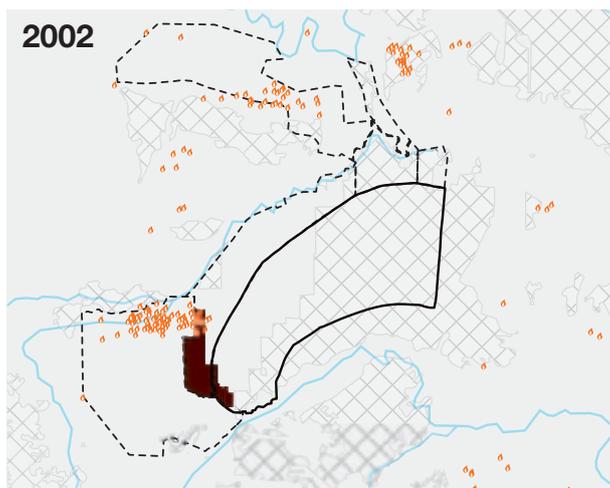


Landsat 2010



Fire hot spots in and around Duta Palma's concessions.

- Concessions**
- PT Palma Satu
 - Other Duta Palma
- Deforestation**
- 2002
 - 2007
 - 2010
- Fire hot spot**
- Tiger habitat





Duta Palma concessions, Indragiri Hulu, Riau, March 2008:
Haze from fire in recently cleared peatland forest.
 ©Behring/Greenpeace

Use of fire to clear land is illegal in Indonesia.¹⁷ Analysis of fire hotspots reveals the pace – and doubtful legality – of plantation development by Duta Palma. Up to 2006, there were relatively few fires in the area, but in 2006 over 100 fire hotspots were documented in the Palma Satu concession. Fires soared again in 2009 with over a hundred incidents logged.¹⁸

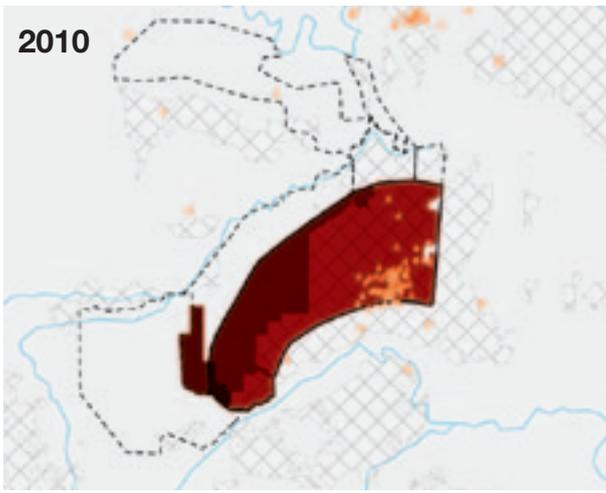
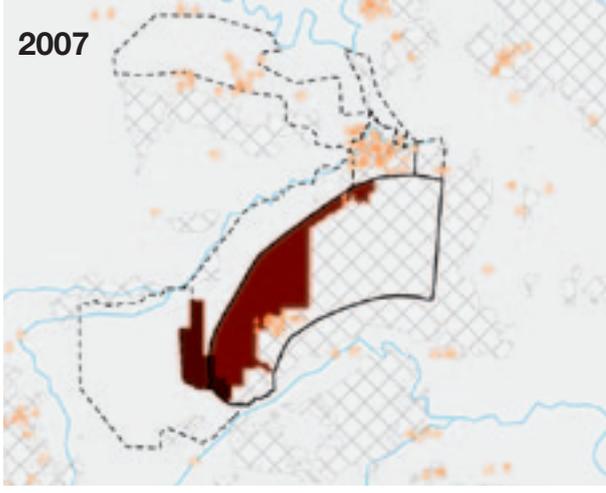
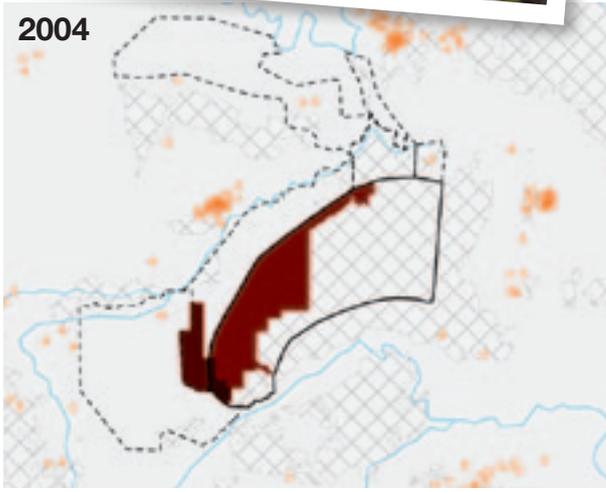
Before clearance began, much of Duta Palma's land holding in Riau overlapped with mapped forest habitat for endangered species such as the Sumatran tiger¹⁹ (fewer than 400 of which are believed to survive in the wild),²⁰ and is essential for the livelihoods of local communities.²¹ Duta Palma's concessions in Riau also include over 50,000 hectares of peatlands.²² Peatland is vital habitat for ramin – a genus of trees whose Sumatran species are protected under national and international CITES regulations²³ – and for other protected wildlife species.

According to a Presidential Decree of 1990²⁴ (which has the force of law), land with peat deeper than 3 metres may not be developed for palm oil plantations. A 1998 Decree of the (now superseded) Ministry of Forestry and Plantations went further, stating that 'plantation developments on peat soils deeper than two metres are not allowed'.²⁵ Subsequent guidelines introduced by the Ministry of Agriculture in 2009²⁶ raised the limit to 3 metres.

Peatland distribution maps produced by Wetlands International show much of Duta Palma's concession areas in Riau to be on peat 2–4 metres deep.²⁷

However, in 2007, the Greenpeace International report *Cooking the Climate* highlighted forest clearance by Duta Palma on very deep peat within four of its concessions in Riau province, including Palma Satu.²⁸ Drill core measurements conducted in 2007 by a Greenpeace field team within Duta Palma's Riau concessions revealed areas of peat up to 8 metres deep.²⁹ It appears from this that Palma Satu and neighbouring concessions may lie on a very deep peat dome, much deeper than documented on the Wetlands International maps.³⁰

In September 2011, a Greenpeace International research team visited the concession and witnessed ongoing forest clearing and peat drainage in the southern and eastern areas of the concession, where small areas of rainforest remained. There were three excavators clearing forest land in Palma Satu and two more were found digging canals around 1.5 kilometres away from the clearing.³¹ The team documented smoke originating within the Palma Satu concession.³² Some recently cleared land was already planted and there was evidence of fires within the concession site.³³ Clearance stopped at the eastern borders of Palma Satu, leaving a patch of several hundred hectares of peatland forest outside the concession untouched.





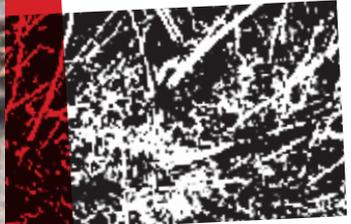


Duta Palma concessions Indragiri Hulu, Riau, July 2007: Recently cleared peatland and drainage canal on very deep peat. ©Greenpeace

Recent investigations: Duta Palma still flouting the law



Palma Satu annex, Riau, March 2013: Bridge over peatland drainage canal connects PT Palma Satu, part of the Duta Palma group, to an annex of recent rainforest clearance and plantation development outside the official area of a palm oil concession. 0°32'14.93"S 102°41'19.79"E ©Greenpeace



Palma Satu annex, Riau, March 2013: ©Greenpeace



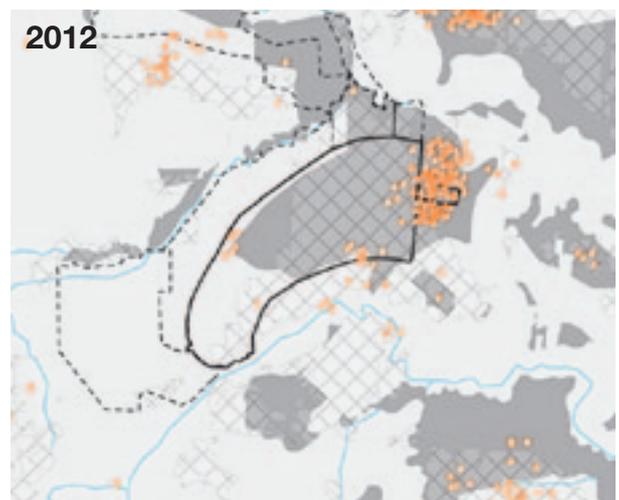
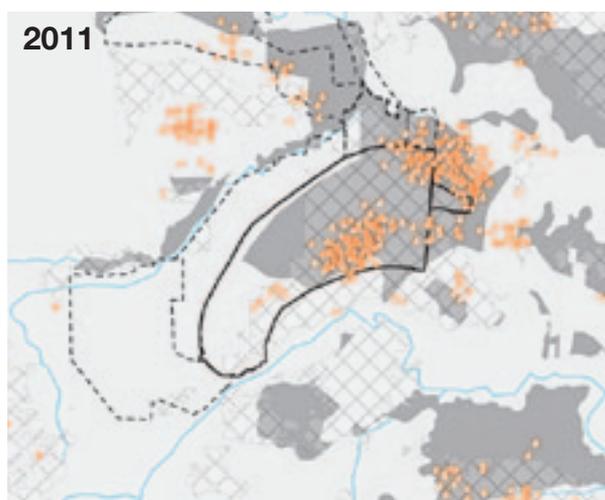
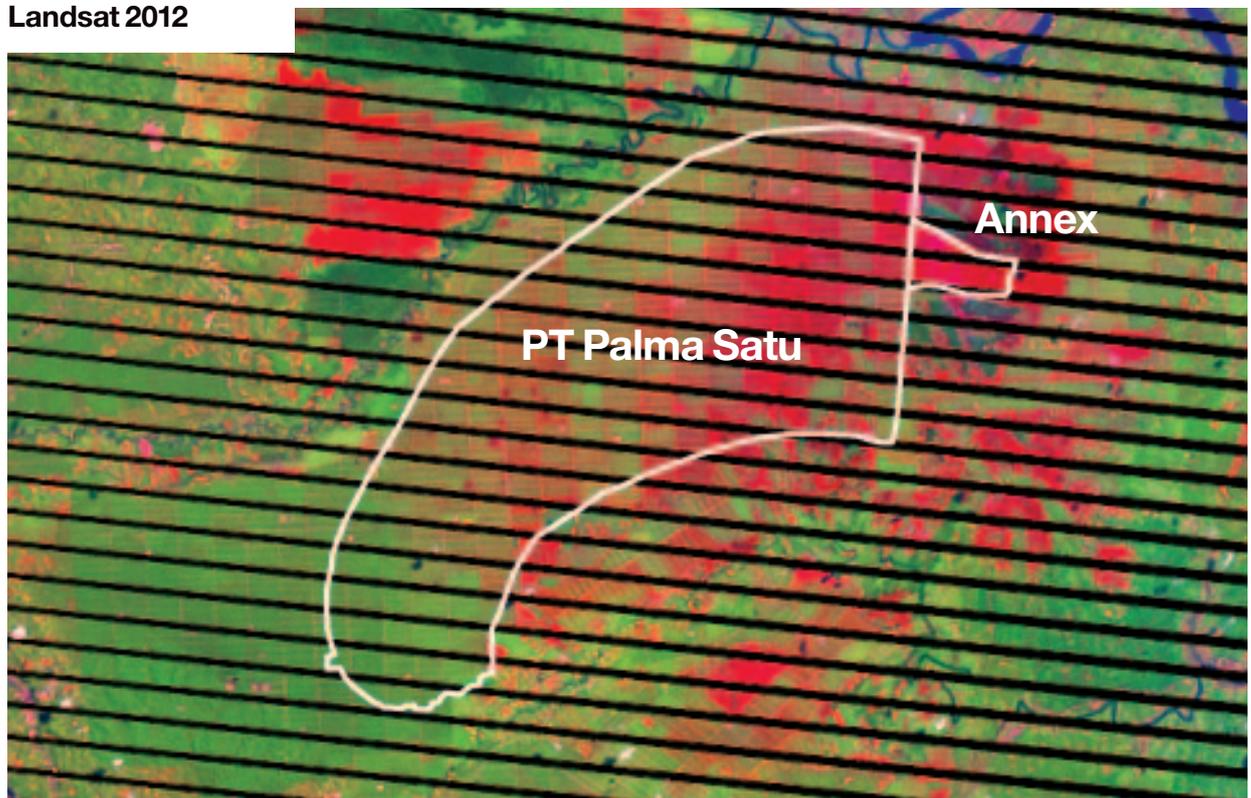
Despite these repeated exposés and investigations, Duta Palma continues to clear peatland forest illegally. Greenpeace International analysis of satellite images from June 2010 and April 2012 has revealed the recent clearance of over 350 hectares of peatland forest in an area which has been annexed immediately to the east of the Palma Satu concession. According to the best available oil palm concession maps for Riau,³⁴ there is no registered concession covering this area. It is however covered by the most recent moratorium map³⁵ – meaning that no recent permit can have been granted legally since May 2011.³⁶ The cleared area is mapped tiger habitat.³⁷ Further, as actual peat depths in the area are much deeper than indicated by the Wetlands maps – in some cases nearly three times the legal limit for development³⁸ – there is a risk that depths in the annex area also surpass the 3 metre legal limit.

Within the newly cleared annexed area, NASA satellite data³⁹ reveal 21 fire hotspots in 2012, up from just a few in 2011. Immediately adjacent, within the large cleared area of the Palma Satu

concession, there were 136 fire hotspots in 2011. Levels fell to just 28 in 2012. No fire hotspots were documented in either location between January and March of 2013. This suggests that illegal clearance by fire went on apace in Palma Satu accelerating in 2011, but fell off after most of the concession had been cleared and planted, with burning activity then shifting to the new clearance outside the concession boundaries.⁴⁰

Field investigations by Greenpeace International in February and March 2013 found evidence of recent fires in the newly cleared annex area outside Palma Satu. They also documented drainage canals and access roads running directly from the area into the Palma Satu concession, indicating that it shares infrastructure with the concession, of which it appears to be an unlicensed extension. According to staff from the local Forest Department, no new forest release permit had been issued for the area. Part of the area has already been planted with oil palm by Palma Satu employees according to one witness.⁴¹

Landsat 2012



- Concessions**
- PT Palma Satu
- ⋯ Other Duta Palma
- 🔥 Fire hot spot
- ⊠ Tiger habitat
- Moratorium



PT Palma Satu, Indragiri Hulu, Riau,
September 2011: Smoke rising from a fire
within cleared and burnt peatland forest;
0°32'23.94"S 102°40'40.94"E. ©lfansasti/
Greenpeace

Failures of governance

In September 2011, the Environment Agency (BLH) in Indragiri Hulu district investigated Duta Palma on charges of setting fire to the forest near Penyaguan village.⁴² The findings of this investigation have never been released.

Later that same year, Duta Palma was among several companies investigated by the Ministry of Forestry's Department for Forest Protection and Nature Conservation (PHKA) for allegedly operating in Riau without permit from the Ministry⁴³ – according to the latest land-use maps provided by the Ministry of Forestry for Indonesia,⁴⁴ the area is under the jurisdiction of the Ministry of Forestry, and a release permit is necessary prior to oil palm plantation development.⁴⁵ The findings of this investigation are not publicly available.

At the same time, a special committee of district parliament members was appointed by the Indragiri Hulu district parliament to investigate Duta Palma in order to resolve land disputes and other general issues with the company's operations.⁴⁶ In February 2012, the committee issued a number of recommendations to the district head (bupati). This included a recommendation that either Duta Palma's concession area within the district be reduced substantially from 14,400 hectares to 10,000 hectares in line with an earlier decree,⁴⁷ or that the company obtain all legal permits necessary from the Ministry of Forestry. The committee asked for Duta Palma's permits to operate in the District to be revoked if it failed to meet these recommendations by May 2012.⁴⁸

It is reported that Duta Palma did make a request for the release of forest land at the end of February 2012;

the Ministry of Forestry responded later in March requesting further details in order for the application to be complete.⁴⁹

In June 2012, the district council and special parliamentary committee met with the Director General of Plantation at the Ministry of Agriculture as well as the Director General of Forest Protection and Nature Conservation at the Ministry of Forestry to seek support for its recommendations.⁵⁰ This was followed by a recommendation to the governor to request the Ministry of Forestry to undertake another formal investigation of Duta Palma's alleged offenses.⁵¹

No further information is in the public domain on the findings of the Ministry of Forestry either from its initial 2011 investigation of Duta Palma or the outcome of this most recent request. However, as recently as April 2013, the Indragiri Hulu district parliament publicly condemned the ongoing land disputes leading to the loss of lives within Duta Palma's operations, as well as the lack of action from the local district head (bupati).⁵² In April 2013, the governor of Riau demanded that the issues be resolved, as the company was still operating without permit.⁵³

So how has Duta Palma been able to carry on illegal forest clearance with near-impunity, six years after Greenpeace first shone the spotlight on its activities? The answer lies in the weakness of the Indonesian government's attempts to regulate the industry, and the ineffectiveness of the industry's own efforts to clean up its act through the RSPO.

The Indonesian Government

In May 2011, Indonesia introduced a two-year moratorium on permits for new concessions in primary forests and peatlands.⁵⁴ While this moratorium was a welcome step in terms of the signals it sent, in practice most of the primary forests that it covers are already legally protected; the remainder are largely inaccessible and not under immediate threat of development. However, it leaves almost 50% of Indonesia's primary forests and peatlands without any protection as they lie within already designated concessions and other significant areas of high carbon forest are not covered by the moratorium, as they are considered to be secondary forests.⁵⁵

The area newly cleared by Duta Palma is covered by the moratorium⁵⁶ but this has obviously not prevented it from being deforested. Whether the land has been cleared without a permit, or whether a permit was issued after May 2011 in violation of the moratorium, the outcome suggests serious shortcomings in governance. As the government lacks even a central register of oil palm plantations,⁵⁷ this is hardly surprising. Even had the cleared area been within a concession held with valid permits, the apparent use of fire and the depth of the peatland in the area show that assessment of the legality of the operations requires further scrutiny.

However, there is no evidence that the Indonesian authorities have attempted to enforce the relevant laws or the moratorium itself.

In March 2011 Indonesia's Agriculture Ministry established a rival certification scheme to the RSPO, the Indonesian Sustainable Palm Oil (ISPO) scheme.⁵⁸ However, the ISPO demands nothing more than legal compliance from companies and will not tackle the issue of deforestation for palm oil expansion. It is therefore unlikely to be accepted by the international market as evidence of sustainability.

The Ministry of Agriculture has promised a review of existing palm oil concessions by the end of 2013,⁵⁹ with threats to revoke company licences if they do not have an ISPO certificate.

However, the government should go further, conducting a review of all existing concessions – not just palm oil concessions, but pulp concessions and others – and make their confirmation dependent upon more stringent standards than the mere legal compliance, for example revoking or relocating concessions on high carbon stock areas.

There is an urgent need for the government to strengthen its governance of industry as well as extending the moratorium (due to expire in May 2013) and broadening its scope to cover all peatlands and all forests.





PT Palma Satu, Indragiri Hulu, Riau, November 2008: A peatland drainage canal separates recent deforestation from the forested-remains of tiger habitat. ©Novis/Greenpeace

The Roundtable on Sustainable Palm Oil



The RSPO was formed in 2004 to promote the use of sustainable oil palm products through credible global standards and engagement of stakeholders.⁶⁰ It is a voluntary association, consisting of palm oil producers, processors and traders, consumer goods manufacturers, retailers, banks and investors as well as some environmental and social non-governmental organisations. According to WWF, RSPO members account for an estimated 40% of global palm oil production and use;⁶¹ some 15% of palm oil globally is RSPO certified.⁶²

While RSPO-certified palm oil has started to enter the market at scale, there are serious questions over how 'sustainable' it is. The organisation's standards do not yet prohibit development of plantations on peatlands or clearance of other high carbon stock areas, and some major producers have blocked action to deal with GHG emissions. After a three-year battle within the RSPO around inclusion of a strong GHG standard, the revised Principles and Criteria to be introduced from May 2013, rather than putting peatlands and forest off limits to development, merely include a requirement to report on GHG emissions from forest conversion by December 2016 and a vague injunction to develop and implement plans to reduce emissions where 'feasible [and] practical'.⁶³ What is more, the RSPO has failed to ensure

effective enforcement even of its existing standards, which have been regularly broken by producer members.⁶⁴ Complaints are inadequately addressed and the RSPO secretariat has only limited means to impose sanctions. Moreover, producers can be RSPO members without actually having any certified concessions, provided they have submitted a time-bound plan for progress towards certification (with no specific time limit) and report on it annually.⁶⁵ Finally, currently the issue of third-party supply is not addressed by the RSPO: members can freely trade palm oil by non-members that have made no sustainability commitments at all.⁶⁶ Taken with the complexity of the supply chain and the prevalent lack of segregation of 'sustainable' and non-sustainable product at every stage of that chain, this means that purchasers of RSPO-certified oil cannot be sure that it comes from a certified source, unless they insist on a segregated supply, which most do not.

The case of Duta Palma serves as an example of the RSPO's weak enforcement. In July 2009, a complaint was made to the RSPO by a coalition of village heads and NGOs regarding development of a plantation by clearance of HCV forests and the use of fire to clear land by Duta Palma subsidiaries, PT Wana Hijau Semesta & PT Ledo Lestari, in West Kalimantan.⁶⁷ Subsequent exchange of information between the complainants



Duta Palma concessions, Indragiri Hulu, Riau, March 2008: Worker logging as the first stage of forest clearance prior to plantation establishment.
© Behring/Greenpeace

and the RSPO led to the inclusion of further Duta Palma concessions in the investigation. Two years later, in April 2011, the RSPO did suspend Duta Palma's membership, not for illegalities in the field but for breaches of administrative membership obligations, namely failing to report on progress in operations toward RSPO standards or to submit time-bound plans for RSPO certification of its palm oil.⁶⁸ No information was provided on progress with regards to the original complaints. In July 2011, the RSPO Executive Board noted that 'the [Grievance] Panel and Secretariat will look into the possibility of covering the issues raised by the complainants [presumably regarding the 2009 incidents] in any upcoming CB [certification bodies] audit' – a form of words hardly suggestive of urgency – and asked the secretariat to investigate the ownership issue.⁶⁹ In September 2011, the RSPO lifted the suspension after Duta Palma submitted its time-bound plans.⁷⁰ Four years on from the original complaint, however, the matter has still not been resolved and no sanction imposed, with investigations currently focusing on the ownership of two alleged Duta Palma concessions (PT Lido Lestari and PT Wana Hijau Semesta).⁷¹

Greenpeace International's latest investigations show that Duta Palma continues to flout several of the RSPO's current Principles and Criteria for Sustainable

Palm Oil Production – most notably through apparent deliberate use of fire to clear forest and violation of the moratorium, but also through its ongoing disputes with local communities⁷² and legally questionable status due to its failure to obtain forest release permits from the Ministry of Forestry.

However, the RSPO has failed to suspend Duta Palma's membership over these serious contraventions, while RSPO members such as Wilmar have traded⁷³ and may continue to trade the company's oil internationally.⁷⁴ Moreover, as of 2013 Duta Palma has failed to produce any RSPO certified palm oil⁷⁵ – despite an apparent pledge, intended to placate the RSPO Grievance Committee, to the effect that all its operations would be certified by 2012.

In short, the Duta Palma story shows that the RSPO has so far failed to break the link between palm oil and deforestation. In the absence of a tightening of the RSPO's standards to prevent the clearing of all peatlands and high-carbon forest (which the 2013 revision has not achieved) and much improved enforcement of existing standards, this raises the question of where else palm oil purchasers can turn to avoid complicity in forest destruction and minimise their contribution to climate change.

Other efforts to ensure responsible palm oil production



Duta Palma nursery, Indragiri Hulu, Riau, March 2008: A worker in the plantation nursery tends to oil palm seedlings. © Behring/Greenpeace

Some global producers of food and other consumer goods, including Nestlé,⁷⁶ have started to go beyond the standards set by the RSPO and put in place procurement policies to ensure that they do not buy palm oil produced by firms engaging in deforestation and peatland destruction.

Some producers, too, have begun to take steps to ensure responsible practices. In November 2012 Greenpeace International launched the Palm Oil Producers Scorecard,⁷⁷ showing various companies with adequate policies in place to protect the peatlands and forests in their concessions. For example the largest palm oil producer in Indonesia, Golden Agri-Resources, part of the Sinar Mas Group, introduced a new forest conservation policy in February 2011.⁷⁸ The policy commits the company to:

- No deforestation footprint – that means the conservation of both high carbon stock

(HCS) forest⁷⁹ and forest areas with high conservation values (HCV).

- No development on peatlands, regardless of the depth of peat
- No development of land without free, prior and informed consent of indigenous and other local communities
- Compliance with all relevant laws and national interpretation of RSPO Principles and Criteria.

These developments suggest that at least some consumer companies and producers are beginning to acknowledge the urgency of breaking the link between palm oil and rainforest destruction. Crucially, these initiatives also recognise the vital importance of halting the industry's monstrous contribution to climate change – a nettle that the Indonesian government and the RSPO now need to grasp with all haste.

Who buys Duta Palma Palma's dirty oil?

The Wilmar logo consists of a stylized blue 'W' above the word 'wilmar' in a lowercase, grey, sans-serif font.

Historically, one documented purchaser of Duta Palma palm oil was Wilmar,⁸⁰ itself a producer as well as being the world's largest processor and trader of palm oil. Wilmar has not made any public commitment to stop trading with Duta Palma, and Greenpeace is currently pressing the company to clarify whether it does business with any part of the group. Other buyers of Duta Palma oil have previously been reported to include Sime Darby, Gardner Smith and Kuok Oils & Grain Pvt Ltd in Indonesia.⁸¹ None of these companies has made any commitment to exclude Duta Palma from its supply chain. By contrast, in 2010, Cargill stated that Duta Palma was on its 'no-trade list'.⁸²

Although Wilmar has a public policy of not developing peatland in its own concessions, it has no such policy regarding the concessions from which it buys fruit bunches, or the crude palm oil it trades from third parties. Thus, through Wilmar and other suppliers like it, environmentally destructive palm oil such as that produced by Duta Palma can enter the world market, where supplies from different sources are blended and traceability is largely non-existent. Unless they purchase segregated palm oil, hundreds of global brands in the food and personal care products sectors will inevitably have this tainted palm oil in their supply chains and be incorporating it into their products.

PT Palma Satu, Indragiri Hulu, Riau, November 2008: Palm oil mill for processing oil palm fruit bunches. ©Novis/Greenpeace



Time for action

All stakeholders in the Indonesian palm oil industry need to take action now to stop the industry destroying vital primary rainforest, jeopardising the future of critically endangered wildlife, dispossessing local communities and fuelling climate change. While some companies are seizing the initiative and setting an example that deserves and needs to be followed, rogue operators such as Duta Palma ought to be held up as an example of practices that the industry should put behind it. Other stakeholders, from

governments to end users, must show that they will no longer tolerate such flagrant abuses. As the world's leading producer, Indonesia must seize the opportunity to play a leading role in turning the sector around.

Greenpeace calls upon stakeholders in the global palm oil, pulp and other commodity industries to take the following urgent steps to end deforestation, improve governance and transparency, and respect the rights and livelihoods of local communities.



1. Producers

- a. Implement forest conservation policies to stop conversion of peatland, high carbon stock⁸³ and high conservation value areas.
- b. Ensure no development of land without the free, prior and informed consent of indigenous and other local communities.
- c. Ensure transparency in operations.

3. Corporate consumers

Implement purchasing policies to exclude commodities linked to deforestation from supply.

- a. Cancel contracts with problematic producers such as Duta Palma or with traders who purchase commodities from such producers.
- b. Implement full supply chain traceability.
- c. Purchase from progressive suppliers with commitments on zero deforestation.

2. Traders

Commit to zero deforestation in commodity supply chains.

- a. Implement forest conservation policies in any concessions of their own.
- b. Ensure the immediate exclusion of identified problematic commodity suppliers such as Duta Palma from supply chains.
- c. Implement a full supplier review to exclude other problematic suppliers.

4. Financial sector

Ensure investment decisions do not contribute to deforestation, through the introduction of strict forest and commodity sector lending criteria with special care made to ensure the protection of community rights as well as the protection of natural forests.

- a. Refuse to provide financial support or services to palm oil and other commodity companies with links to deforestation.



Peatland forest, Riau.
©Beltra/Greenpeace



Sumatran tiger. Less than 400 remain in the wild. The recent clearance in and around the Duta Palma's concessions was all of mapped tiger habitat. ©WWF



Riau, October 2007: Palm oil fruit. The Indonesian government has identified the palm oil and pulp sectors as the lead driver deforestation in Indonesia. ©Budhi/Greenpeace

5. Indonesian government

Ensure strong governance, prioritising forest protection and rewarding industry leadership.

- a. Extend moratorium so that it is results-based rather than time-bound. An independent national deforestation monitoring system should be developed to bring greater transparency to the process, ensure effective monitoring and enforcement and empower local communities.
- b. Review existing concessions, revoking or relocating those in high carbon stock or high conservation value areas and areas where there are unresolvable conflicts with the rights of local populations.
- c. Crack down on illegality, including failure to follow due process in licensing, failure to pay taxes, and failure to respect peatland regulations or prohibition of burning. Revoke the concessions of persistent offenders such as Duta Palma, as well as those obtained in violation of legislation.
- d. Confine further oil palm (and forestry) expansion to non-peatland areas that are low in carbon and biodiversity values, and ensure that it is implemented in a manner that fully respects the rights of indigenous peoples and local communities.
- e. Reward industry leadership. Incentivise improved productivity on existing plantations (for example through tax incentives) and develop a database of degraded lands⁸⁴ to allow for an effective land swap process enabling legal concessions in forest and peatland areas to be exchanged for concessions in low carbon value areas unencumbered with social, environmental or economic concerns.

6. RSPO

Strengthen sustainability standards for producers to equal or surpass those set by Golden Agri-Resources, while tightening enforcement of these and existing standards.

- a. Prohibit the establishment of plantations on peatland or high carbon stock forest.
- b. Require full compliance by producers no later than 2015.
- c. Insist on full traceability of producers' oil from plantation to purchaser.
- d. Revoke membership of producers such as Duta Palma who fail to comply with Principles and Criteria.

- 1 Greenpeace International calculations based on 2005 data. See Greenpeace International (2010b): 56, endnote 5 for full calculations.
- 2 DNPI (2010): 19 Exhibit 9, 21 Exhibit 12
- 3 DNPI (2010)
- 4 PT Darmex Agro website 'About Us – Company Profile'
- 5 PT Darmex Agro website 'Our Business – Plantations'
- 6 PT Darmex Agro website 'About Us – Company Profile'
- 7 Global production in 2009/10 was 45.75 million tonnes. Source: USDA (2010): 13 Table 11: Palm Oil: World Supply and Distribution.
- 8 Greenpeace International mapping analysis.
- 9 See www.rspo.org/en/member/171 for Dutapalma Nusantara and www.rspo.org/en/member/183 for Darmex.
- 10 Greenpeace International (2007): 30. Clearance by burning is prohibited by the following Government of Indonesia legislation: Article 41 paragraph 1 of Law No. 23 Year 1997 on Environmental Management, maximum criminal penalties 10 years' imprisonment and fine of Rp 500 million; Article 78 paragraph 3 of Law No. 41 Year 1999 on Forestry, maximum criminal penalties 15 years' imprisonment and fine of Rp 15 billion; Article 48 paragraph 1 of Law Number 18 Year 2004 on Plantation, maximum criminal penalties 10 years' imprisonment and fine of Rp 10 billion; and Article 187 of the Criminal Code with criminal penalty of 12 to 20 years' imprisonment.
- 11 BBC (2010)
- 12 Satellite data using Landsat TM 7 TM Path/Row 119/060 and 119/61, courtesy of the US Geological Survey. Landsat images downloaded from glovis.usgs.gov: 2002 – File name: LE71260602002227SGS00.jpg Acquisition date: August 2002 Path: 126 Row: 60 2007 – File name: LT51260602007121BKT00.jpg Acquisition date: 1 May 2007 Path: 126 Row: 60
- 2010 – File name: LE71260602010169SGS00.jpg Acquisition date: 18 June 2010 Path: 126 Row: 60
- 2012 – File name: L7112606006020120810.jpg Acquisition date: 10 August 2012 Path: 126 Row: 60
- 13 District decree 90/2007. See statement by Darmex CSR manager Yearline Ristiady in *detikNews* (2011b)
- 14 District decree 180/2010
- 15 Personal communication from Duta Palma staff to Greenpeace International, April 2013
- 16 RSPO (2007): 22-24, criterion 5.2, and 40-42, criterion 7.3
- 17 Government of Indonesia legislation: Article 41 paragraph 1 of Law No. 23 Year 1997
- 18 NASA (2013)
- 19 Greenpeace International analysis: Duta Palma concession maps overlap with tiger habitat maps provided by WWF (2008)
- 20 Indonesian Ministry of Forestry (2007): 1; www.iucnredlist.org/apps/redlist/details/15966/0
- 21 Greenpeace Philippines (2009)
- 22 Greenpeace International (2007): 30-31
- 23 Government of Indonesia Decree 8/1999 governs CITES regulations within the country and its listing can be found on the CITES species database, www.cites.org/eng/resources/species.html.
- 24 Government of Indonesia (1990)
- 25 Decree of Minister of Forestry and Plantation Number 376/1998, 8 April 1998
- 26 Ministry of Agriculture Decree 14/Permentan/PL.110/2/2009
- 27 Wahyuunto et al (2003)
- 28 PT Kencana Amal Tani, PT Banyu Bening Utama, PT Bertuah Aneka Yasa and PT Palma Satu: Greenpeace International (2007)
- 29 Greenpeace International (2007)
- 30 Wahyuunto et al (2003)
- 31 PT Palma Satu concession near Penyaguan village, Batang Gangsal sub-district (0° 34' 6.77"S 102° 38' 40.55"E)
- 32 Greenpeace International researchers visited Palma Satu on 14 and 15 September 2011, and observed smoke at location 0° 32' 23.44"S 102° 40'41.22"E.
- 33 Greenpeace International researchers visited Palma Satu on 14 and 15 September 2011, and observed fire inside the concession at 0° 32' 23.94"S 102° 40'40.94"E.
- 34 Disbun (2006), updated by Jikalahari and by Greenpeace International (2007)
- 35 MoFor (2012)
- 36 Rondonuwu (2011)
- 37 WWF (2008)
- 38 Greenpeace International (2007)
- 39 NASA (2013)
- 40 Greenpeace International mapping analysis based on Landsat imagery.
- 41 Personal communication to Greenpeace International, March 2013
- 42 Government of Indragiri Hulu website (2011)
- 43 Haluan (2011); see also Riau Pos.co (2011b)
- 44 MoFor (2010/11)
- 45 MoFor (2010a)
- 46 See Riau Pos.co (2011a) and *Tribun Pekanbaru* (2011b)
- 47 District decree 180/2010, dated 8 July 2010
- 48 *Tribun Riau* (2012)
- 49 Palma request in letter No. 004/Leg-PS/Eks/II/2012 dated 27 February 2012 and Minister of Forestry Directorate General of Forestry Enterprises response in letter No. S.121/BLPUK-I/2012 dated 30 March 2012. Source: GoRiau.com (2013).
- 50 Government of Indragiri Hulu website (2012a)
- 51 Government of Indragiri Hulu website (2012b)
- 52 Government of Indragiri Hulu website (2013)
- 53 Haluan (2013)
- 54 Rondonuwu (2011). The decree itself, Inpres 10/20112, is available in English at www.daemeter.org/wp-content/files/INPRES-10_2011__EN.pdf.
- 55 Austin K, Sheppard S & Stolle F (2011)
- 56 MoFor (2012)
- 57 The Ministry of Forestry provides national plantation maps, but these are highly incomplete; see MoFor (2010b).
- 58 Yulisman (2011)
- 59 *Jakarta Globe* (2013)
- 60 Roundtable on Sustainable Palm Oil (RSPO) website, 'Who Is RSPO?'
- 61 WWF Australia website, 'What is palm oil?'
- 62 RSPO website, 'RSPO worldwide impact'
- 63 RSPO (2013): 32, criterion 5.6
- 64 Greenpeace International (2008): 13-19
- 65 RSPO website, 'Code of Conduct'
- 66 However, RSPO (2013): 3 notes that 'looking forward, the growers and millers within the RSPO commit to a process whereby they aim to source third party Fresh Fruit Bunches from identified, legal and responsible sources'.
- 67 Atus et al (2009)
- 68 RSPO (2011a)
- 69 RSPO (2011b)
- 70 RSPO (2011a)
- 71 RSPO website, 'Complaint on: Duta Palma Nusantara'
- 72 Evidence of recent conflicts between Duta Palma and local communities includes a protest by thousands of people outside the local parliament of Indragiri Hulu Regency on 16 November 2011 demanding that the company keep its promises to provide 'community plantation' land to local communities (source: *detikNews* (2011a)), and reports of conflict between the company and the local administration when the latter tried to intervene in a land dispute between the company and the villagers of Penyaguan, with the company allegedly threatening both residents and government officials (source: *Tribun Pekanbaru* (2011)).
- 73 Business Information Focus (2010): 226-228; Compliance Advisor Ombudsman (2009)
- 74 The company has failed to make any public statement about banning Duta Palma from its list of suppliers.
- 75 The RSPO website does not list Duta Palma as a certified grower, and neither Darmex Agro's nor Duta Palma Nusantara's annual reports

on progress to the RSPO list any RSPO certified production (see www.rspo.org), but www.rspo.org/sites/default/files/ACOP%202011-%20PT%20Dutapalma%20Nusantara.pdf indicates RSPO certified supply by 2012.

- 76 Greenpeace International (2010a)
- 77 Greenpeace International (2012)
- 78 Golden Agri-Resources (2011): 4
- 79 This figure is in line with figures for low carbon development recommended to the Indonesian Government by its own advisers, BAPPENAS, the joint Indonesia National Development Planning Agency. See UN-REDD (2010).
- 80 Business Information Focus (2010), Compliance Advisor Ombudsman (2009)
- 81 Business Information Focus (2010)
- 82 Cargill (2010), 'Cargill sets the record straight on the false allegations made by RAN in its May 2010 report'
- 83 High carbon stock forest areas are identified through vegetation stratification based on interpretation of remote sensing images and field checks, and a biome- or region-specific carbon threshold or range. For Indonesia this is provisionally set as $>35\text{tC/ha}$ of above ground biomass in trees $> \text{or} = 5\text{cm DBH}$. See Golden Agri-Resources and SMART (2012).
- 84 An appropriate High Carbon Stock (HCS) approach that is additional to a robust High Conservation Value (HCV) assessment can be used as a proxy for identifying degraded land that was previously forest. Criteria for degraded lands should include the identification and exclusion of HCS forests and peatland. HCS forest is above the level between naturally regenerating secondary forest and degraded lands that have the vegetation of young scrub or grassland. The HCS approach effectively combines both biodiversity and carbon conservation through the goal of conserving ecologically viable areas of natural forest. See Golden Agri-Resources and SMART (2012).



Duta Palma concessions, Indragiri Hulu, Riau, March 2008: Haze from fire in recently cleared peatland forest.

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Greenpeace is an independent global campaigning organisation that acts to change attitudes and behaviour, to protect and conserve the environment and to promote peace.

Greenpeace is committed to stopping climate change.

We campaign to protect the world's remaining ancient forests and the plants, animals and peoples that depend on them.

We investigate, expose and confront the trade in products causing forest destruction and climate change.

We challenge governments and industry to end their role in forest destruction and climate change.

We support the rights of forest peoples.