

Destruction and Deforestation of the Peruvian Amazon, Threats to Community Leaders

RSPO Ruling Condemns Plantaciones de Pucallpa for Its Destruction of Over 5000 Hectares of the Peruvian Amazon but Deforestation and Threats to Community Leaders Continue

By [Forest Peoples Programme](#)

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In an initial [public statement](#) issued on their website, the RSPO's Complaints Panel (Roundtable on Sustainable Palm Oil) condemned Plantaciones de Pucallpa (PdP) for its destruction of primary forests in violation of the RSPO's code of practice. The RSPO's findings come despite PdP's withdrawal from the membership in October 2016. A full report from the complaints panel addressing the human rights impacts is still forthcoming.

"The RSPO Complaints Panel has found Plantaciones de Pucallpa (PdP) (Peru) to be in breach of RSPO Code and Conduct and RSPO Principles and Criteria (RSPO P & C) during its membership period from 14 October 2013 to 12 October 2016."

After over a year of deliberation and an independent satellite analysis commissioned by the RSPO, the Complaints Panel concurred with the complaint filed in December 2015 by the Shipibo community of Santa Clara de Uchunya that PdP had deforested over 5000 hectares of forests, including primary forests.

In so doing, it had failed to comply with RSPO's restrictions on the conversion of primary forests to plantations, measures to address risks to forests considered of High Conservation Value (HCV) and requirements to disclose all information about planting and conversion plans to the RSPO and affected communities.

The Complaints Panel rarely issues rulings after companies have withdrawn from membership of the RSPO. However, in this case the Complaints Panel found that there was

"clear evidence that compensation liability would have been incurred," but notes that "these findings and decision are of moral and persuasive value only, and cannot be enforced in light of Plantaciones de Pucallpa's resignation as a RSPO member."



Peruvian government law enforcers and community representatives document continued and illegal deforestation in lands of Shipibo community of Santa Clara de Uchunya by Peruvian palm oil company Ochosur Sac (ex Plantaciones de Pucallpa). FECONAU

Since its operations began in Shipibo territory, the operations of PdP, whose owners have created a new company called Ochosur SAC since leaving the RSPO, have been enveloped in controversy. Despite successive rulings, fines and suspensions on the part of different Peruvian government agencies, the operations continue and in recent weeks community members have reported further forest destruction to expand the plantation and more death threats.

One community member, Huber Flores Rodriguez, whose house and farm border the plantation, has recently reported [1] several incidents where he has been accosted at night by groups of men threatening him and his family if they didn't abandon their house. Mr. Flores claims that these include individuals with close ties to the palm oil company and a local land trafficking mafia connected with the regional Ministry of Agriculture [2]. In February 2017, Mr Flores formally filed a request for physical guarantees from the Interior Ministry, but to date there has been no response.

Carlos Soria, head of the community of Santa Clara de Uchunya said:

"We are practically living under siege in our own territory. Almost every day there is more expansion of the plantation and anyone who challenges them is threatened. Our lands are still untitled and the plantations continue to operate. It seems that they are growing bolder seeing that the government is doing nothing. Do we have to die like Edwin Chota before they do anything? Where are we supposed to live? If our home is destroyed what hope for us and our future generations?"

Robert Guimaraes the President of FECONAU added:

"After a year of deliberation the RSPO has determined that Plantaciones de Pucallpa destroyed primary forests and compensation should be paid. But what are our own authorities doing? There are lawsuits that were filed by the community almost three years ago that remain unresolved, the government ordered the suspension of the operations almost two years ago but the plantations and destructions continue to expand and the community and its

allies are subjected to increasing aggression and threats while their lands remain untitled. Yet at the same time the government is receiving millions of dollars from the Norwegians, the Germans and the World Bank for its programme to protect Peru's forests and title indigenous territories. What will it take for the government to finally step up and meet its promises to protect Peru's forests and our rights as indigenous peoples?"

Conrad Feather from Forest Peoples Programme notes:

"We welcome the RSPO's initial resolution and await the findings on the requirements to respect indigenous peoples' customary land rights. However, what hope of justice or redress for communities if companies can neutralise a complaint simply by resigning? The RSPO must address this if it is to have any credibility in Latin America."

Notes

[1] https://www.youtube.com/watch?v=jCY3_7LOBG4

[2] In 2015 some of the individuals threatening Mr Flores had been issued with 'certificates of possession' within the lands of Santa Clara de Uchunya by the regional Ministry of Agriculture which subsequently had to be annulled after an investigation by environmental prosecutors exposed that they had been issued fraudulently. See this link for more information: <http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2016/05/peruvian-environmental-prosecutor-documents-planta>

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The Roundtable on Sustainable Palm Oil (RSPO) is a not-for-profit association composed of stakeholders from seven sectors of the palm oil industry – oil palm producers, palm oil processors or traders, consumer goods manufacturers, retailers, banks and investors, environmental or nature conservation NGOs and social or developmental NGOs – to develop and implement global standards for sustainable palm oil. It was formed in 2004 in response to the urgent and pressing global call for sustainably produced palm oil. Producers of palm oil who are members must comply with its Principles, criteria and procedures and can subsequently secure certification of their product. There is a complaints panel that processes complaints presented by those affected by the actions of its members. The complaint mechanism is an essential element of a conflict resolution system and framework for accountability which the RSPO requires in order to ensure trust in its trademark.

For more information

see: <http://www.forestpeoples.org/topics/responsible-finance/private-sector/palm-oil-rspo>

The complaint and the subsequent evidence submitted included incontrovertible evidence that PdP had violated numerous RSPO's procedures and principles including amongst others: The failure to respect the customary land rights of Santa Clara (2.2, 2.3, 6.3, 7.5) and its rights to [FPIC](#) (2.2, 2.3, 6.3, 7.5), the failure to conduct an EIA (5.1,7.1) or secure any of the required government authorizations (2.1), the failure to conduct participatory mapping or any adequate due diligence (2.2, 2.3, 7.5) and the failure to observe the principle of no clearance of primary forest (7.1).

Plantaciones de Pucallpa was ordered by the Peruvian government in September 2015 to [suspend all its operations](#). Further government investigations in May 2016 highlighted a failure to comply with this

order and they did not even [allow access to environmental prosecutors](#) triggering [fines of over \\$150,000](#).

In April 2015 the RSPO issued a stop work order to Plantaciones de Pucallpa based on the [complaint filed by Santa Clara de Uchunya](#).

In 2010 Peru adopted a pledge to secure net zero deforestation by 2020 which has now been backed by international donors including a \$300 million accord with the governments of Norway and Germany. Current estimates of deforestation however have been rising rapidly. In 2015 annual rates of deforestation in Peru's Amazon [rose rapidly to over 150,000 hectares](#).

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