

# OCEAN

*Synchronizing Community Efforts*

P. O. Box 365, Popondetta, Northern Province, Papua New Guinea

To  
**RSPO Secretariat Sdn Bhd**  
**No. A-33A-2, Tower A, Level 33A, Menara UOA Bangsar**  
**No 5, Jalan Bangsar Utama 1**  
**59000 Kuala Lumpur, Malaysia**  
**Tel: +603 23021500 Fax: +603 22014053**  
**Email:**

Date: 19 April 2013

Dear Sir,

## **SUBMISSION OF COMPLAINT**

I, Adelbert Gangai lodge a complaint concerning the acquisition of Collingwood Plantations Pte Ltd in Papua New Guinea via KLK Overseas Investments Limited, a subsidiary of Kuala Lumpur Kepong (KLK).

This complaint is made on behalf of the Oro Community Environmental Action Network (OCEAN) and Collingwood Bay Conservation and Development Association (CCADA).

My full details are as follow:

Name: Gangai  
Position: Activist and community member  
Address: C:\ P. O. Box 71,  
Popondetta, Northern Province,  
Papua New Guinea  
Telephone: +675 73390726  
Fax: \_\_\_\_\_  
Email: a\_gangai@hotmail.com

Please find attached herewith the details information regarding the complaint which includes:

***A: Description of the name, address and location, and nature of the Company being complaint (please provide map if possible)***

See complaint document

***B: Description of the action taken by me/ us to try to settle the issues (please provide details based on chronological event)***

See annex 1, 2 and 3

***C: List of other person(s) contacted by me/us in attempt to settle the issues (please provide any relevant documents if any)***

See complaint document, annex 1 and 2

***D: Any other relevant facts and/or other materials to support this complaint.***

Oro Community Environmental Action Network e\_mail address: [oceanpop1@hotmail.com](mailto:oceanpop1@hotmail.com)

<http://masalai.wordpress.com/tag/agro-forestry-management/>

<http://www.actnowpng.org/sites/default/files/Press%20Statement%20SDW%20Toti.pdf>


<http://www.cornell-landproject.org/download/landgrab2012papers/filer.pdf>

[http://announcements.bursamalaysia.com/EDMS/edmswebh.nsf/all/314EFFE27F34A0D348257A9D005D6BB6/\\$File/Acquisition%20of%20CPPL.pdf](http://announcements.bursamalaysia.com/EDMS/edmswebh.nsf/all/314EFFE27F34A0D348257A9D005D6BB6/$File/Acquisition%20of%20CPPL.pdf)

I/we fully understand and agree that RSPO Secretariat will be looking into this complaint based on its standard Grievance & Dispute Settlement Handling Protocol.

Thank you.

Yours sincerely,



**Adelbert Gangai**

Program Officer/Forest & Land Rights Campaigner

16 April 2013

## Complaint against Kuala Lumpur Kepong

### Background

Kuala Lumpur Kepong Berhad (KLK) has been an RSPO member since 18 October 2004. On December 21<sup>st</sup> 2012, KLK informed Bursa Malaysia (KL-121218-2A513) that the group had completed the acquisition of 51% of the shares in Collingwood Plantations Pte (CPPL) from Mr. Hii Eii Sing via KLK Overseas Investments Limited. The shareholders of CPPL would be KLK, Batu Kawan Berhad ("BKB") and the Vendor, each holding approximately 51%, 18% and 31% of CPPL respectively. CPPL's sole wholly-owned subsidiary is Ang Agro Forest Management Ltd ("ANG"), a company incorporated in Papua New Guinea ("PNG"). ANG claims to have registered rights over the following pieces of land in PNG:

- a 99-year State Lease over 5,992 ha in the town/Fourmil of Tufi, Section/Milinch Murua in Oro Province, expiring on 6 April 2110 ("Lot A");
- a 49-year sublease over 21,520 ha of land held under a Special Agricultural & Business Lease ("SABL") in the town/Fourmil of Tufi in Northern Province, expiring on 8 August 2061 ("Lot B") and
- a 49-year sublease over 16,830 ha of land held under a SABL, in the town/Fourmil of Tufi in Northern Province, expiring on 8 August 2061 ("Lot C").

KLKL reported that ANG intends to develop these lands into oil palm plantations in due course.

On 4 October 2012, KLK claimed that the Proposed Acquisition would be subject to the fulfillment of certain conditions precedent, inter alia, the following:

- (a) the plantable land being suitable for development into oil palm plantations;
- (b) the conduct of a legal, financial and accounting due diligence to KLK's satisfaction; and
- (c) compliance with all conditions/covenants contained in approvals/licences issued by the PNG regulatory authorities.

Upon the announcement of the completed acquisition in December 2012, KLK's Board of Directors stated that it was of the opinion that the Proposed Acquisition is in the best interest of KLK.

### Our complaint

The communities of Collingwood Bay have been aware of this latest corporate attempt to grab their land since June 2012. The KLK deal is part of a long list of previous attempts that the communities have so far been able to resist (see annex 1).

In 2010, the Traditional paramount chiefs of the 9 tribes of Collingwood Bay representing 326 clans have irrevocably stated their disapproval of in the strongest possible terms of any plans to introduce the oil palm industry in the Collingwood Bay area (annex 2). Their statement has been available on the Internet for several years and is widely known by NGOs and palm oil industry actors in PNG, so on what grounds did the KLK Board of Directors believe that their investment is in the best interest of KLK?

The pieces of lands referred to in KLK's reports to Bursa Malaysia are the same that the community had successfully reverted the titles to customary ownership through the National Court, presided over by Justice Sakora, from 1998 through to 2002.<sup>1</sup> Hence, while it may be so that KLK have purchased the "rights" to said lots, the communities of Collingwood Bay own these lands by PNG Constitution, and not the Government of PNG, ANG or Mr. Hii Eii Sing.<sup>2</sup>

In 2010, the Collingwood Bay communities have obtained a national court order that stipulates that no government official or company representative is allowed to enter their land without our prior permission.

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<sup>1</sup> Ben Ifoki & Ors v The State, Registrar of Land Titles, Keroro Development Corporation Ltd, & Deegold (PNG) Ltd [1999], OS 313of 1999 & OS 556 of 1999.

<sup>2</sup> ANG's shares are solely held by Hii Eii Sing, the Business Manager of the Rimbunan Hijau group of companies. This company has already spent millions of kina trying gain to get access to Collingwood's forests and land.

Earlier this year, a company delegation flew into Tufi to lure some villagers to sign up to some agreement in exchange for '100 kina, some rice and canned fish'. Such tactics to divide our communities will not change our common stance:

*"The Chiefs of Collingwood Bay in exercising the authority vested upon us by our people reject any supposedly Landowner Company that claims to represent our interest in dealing with our land. Under no circumstance shall we delegate the responsibility of deciding the fate of our people as land is our life and as such any decision about land is the total prerogative of the chiefs....."*

With the acquisition of a majority shareholding in CPPL and its initial activities on the ground, the KLK Board of Directors is set to engage their company in a long-term, serious land conflict with the Collingwood Bay communities which is in violation of RSPO Certification Systems Article 4.2.4 on partial certification. Given the position of the Collingwood Bay communities, KLK will not comply with the RSPO Code of Conduct which requires members to implement and certify compliance with the RSPO P&C. The landowners do not consent to oil palm on their land, and therefore the P&C cannot be implemented or certified.

**Our demands**

We demand that KLK/CCPL and RSPO respect the Joint Communiqué issued at Wanigela of 24 January 2010 (annex 1), namely that the community/landowners/village leaders have jointly agreed to not allow oil palm on our land. We also demand that parties respect the court order that prohibits companies from entering our land without our prior permission.

RSPO is welcome to consult NGOs and community leaders about KLK's investment, but we do not wish to be mediated by RSPO in a process that would help KLK to somehow capitalize on its US\$ 8m investment in CPPL at the expense of our land.

## **Annex 1. Brief chronology of land grab attempts in Collingwood Bay**

1984/85

A TRP was granted for the whole of Collingwood Bay including the West of Mt Victory and Trafalgar to Collingwood Bay Timber Company LTD, a landowner company who then entered into an agreement with Sumotimo a subsidiary of Mitsubishi. The intention was to clear fell the area 650,000 ha for wood chips. The landowners successfully resisted the landing of equipment.

1988

Goodwood a subsidiary of RH proposed a clear fell and coconut sap project again getting government approval without resource owners consent. The Resource owners successfully petitioned the then Forest Minister, Tim Neville, who shelved the project until "proper" procedures are followed.

1992

Laytrek Ltd at the invitation of the SPAN Enterprises moved in on the Span Enterprises lease undercover of saving the drowning United Church plantation to establish a Balsa plantation. They moved into customary land but were confronted by local resource owners and told to stay within the Span Enterprises lease. (After Laytrek shipped the hardwoods they left behind more than 2000 m3 of round logs sitting on the pier with no balsa plantation.

1998

Keroro Development Corporation sponsored by Dee Gold another subsidiary of RH registered more than 200 Incorporated Land Groups under false pretense and stole 350,000 ha of customary land for a massive logging project under so-called "Special Agricultural Business Lease" (SABL). The community led by the Maisin Integrated Conservation and Development Association, (MICAD), with the support of Conservation Melanesia, Environmental Law Center and friends of the Maisin in Japan, Canada, the USA and Australia fought a four year court battle claiming that the government stole our land and got a successful ruling from the National Court on the 10th of May 2002.

2004/5

Victory Plantations Limited with local partner Aisor Development Corporation, (ADC) was granted preliminary approval by the Secretary of Agriculture to develop an Agro Forestry Project to "manage 80,000 ha of natural forest" and replant felled areas for wood chips. The 2002 court order prevented any real work on the ground except for about 20ha of grassland cleared on state land for the nursery. The proposal and EPs were objected to and the Secretary for Agriculture and Minister for Environment were advised in writing not to grant permits. No official responses were received.

2007

Victory Plantations and local partners, Okena Goto Karato changed their scope from acacia to cashew nuts and were granted a permit over 85,000 ha on the western foothills of Mt Victory. The land title has been converted from customary to state, sparking physical confrontations amongst landowners.

2008/9

Aisor Development and Victory Plantation changed scope from acacia to oil palm than cashew nuts on the same 80,000 ha of illegally gotten land title.

2009

Keroro Development Corporation and ANG Agro forestry Management Ltd proposed oil palm plantation supported by Governor Suckling Tamanabae (who previously passionately opposed the oil palm mill construction at the headwaters of the Mambare river). Ang Agro Forest Management Ltd applied with the PNGFA to clear the forest from 38,350 hectares of land in order to develop something called the Wanigela Integrated Agriculture Project.

2009

December: Victory plantations landed three tractors with camping equipment at Wanigela despite objections by majority of landowners by writing and through the media.

2010

July: ten Asians that tried to land logging equipment were arrested and removed from Collingwood Bay.

2012

July: Two SABLs are granted to Sibon Management Ltd and Wanigela Agro Industrial Ltd in spite of the moratorium on SABL issuance of June 2011.

December: KLK announces the acquisition of CPPL on Bursa Malaysia.

2013

A company delegation attempted to bribe selected landowners into supporting the CPPL project.



**Annex 2. Joint Communiqué issued at Wanigela 24th January 2010 under the authority vested in the Traditional paramount chiefs of the 9 tribes of Collingwood Bay representing 326 clans**

Following an awareness workshop requested by the people of Collingwood Bay In light of the exploitation and attempts to exploit the forest resources within the Collinwood Bay area for logging and the proposals to introduce and develop oil palm estates, we the Chiefs supported by our people unanimously express our opposition to any large scale development that would have an adverse effect on our people, our way of life and our environment.

We will determine on our terms how we wish to pursue development and investment opportunities on our traditional land using our natural resources on both the land and our maritime boundaries in the best way we see fit. We demand that all current logging operations in the Collingwood area cease immediately and any further logging proposal be discussed with the people in their communities presided over by the chiefs.

We also protest in the strongest possible terms any plans to introduce the oil palm industry in the Collingwood Bay area.

We do not recognise all supposedly landowner companies, Keroro Development Corporation, Aisor Development Corporation and any other formed to date and claim to represent the interest of all Collingwood Bay landowners. We do not recognise any partnership arrangements entered into by Aisor Development Corporation and Keroro Development Corporation using names, places and tribes in the Collingwood area with foreign investors namely Victory Plantations, ANG Agro Forestry Management Ltd and Cashew International Ltd.

As of this day, we the traditional owners of our land, will be masters of our own destiny and will determine on our own terms the best options for developments we want for our people.

Any development proposals for the Collingwood Bay must be done in consultation with the landowners.

We appeal to relevant Government departments such as The National Forest Authority, Environment & Conservation, Agriculture and Livestock, Lands & Physical Planning, Provincial Government, Member for Ijivitari and the Local Level Government to assist us to protect our right to our land and to protect our heritage.

Annexure 3 : CCADA Letter to the PNG Minister for Forest



**“MANY TRIBES, ONE PEOPLE, ONE VISION”**

***Collingwood Bay Conservation And Development Association***

P. O. Box 71, Popondetta, Northern Province. Papua New Guinea  
Telephone +675 73390726 email: a\_gangai@hotmail.com

Monday, September 13, 2010

**Honorable Timothy Bonga MP**

Minister for Forest

P. O. Box 5055,

**Boroko** 1111, NCD

Papua New Guinea

Dear Honorable Minister,

**SUBJECT: WANIGELA INTEGRATED PROJECT, (FCA5-02)**

Being privileged, to do so, we wish to take this opportunity to inform you of the current developments in the Collingwood Bay and seek your support in our efforts to put the matter to rest.

The people taking the lead in this campaign to expose this illegal logging project are genuine land owners of the Collingwood Bay and not NGOs as is claimed by the principals of ANG Agro Forestry Management Ltd.

Sir, the Collingwood Bay Conservation and Development Association, (CCADA), is the mandated forum of the people of Collingwood established by a Memorandum of Agreement and registered for the purpose of voicing the views of the 326 clans of 9 tribal Chieftainships. **So we, CCADA, who is at the forefront of this campaign to protect the rights of our people are not just an NGO, we are the voice of the Chiefs of Collingwood Bay! The chiefs who are the respected authority have endorsed the wishes of our people through this forum to reject this project and that is our position to date.**

CELCOR, (The Center for Environmental Law and Community Rights), and ELC (Environmental Law Centre), are our Lawyers and any claims that the NGOs are orchestrating the issue is wrong.

The position of the landowners is very clear and we have transpired this position by way of a Joint Communiqué issued by all the Chiefs in the Collingwood Bay rejecting the project following a meeting on the 24<sup>th</sup> of January 2010 and again in a meeting of Maisin landowners on the 17<sup>th</sup> of August. (Refer to attached Meeting Minutes).

We have had meetings with officials of the National Forestry Authority and the Department of Lands and the outcomes of these dialogues is very clear, that the NFA had been misled by ANG Agro Forestry Management Ltd and its local agents to believe that proper processes were followed in acquiring our customary land for this project. Also take note that to date no

Oro Community Environmental Action Network e\_mail address: [oceanpop1@hotmail.com](mailto:oceanpop1@hotmail.com)



negotiation or agreement has been entered into for any logging operations, base camp or landing sites in the area.

We wish to inform your office that any references made to Portions 113 and 143 have no legitimacy as these portions do not exist. They were effectively cancelled and therefore we maintain that the FCA5-02 and other government permits were fraudulently acquired by the company and its agents by presenting invalid land titles which were ordered to be cancelled on the 10<sup>th</sup> of May 2002.

Following our meetings to highlight these anomalies the titles to portions 113 & 143 have been cancelled effective from 10<sup>th</sup> May 2010 in compliance with Court Orders of OS 313 of 1999 and OS 556 consolidated. We are also in possession of copies of a written notification from the Managing Director to a Mr. Hii Eii Sing the Managing Director of ANG Agro Forestry Management Ltd to temporarily cease all activities related to the above FCA as a consequence of the cancellations of these titles.

Further more, we have been properly informed that neither ANG Agro Forestry Management nor their local partners Keroro Development Corporation and Mainun - Korerek has approvals for a log pond and campsites, nor do they have Forest Management Plans before the PFMC or the National Boards for consideration.

Given the above scenarios we are, disturbed by the fact that ANG Agro Forest Management has seen fit to mobilize machinery for deployment to the Collingwood Bay. The pontoon loaded with heavy machinery including, Cathay 15, the tug boat has since been impounded and under the directions of the MD of the National Forestry Authority is at Oro Bay while agents of the company have been trying to get it to sail to Wanigela under police guard. The Police Commissioner has been made aware of this and the Southern Regional Commander has since instructed that police maintain law and order.

We do also understand that a Mr. Hii Eii Sing of Malaysian Nationality has made several failed attempts to send Asian Nationals to Sinafa to influence the village people to accept the project by bribing them with manufactured goods especially rice canned food and sugar. It appears that a lawful direction by the Managing Director of NFA dated 08/07/2010 to Mr. Hii Eii Sing and a National Court Order has not deterred the company from obvious attempts to dictate to various state agencies showing disrespect for the lawful authorities and laws of this country.

We are also aware of the fact that the same Hii Eii Sing has written to you claiming that Mr. Samson Joke, the Chairman of Maining Korereki Resources Limited has informed him that the landowners support the project and have signed agreements. As far as we are aware these agreements were obtained by false pretense and undue influence. These issues of collecting signatures of unsuspecting villagers under false pretense were revealed in the meeting held at Sinafa on the 17<sup>th</sup> of August.

We also wish for you to take note that the Oro Provincial Government has never given endorsement for the project while the Tufi LLG President was with the landowners in various meetings with Customs and Forestry Officials to seek clarification over the project mobilization. In fact the Governor has turned down an invitation for lunch with Company

representatives and landowners who object to the project at 2:00pm at the Fu Gui Restaurant on the 3<sup>rd</sup> of September and instead delegated two members of the Oro Provincial Assembly to relate to Mr. Hii Eii Sing the position of the land owners and the Oro Government that the project has no support from the Oro Provincial Government.

We are therefore of the view that Mr. Hii Eii Sing and his local associates are again seeking your support by telling lies whilst presenting falsified documents as they have earlier done with Senior Officials of the Departments of Agriculture and Forestry.

We believe that the matter has been satisfactorily dealt with at the Executive level after examining all claims and feel that there is no point in addressing these at the Political level unless these Logging Company is seeking to corrupt our law makers using the same heavy handed tactics they are too used to in other parts of the Country. Despite these undue pressure from the logging company we trust that you will execute your obligated responsibility to ensure due diligence in conforming to the laws of this country.

As the landowners of the Collingwood Bay we ask that your Ministry will also uphold the laws of PNG and ensure that our rights are respected and protected as a good government should. We also trust that any decision you make will be abiding to the Court Orders of OS 313 of 1999 and OS 556 consolidated and the landowners' wishes.

For your information and appropriate action,  
Yours Sincerely,

**CCADA**



**Adelbert Gangai**

v/Program Officer

cc: Damien Ase, Principal, CELCOR Lawyers

cc: Mary Boni, Environmental Law Center

cc: Thomas Paka, Executive Director, PNG Eco Forestry Forum

cc: Ken Mondiai, Chairman PNG EFF & Board Member National Forestry Board

cc: Mr. Owen Awaita, Administrator, Department of Oro

cc: Provincial Forestry Officer, Popondetta

cc: Mr. Kanawi Poursu, Managing Director, National Forest Authority

cc: Mr. George Ganga, National Forestry Service

cc: Mr. Kevin Marai, Kundu 2 TV

cc: John Pangatana, Post Courier News Room

cc: Dorothy Tekwie, Forest Campaigner, Green Peace Australia & Pacific

cc: The Chiefs and Landowners of Collingwood Bay

cc: All International Friends of the people of Collingwood Bay



Annexure 5: Land Owners Letter to Secretary for Department Of  
Agriculture

WANIGELA LAND RIGHTS GROUP,  
C/O ANGLICAN MISSION,  
SARAD, WANIGELA.  
ORO PROVINCE.

02-11-09

THE SECRETARY,  
DEPARTMENT OF  
AGRICULTURE &  
LIVESTOCK.  
P.O. BOX 2033  
PORT MORESBY  
N. C. D.

DEAR SIR

re: CORRESPONDENCE TO SECRETARY DAL FROM  
THE CHAIRMAN OF K.D.C. DATED 07-03-08.

THE INFORMATION STATED IN THE PROPOSED  
CONCEPT IS NOT THE INITIATIVE OF THE MAJORITY  
OF LAND OWNERS AS CLAIMED IN THE LETTER TO  
THE SECRETARY, DAL FROM THE CHAIRMAN, K.D.C.

WE THE LAND OWNERS TOTALLY OPPOSE  
THE PROPOSED LEVEL THREE (3) OIL PALM DEVELOPMENT  
ESTATE IN PORTIONS 113 & 143 OF COLLINGWOOD  
BAY. THIS IS THE SENTIMENT SHARED BY THE  
14,000 PLUS POPULATION OF THE SAID AREA.

THE FOLLOWING ARE THE REASONS WHY  
WE OPPOSE THE PROPOSED ABOVE CONCEPT:

1. STATUS OF PORTION 113 & 143.

THESE PORTIONS CONTAIN A LOT OF CUSTOMARY LAND  
AND WERE NEVER TENDERED FOR THE ABOVE PROPOSED  
PROJECT.

2. INCORPORATED LAND GROUPS

ONLY ~~SIX~~ (6) (7) OUT OF FIFTY (50) PLUS  
CLANS SIGNED I.L.G.'S FOR THE FORMULATION



OF THE LEASE - LEASE BACK ARRANGEMENT, AS EXECUTED BY KERORO DEVELOPMENT CORPORATION (K.D.C.) AND ITS JOINT VENTURE PARTNER ANG. AGRO LIMITED. THE LAND OWNERS ARE IN THE DARK AND WOULD <sup>LIKE</sup> TO BE ADVISED BY THE LANDS DEPARTMENT AS TO HOW THIS WAS DONE.

### 3. LEASE - LEASE BACK ARRANGEMENT

ACCORDING TO THE PROPOSED CONCEPT:

- a) THE TENURE WILL LAST SIXTY (60) YEARS.
- b) THE LEASE HOLDER ONLY WILL CARRY OUT OIL PALM ACTIVITIES.
- c) THERE WILL BE NO LAND OWNER PARTICIPATION THUS THEY WILL NOT BENEFIT DIRECTLY FROM THEIR RESOURCE. (LAND)
- d) DUE TO ANTICIPATED POPULATION INCREASE THERE WILL BE SHORTAGE OF LAND FOR SUBSISTANCE FARMING.
- e) THERE IS NO MENTION OF ANY RESETTLEMENT PROGRAM FOR LAND OWNERS.

### 4. ENVIRONMENTAL IMPACT.

AS EXPERIENCED IN ALL MAJOR ECONOMICAL DEVELOPMENTS WE WILL ENCOUNTER:

- a) WATER POLLUTION - WHICH WILL ALSO AFFECT THE MARINE LIFE ALONG OUR COAST.
  - b) TOTAL DESTRUCTION OF FLORA & FAUNA WHICH ARE IRREVERSIBLE.
  - c) WITH THE ANTICIPATED USE OF FERTILISERS AND INSECTICIDES, SOIL WILL BE DEGRADED.
- ALL THESE ARE SADLY IRREVERSIBLE.

### 5. SOCIAL IMPACT.

WE WILL ENCOUNTER:

- a) LAW & ORDER PROBLEMS SUCH AS GAMBLING, DRUG ABUSE WHICH IS BEING CURRENTLY EXPERIENCED ON A SMALL SCALE WILL DEFINITELY INCREASE, AND SADLY PROSTITUTION MIGHT BE UNAVOIDABLE DUE TO LACK OF PARTICIPATION BY LAND OWNERS.

b) HEALTH PROBLEMS ~~AND~~ ~~WILL~~ WILL BE VARIED BECAUSE ~~IS~~ DUE TO A HIGH CONCENTRATION OF POPULATION IN A CONFINED AREA.

c) THE PEOPLE'S LIVELIHOOD WILL BE CHAOTIC DUE TO THE DESTRUCTION OF FORESTS FOR HUNTING, WATERS FOR FISHING AND LAND FOR GARDENING.

#### 6. RECOMMENDATION

WE THE LANDOWNERS RECOMMEND THAT :

a) THE NATIONAL GOVERNMENT ~~SCAPE~~ SCRAPE ANY OIL PALM DEVELOPMENT PLAN FOR COLLINGWOOD BAY IN THE LONG TERM NATIONAL AGRICULTURAL PROGRAMME DEVELOPMENT PROGRAMMES.

b) K.D.C. OR ITS AGENT SURRENDER THE ILGS SIGNED BY THE SIX (6) CLANS <sup>BACK</sup> TO THEIR RIGHTFUL OWNERS.

c) OTHER TREE CROPS SUCH COCOA, COFFEE AND COCONUTS WHICH ARE ALREADY BEING GROWN HERE ARE ACCEPTABLE BUT DEFINITELY NOT OIL PALM.

WE ~~HEREBY~~ HUMBLLY LODGE THIS PROTEST FOR YOUR DELIBERATION AND PROMPT ACTIONING.

YOURS ~~BRIDGES~~ FAITHFULLY,

~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~ Chairman

~~XXXXXXXXXXXX~~ Kikumasi Anselm Tioromah

~~XXXXXXXXXXXX~~  
FRANK BOBOM

SIGNED FOR MATURITY.



MEMORANDUM

LSS CHAIRMAN  
C/D.P.I DIRUDAN  
WANIGELA  
24<sup>th</sup> / JAN / 2013

To: CELLOR, SIRIGOI, BRANTON LAWYERS  
FLC, JUDGE BAKOR - MURRAY MARAROA.  
GEORGE BAURE - CRIS MARAWIS -  
NIGEL ISARA - LESTER SERI  
JOHN DAYANI, ADOLBERT UANCAI.

DEAR SIR

REFERENCE: THE LATEST DEVELOPMENT TAKING PLACE IN WANIGELA  
OVER OIL PALM PROPOSED DEVELOPMENT.

RE ABOVE - AS WE ALL HEARD WHAT DEVELOPMENTS ARE TAKING PLACE IN WANIGELA AND COLLINGWOOD BAS - I WOULD LIKE TO TRACE YOU BACK IN-TIME TO RECALL OUR FRUSTRATION OVER LOGGING ISSUE IN WANIGELA.

ALOT OF YOU HAVE WRITTEN US OFF. DUE TO LOGGING ISSUES, WE LOST SUPPORT FROM CRITICS AND WELL AS OUR OWN MEMBERS IN COLLINGWOOD BAS.

IT WAS ONLY TIME TO TELL WHAT NEXT INVATION WOULD HIT OUR SHOES AGAIN.

FOR WANIGELANS, PARTICULARLY C.B.O.s LOST SUPPORT. BUT WE STOOD UNITED TO FIGHT ALL ODDS TO SHOW OUR COMMITMENT. THAT WE ARE READY TO FIGHT ON TOGETHER ONCE MORE AS MEMBERS OF COLLINGWOOD BAS COMMUNITY.

AS THE CHIEF OF UBIR TRIBE - WANIGELA - ALL THIS FOCUS IS DIRECTED ~~AT~~ AT WHAT WOULD BE THE REACTION FROM WANIGELA COMMUNITY IN THE VILLAGES FOR THE NEXT PROPOSED PROJECT THAT HAS JUST POPPED-UP.

CURRENTLY THE WANIGELA COMMUNITY IS STILL FIGHTING ON WHERE WE LEFT AFTER WHAT LOGGING HAD DONE TO OUR PEOPLE

OUR COMMITMENT AND SACRAFICES SHOWS HOW <sup>MUCH</sup> WE ARE COMMITED WITH NO FUNDS TO SEEK LEGAL ADVICE TO STOP THIS INVATION HITTING OUR SHOES.

I would like to take this time to say, how much we appreciate  
for all members who are committed to this task.

I encourage all of you to stand united to fight this rot.  
Enough is enough!

For the latest Oil Palm Development proposal, I wished to  
inform you that any actions that would be sort<sup>out</sup> must  
be done quickly and urgently.

No loop-holes must be created to stop this crooks  
and perpetrators who will stop at nothing that will  
try to hinder their progress.

The latest scenario that has got all of us off-guard,  
I believe this proposed development had been pushed at  
the top level by the crooks.

This is a matter of urgency to use our power house to  
rectify this damage control.

Recently on (16th/Jan/2013) John Dumare and Guy Robinson  
arrived from Port Moresby on that same flight one of our  
members (Cornell Isma) was on.

As soon as they arrived at Tufi - they were picked up by the  
Dinkey and travelled to Wanigwa same afternoon.

During the same night, the both of them camped at  
Naukwate Village to campaign for the proposed  
Oil Palm Development.

Urgent meeting was called and all the supporters  
including all those names that are known to us were  
all there.

Meeting continued into late night, to plan what action  
to take to push the clan members into accepting  
Oil Palm Development in Wanigwa.



THE MAIN TARGET WAS TO GAIN ENTRY TO WANIGOLA - A GATEWAY TO COLLINGWOOD BAY. IN TWO WEEKS TIME AROUND (1<sup>st</sup>/FEB/2013)

DURING THE NIGHT ALL PLANS AND STRATEGIES WAS SET OUT TO LURE IN CLAN LEADERSHIP (4) CORNER WANIGOLA.

A VERY SURPRISE MOVE. BUT THINGS DID NOT WORKED OUT WELL SO ON THE FOLLOWING DAY ~~18<sup>th</sup>~~ 18<sup>th</sup>/01/2013. THEY MOVED OUT TO TUFI DIVE RESORT TO CARRY OUT THEIR CAMPAIGN.

i) AS PER OUR CONTACT - ALL KAMIKAB CLAN TO WHICH GUY ROBINSON BELONG TO HAVE BEEN (PAID OR BRIBED) K100-00 PER PERSON. WE HAVE WITNESS TO PROVE THAT ACTION TAKEN.

ii) NEXT WAS ALL CLAN LEADERS TOTALING (85) INCLUDING ADC AS WELL AS OYAN ~~CLAN~~ <sup>CLANS</sup> WERE SHIPPED TO TUFI DIVE RESORT. ALL CLAN LEADERS RECEIVED K100.00 EACH. THE HIGHEST BRIBE ON ALL CLANS HAND OUT WAS K750.00 TO MATU CLAN. RECEIVED BY CARLSON REGIN. THIS INSIDE INFORMATION WAS RELAYED TO MG FOR OUR INTERNATIONAL FORCE

iii) THESE 'CROOKS' - JOHN DUMARE AND GUY HAS COME BACK TO POM.

iv) HOWEVER - COURT ORDER DELIVERED BY CORNWELL ISARA - WERE HANDED OUT. TO THE PERPETRATORS

ONLY OBSTACLE WAS THE REFUSAL BY ALBERT JACKSON KASOKASON AND OSCA KASOKASON AND DOMINIC GEGEO REFUSED TO TAKE THE COURT ORDER FROM HIM ON 21<sup>st</sup>/01/2013.

HE TRIED AGAIN ON TUESDAY 22<sup>nd</sup>/01/2013 WITH THE COMPANY OF C.B.C. TO ISSUE THESE ORDERS TO ADC (CLAN MAN) DOMINIC GEGEO + HIS BOARD OF DIRECTORS.

AGAIN HE WENT TO ALBERT JACKSON RES + OSCA KASOKASON TO ISSUE THE COURT ORDER.

ON MONDAY - 21st/JAN/2013. THERE WAS A DISTURBANCE FROM ORGANISED  
DRUNKS AS ALBERT JACKSON WAS ORGANISED TO STOP OUR ANTI-  
OIL PALM GROUP FROM CAMPAINING.

THE GROUP WAS LED BY - REX ROBAMON AND PETER WEYAN WHO  
HAD TRIED TO THREATEN COUNSEL ISRAA.

UNFORTUNATELY WE WERE AT THE MEETING WITH THE MEMBERS  
OTHER THREATS WERE MADE BY PETER WEYAN. ALSO HAD  
TRIED TO INTIMIDATE MOTHERS + CHILDREN PLUS OTHERS AT THE  
MARKET PLACE.

HE + REX ROBAMON BROTHER OF GUY ROBAMON HAD ALSO CARRIED  
OFFENSIVE WEAPONS (KNIVES + GRASS KNIVES) THREATENING THE  
MOTHERS EVEN THE OIL PALM ANT-GROUP.

PETER WEYAN IS REX + GUY'S NEPHEW. GRAHAM WEYAN (ANAK)  
THE SO CALLED LAND LORD FOR PORTION 113C (WANIGERA TO  
KAWENSARAF).

DO NOT FORGET GRAHAM WEYAN IS THE MAIN CHARACTER  
IN THE ORGANISING OIL PALM ACTIVITIES. RECENTLY HE  
WAS RECRUITING WORKERS TO WORK ON OIL PALM PLANTATION.

HE SHOULD BE ONE OF THEM WITH LANDFRANK WAIKAT WHO  
SHOULD GET THE COURT ORDER AS WELL.

THERE ARE THREATENING TACTICS BEING USED AND I WISH TO  
REMAND YOU THAT YOU SHOULD TAKE OUT ANOTHER COURT ORDER  
TO RESTRAIN THIS CROOKS FROM THREATENING INNOCENT  
MOTHERS CHILDREN + COMMUNITY MEMBERS

I ALSO WANT TO REMIND YOU THAT THREATS HERE <sup>IT</sup> COULD  
BLOW-UP IF WE ARE NOT ABLE TO STOP FAMILIES THREATENED  
BY THIS PERPETRATORS.

I WANT YOU TO TAKE ACTION ASAP TO GET POLICE HERE  
TO STOP THIS NON-SENSE ENTICATED BY THE PERPETRATORS.

ON 22<sup>ND</sup>/01/2013 - SOME OF OUR MEMBERS HAVE BEEN MOBILISED TO GUEST + CONTRIBUTE FOR LEGAL COSTS. THE COMMITTEE IS NOW RESPONSIBLE FOR CAMPAIGNING FOR SUPPORT.

I BELIEVE WE COULD MAKE A BIG DIFFERENCE IF ALL OF US FORGET THE PAST AND LOOK AHEAD TO CHALLENGES THAT ARE NOW INVADING OUR SHORES.

A BIG NO FOR OIL PALM FROM COMMUNITIES  
CHIEFS - COMMUNITY GROUPS - PARTICULARLY - WOMAN  
MOTHERS UNION - GFS GROUPS - CHURCHES - COMMUNITY  
LEADER AND OF COLLING WOOD RAY AND TUFU DISTRICT.

#### A FOOTNOTE:

COMMUNITY WANIGGA HAS PLANTED 55,000 COCOA SEEDLINGS  
WE ARE LOOKING FORWARD TO RECEIVE 250,000 COCOA SEED  
FROM NIPRA.

IN ADDITION SOUTHERN REGION FOR COCOA PROGRAMME  
DEVELOPMENT IS NOW READY TO SUPPLY COLLING WOOD RAY  
COMMUNITIES. (WANIGGA) AS THE NUCLEUS ESTATE TO  
BE FUNDED BY (NADP) PROGRAMME ENDORSED BY N.E.C  
IN THE POST COURIER + NATIONAL NEWSPAPER (7<sup>TH</sup>/DEC/2012)  
FOR SUBSTANTIAL AMOUNT

P.S. HELP US TO PROMOTE COCOA DEVELOPMENT PROGRAMME  
WE HAVE ON THE GROUND 55,000 COCOA TREES  
WHAT MORE. WE ARE HAPPY TO GROW COCOA UNDER  
PUBLIC PRIVATE PARTNERSHIP PROGRAMME.

THIS WILL HELP YOU TO SHED SOME LIGHT AND SUPPORT OUR  
LEGAL LAWYERS TO ARGUE ON THAT POINT FOR DEVELOPMENT.

FINALLY - MY SPECIAL THANKS TO YOU ALL FOR MAKING  
THIS ISSUE AS A PRIORITY.

Our Mentors and Mentor Groups are very supportive here  
at home, including our Boarder Areas - Keweenaw, St. Ignace,  
Gogebish and Rini Gunj Areas.

We're with you all the way and are prepared to  
do what we can to stop all this rot.

I will do my best to up-date you on events here  
from home to keep you in ~~touch~~ touch.

Yours faithfully



John Kwikas

LSS Chairman

Chief Uair Tribe - Yegog Clan

Lands Agent - Wanigeia

and Uair Raig's Representative

Annexure 7: Letter to the Secretary for Agriculture from the Oyan Tribe of Wanigela

Oyan Land Group  
C/Sub-District Office - Tufi  
Oreyuan Village  
Wanigela  
2<sup>nd</sup> November 2009.

Office Of The Secretary,  
Department of Agriculture and Livestock,  
P.O. Box 2033  
Port Moresby  
National Capital District.

Dear sir,

Subject: Wanigela Oil Palm Development.

It is pleasing to see that a man of high esteem and integrity, has been given this privilege and honour of leading the Department of Agriculture and Livestock in Papua New Guinea.

Sir, we write to you with heavy hearts. Our clans are the principal landowning clans and tribes in Wanigela and Colling Wood Bay as a whole for the proposed Oil Palm Development.

As you know that in Papua New Guinea, 97% of the forested land is customarily owned by tribes, clans and even families for many generations, forests have been a resource for survival.

This is our fight in the face of a seemingly unending appetite for the raw natural resources that we are blessed with. We want to develop at our own speed, on our own schedule and using our own plans, not following the ideas and values of outsiders.



We see destructive development project like the Oil Palm where landless people are the best oil palm workers because they have no alternatives in their lives. We want many alternatives on our land. Those of our people who want to do oil palm have lots of places they can go elsewhere in PNG if they want to do this for the rest of their lives.

The rest of us in the villages want to keep our options open.

This project is not our request and consultation with Oro Provincial Government to develop on our customary land secured by lease-lease back agreement and have the option to acquire shares in Ang Agro-Forest Management Ltd.

The project has strong support from landowners (who and name the landowners) which has formed a working committee with major stakeholders such as DAL, PNGFA and DEC to progress the development and they will be questioned for it.

According to KDC chairman's letter to you, he stated that over the last 15 years we mobilized ourselves (landowners) under ILG and mobilized the land under various state leases to the total of over 30,000ha to be developed into Oil Palm estates and said we are united.

It is all false as it was supported by his family and clan members purporting to have landowner rights and acquired Collingwood Bay land ownership title and now he's using our names and ignorance for his own gains or benefits.

Sir, for these reasons we took the matter to court over portions 113 and 143 that took us 4 years to go through court battle and we won our land back and the <sup>title</sup> cancelled.

We hope you are aware or not the court heard our matter on the

9<sup>th</sup> and 10<sup>th</sup> March 2002, Barrister of NSW Bar appeared on our behalf to conduct hearing.

The court decision and orders are important as stated, anybody from State, PNGFA, Deegold or Kenoro Development Corporation Ltd or their representatives or agents assigns attempting to enter our land or deal with our forest and forest produce will be held for contempt of court.

Sir, we are not happy with you since you endorsed this project according to your development <sup>Plan</sup> so may we ask to see your National Agriculture Development Plan 2007-2016 for Wanigela and Colling Wood Bay please.

We are not in any way associated with KDC nor are we associated with any other prospector or developer. We are merely waiting and watching - monitoring the situation to see as to when the project proper we want is set to commence, if indeed proves commercial feasibility but NOT OIL PALM.

With all due respect, sir, we are particularly concerned and are very much disturbed by the activities of certain "middle-men" with no landowning interests operating from the streets of Port Moresby and make particular reference to a band full of people from here and obtain a letter of support late last year under false pretence.

These people have no standing whatsoever in the community and have a very poor record with the ordinary village people. They previously confused the CWB land issues as stated above and timber industry and got themselves into a lot of trouble (which to this day they have not sorted out - you could liken them to bean fugitives) and now they are diverting their attention to Oil Palm Industry. Their identities are known and their motive is FAST-CASH.

Our clans and tribe names or our own names must never be used under any circumstances, unless by our written authority.



The actions of the middlemen and your letter of support may contravene certain aspects of laws governing entire C W B land portions 113 and 143. Of particular concern is that such unlawful actions may prejudice the rights and interests of the Department's officers and the landowners, both of whom may be innocent in such circumstances, but may have fallen victims to decisions pretrated by others.

Sir, we are concerned that you may have fallen early victim to a scam propagated by a hand full of self-centered persons purporting to have landowner rights. Our view is based on the fact that you may have overlooked the following procedural and investigative steps in your decision making :-

- ① Establish material facts regarding the status and characters of the city dwelling middlemen lobbyists.
- ② Establish their landownership rights (if any) in the respective project areas portions 113 & 143
- ③ Obtain <sup>independent</sup> legal advice on laws governing portions 113 & 143 and if these actions by the middlemen were in breach of any of these provisions, in order to prevent potential legal suit against you.
- ④ See if these middlemen may have caused certain senior officers within the Departments of Agriculture, Lands, Forests and Environment Conservation to compromise their positions and thus, placed the Departments in a prejudiced positions of potential legal suits against them.
- ⑤ See if these middlemen may have caused you to compromise your position of potential legal suits.

At trials whilst the state lawyers made no formal submission, there was no disputes as to the order seeking to have the deeds and special agriculture and business lease over portion 113 & 143 cancelled.




Sir, with all due respect, should you have failed to establish these basic facts you may have placed your highly esteemed office and your personal integrity in a position of compromise and it appear that some people may have taken advantage of your trusting nature before you even had an opportunity to find out for yourself as to what is going on.

Sir, by your nature you are required to seek God and His wisdom in all your decision making, because by the preaching that we hear, we are constantly being reminded that the world is full of evil and so much wickedness and the challenge is for us as Christians and landowners, stand up and make a difference - not to compromise ourselves to the pagans.

Perhaps, you did make a mistake and perhaps you did not seek us and God <sup>on</sup> ~~and~~ <sup>this</sup> ~~this~~ <sup>decision</sup> ~~wisdom~~. Whatever the situation may be it is not too late to redeem your actions. You can achieve this by humbling yourself and ensuring that justice is done to all stakeholders by withdrawing this letter of support you had given to KDC (middlemen) and most of all making a firm effort to meet with us and discuss ways and means as to how we can work together for other Agricultural Development but not OIL PALM.

We would be grateful to hear from you on this matter soon.

Yours faithfully,  
Wanigela / Gillingwood Bay  
Landowners

  
JOHN A. NADIN

  
EDWY KAIS  
CHAIRMAN

CC: Governor of Oro Provincial Govt - Bp  
CC: Member for Ijivitari - Mr D. Arora  
" The President - Tufi LLG  
" ~~Ag Agro Forest Management Ltd~~  
" DAL  
" Dept of Forest (PNGFA)  
" Environment & Conservation  
" Dept of Lands  
" Program officer OCEAN  
" Principal Lawyer CELCOR.  
" Principal Lawyer ELC

Annexure 8

## ***Joint Communiqué by the Chiefs of Collingwood Bay***

Issued at Wanigela 24<sup>th</sup> January 2010 under the authority vested in the Traditional paramount chiefs of the 9 tribes of Collingwood Bay representing 326 clans

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Following an awareness workshop requested by the people of Collingwood Bay

***In light of the exploitation and attempts to exploit the forest resources within the Collingwood Bay area for logging and the proposals to introduce and develop oil palm estates, we the Chiefs supported by our people unanimously express our opposition to any large scale development that would have an adverse effect on our people, their way of life and their environment.***

***We will determine on our terms how we wish to pursue development and investment opportunities on our traditional land using our natural resources on both the land and our maritime boundaries in the best way we see fit.***

***We demand that all current plans for intended logging operations in the Collingwood area cease immediately and any further logging proposal be discussed with the people in their communities presided over by the chiefs.***

***We also protest in the strongest possible terms any plans to introduce the oil palm industry in the Collingwood Bay area.***

***We do not recognise all supposedly landowner companies, Keroro Development Corporation, Aisor Development Corporation and any other formed to date and claim to represent the interest of all Collingwood Bay landowners***

***We do not recognise any partnership arrangements entered into by Aisor Development Corporation and Keroro Development Corporation using names, places and tribes in the Collingwood area with foreign investors namely Victory Plantations, ANG Agro Forestry Management Ltd and Cashew International Ltd.***

***As of this day, we the traditional owners of our land, will be masters of our own destiny and will determine on our own terms the best options for developments we want for our people.***

***Any development proposals for the Collingwood Bay must be done in consultation with the landowners.***

***We appeal to relevant Government departments such as The National Forest Authority, Environment & Conservation, Agriculture and Livestock, Lands & Physical Planning, Provincial Government, Member for Ijivitari and the Local Level Government to assist us to protect our right to our land and to protect our heritage.***