



Wilmar Remains Undaunted by Detractors and Continues to Focus on Responsible Development in Nigeria.

Singapore, 16 July 2015 - Wilmar International Limited ("Wilmar") expects its suppliers to comply with its No Deforestation, No Peat and No Exploitation Policy ("Integrated Policy"), and the Wilmar Group's operations are no exception. The Integrated Policy is being implemented across all our operations including subsidiaries and joint ventures, in partnership with The Forest Trust (TFT). Our policy implementation efforts in Nigeria are showcased in TFT's website. These efforts are ongoing to ensure that the Group's operations in Africa continue to meet the stringent sustainability requirements set out in our Integrated Policy. <http://www.tft-earth.org/stories/news/wilmar-update-from-nigeria-and-uganda/> .

Referring to the issues raised by Friends of the Earth (FoE) regarding some of its operations in Nigeria in its recent report "Exploitation and Empty Promises: Wilmar's Nigerian Land Grab", many of the allegations are rehashed from earlier reports to which Wilmar has responded or in which the issues raised have been addressed.

In particular, on the repeated claims by the Rainforest Resources Development Centre (RRDC) that Wilmar was involved in "unlawful acquisition of farmland; non-compliance with applicable municipal laws and regulations...and failure to reach an agreement with host communities" which were raised with the Roundtable on Sustainable Palm Oil (RSPO) Complaints Panel, the case underwent a thorough review by the legal expert whose appointment was mutually agreed by all parties, namely RSPO, Wilmar and RRDC. The objective of the review was to determine the extent of Wilmar's compliance with applicable Nigerian legislations vis a vis the allegations raised by RRDC. The legal review established that "the procedure engaged by Biase Plantations Limited, a Wilmar subsidiary for the purchase of the Ibiae Estate from the Cross River State Government was transparent and in substantial compliance with the relevant applicable Nigerian laws and generally in accordance with Principle 2 of the RSPO Principles and Criteria".

Based on these findings and the fact that the legal review was conducted by a legal advisor and on terms approved by RRDC, the case was dismissed by the RSPO Complaints Panel.

Dissatisfied with RSPO's decision, RRDC further filed a lawsuit against the Wilmar Group, to no avail, as the case was also struck out by the Court (more details below).

The Wilmar Group had previously responded with substantial information clarifying its activities in the region, and reaffirming its commitment to responsible practices in all countries and communities where it operates – refer to link [“Wilmar Affirms Commitment to Open, Transparent and Responsible Practices”](#).

Wilmar recognises the importance and shares the concerns of sustainable development in these developing countries, and is happy to engage with well-meaning civil society organisations in constructive dialogue and collaboration towards this common goal.

Notwithstanding the repeated allegations, Wilmar takes stakeholder feedback and concerns seriously, and has taken time to review and verify the validity of the FoE report. There are misleading facts in the report which Wilmar will clarify as well as areas the Group acknowledges that can be improved and assures that corrective actions will be taken accordingly.

Consultation, consent or conflict?

The Group continues to be baffled by FoE’s allegations that it does not consult with and obtain consent from the local communities. Although the acquisition of Ibiae Estate took place prior to the announcement of Wilmar’s Integrated Policy, being a RSPO member, the Group was already committed to subjecting its own operations/subsidiaries to RSPO standards, which include Free, Prior and Informed Consent (FPIC).

While land settlement and compensation matters were carried out by the Nigerian Government directly with the local communities, Wilmar, together with the Government, conducted joint consultations with the local communities to understand, and where relevant and reasonable, meet their needs. Examples of requests by the local communities that the Group had agreed to, include:

1. Payment of annual royalty for the use of the land;
2. Payment of consultation fees and traditional rites as a symbol of local community accepting the investor;
3. Provision of scholarships;
4. Provision of employment to the communities;
5. Presentation of goodwill items during festivals e.g. livestock such as cows and goats during Christmas etc.;
6. Provision of the necessary social facilities as needed by the communities.

The Group will make recommendations to enhance and strengthen the Government’s compensation process by reviewing the concerns of local communities, some of which may have been overlooked.

Wilmar's Concessions in Nigeria

In Nigeria, the Group has four estates that are undergoing the replanting programme, namely Calaro Estate, Kwa Falls Estate, Ibad Estates and part of the Ibiae Estate. The yields in these estates are low as the trees were planted as far back as the 1960s to the early 1990s. To optimise land use, the Group is using higher-yielding planting materials in its replanting programme. As these areas are old plantations awaiting replanting rather than natural forests, only Environmental Impact Assessments (EIA) have been conducted; HCV and HCS assessments are not relevant here.

The Group has four other estates in Nigeria which are greenfields, namely the Oban Estate, the Calaro Extension Estate, Biase Estate and the remaining part of the Ibiae Estate. Amongst these, the RSPO New Planting Procedures (NPP) has only been undertaken in the greenfield part of the Ibiae Estate in 2012. The Calaro Extension Estate is currently preparing for NPP; once the EIA has been approved, the Group will proceed to notify RSPO and undergo the public consultation process.

Wilmar will subject the remaining two plantations (Biase and Oban) to the same NPP process in due course. No development will take place on these lands until all EIA, HCV and HCS assessments are completed, and the NPPs are approved.

High Conservation Value (HCV) Area and High Carbon Stock (HCS) Forest Assessments

Wilmar recognises that a quality HCV area assessment is imperative to safeguarding valuable flora, fauna and cultural values of indigenous people in critical areas. As such, the Group engaged Proforest¹, widely considered the leading authority in the HCV arena, to undertake the HCV assessments at the Biase, Ibiae and Calaro plantations. The HCV areas identified in these plantations continue to be maintained and managed today – see Ibiae Estate HCS conservation area figures 1 & 2 below.

With the plantations' HCV assessments conducted by such highly qualified domain experts, the Group is confident that the quality of these assessments and findings will be able to withstand scrutiny.

On the HCS forest assessment front, The Forest Trust (TFT) who helped pioneer the HCS concept, was engaged to conduct the HCS assessments in our Nigerian plantations. To date, Ibiae and Calaro Extension have undergone the assessments; the remaining two (Biase and Oban) will also undergo the same assessments in due course.

¹ Proforest produced the Global HCV Forest Toolkit in 2003 and has facilitated national HCV interpretations for several countries. Since 2006, it has hosted the secretariat for the HCV Resource Network (www.hcvnetwork.org), which is a global multi-stakeholder network supporting the consistent use of the HCV concept in its various applications. Proforest has extensive experience in carrying out HCV assessments for both forestry and agricultural operations in Asia, Africa and Latin America.

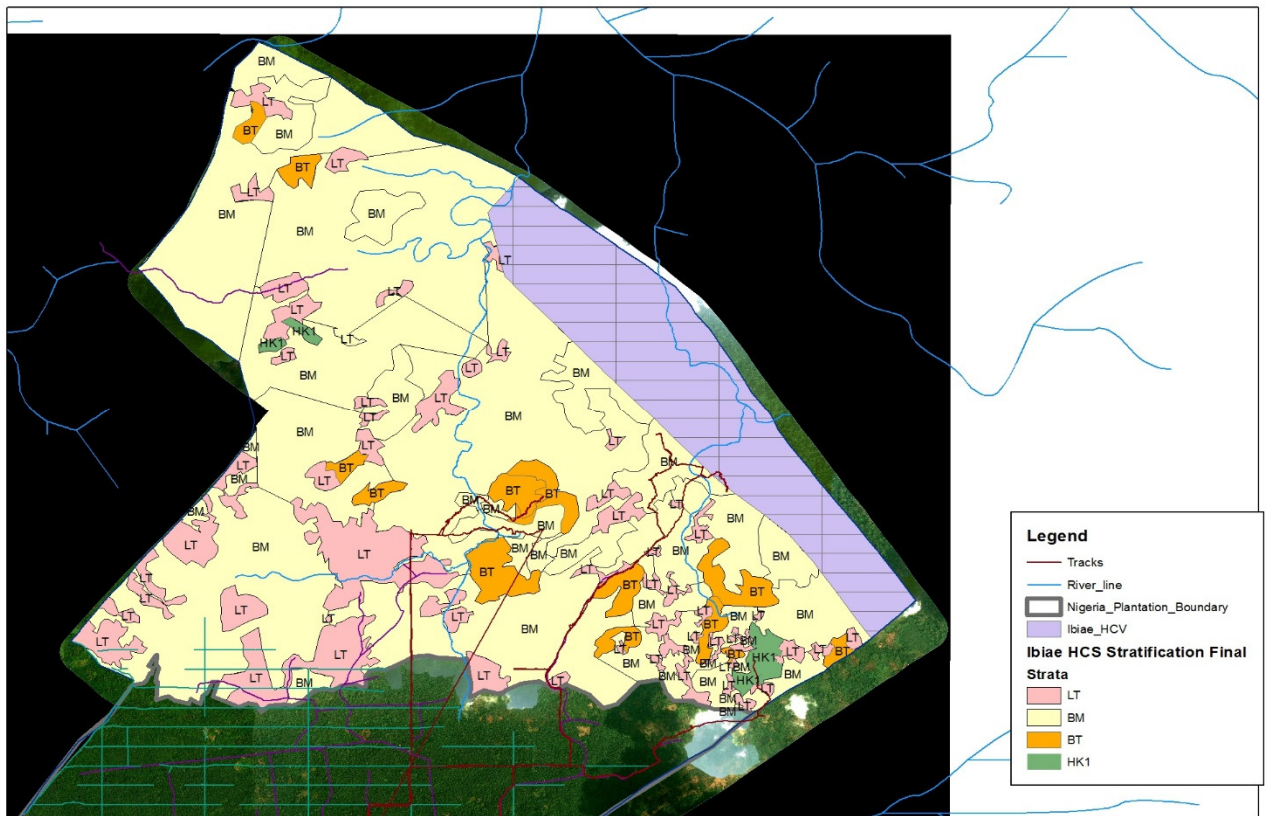


Figure 1: HCS sampling plots in Ibiae Estate



Figure 2: HCS conservation area in Ibiae Estate

Referring to Pg. 27 of the FoE report on alleged deforestation in Calaro and Ibiae, Wilmar would like to highlight that it was replanting activity that had taken place on old oil palm plantations; these concessions are not new development areas. The dark green portions of these estates, which appear to look like forest, are in fact oil palm trees planted in the 1960s. After 50 years of abandonment, naturally there were tree species that regenerated in between the planted palms. High resolution images show clearly that the (oil palm) trees were planted in an orderly manner, indicative of a plantation. The same image from the FoE report also showed that Calaro Estate maintained a good buffer zone of 100 meters, which was not mentioned in the report. (See Appendix 1)

As for the Calaro Extension project, no clearing has started since the different assessments (HCV and HCS) and the FPIC process are still ongoing. This has been confirmed by TFT.

The Ibad and Kwa Falls projects are also on existing oil palm plantations, as in Calaro and Ibiae. These concessions do not overlap with the Cross River National Park. While they overlap with Etkinta and Oban Forest Reserves, these Forest Reserves had been dereserved by the Nigerian Government in 2007, before Wilmar took over these estates in 2011/2012.

Unfortunately, low resolution satellite images cannot distinguish between plantations and natural forests. Old plantations undergoing replanting programmes appear similar to forest clearing activities. As a result, readers can easily be misled to believe that the latter is taking place, which seems to be the case in the FoE report.

Similarly, the indiscriminate use of images of gorillas and virgin forests in the FoE report may mislead readers into thinking that Wilmar operates in areas with endangered species or in such pristine condition, which is clearly untrue.

Violations of Laws?

Legal Expert Confirms Wilmar's Compliance

As explained earlier, the legal review by the legal expert commissioned by the RSPO Complaints Panel and approved by all parties concerned (Wilmar and RRDC), confirmed that Wilmar complies with all the relevant laws of Nigeria – refer to link [“Wilmar Affirms Commitment to Open, Transparent and Responsible Practices”](#).

From the legal review, the legal expert concluded the following:

- i. The acquisition of the Ibiae Estate from the Cross River State by Biase Plantations Limited was transparent and within the ambit of the Land Use Act No. 6 1978.
- ii. The Cross River State Council on Privatization has the authority to undertake the tender exercise.

- iii. The Lease Monitoring Bureau has the authority as an agent of the Cross River State Government to lease out government-owned estates in Cross River State.
- iv. The assigning of the State Government's interest in Ibiae Estate through a privatization process to Biase Plantations Limited requires no Notice of Acquisition.
- v. The provisional compliance certificate was lawfully issued in line with the operating laws of Cross River State.
- vi. The interim EIA Approval issued by the Environmental Assessment Department of the Federal Ministry of Environment satisfies the requirement of the Federal Environmental Protection Agency Act No. 58 of 1988 and Environmental Impact Assessment Act No. 86 of 1992, particularly Section 12 (1) of the said EIA Act.

RRDC, being dissatisfied with the decision of the RSPO Complaints Panel, was issued a written explanation by the RSPO grievance co-ordinator (see Appendix 2). Notwithstanding this, RRDC remained dissatisfied. On 10 May 2013, RRDC filed a suit against Wilmar, Wilmar's subsidiaries, several other governmental departments/organisations and the EIA consultant.

RRDC's main contention was:

- i. that the relevant governmental departments and institutions have not met the minimum conditions and prescriptions for the granting of EIA certificates;
- ii. that the Cross River State Government, the Cross River State Council on Privatization and the Attorney General and Commissioner for Justice had no right to convey, transfer and/or lease the land (the subject matter of the Environmental Impact Assessment), i.e. Ibiae Oil Palm Estate, Calaro Oil Palm Estate, Biase community land, Kwa Falls and other oil palm estates, to Biase Plantations Limited and Wilmar Africa Limited.

Wilmar would also like to point out that the case that was first filed by RRDC more than two years ago was also struck out by the Nigerian Court on 24 June 2015 for lack of diligent prosecution on the part of the plaintiff, which resulted in repeated deferments of the court hearing – see Appendix 3: Nigeria Court Statement.

Allegation of No De-reservation of Ekinta and the Oban East Forest Reserves

Under the National Park Decree (1991) and the Cross River State Forest Law (2010), in order for a concession to be allocated within a protected area, the land first needs to be de-reserved or de-gazetted. RRDC alleged that this did not happen, and therefore all development activities within protected areas are illegal. Moreover, RRDC argued that the Land Use Act (1978) stipulated that any acquisition of land by the State must be announced in the State gazettes, and that none of the Wilmar acquisitions appeared to have been published at the time the transaction was finalised.

The acquisition by Eyop Industries, a Wilmar subsidiary, of the Obasanjo farms was completed in 2012. The part of the plantations that overlapped the Ekinta and the Oban East Forest Reserves had already been de-reserved in the publication of the Gazette on 1 August 2007 by the Cross River State Government - see Appendix 4.

Plantations Overlapping with National Park and Forest Reserves

In the case of alleged overlap with the Cross River National Park, the Group consulted both the Forestry Commission and the Conservator of the National Park in a meeting on 8 May 2015 to discuss and deliberate on the National Park Decree 36 of 1991. The Forestry Commission and the Conservator of the National Park, Yakubu Kolo, confirmed at the meeting that there is no overlap between the Oban concession and the National Park. Specifically, the Conservator confirmed the following:

- i. The boundary of the Cross River National Park is the Eastern bank of the Ikpang river and therefore did not overlap with the Oban Estate which is on the Western side of Ikpang river.
- ii. The earlier proposed National Park boundary, that is often misquoted, was not approved. This list of parties that have wrongly quoted the National park boundaries include: ProtectedPlanet.net, (an online interface for the World Database on Protected Areas); several NGOs including RRDC and Wildlife Conservation Society; and most recently George Schoneveld from the Centre for International Forestry Research, in his article published in the Journal of Land Use Policy No. 38- 2014 (cited in the FoE report).

Notwithstanding this fact, Wilmar and the Conservator agreed that the next step was to conduct a joint exercise to demarcate the boundary of Oban estate with the National Park. This joint exercise was duly concluded on 13 July 2015; with buffer zone points marked.

Following this, the Conservator of the National Park will be signing off on the map confirming that the Oban Estate does not overlap with the National Park; and both parties have also agreed to work together to develop a plan to maintain the buffer zones and to protect the area from encroachment.

Commitments to the Community

Wilmar is a firm believer in corporate social responsibility (CSR). The Group is committed to ensuring that local communities share in the fruits of development, in areas such as education, infrastructure and welfare amenities.

Wilmar's investment in Nigeria began in 2011, and project development is planned to be carried out in phases over the next 10 years. The Group's CSR commitments (e.g. employment and infrastructure development) will also be fulfilled in phases, as the project progresses. Oil palm plantations are long-gestation projects that take at least

seven to eight years to reach productivity and profitability. In the interim, prudent financial management is required to maintain the viability of the project. Where feasible and most needed, the Group has front-loaded its CSR programmes, particularly in the area of education, to ensure that the local communities can benefit as soon as possible. To date, two schools have been built, and 39 scholarships to tertiary institutions have been offered. Provision of infrastructure and welfare amenities will accrue over the longer term, as the project matures.

[For the list of Wilmar's scholarship recipients, please refer to Cross River Watch: Wilmar Awards 39 Scholarships to Students from Host Communities. <http://crossriverwatch.com/2015/06/wilmar-awards-39-scholarships-to-students-from-host-communities/>]

Access to clean water is a fundamental human right. One of Wilmar's key CSR commitments is to provide the local communities with improved access to quality water resources. In line with this aim, we have installed boreholes in each of the five local villages, which are expected to provide the communities with a clean and reliable water supply. The Group regrets that a technical failure with one of the boreholes coincided with the dry season, inconveniencing the local community. This has now been resolved, and plans have been put in place for regular inspection and maintenance of boreholes. Wilmar also implements best practices in water management to safeguard the quality and availability of surface and groundwater in areas where we operate.

The Group is in the process of engaging with the individuals and community leaders quoted in the report, on claims that Wilmar has reneged on its promises regarding employment and social services. Our initial findings from the Mbarakom community, who were quoted in the FoE report, suggest that some of these claims may be unsubstantiated. The community categorically denies having made such claims to FoE or any other organization, and have expressed their strong support for Wilmar's operations. The Group will continue engagement efforts with the local communities, and take corrective actions where necessary, in line with our robust grievance management procedure.

[For clarification and support letter by the Mbarakom Community, please refer to Appendix 5]

Fair and Transparent Labour Practices

Wilmar's operations in Nigeria are in compliance with all applicable local, national and ratified international laws and regulations, all of which are also encapsulated in its No Deforestation, No Peat and No Exploitation Policy. In particular, the Group is committed to upholding the core conventions of the International Labour Organisation. These include (i) freedom of association and recognition of the right to collective bargaining, (ii) elimination of all forms of forced or compulsory labour, (iii) abolition of child labour, and (iv) elimination of discrimination in respect of employment and

occupation. Recruitment selection, hiring and promotion are based on skills, capabilities, qualities and medical fitness necessary for the jobs available.

Wilmar endeavours to ensure that pay and conditions for its employees and contract workers are fair and reasonable. To this end, the wages the Group pays are at least 30% above the legal minimum, and approximately 20% above the industry minimum standards. Documentation of pay and employment terms are also provided for all employees and contract workers. The Group does not practice any form of discrimination and ensures that all employees, including women and migrant workers, are equally treated.

Conclusion

Up until the 1960s, Nigeria was the world's largest producer of palm oil accounting for 40% of global production. Today, the country is a net importer of palm oil, along with other countries in Africa.

With food insufficiency in Nigeria and elsewhere in Africa, palm oil, along with other vegetable oils, have and will continue to play an important role in closing the gap. Promoting oil palm development in a sustainable manner, aided by research and development to boost yields, will help ease the tight food supply situation and avert potential crises.

Wilmar's presence in Africa, particularly in Nigeria, creates much needed job opportunities and a social safety net. The Group contributes to socio-economic development through its role as an employer, its CSR work with local communities, as well as substantial spin-offs to the local and national economies.

Wilmar endeavours to uphold the environmental, social, and economic principles of sustainable development in its operations. The Group believes that responsible palm oil production can play an important role in improving the lives of the local communities, and securing a better future for their children.

Wilmar would be happy to meet with FoE and RRDC (who have repeatedly been invited by the Group to visit its operations in Nigeria, but have never taken up the offer) to discuss how all parties can work together towards sustainable development (i.e. a balance between economic, social and environmental priorities), as well as to showcase how the Group operates and interacts with the local communities, bringing about socio-economic development while aligning local values with global standards.

OVERVIEW WORLDVIEW IMAGERY

5°18'0"N

5°16'0"N

5°14'0"N

5°18'0"N

5°16'0"N

5°14'0"N

Land Clearing (Replanting)

Oil Palm not Maintained (mixed with trees)

Source :
WorldView Imagery, 14 January 2017
(False Color Red Composite)

8°8'0"E

8°10'0"E

8°12'0"E

8°14'0"E

OVERVIEW WORLDVIEW IMAGERY

IBIAE ESTATE



0 0.75 1.5 3 Km

Housing Complex

Oil Palm not Maintained (mixed with trees)

WorldView Imagery, 11 Dec 2010
(False Color Green Composite)

8°8'0"E

8°10'0"E

8°12'0"E

8°14'0"E

5°34'0"N

5°32'0"N

5°30'0"N



Roundtable on Sustainable Palm Oil

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No.5 Jln Bangsar Utama 1
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Rainforest Research and Development Centre
Plot 7, Block 12, Federal Housing Estate,
G.P.O. box 2483,
Calabar,
Cross River State,
Nigeria

Attn: Odey Oyama

10 October 2013

Dear Sir,

RE: Complaint Against Biase Plantation/Ibiae Estate
Comments on PUNUKA's Legal Opinion

The RSPO would like to thank you for the letter dated 15 September 2013. Your original complaint has been successful in triggering detailed investigations by the RSPO and improvements implemented by Wilmar. We understand you may not be entirely satisfied with the concluding legal opinions. However, we strongly refute allegations on the impartiality of the legal opinion. Please allow us to point out a few facts:

- 1.The decision of the Complaints Panel dated 14 May 2013 was copied to you and since we did not hear any objections from you on the appointment of a consultant to seek independent legal advice, we assumed consent.
- 2.The Terms of Reference for the independent legal advice was also shared with you and in fact ,you had kindly revised the modified Terms of Reference on 21 June 2013 and it was incorporated into the final Terms of Reference.
- 3.PUNUKA are a reputable law firm in Nigeria and they have 'no conflict of interest' on the complaint and that is the reason ,they were appointed. Moreover, they were contracted to give a written legal opinion based purely on the Terms of Reference and this did not include consultations with RRDC nor with Wilmar.
- 4.The RSPO clearly said in the letter of 14 May 2013 that RSPO will commission and that Wilmar will pay ,through RSPO for the legal advice.
- 5.On the lack of consultation; please bear in mind that the issues were narrowed down to two items only and only to the areas that are undergoing new planting as this complaint originated from an NPP notification . So no other areas or estates should be brought into this complaint.

Hence, RSPO is confident about the impartiality of the legal opinion and the lawyers at this stage and the RSPO has been absolutely transparent in the manner that it handled this



Roundtable on Sustainable Palm Oil

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complaint. The Panel considers the case now closed. We are grateful for your contributions to the verifications.

Yours faithfully

Ravin Krishnan

Complaints Coordinator

for and on behalf of the Complaints Panel of the Roundtable on Sustainable Palm Oil,

Copy to Simon Siburat - Biase Plantation/Wilmar

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE CALABAR JUDICIAL DIVISION
HOLDEN AT CALABAR
ON WEDNESDAY, THE 24TH DAY OF JUNE, 2015
BEFORE HIS LORDSHIP HON. JUSTICE E. A. OBILE

SUIT NO. FHC/CA/CS/33/2013

BETWEEN

1. MR. ODEY OYAMA
2. REGISTERED TRUSTEES OF RAINFOREST
RESOURCE & OTU CENTRE

- PLAINTIFFS

VS

ATTORNEY GENERAL OF THE
FEDERATION & 9TH ORS

- DEFENDANTS

Case called

1st plaintiff is in Court and is representing the 2nd plaintiff.

Defendants are absent in Court

E. E. osim Esq for the plaintiffs

O. Eteng Esq Senior State Counsel one Ministry of Justice, Calabar for the 2nd, 8th, 9th, 10th
and 11th defendants/objections

1st, 3rd, 4th, 5th, 6th, 7th defendants are not represented by counsel.

2nd, 8th- 11th defendants/objections

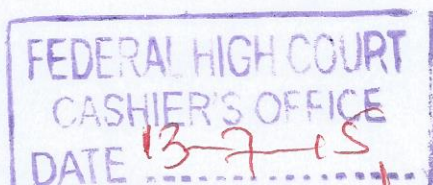
Counsel – we have a notice of objection filed 10/7/2013 and we are ready to go on

Plaintiff Counsel – we are not ready to go today because our written address in support of
the originating summons is being filed in the registry office today. We apply for another
date.

2nd, 8th -11th defendants counsel - we concede on this, asking for N10,000.00

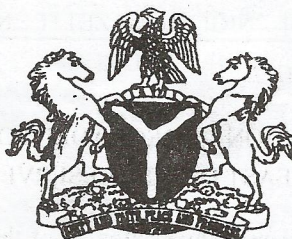
Plaintiffs counsel – I concede to N2,000.00

Court – I have consider and the application for adjournment which is conceded to on teams
and I must say that I am not pleased with the manner this case is been handled. This case
been adjourned for severally at the instance of the plaintiffs counsel. Plaintiffs counsel
wrote today to submit that his written address in respect of the originating summons filed on
the 25/4/2013 that is about 2years some months now is being filed at the registry of this
court and so applied for a date. I think and believe that these is lack of diligence on the
part of plaintiffs counsel. This court is not weigh house for dormant cases. I refuse to
grant an adjournment. This case has to be struck out if the plaintiff are prepared they can
come back, this court is always there for them. This case is hereby struck out accordingly
with no cost to either party.



Signed
Judge
24/6/2015





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CROSS RIVER STATE NOTICE NO. 7

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Notice of De-Reservation of Degraded portion of
Ekinta and Oban East Forest Reserves

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CROSS RIVER STATE NOTICE NO. 7

DE-RESERVATION OF DEGRADED PORTIONS OF EKINTA
AND OBAN EAST FOREST RESERVES

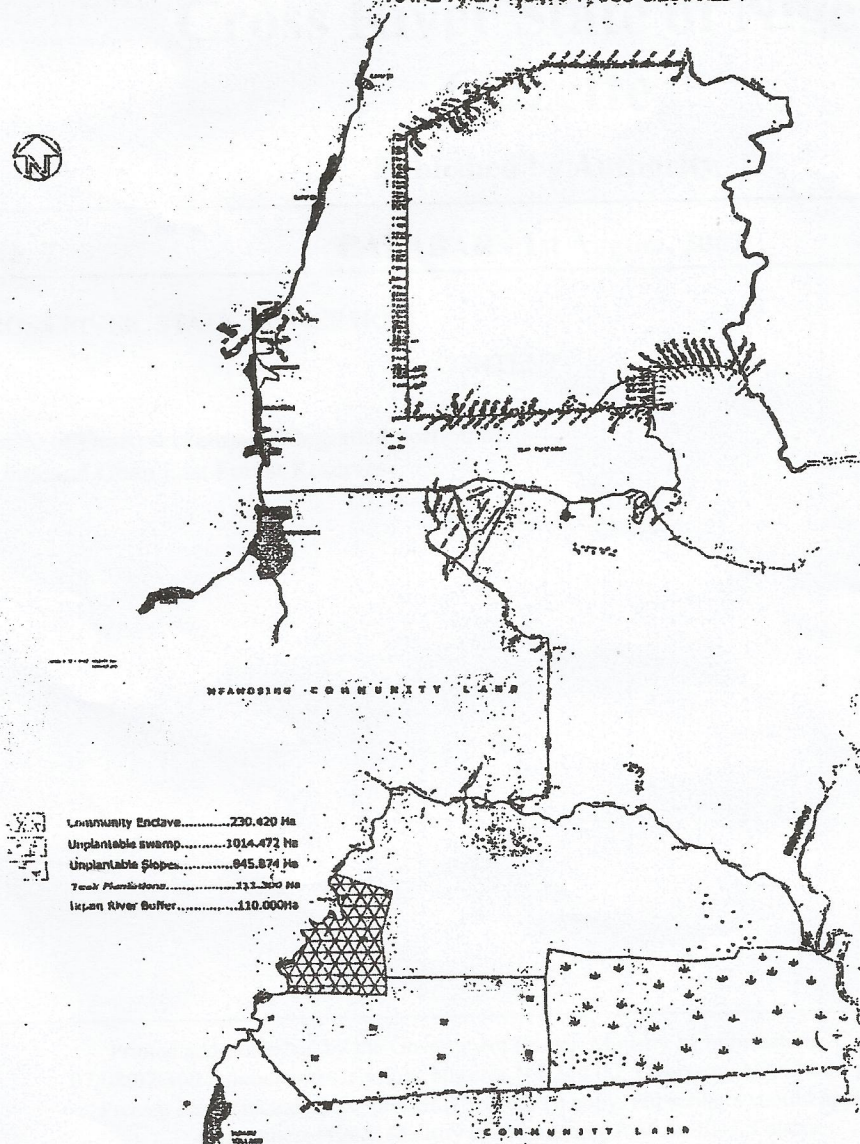
In exercise of the powers conferred on me by Section 24 of the Forest Law Cap. F.5 of 2004, I, Mr. Sam M. Oju, Commissioner for Agriculture do hereby direct that from the 3rd day of December, 2007, the degraded portions of the Ekinta and Oban East Forest Reserves shown in the survey map, shall cease to be part of the Ekinta and Oban East Forest Reserves.

MR. SAM. M. OJU
Commissioner for Agriculture

SCALE: - 1:60,000

ORIGIN: UTM (ZONE 32; DATUM: WGS 84)

TOTAL AREA 30,704.985 HECTARES



THE NTUFAM COUNCIL OF MBARAKOM GROUP OF VILLAGERS

Akamkpa Local Government Area

Cross River State.

BANKERS: FIRST BANK

Our Ref: _____

Your Ref: _____

Date: 14th July, 2015



The General Manager
Biase Plantation Ltd
Mbarakom

Sir,

LETTER DISASSOCIATING NTUFAM'S COUNCIL AND MBARAKOM COMMUNITY ON ALLEGE FALSE AND WICKED ALLEGATION MADE AGAINST US BY FRIENDS OF THE EARTH.

The Ntufam's Council and Mbarakom Community entirely wishes to disassociate the community from the allegations made against it by friends of the earth. We view this as an insult to the entire people of Mbarakom community. We wish to state that there is no Mbarakom son or neither do Mbarakom people bear any name elope as contained in the said publication made by friends of the earth.

We also state that there had never been anytime Ntufam Council of Mbarakom granted interview to the said body or any other organization to the effect that Wilmar has destroyed our farmland or has not engage our indigenes in it employment policy. Neither have we complain that Wilmar has failed in it promises to the community.

From inception of it project, Wilmar has carry us and other communities within the landlord's area along and our youth are actively involved in its workforce.

Finally, we wish to declare our total support to Wilmar and to encourage them in their good works not minding those who are trying to distract them. More so, we which to state that, the Ntufam Council of Mbarakom will not heisted to legal action against any person or organization that try to tarnish the image of the community.

Thanks.

Yours faithfully,

His Royal Highness Ntufam
Sylvester Etim Itagbor

Spiritual Head /Paramount Chief Mbarakom

All correspondence to be addressed to the Chairman, Ntufam Council