Land Grab in Kampung Baru, Kubu Raya, West Kalimantan by the Tianjin Julong Group

LinkAR Borneo
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PT. Rezeki Kencana (Tianjin Julong Group) is one of the suppliers of WILMAR (PT. Wilmar Cahaya Kalbar). It has been indicated that the company entered Kampung Baru, Sungai Raya, Kubu Raya Regency, West Kalimantan Province in 2007 without prior proper socialization to the community members. Due to the lack of *Free, Prior, Informed and Consent* (FPIC) process, most community members do not have any information about the Environmental Impact Assessment, Cadastral Map and Development Plans.

PT. Rezeki Kencana has claimed land belonging to the community/Darat Jaya Farmers Union in Kampung Baru village, with an area of 2,600 hectares. The land was previously cultivated by the villagers, in the form of rubber trees, banana trees and others. PT. Rezeki Kencana entered the land, performed land clearing and destroyed the crops, resulting in the destruction of ± 20,000 trees in the area, and planted the land with oil palm trees.

The regional government, through the National Land Agency (BPN) of Kubu Raya Regency, Letter No. BA 28/BA/SPP/VI/2015, confirmed that the land belonged to the villagers who are members of the Darat Jaya Union. The Government of Kubu Raya also sent Letter No. 102/184/pem dated 3 May 2017 on reviewing the land use rights of PT. Rezeki Kencana. The ownership of the land has been confirmed by the re-measurement of land conducted by BPN of Kubu Raya Regency, and the land chronology document signed by the village apparatus from several villages that are members of the Darat Jaya Union. In addition, there is a letter rejecting the permit and HGU of PT. Rezeki Kencana, by the heads of Teluk Nangka, Jangka II, Kampung Baru, and Teluk Bayur villages, and signatures of rejection from the 4 villages.

When the community/Darat Jaya Farmers Union in Kampung Baru Village are struggling for their rights that are violated by PT. Rezeki Kencana, they have been subject to criminalization. Villagers who were mapping and re-checking the boundary between Kampung Baru Village in Kubu District and Teluk Bayur Village in Terentang District have been reported to the police by PT. Rezeki Kencana under the pretext of the destruction of crops. In fact, the mapping was based on the agreement of two villages, with documents from both villages, both of which rejected the operations of PT. Rezeki Kencana.

Violation of RSPO P & C

The actions of PT. Rezeki Kencana have violated the rights of the community of Kampung Baru and the Darat Jaya Farmers Union. They clearly violate the second pillar of the United Nations Guiding Principles on Business and Human Rights (UNGP) that the company is responsible for respecting human rights, which means that it does not violate internationally recognized human rights by avoiding, mitigating or avoiding the negative impacts of corporate operations. Furthermore, within the dimensions of Human Rights, there is Law Number 39 of 1999 on Human Rights.

PT. Rezeki Kencana is part of the Tianjin Julong Group, which is a member of RSPO (Roundtable on Sustainable Palm Oil), one of the suppliers of Wilmar Group. The Wilmar Group itself is a member of the RSPO. One of RSPO's principles is to comply with applicable laws and regulations, with a criterion that "the use of land for oil palm does not remove the legal or customary rights of other users without their unwilling consent." In this context, PT. Rezeki Kencana and WILMAR have violated RSPO principles and criteria.

The complaint submitted through the RSPO regarding the violation of PT. Rezeki Kencana has not received a satisfactory answer. The RSPO complaint section stated that PT. Rezeki Kencana was not included by the holding company Tianjin Julong Group as a member of RSPO.

Law Enforcement and Other Community Efforts

On 28 February 2017 PT. Rezeki Kencana was reported to the Regional Police of West Kalimantan on the alleged activity of oil palm plantations within Protected Forests and Peatland areas. For some time the police tried to communicate with several activists to obtain information. On 23 May 2017, the company was also reported to Gakum KLHK on violation of forest and peatland use. Within 2 weeks after the report, Gakum conducted an investigation into the area that became the object of the report.

The community as also sent letters regarding the land grab by PT. Rezeki Kencana to BPN in Kubu Raya, provincial and regency plantation offices, to the Office of Transmigration and Employment, even to the Governor of West Kalimantan, the Ministry of Village, and Komnas HAM.

Representatives of Komnas HAM, accompanied by representatives of West Kalimantan Komnas HAM, have visited the site on 22 November 2017.

KLHK Gakum has recently followed up by forwarding the case to the Directorate of Criminal Law Enforcement (PHP) at the Ministry of Environment and Forestry.

The Regent has responded to the letter of complaint on 6 October 2017, attended by the Assistant of Governance of the Regional Secretary of Kubu Regency, head of the Office of the Ministry of Agrarian and Spatial Planning/BPN of West Kalimantan Province, head of the labor and transmigration office of Kubu Raya, head of the Land office of the Regional Secretariat, head of Terentang district, head of Jangka 1 and 2 villages, heads of Teluk Nangka, Sungai Dungun, and Messrs. Umar and Safendy of PT. Rezeki Kencana. This meeting served as a basis for re-examination of the disputed land and for subsequent mediation meetings to be facilitated by the Ministry of Agrarian and Spatial Planning/BPN of West Kalimantan Province.

The Transmigration Office has also conducted a check of the disputed land following the audience with the Ministry of Villages. The Governor of West Kalimantan, through the Regional Secretary has also sent a letter to the Regent of Kubu Raya to immediately settle the land conflict between the community and PT. Rezeki Kencana.

The land grab by PT. Rezeki Kencana against Kampung Baru residents has violated the rights of the community, and PT. Rezeki Kencana (Tianjin Julong Group) has been demanded to exit the community lands and keep them outside the scope of its HGU and Location Permit. PT. Rezeki Kencana should also provide compensation for loss of crops that have been destroyed; Wilmar should also take responsibility for the violations committed by PT. Rezeki Kencana and stop purchasing from PT. Rezeki Kencana - Tianjin Julong Group.

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