



Forest
Peoples
Programme



Jeremy Goon
Group Head of Corporate Social Responsibility
Wilmar International (Group)
56 Neil Road 088830
Singapore

Wilmar International (Group)
Multivision Tower Lt.12
Kuningan Mulia Kav.9B, Guntur, Setia Budi, Kuningan
Jakarta Selatan, DKI Jakarta 12980
Indonesia

19th April 2013

Re: International and Indonesian civil society organisations complaint on transparency and corporate social responsibility of Wilmar International regarding treatment of civil society queries in communications with Wilmar subsidiary PT Anugrah Rejeki Nusantara (Merauke, Papua)

Dear Jeremy Goon,

On behalf of a coalition of international, and national and local Indonesian non-governmental organisations,¹ we wish to express our concerns with regards to recent communications with Wilmar subsidiary PT Anugrah Rejeki Nusantara (PT ARN), Merauke, Papua, Indonesia.

Background

As human rights organisations, Forest Peoples Programme, Pusaka and Sawit Watch welcome Wilmar's commitment to the RSPO Principles and Criteria for Sustainable Palm Oil, which have been developed with the objective of promoting the growth and use of sustainable oil palm products through credible global standards, the engagement of a wide range of stakeholders, multi-stakeholder collaboration and consensus-based decision-making based on transparency and dialogue.

¹ Pusaka is an Indonesian non-profit organisation focused on advocacy, research, documentation and promotion of the rights indigenous peoples, as well as capacity building, education and empowerment related to the rights of indigenous peoples, land rights, and economic, social and cultural welfare (<http://pusaka.or.id/>).

Sawit Watch is Indonesian non-profit organisation that researches and monitors the negative impacts of large-scale oil palm plantations on farmers, laborers, indigenous peoples and local communities (<http://www.sawitwatch.or.id/>).

Forest Peoples Programme is an international UK-based human rights organisation that supports the rights of peoples who live in and around forests and depend on them for their livelihoods (<http://www.forestpeoples.org/>).

The full list of signatories to this complaint is included at the end of this letter.

Since 2004, Forest Peoples Programme, Pusaka and particularly Sawit Watch, as member of the RSPO Executive Board from 2006 to 2012, have been monitoring the operations of Wilmar in the palm oil sector to ensure that indigenous peoples' and local communities' rights are being respected in line with Principles 1, 2, 5, 6 and 7 of the RSPO P&C.²

As a receiver of loans from the World Bank, we have also been monitoring how Wilmar is ensuring that it abides by the World Bank safeguards, including the safeguard policy on indigenous peoples, OP/BP 4.10, which underscores the need for Borrowers and Bank staff to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way.³

In 2010, Wilmar announced that it was extending its operations to the sugarcane sector. This includes plans to develop a 27,457 ha plantation and processing facility in Tabonji, Tanah Miring and Anim Ha sub-districts, Merauke district, Papua province, operated by PT Anugrah Rejeki Nusantara, an indirect 95% owned subsidiary of Wilmar since May 2011.⁴

On 2nd November 2012, we were informed by local communities from Baad and Koa villages in Animha sub-district, Merauke, Papua, of their serious concerns over the potential impacts on their livelihoods and access to land of this projected development on their customary lands.⁵

On 11th February 2013, it was made public that PT ARN was carrying out consultations ('sosialisasi') with the affected communities towards their Environmental and Social Impact Assessment (AMDAL), and that participatory mapping of customary lands had been carried out by the company.⁶

Communications with PT ARN

In response to community concerns and to the notification of PT ARN's consultation processes with these communities, on 2nd April 2013, NGOs Pusaka, SawitWatch and Forest Peoples Programme contacted Mr. Nanser Gultom, Branch Manager of PT ARN,⁷ introducing ourselves as human rights organisations and requesting the opportunity to meet with PT ARN representatives to learn about the processes of community consultation currently underway in the areas to be developed by PT ARN as a sugarcane plantation.

² Principle 1: Commitment to transparency

Principle 2: Compliance with applicable laws and regulations

Principle 5: Environmental responsibility and conservation of natural resources and biodiversity

Principle 6: Responsible consideration of employees and of individuals and communities affected by growers and mills

Principle 7: Responsible development of new plantings

Principle 8: Commitment to continuous improvement in key areas of activity

³<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTSAFEPOL/0,,contentMDK:20543990~menuPK:1286666~pagePK:64168445~piPK:64168309~theSitePK:584435,00.html>

⁴http://media.corporate-ir.net/media_files/IROL/16/164878/SGX/2011/WILChangestosubsandassocos_26May2011.pdf

⁵ <http://pusaka.or.id/2012/10/masyarakat-kampung-baad-dan-ko-a-menolak-investor-arn.html>

⁶ <http://bintangpapua.com/index.php/lain-lain/papua/papua-selatan/item/1448-pt-arn-lakukan-sosialisasi-amdal-bagi-masyarakat-anim-ha>

⁷ For the complete email communications, please see Annex I.

On 2nd April, Mr. Gultom responded to our query with a one-word email, ‘SPAM’. On 5th April, we contacted Mr. Gultom to request clarification on the meaning of this response, assuring him of our honest intentions in wishing to make his acquaintance and reiterating our interest in learning from the PT ARN how it is ensuring that the rights of local communities in the projected development area are being taken into consideration.

On 5th April, Mr. Gultom responded by accusing us of obtaining his email address through illegal means (“secara tidak Sah (illegal)”) under Indonesian rule of law, stating he did not know of our organisations and asking us to send our company CVs.

On 8th April, we emailed Mr. Gultom, thanking him for his email and explaining that we had obtained his email address from a government official of the District Government of Merauke at the end of 2011. Further to our self-introduction as both individuals and organisations in the first email sent to Mr. Gultom, we also provided Mr. Gultom with the websites of our respective organisations for his perusal and reiterated our wish to meet with the company. As of today 19th April 2013, Mr. Gultom has not responded to our latest email.

Inconsistencies with Wilmar’s commitments and core values

As a multi-national company of international renown, Wilmar’s core values include:

- 1) Integrity: we value honesty, trustworthiness and high ethical standards
- 2) Excellence: we strive for excellent performance in everything we do⁸

With regards to sustainability, Wilmar states on its website that

... we also recognise we can do much more to benefit the world
with help and support from other stakeholders. This refers to engaging stakeholders through listening and addressing their concerns into our business decisions and actions as well as forming strategic collaborations with them, where relevant.⁹
(emphasis added)

With regards to community development, Wilmar’s approach is

to ensure we bring meaningful and lasting benefits to the communities in areas where we operate, while we maintain the continual viability of our business. We reckon one of the best means to achieving this is **to build open, honest and mutually beneficial relationships that promote harmony with them.**¹⁰
(emphasis added)

Furthermore, as a signatory to the United Nations Global Compact since 2008, Wilmar has committed to

⁸ <http://www.wilmar-international.com/who-we-are/core-values/>

⁹ <http://www.wilmar-international.com/sustainability/>

¹⁰ <http://www.wilmar-international.com/sustainability/community-development/>

making the Global Compact and its principles part of the strategy, culture and day-to-day operations of our company.¹¹

We are deeply concerned about the treatment of our queries by Mr. Nanser Gultom as representative and Branch Manager of Wilmar subsidiary PT ARN. The accusatory and dismissive content and tone of Mr. Nanser Gultom's responses do not reflect the integrity, excellence, and commitment to building 'open, honest and mutually beneficial' relationships, and 'engaging stakeholders through listening and addressing their concerns', which Wilmar seeks to promote in its operations.

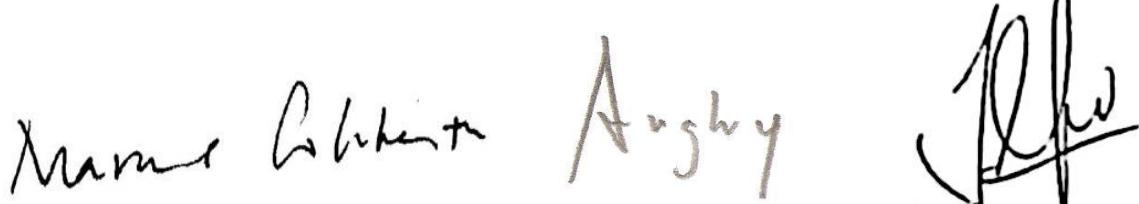
Instead, such responses undermine the credibility and reputation of Wilmar by reflecting disregard towards civil society stakeholders, as well as unfounded accusations of illegal action. We are concerned by the evident discrepancy between the standards and commitments of Wilmar and the manner in which civil society queries are being dealt with by certain staff.

We are aware that Wilmar has not to date joined sustainability standards in the sugarcane sector, such as Bonsucro. However, given that the World Bank safeguards, the principles of the United Nations Global Compact, and Wilmar's own core values apply across the chain of its operations, we believe that a complaint is necessary given the nature of the communications above. We therefore respectfully request that this matter be raised by Wilmar with PT ARN and an explanation given to the civil society organisations in question with regards to the nature of the responses received to our query from PT ARN.

Signatories to this complaint listed below are concerned Papuan, Indonesian and international NGOs and other organisations. Also CCd are other relevant representatives of Wilmar, the International Finance Corporation (IFC), the IFC Corporate Advisory Ombudsman (IFC CAO) and the Roundtable on Sustainable Palm Oil, as entities that hold a stake in Wilmar's operations and practices. We also CC international sugarcane certification standard Bonsucro, whose members have committed to improving the social, environmental and economic sustainability of sugarcane through legal compliance, respect for human rights and continuous improvement.¹²

We look forward to being informed as to how Wilmar intends to provide redress in these circumstances and look forward to the opportunity to meet with PT ARN and engage in mutually respectful dialogue towards ensuring that the operations of PT ARN fully respect the livelihoods and rights of these communities.

Yours sincerely,



Marcus Colchester
Forest Peoples Programme

Franky YL Samperante
Pusaka

Jefri Gideon Saragih
Sawit Watch

¹¹http://www.unglobalcompact.org/system/commitment_letters/10118/original/Global_Compact_Join_Letter_8031.pdf?1262613594

¹²<http://www.bonsucro.com/about.html>

Signatories:

1. Abetnego Panca Putra Tarigan, Walhi Indonesia
2. Abner Mansai, Walhi Papua, Indonesia
3. Alvon Kurnia Palma, Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI), Indonesia
4. Andiko, HuMa, Jakarta, Indonesia
5. Anton P Wijaya, Walhi Kalimantan Barat, Indonesia
6. Anne van Schaik, Friends of the Earth Europe (FoE Europe), Belgium
7. Arie Rompas, Walhi Kalimantan Tengah, Indonesia
8. Azmi Sijaruddin, Yayasan Merah Putih (YMP), Central Sulawesi, Indonesia
9. Danang, Indonesia Corruption Watch (ICW), Jakarta, Indonesia [EMAIL](#)
10. Dwitho Frasedianty, Walhi Kalimantan Selatan, Indonesia
11. Edy Michelis Rosasriyanto, Sekretariat Keadilan Perdamaian dan Keutuhan Ciptaan (SKPKC), Fransiskan Papua, Indonesia [EMAIL](#)
12. Evelien van den Broek, International Union for the Conservation of Nature (IUCN) Netherlands
13. Ferry Irawan, Perkumpulan Hijau, Jambi, Indonesia
14. Hariansyah Usman, Walhi Riau, Indonesia
15. Harry Oktavian, Scale Up, Riau, Sumatra, Indonesia
16. Indriaswati Saptaningrum, Lembaga Studi dan Advokasi Masyarakat (ELSAM), Jakarta, Indonesia
17. Isal Wardhana, Walhi Kalimantan Timur, Indonesia
18. Iwan Nurdin, Konsorsium Pembaharuan Agraria (KPA), Jakarta, Indonesia
19. Khalid Saifullah, Walhi Sumbar, Indonesia
20. Lely Khairnur, Lembaga Gemawan, West Kalimantan, Indonesia
21. Leo Imbiri, Yayasan Anak Dusun Papua (YADUPA), Papua, Indonesia
22. Leo van der Vlist, Netherlands Centre for Indigenous Peoples (NCIV), Netherlands
23. Lindsey Allen, Rainforest Action Network (RAN), United States of America
24. Musri Nauli SH, Walhi Jambi, Indonesia
25. Nordin, Save Our Borneo (SOB), Central Kalimantan, Indonesia
26. Norman Jiwan, Transformasi Untuk Keadilan INDONESIA (TUK INDONESIA), Jakarta, Indonesia
27. Paul Barber, TAPOL, United Kingdom
28. Pietsaw, JASOIL Tanah Papua, Papua, Indonesia
29. Rafendi Djamin, Human Rights Working Group Indonesia (HRWG-Indonesia), Jakarta, Indonesia
30. Rivani Noor, Community Alliance for Pulp and Paper Advocacy (CAPPA), Jambi, Sumatra, Indonesia
31. Rosa Moiwend, War Resisters International (WRI), United Kingdom
32. Rukaiyah Rofiq, Yayasan Setara Jambi, Sumatra, Indonesia
33. Septer Manufandu, Jejaring Advokasi Rakyat (JERAT), Papua, Indonesia
34. Sinung Karto, Kontras, Jakarta, Indonesia
35. Victor Mambor, Aliansi Jurnalis Independen (AJI), Jayapura, Papua, Indonesia
36. Victor Mambor, PT. Jujur Bicara (JUBI), Jayapura, Papua, Indonesia
37. Wahyu Wagiman SH, Public Interest Lawyers Network (PILNET), Jakarta, Indonesia

CC:

Mr Goh Ing Sing, Head of Plantations Division, Wilmar
Simon Siburat, Group Sustainability Controller, Wilmar

Mr Hendri Saksti, Head of Operations, Indonesia, Wilmar
Mr Jean-Luc Robert Bohbot, Managing Director, Wilmar Sugar Pte Ltd
Mr Ian Glasson, Chief Executive Officer, Sucrogen Limited
Meg Taylor, Vice-President and CAO, International Finance Corporation Corporate Advisory
Ombudsman
Julia Gallu, Specialist Ombudsman, International Finance Corporation Corporate Advisory
Ombudsman
Darrell Weber, Secretary General, Roundtable on Sustainable Palm Oil
Salahudin Yaacob, Technical Director, Roundtable on Sustainable Palm Oil
Nick Goodall, Chief Executive, Bon Sucro

**ANNEX I: Communications between civil society organisations and Mr. Nanser Gultom,
Branch Manager of PT ARN (original in bahasa Indonesia)**

-----Original Message-----

From: Yafet Leonard Franky [mailto:angkytm@gmail.com]

Sent: Tuesday, April 02, 2013 7:40 PM

To: Nanser Gultom

Cc: Emil O. Kleden; Carlo Nainggolan; Sophie Chao

Subject: Wawancara ARN Merauke - Wilmar Intl

Pak Nanser Gultom yang kami hormati,

Saya perkenalkan diri, nama saya Y.L. Franky, Pimpinan Yayasan PUSAKA di Jakarta, LSM kami bekerja untuk pemberdayaan dan perlindungan hak-hak masyarakat.

Kami sudah mendengarkan adanya rencana PT. ARN untuk mengembangkan usaha perkebunan tebu di Distrik Animha, Merauke, yang sedang dalam proses konsultasi publik tentang AMDAL dan negosiasi perolehan lahan.

Kami juga mengetahui perusahaan anda Wilmar International mempunyai komitmen untuk menghormati dan mengakui hak-hak masyarakat adat atas tanah dan hutan dalam menjalankan aktifitas perusahaan, karenanya kami ingin melakukan wawancara kepada pimpinan ARN ataupun pihak bertanggung jawab tentang sejauh mana rencana dan aktifitas perusahaan ARN dalam persiapan dilapangan dapat menghormati dan mengakui hak-hak masyarakat berdasarkan instrumen dan kebijakan internasional, peraturan perundang-undangan dan standar sukarela, seperti: Bonsucro Production Standard dan RSB (Roundtable on Sustainable Biofuels).

Kami mengharapkan kesediaan dan waktu bapak dan pihak ARN untuk bertemu wawancara, kami usulkan waktu pertemuannya pada Minggu I Mei 2013 dan lokasinya di Kota Merauke ataupun Jakarta.

Kami berharap tanggapannya. terima kasih

Salam Hormat,

Angky

On Apr 2, 2013, at 10:10 PM, nanser gultom wrote:

SPAM

From: Yafet Leonard Franky [mailto:angkytm@gmail.com]

Sent: Friday, April 05, 2013 2:08 PM

To: nanser gultom

Cc: Emil O. Kleden; Carlo Nainggolan; Sophie Chao; abetnego tarigan; iwan nurdin; Lien Maloali Maloali; Leo Imbiri Imbiri; Septer Manufandu; HuMa. Andiko; harry_mtroskill@yahoo.co.nz; Abu Meridian; teguh surya; Longgena Ginting; Rahma Mary; piet sau; Wensislaus Fatubun; Rosa Moiwend; Sean UK
Subject: Re: Wawancara ARN Merauke - Wilmar Intl

Bapak Nanser Gultom yang kami hormati,

Saya sudah menerima balasan anda atas email saya dengan tulisan "SPAM".

Sungguh saya tidak memahami maksud tanggapan anda dengan kata SPAM dalam email ini. Apakah itu berarti anda menolak permintaan kami untuk melakukan wawancara? Ataukah itu berarti anda menganggap email dari kami hanya sebagai pengganggu saja? Kami akan sangat menghargai anda sekiranya anda dapat menjelaskan hal ini.

Kami informasikan kembali bahwa kami bermaksud baik untuk bertemu dan mewawancarai anda dan atau perwakilan perusahaan PT. ARN (Wilmar) tentang rencana dan pelaksanaan bisnis anda di Merauke,

Kami percaya hasil wawancara itu dapat membantu masyarakat di Merauke memastikan terpenuhinya hak-hak mereka, sebagaimana dijamin oleh kebijakan dan peraturaan yang berkenaan dan diakui oleh perusahaan anda, termasuk ketentuan di dalam RSPO, di mana Wilmar menjadi anggotanya.

Saya juga meneruskan email ini untuk diketahui kawan-kawan jaringan LSM dan organisasi masyarakat adat yang ada di tanah Papua dan Jakarta, serta daerah lainnya, seperti: Foker LSM Papua, Sawit Watch, Walhi, HUMA, dan juga di jaringan internasional yang berkaitan dengan RSPO.

Kami sangat mengharapkan dan menghargai tanggapan dari anda. Terima kasih

Hormat kami,

Y.L. Franky

From: "nanser gultom" <nanser.gultom@wilmar.co.id>
Date: Fri, 5 Apr 2013 19:30:26 +0900
To: 'Yafet Leonard Franky'<angkytm@gmail.com>
Cc: 'Emil O. Kleden'<kleden.emilolal@gmail.com>; 'Carlo Nainggolan'<carlo@sawitwatch.or.id>; 'Sophie Chao'<sophie.mh.chao@gmail.com>; 'abetnego tarigan'<nego@walhi.or.id>; 'iwan nurdin'<iwan_selamat@yahoo.com>; 'Lien Maloali Maloali'<lienveralien@gmail.com>; 'Leo Imbiri Imbiri'<imbirijerry@ymail.com>; 'Septer Manufandu'<septer_manufandu2@yahoo.com>; 'HuMa. Andiko'<andiko@huma.or.id>; <harry_mtroskill@yahoo.co.nz>; 'Abu Meridian'<abu.meridian@gmail.com>; 'teguh surya'<teguh.surya@gmail.com>; 'Longgena Ginting'<lgingting@greenpeace.org>; 'Rahma Mary'<rahma_lbh@yahoo.com>; 'piet sau'<menawi2001@yahoo.com>; 'Wensislaus Fatubun'<af.wensi7@gmail.com>; 'Rosa Moiwend'<moiwend_rose@hotmail.com>; 'Sean UK'<patlati@poivron.org>

Subject: RE: Wawancara ARN Merauke - Wilmar Intl

Dear Y.L Franky

Kita ini ada di Negara Hukum Indonesia, dimana segala sesuatu ada aturan yang mendasari

Saya terus terang tidak mengenal Bapak dan alamat email saya anda dapat secara tidak Sah (illegal)

Jika Perusahaan Bapak memang sebuah organisasi yang Baik, Bapak kirim CV Perusahaan Bapak ke saya untuk saya pelajari

Perlu Bapak ketahui, Salam persahabatan kami dari Kabupaten Mappi – Papua adalah
“ USUBI TOHOKUDA TAKOBAYAMAN “

Bapak mengatakan sendiri bahwa perusahaan Wilmar termasuk anggota dari RSPO. Yang artinya Bapak sendiri mengetahui

Apa syarat dan aturan untuk menjadi anggota RSPO.

Demikian disampaikan. Terima Kasih

Salam

NG

From: **Yafet Leonard Franky** <angkytm@gmail.com>

Date: 2013/4/8

Subject: Re: Wawancara ARN Merauke - Wilmar Intl

To: Nanser Gultom <nanser.gultom@wilmar.co.id>

Cc: "Emil O. Kleden" <kleden.emilola1@gmail.com>, Carlo Nainggolan <carlo@sawitwatch.or.id>, Sophie Chao <sophie.mh.chao@gmail.com>, abetnego tarigan <nego@walhi.or.id>, iwan nurdin <iwan_selamat@yahoo.com>, Lien Maloali Maloali <lienveralien@gmail.com>, Leo Imbiri Imbiri <imbirijerry@ymail.com>, Septer Manufandu <septer_manufandu2@yahoo.com>, "HuMa. Andiko" <andiko@huma.or.id>, harry_mtroskill@yahoo.co.nz, Abu Meridian <abu.meridian@gmail.com>, teguh surya <teguh.surya@gmail.com>, Longgena Ginting <lginting@greenpeace.org>, Rahma Mary <rahma_lbh@yahoo.com>, piet sau <menawi2001@yahoo.com>, Wensislaus Fatubun <af.wensi7@gmail.com>, Rosa Moiwend <moiwend_rose@hotmail.com>, Sean UK <patlati@poivron.org>

Bapak Nanser Gultom yang kami hormati,
Saya senang dan berterima kasih atas tanggapan email saya.

Saya suka dengan ungkapan motto Pemda Mappi itu "Usibi Yohokuda Tako Bayaman" (Damai Bersehati Saling Melayani) sangat visioner. Saya harap kita semua dan juga perusahaan ARN, pihak manapun dapat turut mewujudkan visi dan motto ini.

Bapak Nanser Gultom benar, bapak tidak mengenal saya dan sayapun demikian belum mengenal bapak. Saya mendapatkan nomor kontak telepon dan email dari kartu nama anda, yang diberikan kawan dan pejabat di Pemda Merauke, sekitar akhir tahun 2011 lalu dan sudah mendapat sedikit info aktifitas konsultasi publik AMDAL hingga jalan-jalan warga ke Gunung Mas di Lampung dan Padang, Sumbar.

Pada email saya sebelumnya, saya sudah perkenalkan diri, nama saya dan nama LSM saya, misi LSM saya bekerja. Anda bisa lihat lagi informasi organisasi saya di: www.pusaka.or.id (masih sedang diperbaiki), juga info mitra kami dari website mereka, seperti: sawit watch dan forest peoples program. Mudah-mudahan membantu bapak mengenal kami, meskipun belum berjumpa.

Saya masih berharap dapat bertemu dan mewawancarai pihak penanggung jawab perusahaan ARN ini. Semoga bapak Nanser Gultom dapat membantu. Terima kasih atas perhatian dan kerjasamanya.

Tabea Aski,

Franky
