

THE MANINJAU RESOLUTION

January 28th, 2016

Wilmar's broken promises: we want action not just pledges

The world's largest palm oil trading company, Wilmar International, promised 'Zero Exploitation' throughout its supply chain alongside its commitment to 'Zero Deforestation'. As human rights workers and NGOs that support the rights of the indigenous peoples and local communities in Indonesia and internationally, we NGOs who assembled here near Lake Maninjau in West Sumatra on 26-28 January 2016, declare the following.

- Wilmar, through its wholly owned subsidiary PT PHP1, has wilfully violated the rights of the Minangkabau people of Nagari Kapa in Pasaman Barat by taking over their lands with deceit and contrary to the expressed will of the people:
- Despite appeals by the community not to take out a Business Use Permit (HGU) over their lands – which would permanently extinguish their rights – the company went ahead with its application and secured a HGU:
- We regret that the National Land Bureau (BPN) and local government colluded with Wilmar in defrauding the people of Kapa of their rights to their collective lands (*ulayat*):
- We note with alarm that Wilmar went ahead with this land grab (land taken without consent) despite the fact that the Kapa people had formally complained about Wilmar's plans to the Complaints Panel of the Roundtable on Sustainable Palm Oil (RSPO):
- The company pursued its unilateral action despite meeting with the Kapa people's representatives in November 2014 in Kuala Lumpur and despite the company offering, in the presence of RSPO staff, to hold meetings with BPN and the community to explore legal alternatives to a HGU to secure their plantations:
- We note that the Kapa people stated that they were not asking Wilmar to leave their lands but only that the company rent or lease their lands instead of taking out a HGU, which would have the effect of permanently extinguishing their rights, a measure they cannot accept:
- We question the honesty of Wilmar in going ahead to take over this land without the Free Prior and Informed Consent of the Kapa people, as expressed through their self-chosen representatives, in violation of a core element of the RSPO's standard:
- Following the Kuala Lumpur meeting, the Kapa leadership was harassed by the provincial police, questioned about their attendance at the RSPO meeting in KL, with the community leader being detained in custody for 2 months, even though he was never formally charged or tried.

The Kapa case is far from isolated. We note that there are many similar land disputes in other Wilmar operations and its suppliers, in other parts of West Sumatra, Jambi, West Kalimantan, Papua and more widely.¹ Indeed, throughout Indonesia, it is normal for companies to take out HGU over community lands without informing the communities that this process

¹ Link to Bumitama complaint.

permanently extinguishes their rights to their lands.² Land disputes have proliferated and the number of cases of criminalization of community leaders seeking to defend the rights of their communities continues to rise.

In view of this alarming case and the wider situation, we therefore demand the following:

- That the RSPO strongly sanctions Wilmar for its continued violation of the RSPO standard by taking over the lands of the Kapa community without their free, prior and informed consent and in violation of other elements of the RSPO standard:
- That BPN and the local government engage in good faith with the Kapa community to resolve this conflict:
- That the (siapa?) national police investigate the abuse of process by its local unit in Padang and adopts a revised national policy to halt the arbitrary criminalization of community representatives seeking to defend their peoples' rights, as guaranteed by the Constitution of the Republic of Indonesia:
- That those advising Wilmar on the implementation of its policies (such as TFT), review their engagement with the company if it does not immediately and demonstrably change its ways of dealing with communities:
- That BPN and the Agrarian Ministry should adopt revised policies for the promotion of agricultural investment on community lands, in ways which recognise and secure communities rights to their lands and which do not require that they surrender their rights.

We, the undersigned, are calling for real sustainable development - development with justice - and for an end to colonial models of land development, which require native peoples' to surrender their land to foreign investors.

1. PUSAKA, Jakarta
2. Scale Up, Pekanbaru
3. Jaringan Masyarakat Gambut Riau (JMGR), Pekanbaru, Riau
4. AGRA Jambi
5. WALHI Jambi
6. WALHI Sumatera Barat
7. Hutan Kita Institute (HaKI Institute), Palembang, Sumatera Selatan
8. Link-AR Borneo, Pontianak, Kalimantan Barat
9. WALHI Kalimantan Barat
10. Yayasan Petak Danum, Kapuas, Kalimantan Tengah
11. Yayasan Betang Borneo, Palangkaraya, Kalimantan Tengah
12. Serikat Tani Mangatang Tarung, Mantangai, Kapuas, Kalimantan Tengah
13. JASOIL, Manokwari, Papua Barat
14. Lembaga Adat Suku Yerisiam, Nabire, Papua
15. Konsorsium Pembaruan Agraria, Jakarta (CONFIRM)
16. Eksekutif Nasional Walhi, Jakarta
17. TUK Indonesia, Jakarta
18. Perkumpulan HuMa, Jakarta
19. Forest Peoples Programme, UK

² Links to GAR case and Conflict or Consent?