In a February 23 communication to the IUF, BWI and MTUC, and again in a substantially similar press release dated March 8, the RSPO Executive Board has washed its hands of any responsibility for the social practices of its members. The denial of responsibility takes the form of an RSPO "Position" on the conflict between Roundtable Executive Board member Musim Mas and the union representing workers at its plantation and refinery in Pelalawan, SP KAHUTINDO PT Musim Mas. These responses state that the RSPO is incapable of forming "an independent view", that they cannot take a position on the conflict, and cannot take any action. The reality is that they have taken a position, and they have acted. By refusing to apply their own statutes and their "Principles and Criteria" to a member, they have taken a position in support of a company which has engaged in serious violations of internationally recognized standards on fundamental human rights. And they have acted - very concretely - to ensure that the RSPO is committed to a concept of sustainable palm oil production in which palm oil workers' rights, jobs, families and communities are simply disposable.

The IUF has compiled, and sent to the RSPO, substantial documentary evidence to show that Musim Mas systematically misled the RSPO Board when the case was first discussed last November (the documentation is available here). The evidence clearly shows that Musim Mas repeatedly violated national and international laws, that it refused to negotiate with a legally registered trade union seeking the implementation of the legal minimum norms for plantation workers, that it brutally fired over 700 workers and expelled them from their homes, that it refused to renew the contracts of 300 contract labourers who were union members, and that it used the local police to entrap 6 union leaders and have them sent to prison by a notoriously compliant and corrupt legal system.

It is not lack of documentation which prevents the RSPO from "forming an independent view". The RSPO is simply unwilling to challenge the socially destructive practices of a powerful company in an industry they are painting a "sustainable" face on.

The RSPO's February 23 letter states that "parliamentary delegations of both district and provincial level have looked into the case, but found no evidence of wrong doing on the part of PT Musim Mas." RSPO has obviously not read the documentation we have published. The only "parliamentary delegation" to actually visit Musim Mas was a joint delegation in June last year comprising the district Parliament's social affairs committee and the district Manpower Office. This delegation concluded that there were indeed serious violations by Musim Mas, as confirmed by the June 13 ruling of the local Manpower Office,
followed by the 22 August ruling by the Manpower Office. The District Parliament issued a recommendation on 1 August that MM should recognize the union and implement 'normative rights', i.e. the legal minimum standards set out in national legislation, because the company was not in compliance with these standards in numerous areas.

The “parliamentary delegation of both district and provincial level which found no evidence of wrong-doing” was in fact a ‘hearing’ of the company, the provincial and district Manpower Offices and the Riau Province Parliamentary Social Affairs Committee. As we have previously pointed out, KAHUTINDO was not present at this ostensibly tripartite ‘hearing’; the union had appealed to the Governor to facilitate a meeting, but they were not invited to this gathering. The statement produced as a result of this sham procedure saw the district Manpower Office Chief contradicting his own earlier rulings and putting his name to the company’s statement that it had done no wrong. Unlike the previous interventions of the District Parliament, this document lacks all legal validity. We have explained all this, and we can provide copies of the relevant documents in Bahasa Indonesian and in English translation.

How much more evidence is required to form “an independent view”? The dossier we have made publicly available clearly shows that Musim Mas set out to destroy the union rather than engage in genuine negotiations. The Director General of the United Nations’ International Labour Organization was sufficiently able to form an "independent view" that he sent an urgent letter to the government of Indonesia last year, expressing grave concern over rights violations and the use of the courts to criminalize trade union action. The United States Department of State, in its March 6, 2006 Country Reports on Human Rights Practices, felt sufficiently able to include the Musim Mas case in its report on worker rights violations. Amnesty International is investigating the trial transcripts. Is the RSPO, after having swallowed a maliciously deceptive Musim Mas PowerPoint presentation at its November Board meeting, now brandishing a single statement by the company, co-signed by compliant government authorities and local politicians, issued as a result of a bogus “hearing” to which the union was not even invited, as the reason for its spectacular inaction in support of human rights?

The IUF does not dispute the fact that what the RSPO calls "industrial courts" in Indonesia endorsed the mass firings. Our point is that the United Nations ILO has systematically documented the refusal of these bodies to ever challenge an employer's demands for mass dismissals to eliminate a trade union, and has found the government repeatedly in breach of its international human rights obligations. It’s also legal in Indonesia to evict workers from plantation homes, and expel their children from school, once they’ve been sacked. That shouldn't stop the RSPO Executive Board, or NGOs like OXFAM and WWF which are RSPO members, from forming “an independent view” and condemning the practice. The Indonesian judiciary sanctions the use of force to seize land and dispossess communities to create...palm oil plantations. Has the RSPO no "independent view" on this - or is it too busy promoting sustainable palm oil production?
In the light of all that has been written and documented, we are astonished to hear the RSPO "urge SP KAHUTINDO to "bring clarity to what it is they demand of PT Musim Mas." The demands have always been clear and direct: Musim Mas must respect trade union rights, engage in good faith negotiations with KAHUTINDO for the implementation of the legal minimum standards at the company, reinstate the dismissed workers, allow them to return to their homes and their jobs and drop the charges against the 6 union leaders. Given the enormous imbalance of power in the situation, where a powerful, well-connected company has used mass firings, forcible evictions and the criminalization of trade union activity against a group of plantation workers to achieve its goals, it is simply ludicrous to demand that "both parties" refrain from "escalating" the conflict.

Neither IUF, BWI, MTUC nor KAHUTINDO has ever requested the RSPO to become involved in the Indonesian legal process, or to somehow mediate the dispute. Even if the RSPO were committed to concrete action to promote sustainable palm oil, that is clearly not its role.

We have however, specifically called on the RSPO to use its own statutes and "Principles and Criteria" to take action on the Musim Mas case within the framework of the Roundtable. In a February 15 communication to RSPO Executive Board President Jan Kees Vis and Vice-President Matthias Diemer, we pointed out that Musim Mas was in breach of Principle 1, criterion 1.1 ("Oil palm growers and millers provide adequate information to other stakeholders on environmental, social and legal issues relevant to RSPO Criteria..."), not least because the company left blank the section where they were asked to report on significant economic, social or environmental problems in their "Annual Communication of Progress" for September 2004 - 2005. This was the period in which they were busy suppressing the union as their particular contribution to sustainable production methods.

We have provided you with detailed evidence that refutes the ludicrous claims made in the Musim Mas PowerPoint presentation to the RSPO Executive Board on November 24. Musim Mas did not act in good faith, did not provide adequate information and is clearly in breach of principle 6, in particular criterion 6.6, 6.5, 6.4, 6.3, 6.2, 6.1., and Principle 4, criterion 4.7.

Article 7 of the RSPO statutes: states "A membership shall cease by virtue of ..expulsion... on basis of serious grounds provided said member has been convened before the EB in order to provide explanations". The RSPO had, and has, clear grounds to take action against Musim Mas. It has elected not to do so.

On February 2, 2006, Matthias Diemer told the IUF that the RSPO had no grievance procedure and that observation of the criteria was not mandatory. The RSPO contends that "we have been working hard to build up our members' capacity to implement the Principles & Criteria for Sustainable Palm Oil Production (P & C) as well as the verification of their application by members."
We can only ask: If members can leave blank their reports on progress towards sustainable production while systematically violating the minimum labour standards and working conditions of the country in which they operate; if a Board member can present without challenge a crudely falsified account of a major social conflict; if that RSPO Board member can follow all this by sacking a thousand workers and evicting 700 from their homes because of their trade union membership; and if the observance of principles and criteria are not mandatory, what is the RSPO but a hollow front for corporate greed and brutality?

In the otherwise farcical discussion of the Musim Mas case described in the minutes of the February 20 RSPO Board presented on the Roundtable website, two truthful remarks can be distinguished: MD [Matthias Diemer] noted that this case has a lot of implications for the reputation of RSPO as well as the NGOs who are part of RSPO. Tony Lass (TL) [Cadbury Schweppes] added that the case was not simply a reputational challenge for NGOs alone. Businesses are also affected. This is correct.

Musim Mas trampled rights and broke the law, and the IUF, BWI and KAHUTINDO are determined to fight for justice for these workers. As long as it refuses to take action within its own organization, the RSPO will remain the target of public action and protests.

Anita Normark
BWI General Secretary

Ron Oswald
IUF General Secretary