

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 23 November 2022 @ 5.00pm - 7.15pm (Meeting No.11/2022)

Meeting location: [via Zoom Link](#)

<p>List of Complaints Panel Members</p>	<table border="1"> <tr> <td data-bbox="379 481 906 707"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda </td> <td data-bbox="914 481 1436 707"> <ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe 10. Priya Gopalan </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda 	<ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe 10. Priya Gopalan
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<p>Agenda</p>	<p style="text-align: center;"><u>General Agenda:- 5.00pm to 6.15pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. RSPO Antitrust Guidelines 3. Declaration of Conflict of Interest 4. To confirm and adopt the minutes of 26 October 2022 during the CP Meeting 5. New Allegations 6. Complaints Case Statistics 7. Complaints Panel meeting Dates <ol style="list-style-type: none"> 7.1 Dates for CP monthly Meetings - 2022 & 2023 7.2 Dates for CP Physical Meetings - 2022 7.3 Expansion of the Complaints Panel 8. Post Complaints Monitoring 9. Dispute Settlement Facility (DSF) 10. Commitment of Financial Institutions. 11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures 12. Any Other Matters 13. Complaints for deliberation:- 		

Group 1:- 6.15pm to 6.25pm

1. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
2. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
3. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
4. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
5. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs *requested for confidentiality*
6. Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs *requested for confidentiality*
7. PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs *requested for confidentiality*

Group 2:- 6.25pm to 7.00pm

1. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
2. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
3. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
4. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
5. PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.) vs Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
6. PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
7. Mados's Holdings Sdn Bhd vs Mighty Earth Inc
8. PT. Perkebunan Nusantara V (PERSERO) vs *requested for confidentiality*
9. PT Farinda Bersaudara (subsidiary of TSH Resources Berhad) vs RSPO Secretariat

Group 3:- 7.00pm to 7.15pm

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Goodhope Asia Holdings Ltd vs RSPO Secretariat
3. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
4. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
5. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
6. Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Daabon Group) vs Puerto Wilches Section Sintrainagro Deputy Director's Office
7. First Resources Limited vs *requested for confidentiality*
8. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
9. PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited) vs Teraju Foundation

DETAILS OF THE AGENDA:

No.	Agenda
1.	Opening Remarks from Chairperson Opening speech by Co-Chair.
2.	RSPO Antitrust Guidelines RSPO Antitrust Guidelines were read to the Complaints Panel.
3.	Declaration of “No Conflict of Interest” No new conflict of interest declared by the CP members at this time of the meeting.
4.	To confirm and adopt the minutes of 26 October 2022 during the Complaints Panel Meeting. Minutes of the meeting for 26 October 2022 adopted unanimously.

5. New allegation submitted

5.1

RSPO/2022/11/RR	United Plantations Berhad Jendarata Estate
Complainant	Mr. Parameswaran Subramaniam
Complaint received	18 October 2022
Location	Perak, Malaysia
Allegations	<ul style="list-style-type: none"> Workplace harassment involving an employee with the Respondent.

Discussion from 23 November 2022 (CP Meeting):-

- 1. Quorum achieved for the rejection of this Complaint.**

5.2

RSPO/2022/12/LSL	Biase Plantations Limited (subsidiary of Wilmar International Limited)
Complainant	Mr. Jayakumar Supramanian
Complaint received	19 October 2022
Location	Nigeria
Allegations	<ul style="list-style-type: none"> Wrongful dismissal or termination of employment.

Discussion from 23 November 2022 (CP Meeting):-

- 1. The Initial Diagnosis has been submitted to the CP members for deliberation.**

5.3	<table border="1"> <tr> <td>RSPO/2022/13/MAM</td> <td>Reforestadora de Palmas del Peten S.A. (REPSA)</td> </tr> <tr> <td>Complainant</td> <td>requested for confidentiality</td> </tr> <tr> <td>Complaint received</td> <td>21 October 2022</td> </tr> <tr> <td>Location</td> <td>Guatemala</td> </tr> <tr> <td>Allegations</td> <td> <ul style="list-style-type: none"> • The Complainant alleged that the Respondent violates the fundamental and labour rights of employees, because there are bad work conditions, unjustified dismissals, mistreatment, and false and unfounded suspicions; • The Respondent uses retaliation against farm workers and human rights defenders; • The Respondent uses the figure of the blacklist to designate employees who will not be rehired; • The Respondent uses organic fertilizer that generates pestilent odour and flies affecting communities. </td> </tr> </table> <p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Initial Diagnosis has been furnished to the CP members. 2. The CP endorsed the acceptance of the Initial Diagnosis. 	RSPO/2022/13/MAM	Reforestadora de Palmas del Peten S.A. (REPSA)	Complainant	requested for confidentiality	Complaint received	21 October 2022	Location	Guatemala	Allegations	<ul style="list-style-type: none"> • The Complainant alleged that the Respondent violates the fundamental and labour rights of employees, because there are bad work conditions, unjustified dismissals, mistreatment, and false and unfounded suspicions; • The Respondent uses retaliation against farm workers and human rights defenders; • The Respondent uses the figure of the blacklist to designate employees who will not be rehired; • The Respondent uses organic fertilizer that generates pestilent odour and flies affecting communities.
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Complainant	requested for confidentiality										
Complaint received	08 November 2022										
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6. Complaints Cases Statistics

Total Cases in 2022

	Jan-2022	Feb-2022	Mar-2022	Apr-2022
Complaints received	0	1	3	0
Status	-	Open (0) Withdrawn(1)	Open (2) Rejected (1)	-
Country	-	Malaysia (1)	Indonesia (3)	-
Case Category	-	land clearing without prior HCV assessment	FPIC	-

	May-2022	Jun-2022	Jul-2022	Aug-2022
Complaints received	1	1	0	1
Status	Open (1)	Open (0) Rejected (1)	-	Open (0) Rejected (1)
Country	Malaysia	Indonesia	-	Singapore
Case Category	land clearing without prior HCV assessment	Pollution of river water	-	Breach of contract

	Sep-2022	Oct-2022	Nov-2022	Dec-2022
Complaints received	3	3	3	-
Status	Open (3)	Open (3)	Open (3)	-
Country	Indonesia	Malaysia Nigeria Guatemala	Colombia Indonesia	-
Case Category	workers wage Land	-Staff harassment -wrongful	-working conditions and	-

	compensation HCV	termination of employment -violation of labour rights	safety workers -Land issues	of	
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Total Active Cases by Country and Year (as of 18.11.2022)

Country	Active Cases	Year	Active Cases
Indonesia	23	2012	1
Malaysia	3	2014	1
Colombia	2	2017	2
Liberia	1	2018	2
Honduras	1	2019	3
Nigeria	1	2020	5
Guatemala	1	2021	7
		2022	10
TOTAL	31	TOTAL	31

7. Complaints Panel Meeting Dates	
7.1	Dates for Complaints Panel monthly meetings
	<p>Discussion from 23 November 2022 (CP Meeting):-</p> <p>1. No further updates from the Secretariat. Meeting dates have been scheduled until Mid 2023.</p>
7.2	Dates for Complaints Panel Physical Meetings in 2022
	<p>Discussion from 23 November 2022 (CP Meeting):-</p> <p>1. The Complaints Panel’s physical meeting will proceed as scheduled on 27.11.2022 in Kuala Lumpur, Malaysia.</p>

7.3	Expansion of Complaints Panel
	<p>Discussion from 23 November 2022 (CP Meeting):--</p> <ol style="list-style-type: none"> 1. A selection interview for a candidate is scheduled to proceed on 14.12.2022.
8. Post Complaints Monitoring	
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Respondent raised a query pertaining to the remaining sanction on the uncertified units. The CP has deliberated on the query and a response will be provided to the Respondent in due course. 2. Pending receipt of a further document from the Respondent.
8.2	<p>Poligrow Colombia SAS</p> <p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending receipt of the further verification audit report from the CB.
8.3	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has received further clarification from the Complainant with respect to the workers' verification. 2. The Secretariat is in the midst of finalising the Briefing Note.
8.4	<p>Extractor de la Gloria SAS</p> <p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has received the monthly update for October 2022. 2. Pending receipt of monthly update for November 2022 from the Respondent. 3. The Secretariat held a meeting with the Respondent for the purposes of obtaining the necessary clarification.

9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. No further updates. The next DSF GoA meeting will proceed as scheduled on 28.11.2022 in Kuala Lumpur, Malaysia.
10. Commitments of Financial Institution(s)	
	<p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. No further updates. The Secretariat is to continue engaging with local banks and to encourage their participation in RSPO.
11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures	
	<p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Consultant has been engaged. Pending formation of Steering Group.
12. Any Other Matters	
	<p>ASC-CP MEETING</p> <p>Discussion from 23 November 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. 1. Pending scheduling of the next ASC-CP joint meeting.

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK	
Case Reference	PreCAP/2012/06/PR
Date Filed	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
Respondent	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Transformasi untuk Keadilan (TuK)
Complaint description	<ul style="list-style-type: none"> ● The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without : <ol style="list-style-type: none"> 1. Lack of Transparency on land status and partnership agreements; 2. Lack of compliance to our customary land rights; 3. The absence of (documented) compensation; 4. Lack of compliance to local regulations; ● In acting so they are alleged to have breached RSPO Principles and Criteria specifically on: <ol style="list-style-type: none"> 1. Principle 1 on Transparency, 2. Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat will schedule an ad hoc meeting after the RT week.

Complaint 1.2 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh	
Case Reference	PreCAP/2012/09/PR
Date Filed	3 October 2012
Respondent	Golden Veroleum Liberia (GVL)
Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
Complaint description	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> • Has not provided public notification for a 30 day period consistent with the New Planting Procedures; • commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; • By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land; • Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6).
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The CP members have agreed to proceed with a directive. However, the Complainant responded with another letter. 2. The Secretariat will review the letter and will furnish the summary of the letter for the CP's perusal.

Complaint 1.3 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/19/RB
Date Filed	15 October 2018
Respondent	Pacific Inter-Link (Papuan Concessions)
Membership Category	Processors and / or Traders
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> • Violation of the RSPO Code of Conduct because of their alleged involvement in the control/ownership and operational development of four palm oil plantation companies in Papua.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The draft ToR for an independent investigation has been approved by the CP. The Secretariat will be furnishing the same to both parties for their perusal and comments.

Complaint 1.4 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2020/12/EN
Date Filed	14 July 2020
Respondent	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Deforestation and land clearing including in the High Conservation Value Forest within the Respondent's concession for construction; • Development of road cutting across one of the major wildlife corridors

	<p>connecting two river systems – Berenga and Tempadung Rivers; and</p> <ul style="list-style-type: none"> • Development of a jetty, which includes reclamation of the sea floor as long as 590 meters
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is still in the midst of reviewing the draft Decision Letter.

Complaint 1.5 PT Mitra Karya Sentosa (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2021/07/SW
Date Filed	19 March 2021
Respondent	PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • The Respondent did not pay the full land compensation to the six (6) individuals; • The Respondent unilaterally marking up the cost of plasma development and did not refer to the relevant regulations in deciding the cost of plasma development; • The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and • The Respondent did not provide the complete map along with its coordinates for the land that has been handed over by the six (6) individuals.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complainant has failed to comply with the CP's directive to provide written confirmation with respect to the status of the mandate. 2. The CP has agreed to process the Complaint only with respect to the allegations pertaining to the Complainant and the individuals who were able to confirm the status of the Complainant's mandate.

Complaint 1.6 Papaso Estate & PT Damai Nusa Sekawan - Soso & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs requested for confidentiality	
Case Reference	RSPO/2021/05/SW
Date Filed	19 March 2021
Respondent	Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	requested for confidentiality
Complaint description	<ul style="list-style-type: none"> ● Complainant alleged that the Respondent prohibits the workers to conduct union activities (protest with regards to the Omnibus Law); ● Complainant alleged that the Respondent has conducted a unilateral termination of employment for the 2 (two) PT Permata Hijau Sawit workers; and ● Complainant alleged that the Respondent did not socialize the Company Regulations (<i>Peraturan Perusahaan</i>) to the workers in PT Damai Nusa Sekawan.
Status	(D) Investigation / deliberation
Decision / Justification	1. Briefing note is in progress.

Complaint 1.7 PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited vs requested for confidentiality)	
Case Reference	RSPO/2021/10/LSL
Date Filed	1 July 2021
Respondent	PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	requested for confidentiality
Complaint description	<ul style="list-style-type: none"> ● It is alleged that the Respondent and Koperasi Koling Hapakat did not use the plasma area in accordance with the permission allocated. ● It is alleged that there is a transfer of ownership of community-owned SHM (“Sertifikat Hak Milik”) by Koperasi Koling Hapakat to the Respondent.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Parties proceeded with Bilateral Engagement meetings on 07.11.2022 and 17.11.2022 respectively. 2. The Complainant will consult with the community on the options provided in the last Bilateral Engagement meeting and will respond with a decision accordingly. 3. The Bilateral Engagement process will expire on 27.12.2022.

GROUP 2

Complaint 2.1 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK	
Case Reference	RSPO/2018/14/IR
Date Filed	22 August 2018
Respondent	Golden Agri Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme (FPP) and Tuk- Indonesia
Complaint description	<ul style="list-style-type: none"> • GAR’s shadow companies are actively clearing lands.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending receipt of the draft report from the independent investigator on or before 23.12.2022.

Complaint 2.2 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT

Case Reference	RSPO/2019/07/IR
Date Filed	10 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
Complaint description	<ul style="list-style-type: none"> • Lack of adequate health and safety equipment; • Worker died due to lack of safety equipment; and • No festive holidays for temporary workers.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending receipt of the Annual Surveillance Audit report from the Certification Body.

Complaint 2.3 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality

Case Reference	RSPO/2019/11/IR
Date Filed	23 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Temporary workers contract and wages issues; • Intimidation of workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending receipt of the Annual Surveillance Audit report from the Certification Body.

Complaint 2.4 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)	
Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ul style="list-style-type: none"> • Alleged fraud of wages for 7 workers, • No festive holidays and bonus for temporary workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending receipt of the Annual Surveillance Audit report from the Certification Body.

Complaint 2.5 PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd) vs Tim Advokasi DPPKNPI	
Case Reference	RSPO/2021/02/SW
Date Filed	27 January 2021
Respondent	PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
Complaint Description	<ul style="list-style-type: none"> • Operating in the protected forest area without having a license from the Ministry of Forestry; • Operating without having a HGU; and • Did not develop plasma plantations for the community as agreed
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat had a meeting with both parties of the Complaint in Padang on 21.11.2022. 2. The Respondent in one of their written responses said that they are open for a constructive engagement with the Complainant. 3. Responding to the above, the Complainant has indicated their intention to pursue Bilateral Engagement or mediation by way of DSF. 4. The CP has agreed to provide parties with the opportunity to pursue Bilateral Engagement for 60 working days and the Secretariat will be the observers.

Complaint 2.6 PT Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch	
Case Reference	RSPO/2021/12/CRP
Date Filed	08 November 2021
Respondent	PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
Complaint Description	<ul style="list-style-type: none"> ● that the Respondent conducted land expansion to about 167 hectares into the Imbo Putui Customary Forest; ● that the Respondent's used their operational truck passing through the Customary Forest and disturbing the community with the noise and dust pollution, disturbing the growth of trees along the road, cutting off animal paths (bear, deer, pangolin, snake, monitor lizard, monkey), and cutting off water paths; ● that the Respondent's action of planting oil palm up to the riverbank, even in the middle of the river (the company changed the waterway, then planted oil palm on the former river that was stockpiled); ● that the Respondent is not taking the responsibility for the social, economic, and ecological damage that occurred in the Imbo Putui Customary Forest and Petapahan Village; ● that the Respondent changed the natural shape of the rivers and made them straight; ● that the Respondent is destroying the downstream river ecosystem in the Imbo Putui customary forest with fertilizers and pesticides; and ● that the Respondent claimed the Imbo Putui Customary Forest as their conservation area (HCV).
Status	(D) Investigation/Deliberation
Decision / Justification	<p>1. The Secretariat has requested the CB through the Certification Unit to extend the period of the Special Audit to accommodate the Complainant's views and feedback.</p>

Complaint 2.7 Mados's Holdings Sdn Bhd vs Mighty Earth Inc - Malaysia	
Case Reference	RSPO/2022/05/HN
Date Filed	09 May 2022
Respondent	Mados's Holdings Sdn Bhd
Membership Category	Oil Palm Grower
Country	Johor, Malaysia
Complainant	Mighty Earth Inc
Complaint Description	<ul style="list-style-type: none"> ● Mados’s Holdings Sdn Bhd has not disclosed all potential non-compliant land development within the Company’s own concessions and Related Entities’ concessions (controlled and influenced by Mados’s Holdings Sdn Bhd). ● The potential RaCP liabilities associated with Mados’s Holdings Sdn Bhd’s RSPO membership (i.e. the 1 Management Unit referenced in the RaCP Tracker) does not currently extend to all non-compliant land clearing of HCVs/HCS within the company’s own concessions and Related Entities’ concessions: - <ul style="list-style-type: none"> ○ Mados’ Holdings Sdn Bhd ○ Ibzi Holdings Sdn Bhd and its subsidiary, AA Sawit Sdn Bhd ○ Nadi Mesra Sdn Bhd
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. With respect to the GIS team’s verification: - <ol style="list-style-type: none"> a. The GIS unit has furnished its verification report to the Grievance Unit; and b. The Secretariat is to seek for clarification from the Respondent on the GIS team’s findings. 2. With respect to the referral to the CB: - <ol style="list-style-type: none"> a. The CB has furnished the verification report (with added clarification) and the relevant supporting documents to the Secretariat; b. The CB’s verification report was furnished to both parties to the Complaint; c. The Respondent raised concerns in sharing some of the supporting documents with the Complainant and the same was conveyed to the Complaints Panel; d. The Complaints Panel directed the Secretariat to seek clarification from the Respondent on the aforementioned matter.

Complaint 2.8 PT. Perkebunan Nusantara V (PERSERO) vs requested for confidentiality

Case Reference	RSPO/2022/03/CRP
Date Filed	04 March 2022
Respondent	PT. Perkebunan Nusantara V (PERSERO)
Membership Category	Oil Palm Grower
Country	Riau Province, Indonesia
Complainant	requested for confidentiality
Complaint Description	<ul style="list-style-type: none"> • The Respondent is alleged of illegally controlling some of the KKPA (Primary Member Cooperative Credit) objects, as well as violating the KKPA agreement. • The Respondent is alleged of embezzling funds and fraud in the development of oil palm plantations. • The Respondent is alleged of violating the agreement related to the sale of the farmers' fruits which should have been disbursed to the Complainant to be distributed to its members and illegal bailout funds.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of waiting for the Complainant's final response on or before 28.11.2022. 2. The Secretariat is waiting for the Certification Body to verify the allegations.

Complaint 2.9 PT. Farinda Bersaudara (subsidiary of TSH Resources Berhad vs RSPO Secretariat - Indonesia	
Case Reference	RSPO/2022/10/HN
Date Filed	26 September 2022
Respondent	PT Farinda Bersaudara (subsidiary of TSH Resources Berhad)
Membership Category	Oil Palm Grower
Country	Kalimantan Barat, Indonesia
Complainant	RSPO Secretariat
Complaint Description	<ul style="list-style-type: none"> ● The Respondent cleared High Conservation Value (HCV) areas in one of its subsidiaries, PT Farinda Bersaudara (PT FDB): - <ol style="list-style-type: none"> a. TSH Resources Berhad submitted a self-declaration on 25 September 2020 to the RSPO Secretariat to declare its liability for unintentional clearing of HCV areas in PT FDB and undertake responsibility for the liability; and b. The Secretariat responded by initiating an independent ground verification conducted by independent assessors (Pramitama Bayu Saputro and Nurul Iman Suansa) in July 2021 to verify the self-declaration made by the Respondent. The independent verification results are as follows: - <ol style="list-style-type: none"> i. there was clearance of HCV areas before (69.87ha) and after (256.92ha) the Respondent became an RSPO member; ii. some of the land clearance were caused by community encroachment; iii. implementation of established SOPs in the field was not as effective as intended by the Respondent; and iv. local communities encroached the HCV areas as they were not well aware of where the boundary of Hak Guna Usaha (HGU) is located. <p>Note: The Complaint is lodged by the RSPO Secretariat in line with section 1.4 of the Remediation & Compensation Procedure (2015).</p>
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Respondent furnished its formal response to the allegation of facts raised in the Complaint on 10-Nov-2022. 2. The Secretariat furnished the independent ground verification report to the Respondent on 14-Nov-2022 for their perusal and comments (if any). Pending response from the Respondent.

GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
Case Reference	PreCAP/2014/03/IR
Date Filed	13 October 2014
Respondent	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
Complaint description	<p><u>Points raised:-</u></p> <ul style="list-style-type: none"> ● PT KPC is in persistent violation of the RSPO P&C pertaining HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people in the process of land take over. ● Land takeover was done without land tenure study and participatory mapping. ● Late HCV assessment which was done by IPB, final consultation was in May 2014. ● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). ● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. ● GAR as the parent company of all 18 subsidiaries listed in acting in violation of the New Planting Procedure (NPP) by submitting information which is known as false. No HGU in 16 of 18 NPP. ● The assessors which have endorsed GAR’s HCV assessment, ESIA’s and social engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&C.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Secretariat is in the midst of drafting the Briefing Notes for Phase 3, Phase 4 & Phase 5 in parallel.</p>

Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat	
Case Reference	PreCAP/2017/06/SW
Date Filed	19 April 2017
Respondent	Goodhope Asia Holdings
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
Complaint description	<ul style="list-style-type: none"> Note: FPP and the other NGOs also sent a complaint to the BoG on the fact that Goodhope had insisted that their NPP be posted for public consultation despite the Secretariat’s finding that the HCV Assessment was not satisfactory. They had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Complaints Panel’s letter with inputs from the Compensation Panel is being drafted.

Complaint 3.3 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation	
Case Reference	RSPO/2020/04/IR
Date Filed	2 March 2020
Respondent	Golden Agri Resource (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme & Elk Hills Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law; • The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has completed its internal review of the draft ToR for an independent investigation and the same will be furnished to the CP for endorsement.

Complaint 3.4 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality	
Case Reference	RSPO/2020/07/LSL
Date Filed	6 April 2020
Respondent	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
Membership Category	Oil Palm Grower
Country	Honduras
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Modification of property deeds to remove areas identified by the government as environmental protection zone; ● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits; ● Non-compliance with labour laws; ● Threatening of workers to suppress information from auditors; ● Bribing workers and government agencies; ● Manipulation of scale systems; Falsification of data; ● Operating without an environmental license.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Compliance Audit proceeded as scheduled and the report will be furnished sometime during the month of December 2022.</p>

Complaint 3.5 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality	
Case Reference	RSPO/2020/19/IR
Date Filed	5 October 2020
Respondent	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Unilateral pay cut by the Respondent ● Poor living conditions for the labourers ● Intimidation of workers ● Forced labour ● Lack of transparent grievance system
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. With respect to the CP’s directive on assessing the Respondent’s labour practice and policies (based on the requirements of the P&C): - <ol style="list-style-type: none"> a. The Secretariat requested for the Respondent’s policy, guidelines, and SOP (if any) on workplace harassment/abuse from the Respondent. Pending response from the Respondent; and b. The Secretariat followed-up with the Complainant by way of email seeking available dates to schedule a meeting . Pending response from the Complainant. 2. With respect to the CP’s directive on reviewing the efficiency and gaps of the Respondent’s internal grievance mechanism: - <ol style="list-style-type: none"> a. The Respondent updated the Secretariat that the &Wider workers’ engagement survey has been conducted in the Mekassar Estate; and b. The Respondent has furnished the report of the initial findings of the &Wider’s survey and the same shall be furnished to the CP for its consideration. 3. With respect to the CP’s directive on the incident surrounding the allegations of fraudulent documents: - <ol style="list-style-type: none"> a. The Secretariat shall seek for further clarification from the Complainant. Pending a response from the Complainant on the available dates for meeting; and b. The Secretariat has furnished several documents to the CP on 16-Nov-2022 pertaining to the worker’s payment.

Complaint 3.6 Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Subsidiary of Daabon Group) - (Adjourned)	
Case Reference	RSPO/2020/16/LSL
Date Filed	10 September 2020
Respondent	Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group)
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	Puerto Wilches Section Sintrainagro Deputy Director's Office
Complaint description	<ul style="list-style-type: none"> ● Non-compliance with labour rights/laws; ● Anti-union practices; and ● Employees not provided sufficient protection equipment.
Status	(D) Investigation / deliberation (adjourned)
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is still waiting to hear from the Complainant on their decision with respect to how they intend to proceed with this Complaint.

Complaint 3.7 First Resources Limited vs requested for confidentiality	
Case Reference	RSPO/2021/04/EN
Date Filed	8 March 2021
Respondent	First Resources Limited
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • The Respondent allegedly has ownership, control and influence over a company called Fangiono Agro Plantation (FAP) Agri, a non-RSPO member who was not declared in the Respondent’s RSPO Group Membership. • The Respondent also allegedly has ownership, control and influence of an Indonesian company, Ciliandry Anky Abadi (CAA) who is a subsidiary of a British Virgin Islands registered company by the name of Sima Capital. This company too was not declared to be a part of the Respondent’s RSPO Group Membership. • The Respondent, via FAP or by FAP’s 11 subsidiaries have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, river pollution, and unilateral layoffs of workers. • The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution. • The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The CP is in the midst of analysing the revised draft ToR for an independent investigation (content with feedback from parties and proposed amendments from the Secretariat).</p>

Complaint 3.8 PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/06/SW
Date Filed	19 March 2021
Respondent	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community; • Respondent did not develop the plasma plantations for the community; and • Respondent did not have an internal grievance mechanism that the stakeholders can access
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Respondent has declined the invitation to have a meeting in Kuala Lumpur with the Complainants, Secretariat and a representative of the CP. In such circumstances, the Complaints Panel has decided not to attend the meeting to maintain its fairness and impartiality. 2. Should the Complainant agree, they are still at liberty to meet with the Secretariat in Kuala Lumpur.

Complaint 3.9 PT Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited vs Teraju Foundation - Indonesia	
Case Reference	RSPO/2022/02/HN
Date Filed	4 March 2022
Respondent	PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited)
Membership Category	Processors and / or Traders
Country	Kalimantan Barat, Indonesia
Complainant	Teraju Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent forced a community to give up the rights to their land in order to develop the land into an oil palm plantation. • The company then refused to return the land to the community by involving the police.
Status	(D) Investigation / Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat had a meeting with the Complainant on 01-Nov-2022 to seek further clarification on the issues raised in the Complaint. 2. With respect to the CB's verification, the CB has furnished the report of the most recent audit (Recertification) to the Secretariat. The Secretariat sought for clarification from the CB with respect to the audit conducted. Pending a response from the CB.