

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 27 July 2022 @ 5.00pm - 7.00pm (Meeting No.07/2022)

Meeting location: [via Zoom Link](#)

<p>List of Complaints Panel Members</p>	<table border="1"> <tr> <td data-bbox="376 528 906 797"> <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="914 528 1442 797"> <ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe </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
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<p>Agenda</p>	<p><u>General Agenda:- 5.00pm to 5.55pm</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 29 June 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:- 5.55pm to 6.05pm

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. HSA Group (Pacific Inter Link, Pacific Oils & Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace
4. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
5. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
6. PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace & FPP
7. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs *requested for confidentiality*
8. Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs *requested for confidentiality*
9. PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs *requested for confidentiality*

Group 2:- 6.05pm to 6.30pm

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*

Group 3:- 6.30pm to 7.00pm

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. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
4. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
5. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
6. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
7. PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan
8. 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
9. First Resources Limited vs *requested for confidentiality*
10. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
11. 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 CCP.										
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 29 June 2022 during the Complaints Panel Meeting. Minutes of the meeting for 29 June 2022 adopted unanimously.										
5. New allegation submitted											
5.1	<table border="1" data-bbox="231 1171 1401 1585"> <tbody> <tr> <td data-bbox="231 1171 523 1272">RSPO/2022/06/SW</td> <td data-bbox="523 1171 1401 1272">PT. Gersindo Minang Plantations (a subsidiary of Wilmar International Limited)</td> </tr> <tr> <td data-bbox="231 1272 523 1346">Complainant</td> <td data-bbox="523 1272 1401 1346">Wartawan Surat Kabar Mingguan THE PUBLIC</td> </tr> <tr> <td data-bbox="231 1346 523 1420">Complaint received</td> <td data-bbox="523 1346 1401 1420">15 June 2022</td> </tr> <tr> <td data-bbox="231 1420 523 1494">Location</td> <td data-bbox="523 1420 1401 1494">Kabupaten Pasaman Barat, Indonesia</td> </tr> <tr> <td data-bbox="231 1494 523 1585">Allegations</td> <td data-bbox="523 1494 1401 1585"> <ul style="list-style-type: none"> There has been a leakage from the wastewater pipe into the river and polluting the water of the Batang Saman river. </td> </tr> </tbody> </table> <p data-bbox="272 1659 807 1693">Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> <li data-bbox="280 1727 1372 1760">Initial Diagnosis will be furnished to the CP members for endorsement in due course. 	RSPO/2022/06/SW	PT. Gersindo Minang Plantations (a subsidiary of Wilmar International Limited)	Complainant	Wartawan Surat Kabar Mingguan THE PUBLIC	Complaint received	15 June 2022	Location	Kabupaten Pasaman Barat, Indonesia	Allegations	<ul style="list-style-type: none"> There has been a leakage from the wastewater pipe into the river and polluting the water of the Batang Saman river.
RSPO/2022/06/SW	PT. Gersindo Minang Plantations (a subsidiary of Wilmar International Limited)										
Complainant	Wartawan Surat Kabar Mingguan THE PUBLIC										
Complaint received	15 June 2022										
Location	Kabupaten Pasaman Barat, Indonesia										
Allegations	<ul style="list-style-type: none"> There has been a leakage from the wastewater pipe into the river and polluting the water of the Batang Saman river. 										

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	-
Status	Open (1)	Open (1)	-	-
Country	Malaysia	Indonesia	-	-
Case Category	land clearing without prior HCV assessment	Pollution of river water	-	-

Total Active Cases by Country and Year (as of 22.07.2022)

Country	Active Cases	Year	Active Cases
Indonesia	22	2012	1
Malaysia	2	2014	1
Colombia	1	2017	2
Liberia	1	2018	3
Cayman Island	1	2019	3
Honduras	1	2020	7

	<table border="1"> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>TOTAL</td> <td>28</td> </tr> </table>					TOTAL	28	<table border="1"> <tr> <td>2021</td> <td>7</td> </tr> <tr> <td>2022</td> <td>4</td> </tr> <tr> <td>TOTAL</td> <td>28</td> </tr> </table>	2021	7	2022	4	TOTAL	28
TOTAL	28													
2021	7													
2022	4													
TOTAL	28													
7. Complaints Panel Meeting Dates														
7.1	Dates for Complaints Panel monthly meetings													
	<p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> No further updates from the Secretariat Dates for CP meetings from January 2023 until June 2023 have been proposed to the CP members. 													
7.2	Dates for Complaints Panel Physical Meetings in 2022													
	<p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> Physical meeting will be held on 27.11.2022 in Kuala Lumpur, Malaysia. 													
7.3	Expansion of Complaints Panel													
	<p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> An affiliate member's appointment as a CP member has been endorsed by the Board of Governors and will be joining the CP meeting in September 2022; and Pending receipt of submission of application from a member within the ENGO sector. 													

8. Post Complaints Monitoring	
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> The CP had deliberated and reached a directive. The said directive will be furnished to the Respondent in due course.
8.2	<p>Poligrow Colombia SAS</p> <p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat sought for an update from the CB with respect to the follow-up verification audit and is still waiting for a response from the CB.
8.3	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat sought for further clarification from the Complainant on 21-Jul-2022 with respect to item (2) of the Bilateral Settlement Agreement. The Secretariat has reached out to the Respondent requesting for additional information with respect to item (13) of the Bilateral Settlement Agreement. Pending a response from both Parties to the Complaint.
8.4	<p>Extractor de la Gloria SAS</p> <p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat obtained clarification from the relevant units with respect to the query raised by the Respondent. The said clarification has been furnished to the Complaints Panel for further deliberation.

9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has submitted the minutes of the DSF GoA online meeting for review before the same is furnished to the DSF Advisers and the CP members who attended the said meeting for their perusal and comments.
10. Commitments of Financial Institution(s)	
	<p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat proceeded with a subsequent virtual meeting with a Malaysian Bank on 28.07.2022 to explore their interest in applying to be an RSPO member. 2. The Secretariat’s representative from the Stakeholder Engagement Department will be reaching out to a representative from another Malaysian Bank.
11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures	
	<p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The ToR has been approved at all levels. 2. The Grievance Unit is in communication with colleagues from the Communications Unit on preparing the call for expression of interest
12. Any Other Matters	
	<p>ASC-CP MEETING</p> <p>Discussion from 27 July 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Grievance Unit is to finalise the minutes of meeting between the CP and ASI with action points to be shared with the ASC for further action. The draft minutes are being revised following comments received from the Co-Chairs of the CP.

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 is still in the midst of approaching another panel member to ensure sufficient quorum to deliberate on this Complaint.

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	<p>1. Pending submission of summary of the Interim Report to the CP with the proposed next course of action.</p>

Complaint 1.3 HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/18/RB
Date Filed	15 October 2018
Respondent	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
Membership Category	Processors and / or Traders
Country	Cayman Island
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> Breach of Code of Conduct - violation of the RSPO Group Membership rules. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The CP members have reached a decision and have directed the Secretariat to draft the decision letter.

Complaint 1.4 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	1. The ToR for the independent investigation has been drafted and is in the process of being peer reviewed.

Complaint 1.5 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 connecting two river systems – Berenga and Tempadung Rivers; and • Development of a jetty, which includes reclamation of the sea floor as long as 590 meters
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note has been peer reviewed and is ready for submission to the CP.

Complaint 1.6 PT Nabire Baru and PT Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace and Forest Peoples Programme	
Case Reference	RSPO/2020/17/SW
Date Filed	18 September 2020
Respondent	PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Awasmiffee, Greenpeace & FPP
Complaint description	<ul style="list-style-type: none"> The Complaint was lodged as a result of the comments that have been given by the Complainant during the Respondent's NPP consultation period have not been resolved. The allegations as below: "that the Respondent withheld two important documents which should have been made available to stakeholders under the RSPO principle on transparency. The documents are the original draft of the 2011 HCV assessment and the Respondent's legal review commissioned by the RSPO Secretariat."
Status	(I) Appeals deliberation
Decision / Justification	<ol style="list-style-type: none"> The 1st Appeals Panel meeting was held on 22.07.2022. The 2nd Appeals Panel meeting has been scheduled for 04.08.2022.

Complaint 1.7 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 - (Bilateral Engagement process)
Decision / Justification	<ol style="list-style-type: none"> 1. The CP’s directive to stop the Bilateral Engagement process has been conveyed to the Parties. 2. The Secretariat will process the complaint in accordance with the Complaints and Appeals Procedures.

Complaint 1.8 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	<ol style="list-style-type: none"> 1. The Complainant has confirmed that the allegations were not brought to the Industrial Court, therefore the Secretariat will process the Complaint in accordance with the Complaints and Appeals Procedures.

Complaint 1.9 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. The Complainant responded to the Secretariat with respect to the BE process before the CP’s directive was furnished to both parties. 2. However, the response was unclear and the Secretariat has sought for clarification. Pending receipt of a response from the Complainant.

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 investigators.

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

	<ul style="list-style-type: none"> No festive holidays for temporary workers.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> The Briefing Note has been submitted for peer review and an internal meeting will be scheduled for further discussion.

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"> The Briefing Note has been submitted for peer review and an internal meeting will be scheduled for further discussion.

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. The Briefing Note has been submitted for peer review and an internal meeting will be scheduled for further discussion.

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 is in the midst of scheduling a separate meeting with Parties of the Complaint to obtain further clarification and information.

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 Respondent has furnished their formal response. The Secretariat is at present waiting for a response from the Certification Body on the allegations raised.</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. The Respondent has furnished their formal response to the allegations on 12-July-2022. 2. The Complainant has furnished additional evidence, therefore, the Respondent was granted additional days to respond to the additional evidence. 3. Pending response from the Respondent on this 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 Complainant has acknowledged the formal acceptance with respect to the three (3) allegations. 2. The Complainant indicated that they are keen to proceed with mediation under DSF. 3. Pending receipt of a formal response from the Respondent on or before 11.08.2022.

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	<ol style="list-style-type: none"> 1. The Secretariat is still in the midst of preparing the Briefing Notes for Phases 3, 4 & 5. 2. The Secretariat has scheduled a meeting with the Respondent on 08.08.2022.

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 CP is of the opinion that the contents of the Respondent's letter dated 21.10.2021 should be brought before the Compensation Panel for a response. A letter has been drafted and is being reviewed by the CP.

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	1. The ToR for an independent investigation is in the midst of being peer reviewed prior to submission to the CP.

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	1. Pending further updates from ASI regarding the date(s) of the Compliance Audit.

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 IOI’s labour practice & policies (in accordance with the requirements of the P&C): - <ol style="list-style-type: none"> a. The Secretariat has re-submitted the CB’s audit report to the CP for the CP’s consideration and deliberation. b. The CP is to review the CB’s Audit Report and to deliberate as to whether the report has sufficiently assessed IOI’s labour practice and policies against the requirements of the P&C 2018. 2. With respect to the CP’s directive for an independent review on IOI’s internal grievance mechanism: - <ol style="list-style-type: none"> a. The Secretariat sought for confirmation from the Respondent on 22-Jul-2022 as to whether the survey is also looking into the efficiency/effectiveness of IOI’s internal grievance mechanism and that it is part of IOI’s effort to improve the said mechanism; and b. Pending confirmation from the Respondent on this matter. 3. With respect to the CP’s directive on the incident surrounding the allegation concerning documents relating to the workers’ salary: - <ol style="list-style-type: none"> a. The Respondent has provided a written clarification on 26-Jul-2022 by way of email on the matter of the incident and explained as to why the incident does not actually lead to the workers’ salary being reduced; and b. The Secretariat is to furnish the Respondent’s explanation and evidence to the CP for the CP’s deliberation.

Complaint 3.6 PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan	
Case Reference	RSPO/2020/20/SW
Date Filed	12 November 2020
Respondent	PT Nubika Jaya (subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	LSM-Baris Labuhanbatu Selatan
Complaint description	<ul style="list-style-type: none"> ● No Domestic Wastewater Treatment Plant; ● The Oleochemical equalization pool was not built with concrete; ● Sludge from the Oleochemical Wastewater Treatment Plant has never been transported to a designated waste processing agency. ● Dispose of liquid waste without permit; ● Inconsistency on the volume of Hazardous Waste transported to a designated waste processing agency; ● A sparring equipment has yet installed at the Wastewater Treatment Plant; ● No certified Wastewater Treatment Operational Responsible and Water Pollution Control Officer onsite; ● Processing fresh fruit bunches from non-RSPO certified plantations.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Secretariat has obtained sufficient endorsement of the Briefing Note and the matter is pending drafting of the decision letter by the Secretariat.</p>

Complaint 3.7 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	<p>1. The Secretariat has followed up with the Complainant on 18.07.2022 regarding the progress of the processes before the local authorities. Pending a response from the Complainant.</p>

Complaint 3.8 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

	<p>company too was not declared to be a part of the Respondent’s RSPO Group Membership.</p> <ul style="list-style-type: none"> • 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	1. The ToR has been drafted and in the midst of being peer reviewed prior to submission to the CP.

Complaint 3.9 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	1. The Certification Body has provided detailed information on their audit report. The Secretariat is in the midst of reviewing the same.

Complaint 3.10 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 Complainant provided the necessary clarification with respect to the mandate received in the Complaint. 2. The Secretariat sought further clarification from the Complainant. Pending a response from the Complainant.