



COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 24 August 2022 @ 5.00pm - 6.40pm (Meeting No.08/2022)

Meeting location: *via Zoom Link*

<p>List of Complaints Panel Members</p>	<table border="1"> <tr> <td data-bbox="376 533 906 837"> <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="912 533 1441 837"> <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><u>General Agenda:- 5.00pm to 5.45pm</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 27 July 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:- 5.45pm 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 Palmino 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 6.15pm

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:- 6.15pm to 6.40pm

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. PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan
7. 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
8. First Resources Limited vs *requested for confidentiality*
9. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
10. 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 27 July 2022 during the Complaints Panel Meeting. Minutes of the meeting for 27 July 2022 adopted unanimously.										
5. New allegation submitted											
5.1	<table border="1" data-bbox="233 1171 1401 1805"> <tbody> <tr> <td data-bbox="233 1171 523 1240">RSPO/2022/07/LSL</td> <td data-bbox="523 1171 1401 1240">Virgoz Oils & Fats Pte Ltd</td> </tr> <tr> <td data-bbox="233 1240 523 1310">Complainant</td> <td data-bbox="523 1240 1401 1310">Global Nutritional Corporation</td> </tr> <tr> <td data-bbox="233 1310 523 1379">Complaint received</td> <td data-bbox="523 1310 1401 1379">22 August 2022</td> </tr> <tr> <td data-bbox="233 1379 523 1449">Location</td> <td data-bbox="523 1379 1401 1449">Singapore</td> </tr> <tr> <td data-bbox="233 1449 523 1805">Allegations</td> <td data-bbox="523 1449 1401 1805"> <ul style="list-style-type: none"> ● The Complainant alleges that a contract was cancelled as the Complainant was unable to arrange the shipments on time due to no vessel being available; despite having been in communication with the Respondent regarding the rescheduling of the shipment dates. ● The Complainant already made a full payment to the Respondent as per the Respondent’s request. However, the 30% advance/down payment was forfeited and only the other 70% of the full payment were refunded to the Complainant. </td> </tr> </tbody> </table> <p data-bbox="252 1883 826 1912">Discussion from 24 August 2022 (CP Meeting):-</p> <p data-bbox="280 1951 683 1980">1. Initial Diagnosis in progress.</p>	RSPO/2022/07/LSL	Virgoz Oils & Fats Pte Ltd	Complainant	Global Nutritional Corporation	Complaint received	22 August 2022	Location	Singapore	Allegations	<ul style="list-style-type: none"> ● The Complainant alleges that a contract was cancelled as the Complainant was unable to arrange the shipments on time due to no vessel being available; despite having been in communication with the Respondent regarding the rescheduling of the shipment dates. ● The Complainant already made a full payment to the Respondent as per the Respondent’s request. However, the 30% advance/down payment was forfeited and only the other 70% of the full payment were refunded to the Complainant.
RSPO/2022/07/LSL	Virgoz Oils & Fats Pte Ltd										
Complainant	Global Nutritional Corporation										
Complaint received	22 August 2022										
Location	Singapore										
Allegations	<ul style="list-style-type: none"> ● The Complainant alleges that a contract was cancelled as the Complainant was unable to arrange the shipments on time due to no vessel being available; despite having been in communication with the Respondent regarding the rescheduling of the shipment dates. ● The Complainant already made a full payment to the Respondent as per the Respondent’s request. However, the 30% advance/down payment was forfeited and only the other 70% of the full payment were refunded to the Complainant. 										



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 (1)
Country	Malaysia	Indonesia	-	Singapore
Case Category	land clearing without prior HCV assessment	Pollution of river water	-	Breach of contract

Total Active Cases by Country and Year (as of 19.08.2022)

Country	Active Cases	Year	Active Cases
Indonesia	21	2012	1
Malaysia	2	2014	1
Colombia	1	2017	2
Liberia	1	2018	3
Cayman Island	1	2019	3
Honduras	1	2020	7



Singapore	1	2021	7
		2022	4
TOTAL	28	TOTAL	28

7. Complaints Panel Meeting Dates

7.1 Dates for Complaints Panel monthly meetings

Discussion from 24 August 2022 (CP Meeting):-

1. No further updates from the Secretariat. Dates as previously fixed are maintained.

7.2 Dates for Complaints Panel Physical Meetings in 2022

Discussion from 24 August 2022 (CP Meeting):-

1. The CP Physical Meeting will be held on Sunday, 27th of November 2022 at the Shangri La, Kuala Lumpur. Malaysia.

7.3 Expansion of Complaints Panel

Discussion from 24 August 2022 (CP Meeting):-

1. A new CP member has joined the CP.
2. The Secretariat is still waiting to hear from a member in the ENGO sector with respect to their application.
3. The Secretariat is looking to recruit CP members from the downstream sectors.



8. Post Complaints Monitoring	
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 24 August 2022 (CP Meeting):-</p> <ol style="list-style-type: none">1. The CP's directive has been delivered to the Respondent and the Respondent has acknowledged receipt of the same. The Respondent has indicated that they will be issuing a letter with respect to the directive delivered by the CP.
8.2	<p>Poligrow Colombia SAS</p> <p>Discussion from 24 August 2022 (CP Meeting):-</p> <ol style="list-style-type: none">1. The CB explained that the situation in the region was still volatile and the auditors were unable to visit the area physically due to the outcome of the Presidential election in June 2022. The situation on the ground has become more dangerous and for the auditors to travel to Poligrow estate for the follow up on site audit is life threatening.2. The CB has stated that they will provide further updates in two to three months time to see if there are any opportunities of the situation dying down.
8.3	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 24 August 2022 (CP Meeting):-</p> <ol style="list-style-type: none">1. The Respondent furnished additional information and documents to the Secretariat with respect to item (13) of the Bilateral Agreement.2. The Complainant provided confirmation with respect to item (2) of the Bilateral Agreement.3. The Secretariat is to seek further verification if the workers fully understand and are agreeable to the new payslip system implemented by the Respondent.
8.4	<p>Extractor de la Gloria SAS</p> <p>Discussion from 24 August 2022 (CP Meeting):-</p> <ol style="list-style-type: none">1. The CP's response regarding the query raised by the Respondent has been furnished to the Respondent on 17.08.2022.2. The Respondent has acknowledged receipt of the same.3. Pending monthly updates for August 2022 from the Respondent.



9. Dispute Settlement Facility (DSF)

Discussion from 24 August 2022 (CP Meeting):-

1. The minutes of meeting of the recent DSF GoA online meeting has been furnished to the DSF Advisers and the CP members who attended the same for their perusal and comments.
2. The Secretariat has proposed for the next DSF GoA meeting to be held physically on 28 November 2022 in Kuala Lumpur, Malaysia.

10. Commitments of Financial Institution(s)

Discussion from 24 August 2022 (CP Meeting): -

1. The Secretariat is still waiting to hear from a local bank on their position with respect to applying for an RSPO membership.

11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures

Discussion from 24 August 2022 (CP Meeting): -

1. The call for Expression of Interest expired on 26.08.2022. The Secretariat has so far received four (4) submissions from interested candidates.

12. Any Other Matters

ASC-CP MEETING

Discussion from 24 August 2022 (CP Meeting): -

1. The revised minutes of the meeting between ASI and the CP have been furnished to the CP for its perusal and comments. Following endorsement from the CP, the minutes will be shared with the Co-Chairs of the ASC through the Secretariat.



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	<ol style="list-style-type: none"> 1. The Secretariat has obtained confirmation from another panel member to join the deliberation of this complaint so as to ensure sufficient quorum.



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. Status quo. 2. Pending preparation of updates to be furnished to the CP members.



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	1. Pending endorsement of draft decision letter by CP members.

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. Pending internal review of the draft ToR for an independent investigation.

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	<ol style="list-style-type: none"> 1. The Briefing Note has been submitted to the CP 2. Pending conclusion of deliberations by 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 third Appeals Panel meeting was held on 16.08.2022. The Appeals Panel has deliberated and reached a decision. The Secretariat is currently in the midst of drafting the decision letter.



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
Decision / Justification	1. Pending receipt of the Respondent's confirmation on the status of their formal response.



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 Secretariat is to prepare a Briefing Note for the CP's further deliberation.



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. Both parties have agreed to enter into the Bilateral Engagement process with an expiry date on 27.10.2022. 2. The first physical Bilateral Engagement meeting was held on 23.08.2022.



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 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"> An internal meeting was held on 19.08.2022. Further to the said meeting, the Secretariat requires further clarification regarding the Compliance Audit report. The Secretariat is in midst of obtaining the said clarification from the Certification Unit. Upon receipt of the aforementioned clarification, the Briefing note will be revised and thereafter furnished to the CP for deliberation.

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"> An internal meeting was held on 19.08.2022. Further to the said meeting, the Secretariat requires further clarification regarding the Compliance Audit report. The Secretariat is in midst of obtaining the said clarification from the Certification Unit. Upon receipt of the aforementioned clarification, the Briefing note will be revised and thereafter furnished to the CP for deliberation.



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. An internal meeting was held on 19.08.2022. Further to the said meeting, the Secretariat requires further clarification regarding the Compliance Audit report. 2. The Secretariat is in midst of obtaining the said clarification from the Certification Unit. 3. Upon receipt of the aforementioned clarification, the Briefing note will be revised and thereafter furnished to the CP for deliberation.

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	<p>1. The Secretariat is in the midst of compiling all of the responses and feedback from parties and once finalised the same will be furnished to the CP for deliberation.</p>

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	<ol style="list-style-type: none"> 1. The Respondent and Complainant have furnished their responses and clarifications to the Secretariat 2. The Grievance Unit has requested for a special audit to be conducted.

Complaint 2.7 Mados's Holdings Sdn Bhd vs Mighty Earth Inc - Malaysia

Case Reference	RSPO/2022/05/HH
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 matter of the Complaint was forwarded to the Membership Unit for the necessary due diligence and verification to be conducted on the allegations pertaining to group membership requirements. 2. Pending receipt of verification from the Membership Unit.



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 requested DSF mediation as their first preference for the purpose of exploring an amicable resolution. 2. The Respondent responded that they can't pursue DSF due to the matter being before the Court. Pending further clarification to be obtained from the Secretariat.



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 held a meeting with the Respondent on 8 August 2022 and 18 August 2022 for the purposes of updating parties on the progress of the Complaint. 2. A similar meeting is planned with the Complainant on 31.08.2022.



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"> Pending further updates from the Compensation Panel on the letter submitted by the Complaints Panel.



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 draft 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	<ul style="list-style-type: none"> • Modification of property deeds to remove areas identified by the government



description	<p>as environmental protection zone;</p> <ul style="list-style-type: none"> ● 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. ASI has indicated that the Compliance Audit is scheduled sometime in the second week of September 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	<p>1. With respect to the CP's directive on assessing the Respondent's labor practices and policies: -</p>



- a. The Secretariat has furnished the CB's audit report and some additional documentation for the CP's perusal;
 - b. The Secretariat has received several comments and queries from the CP; and
 - c. The secretariat will provide the necessary response to the queries and comments raised by the CP in due course.
2. With respect to the CP's directive for an independent review on the Respondent's internal grievance mechanism: -
- a. The Respondent has provided confirmation by way of email that the survey by a Consultant does look at the efficiency and effectiveness of the Respondent's internal grievance mechanism and it is part of the Respondent's effort to improve the said mechanism.
3. With respect to the CP's directive on the incident surrounding the issue of fraudulent documents: -
- a. The Respondent has provided a written clarification and explanation on the incident as requested and further provided an explanation with supporting documents as to why the incident does not actually lead to the worker's' salary being reduced; and
 - b. The Secretariat will be furnishing the same for the CP's consideration and 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



	<p>waste processing agency;</p> <ul style="list-style-type: none"> • 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	1. Pending endorsement of draft decision letter by the Complaints Panel.

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	<ol style="list-style-type: none"> 1. The Complainant provided a response on 17.08.2022 but the response was unclear. 2. The Secretariat and its colleague from the LatAm are in the midst of obtaining clarification from the Complainant.



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 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	1. The draft TOR for an independent investigation is still being deliberated by the CP for endorsement.



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	<ol style="list-style-type: none"> 1. The Complainant informed the Secretariat of their dissatisfaction with the audit process that has been conducted in July 2022. 2. In light of the above, the CP has directed for an independent investigation to be conducted. 3. The Secretariat will proceed to communicate the CP's directive to the parties and to then draft the ToR for the independent investigation.



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 Secretariat had a meeting with the Complainant on 9 August 2022. 2. The Complainant clarified that there is no confidential information in their response and further expressed an interest to partake in the Bilateral Engagement process. 3. The Secretariat furnished the Complainant's comments to the Respondent and conveyed the Complainant's interest in having the dispute resolved by way of Bilateral Engagement. Pending a response from the Respondent.