

# COMPLAINTS PANEL MEETING MINUTES

18 June 2015 | 3.30pm – 6.00pm | Meeting No. 6/2015

Meeting location: *RSPO Secretariat Office, 37 Floor, Menara UOA, Bangsar, Kuala Lumpur, Malaysia*

## GENERAL MEETING AGENDA

### List of Complaint Panel members

Melizel Asuncion (Verite), Henry Barlow (Affiliate Member), Michelle Desilets (Orangutan Land Trust), Matthias Diemer (WWF Switzerland), Bambang Dwilaksono (First Resources), Marieke Leegwater (Solidaridad), Sabarinah Marzuky (Sime Darby), John Payne (Borneo Rhino Alliance), Nina Roth (UBS AG), Frasier Lanier (Citibank), Torben Venning (Borneo Child Aid), Tom Mclaughlin (Woolworths), Touthiltoka (Sime Darby)

#### **3.30pm – 4.20pm**

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 26 May 2015 Complaints Panel Meeting
4. New reported cases
5. Monthly Update: List of Complaints
6. Any other matter
7. Golden Veroleum Liberia

#### **Group 1: 4.20pm- 4.50pm**

1. PT Ladang Sawit Mas (LSM) /Bumitama Agri Ltd
2. PT Nabatindo Karya Utama (NKU) / PT Andalan Sukses Makmur (ASMR) /Bumitama Agri Ltd
3. PT Hati Prima Agro - Bumitama a Agri Ltd (BGA)
4. Genting Plantation Bhd (GPB)
5. PT Limpah Sejahtera (First Resources Ltd)
6. PT Borneo Surya Mining Jaya (First Resources Ltd)
7. Orang Dusun Lahad Datu/ FELDA

#### **Group 2: 4.50pm – 5.30pm**

8. PT Sisirau/Ibris Palm Group
9. PT Permata Hijau Pasaman (PHP) 1 (Wilmar International)
10. Equatorial Palm Oil
11. Groupe CASINO/Ferrero

#### **Group 3: 5.30 – 6.00pm**

12. PT London Sumatra (Lonsum)
13. Golden Veroleum Liberia (GVL)
14. PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
15. PT WINA Nabati/ Wilmar
16. PT Barumon Agro Sentosa
17. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) - Ketapang

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## Agenda item

### 1. Opening Remarks by Chairperson

The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.

### 2. “No Conflict of Interest”

All the members of the complaints panel declared that they have no conflict of interest for the complaint cases they were reviewing.

### 3. Minutes of the meeting of 26 May 2015

The minutes of the meeting were adopted and confirmed by the members unanimously.

### 4. New Reported Cases

The following are reported cases received by the RSPO Secretariat and have not yet been deliberated by the Complaints Panel.

#### 1. PT. Kapuas Maju Jaya, PT Dwie Warna Karya, PT Susantri Permai (Genting Plantations Berhad, GPB) –Mitra Lingkungan Hidup Kalimantan Tengah & Forest People Program (FPP) – received on 23 March 2015

The plantation operation is ongoing even though the location permits or IjinLokasi and Izin Usaha Budidaya Perkebunan/ IUP was withdrawn. GPB issued a formal letter dated 25 March 2015, saying that “GPB took over the management of the three PTs only in January 2014. GPB has continued to pursue the renewal of the IjinLokasi and after that, they will proceed for the IUP and Penilaian Usaha Perkebunan/PUP to facilitate ISPO and RSPO certification”.

Status: Box A

Update: RSPO shared the letter to FPP on 30 April 2015, no response from the complainant so far. The RSPO Secretariat tried to call the mobile phone of the complainant but was not successful. GPB has answered the allegations on 9 June 2015. RSPO Secretariat will have to wait for further responses from FPP and others.

#### 2. PT Rimba Mujur Mahkota (PT RMM)– Sawit Watch – received on 25 April 2015

Sawit Watch sent a formal letter to PT RMM in North Sumatra, Indonesia to seek clarification regarding the freedom of involvement in labour unions, mutation, demotion, one-sided termination, eviction and intimidation against labour in general, as well as the termination and sealing of the house of Mr. Aronaso Gulo, one of the staff of PT RMM who has been active in Union Serbundo.

PT RMM was alleged to have breached the Indonesian National Law on Manpower, No.13/2003 - article 151 and 155 regarding the procedure of termination against an employee.

Status: Box G (bilateral engagement hastaken place)

Update: RSPO Secretariat facilitated a stakeholders meeting in Medan on 5 June 2015. Formal agreement has been signed, both parties agreed to solve the complainant bilaterally. RSPO Secretariat will monitor the process of such implementation.

#### 3. PT Tolan Tiga (Sipef Group) –Lembaga Pemuda Pemerhati Lingkungan Hidup (LPPLH) – Labusel – received on 25 April 2015

There are 3 points in the allegations:

1) LPPLH alleged that PT TolanTiga has a Land Dispute with the villages of Meranti, Kampung Rakyat and Labuhan

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Batu Selatan.

- 2) PT Tolan Tiga created a land boundary trench with a depth of 2 meters, which is dangerous for motorcycle riders
- 3) The absence of public schools located near to the company, causing the staff's children to travel a long distance to school.

Status: Box H, Case Closed

Update: Clarifications was made by Sipef on 30 April 2015. No response from the complainant so far. The deadline of 22 May 2015 has passed, and therefore, the complaint is closed.

#### **4. WALHI/PT Indo Sawit Kekal Cargill – received on 6 April 2015**

The NPP submission, listed a representative of WALHI during the public consultation. But WALHI have complained to RSPO saying that the said representative never represented WALHI at that time and that RSPO was negligent in allowing the publication of the NPP. WALHI says that they are not a RSPO member and by publishing their name in the NPP report, it implies that they are supporting the expansion of oil palm development. This is contrary to their official policy of not supporting oil palm expansion. WALHI is demanding an apology from RSPO.

Status: Box B

Update: RSPO Complaints Coordinator met Cargill on 15 May 2015. They cannot trace the people involved in the case. RSPO to talk to Walhi and reach a satisfactory solution.

#### **5. PT. Gunung Melayu (Asian Agri) – received on 2 March 2015**

In Sumatera: Kelompok Tani/Farmer Group Ujung Masehi alleged that PT Gunung Melayu has taken over their land (68.5 hectares) without compensation in Asahan, North Sumatra. The Secretariat has received clarification from the member, PT Gunung Melayu.

Status: Box A

Update: Response from the community was received on 17 May 2015. The second clarification from Asian Agri was received on 1 June 2015. RSPO Secretariat has sent email to the community on 8 June 2015 and will engage with both parties. This case is expected to be closed due to lack of evidence. RSPO Secretariat has sent a formal letter to the Farmer's Group.

#### **6. PT. Unggul Lestari (Musim Mas) – received on 23 January 2015**

Kelompok Tani/ Community Group Bhakti Karya in Bukit Indah village, sub district Telaga Antang, District (Kabupaten) Kotawaringin Timur, Central Kalimantan Province, has made a complaint against PT Unggul Lestari. The complaint is about a land claim of 685 hectares. Kelompok and Bhakti Karya alleged that PT Unggul Lestari has taken their land and planted on it without their permission.

Status: Box A

Update: RSPO Secretariat met with Musim Mas on 10 April 2015 in RSPO KL and on 24 April 2015 in RILO Jakarta. The matter was clarified by Musim Mas. Since the deadline (22 May 2015) for providing GPS coordinate has passed, RSPO Secretariat expects to close the case by end June 2015.

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### 5. Monthly List of Complaints (Status as of 1 June 2015)

Categories :	Cases Closed		Cases Open
Case closed for monitoring (Box G):	11	Complaint received (Box A):	3
Case closed (Box H):	25	Complaint categorized (Box B):	0
Not resolved (Box Q):	2	Panel Convened (Box C):	3
		Complaint legitimate (Box D):	5
		Reviewing response (Box E):	1
		Action Plan (Box F):	3
		Appeal (Box P)	0
		Non – Cooperation (Box N)	1
<b>Sub – total</b>	<b>38</b>		<b>16</b>
<b>Total: 54</b>			

At this meeting, a total of 16 ongoing complaint cases were deliberated and 6 new reported cases were recorded.

### 6. Any other matters for the Complaints Panel:

#### 6.1 Dates for the next Complaints Panel Meetings

- i. The upcoming CP meeting dates for the 3<sup>rd</sup> and 4<sup>th</sup> Quarter of 2015 are as follows:

July	August	Sept	Oct	Nov	Dec
29/07/2015	19/08/2015	30/09/2015	21/10/2015	16/11/2015*	17/12/2015

- ii. \* It was agreed to have a ‘physical meeting’ one day prior to the RT meeting on **16 November 2015** at 3:00 pm (Bangkok time).

#### 6.2 General Information

- The minutes of the 26 May 2015 meeting have been published on the RSPO website.
- The intern has left the RSPO office in Kuala Lumpur on the 17<sup>th</sup> of April 2015.
- RSPO has conducted the interviews for a new DSF Manager on 11 June 2015 in Jakarta.

#### 6.3 Complaints System Revamp

- A meeting with ASI as the consultant for the Independent Appeal Mechanism (IAM) of the RSPO Complaint System was held on 16 June 2015.
- The Expert Discussion on the IAM to be held on 8 July 2015 in Jakarta.

#### 6.4 Membership of Complaints Panel

- The briefing has been conducted for Frasier Lanier from Citibank on 2 June 2015.

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## 7. Golden Veroleum Liberia

- i. During the meeting, of 4<sup>th</sup> June 2015, it was decided that the 'Butaw incident' will be treated as a separate issue from the main complaint.
- ii. Secretariat to prepare a detailed reply (letter) to the complainants for each of the alleged complaint.
- iii. Next meeting has been fixed for 24<sup>th</sup> June 2015.

## DELIBERATION OF COMPLAINTS

Complaint 1	
Member Organization	PT Ladang Sawit Mas (LSM) (a subsidiary of Bumitama Agri Ltd.)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan IARI, Friends of Borneo
Date filed	8 April 2013
Nature of complaint	Complaint by Friends of Borneo that PT Ladang Sawit Mas is clearing orangutan habitat and is not complying with the RSPO guidelines.
Status	Box G – Closed for monitoring
Decision /Justification	The case is currently closed for monitoring. The RSPO Secretariat to continue to monitor until final closure. Complaints Coordinator Indonesia to initiate dialogue with the parties towards closing the case at the end of the 12 month period.

Complaint 2	
Member Organization	PT Nabatindo Karya Utama (PT NKU)/PT Andalan Sukses Makmur (PT ASMR) – (subsidiaries of Bumitama Agri Ltd)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Centre for Orangutan Protection (COP)/ HUTAN/ JATAN
Date filed	10 March 2013
Nature of complaint	The company is alleged to have breached Principle 5: Environmental responsibility and conservation of natural resources and biodiversity and Principle 7: Responsible development of new plantings, i.e. in the development of the land within the concession.
Status	Box G – Closed for monitoring
Decision /Justification	The case is currently closed for monitoring. The RSPO Secretariat to continue to monitor until final closure. Complaints Coordinator Indonesia to initiate dialogue with the parties towards

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	closing the case at the end of the 12 month period.
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Complaint 3	
Member Organization	PT Hati Prima Agro (PT HPA) (a subsidiary of BumitamaAgri Ltd)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Date filed	1 July 2012
Nature of complaint	Principle 2 RSPO P&C – Compliance with applicable laws and regulations. Operating a palm oil plantation without the requisite permits.
Status	Box H – Case Closed
Decision /Justification	The case is officially closed.

Complaint 4	
Member Organization	Genting Plantation Bhd (GPB)
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Borneo Rhino Alliance (BORA)
Date filed	27 February 2013
Nature of complaint	<ol style="list-style-type: none"> <li>1. Despite being a member of RSPO, GPB has not complied with the RSPO New Planting Procedures.</li> <li>2. Annual report clearly shows expansion in land area planted, but no NPP notification has been submitted to the RSPO during the period.</li> <li>3. No commitment to full certification on a time bound plan.</li> </ol>
Status	Box G – Closed for Monitoring
Decision /Justification	GPB has replied to BORA’s queries on the progress report. The Secretariat is waiting for BORA’s reply. GPB has also confirmed that they have renewed 2 of the Ijin Lokasi and no work has been done pending the renewal of the Ijin; in reply to recent reports claiming that they are operating without the necessary permit as required under Indonesian law. The RSPO Secretariat continues to monitor until closure

Complaint 5	
Member Organization	PT Limpah Sejahtera (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan International Animal Rescue Indonesia (YIARI)
Date filed	1 May 2010
Nature of complaint	Violation of RSPO P&C 5.2 and P&C 7.3.

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	<p>The company is alleged to have breached:</p> <p>Principle 5: Environmental responsibility and conservation of natural resources and biodiversity</p> <p>Principle 7: Responsible development of new plantings.</p> <p>The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before development of the plantation.</p>
Status	Box F – Action Plan
Decision /Justification	<p>Compensation Task Force will circulate the review report once it is ready and will reply to CP’s letter informing that the compensation review has been completed and the result of the review. The report on the LUC analysis will be circulated on the 24<sup>th</sup> of June 2015. Any restoration work will be dependent on the outcome of the report.</p> <p>The RSPO Secretariat will circulate the HCV assessment report, both the summary and the full report (Bahasa Indonesia version) next week.</p> <p>The Panel expressed their concerns that WRI is taking too long to review these reports. It was informed that henceforth WRI will no longer be doing it and a new reviewer will be appointed.</p>

Complaint 6	
Member Organization	PT Borneo Surya Mining Jaya (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA), Aliansi Masyarakat Adat Nusantara (AMAN) and the community of Muara Tae
Date filed	16 October 2012
Nature of complaint	<p>Violation of RSPO’s New Planting Procedures under Principle 7 of the RSPO Principles and Criteria.</p> <p>The Muara Tae community alleged that FR did not carry out proper FPIC procedure in acquiring their customary land area. There are concurrent claims by Muara Tae and Muara Ponak communities over the same land. Also, the HCV forest was not properly identified nor set aside for conservation.</p>
Status	Box F – Action Plan
Decision /Justification	<p>The Compensation Task Force will share the compensation review report for the social HCV loss. The RSPO Secretariat to write to the company and ask them to write a proposal on restoration based on HCV assessment. On certification, they can proceed based on clause 4.2.4 of the RSPO Certification Systems document, but no certification will be granted until the cases are closed for monitoring.</p>



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Complaint 7	
Member Organization	FELDA (Federal Land development Authority) FELDA Ventures Bhd.
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak)
Date filed	16 February 2015
Nature of complaint	<p>According to the Enquiry National Hak Tanah document by SUHAKAM, the state government had given 1260 acres of land to the Dusun Begahak community in 1981. At the same time, the same land was alienated to FELDA for development.</p> <p>The complainant raised the issue that FELDA has no right to develop their land and should return it to the community because the land originally belonged to the community. The complainant also stated that the cemetery area is being developed by FELDA.</p> <p>Felda encaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land.</p> <p>A police report has been made by the community and that is the source of the complaint.</p>
Status	Box A – Complaint Received
Decision /Justification	The Panel agreed to wait for the minutes of the 4 <sup>th</sup> June 2015 meeting and the subsequent field visit before making a preliminary decision.

Complaint 8	
Member Organization	PT Sisirau/Ibris Palm Group
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Sumatran Orangutan Society (SOS)
Date filed	29 October 2012
Nature of complaint	<ol style="list-style-type: none"> <li>1. Clearing of HCV land containing Orangutan habitats</li> <li>2. Failing to stop work after the discovery of Orangutans</li> <li>3. Breach of New Planting Procedures</li> </ol>
Status	Box N - Non Cooperation
Decision /Justification	The Complaint Panel agreed to wait for full documentation before lifting the suspension. The company will also await the legal opinion report from Malaysia and Indonesia on the legality of submitting <i>shape files to the RSPO</i> . The Panel requested for a timeline for the legal opinion.

Complaint 9	
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Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Palm Oil Processors and/or Traders
Country	Indonesia
Complainant	S.H Gampo Alam, <i>Pucuk Adat Nagari Kapa</i> (indigenous leader of Nagari Kapa) as well as Head of <i>Kerapatan Adat Nagari Kapa</i> (KAN – a village/nagari-level customary institution in Minangkabau which maintains and preserves the Minangkabau customs and culture). Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform)
Date filed	30 October 2014
Nature of complaint	<ol style="list-style-type: none"> <li>1. Complainant seeks clarity of the extent of PT. PHP 1’s nucleus estate in Nagari Kapa.</li> <li>2. Complainant rejects PT. PHP 1’s application to the National Land Agency for a Hak Guna Usaha (HGU) certificate over the customary (<i>ulayat</i>) land of Nagari Kapa.</li> <li>3. Violation of RSPO Principles &amp; Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas.</li> <li>4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period?</li> </ol>
Status	Box D – Complaint Legitimate
Decision /Justification	<p>A letter will be drafted and circulated to the CP members before sending it to FPP.</p> <p>A date will be set for the meeting between RSPO, Wilmar, and the community. The outcome will be shared with the Complaints Panel.</p> <p>Await the outcome of the meeting between RSPO, Wilmar, and the community in late June 2015 before Complaints Panel makes a final decision.</p>

Complaint 10	
Member Organization	Equatorial Palm Oil PLC
Membership category	Oil Palm Grower
Country	Liberia
Complainant	Sustainable Development Institute
Date filed	25 September 2013
Nature of complaint	<p>It is alleged that the company has cleared and planted on land that is the customary land of the community in New Cess, Grand Bassa County, Liberia; and is seeking to expand the plantation without the free, prior and informed consent of the communities.</p> <p>The community is also objecting to the company carrying out a re-survey of the existing concession area.</p> <p>The company is alleged to have breached Principle 2.2 &amp; 2.3 of FPIC and Principle 7: Responsible development of new plantings.</p>

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	No NPP notification posted to RSPO.
Status	Box D – Complaint Legitimate
Decision /Justification	To allow the parties to respond to the final decision and Secretariat to follow up and update the Complaints Panel at the next meeting.

Complaint 11	
Member Organization	Groupe CASINO
Membership category	Retailer
Country	France
Complainant	Ferrero
Date filed	16 April 2015
Nature of complaint	The Ferrero Group is making a fresh complaint that CASINO: <ul style="list-style-type: none"> <li>a. Has not done anything to show the French public that CSPO is an alternative to the conventional palm oil.</li> <li>b. Continues to have “sans palm oil” labels despite the change in legislation that makes it redundant.</li> <li>c. Has announced that it will replace palm oil in its food products.</li> <li>d. Associated palm oil with perceived harmful products like aspartame etc.</li> <li>e. Generally has violated the Code of Conduct by failing to endorse the objectives of the RSPO.</li> </ul>
Status	Box C- Complaints Panel Convened
Decision /Justification	The Panel had a debate on the merits of the complaint and the arguments were as follows: It was seen as a communication issue but agreed some kind of check is required,so that RSPO members do not resort this kind of behaviour as it not in the spirit of the RSPO.The RSPO Code of Conduct should be revised so that this types of cases will not arise.The amendment is for the BoG to discuss, no further work to be done by Complaints Panel. The Complaints Coordinator to draft letter to Ferrero and circulate to Complaints Panel members

Complaint 12	
Member Organization	PT London Sumatra (Lonsum)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Community of DesaPergulaan via Sawit Watch
Date filed	7 April 2009
Nature of complaint	The following points were raised by the community of DesaPergulaan: <ol style="list-style-type: none"> <li>1. Legality of the extension of the concession and demands for return of land totalling 165.6 ha.</li> <li>2. The status of the law suit filed by 5 of the residents which is ‘out-of-time’ (compensation paid in 1971).</li> </ol>

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	<ul style="list-style-type: none"> <li>3. The legality of the security drain to prevent access.</li> <li>4. Prohibiting cattle herding in the plantation.</li> <li>5. The non-employment of residents of Desa Pergulaan in the plantation.</li> <li>6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised.</li> <li>7. No complaint letters have been addressed to Lonsum directly.</li> <li>8. Status of residents on the Police 'Wanted List'.</li> </ul>
Status	Box D – Complaint Legitimate
Decision /Justification	<p>Await the follow up meeting and the Term of Reference for the Social assessment on how the CSR will be delivered.</p> <p>Only then, the case can be closed for monitoring</p> <p>Complaints Coordinator Indonesia will work on Social Impact Assessment of the planned CSR. Complaints Panel to endorse the CSR delivery plan and close for monitoring once done.</p>

Complaint 13	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia, Africa
Complainant	<p>Local communities in towns and villages identified within the proposed Golden Veroleum project, which according to the Environmental and Social Impact Assessment (ESIA) covers about thirty three thousand hectares (33,000 ha) of land located in Greenville, Butaw and Kpanyan Districts of Sinoe County, Republic of Liberia encompassing several towns and villages, including: Plusunnie, Pynes Town, Kilo Town, Dejila, Solo Village, Bukrah, Saklaboh, Bloh, Pluoh, Farley town, Soweh, Jaryenneh, Tuoh, Teah Town, Klay Tow, Butaw Compound, Otis Village. Represented by Alfred Brownell of Green Advocates (GA), Kulu United Development Association (KUDA), Save My Future Foundation (SAMFU), Forest People Programme (FPP), Social Entrepreneurs for Sustainable Development (SesDev).</p>
Date filed	<ul style="list-style-type: none"> <li>1. Green Advocates – 3 Oct 2012</li> <li>2. Forest People Programme – 26 July 2013</li> <li>3. Sustainable Development Institute/SesDev Liberia - 2 October 2013</li> <li>4. Joint statement by FPP, SAMFU, SDI and GA – 1 November 2013</li> <li>5. Kulu United Development Association (KUDA) - 14 November 2013</li> <li>6. Sustainable Development Institute(SDI) and Social Entrepreneurs for Sustainable Development(SesDev) Liberia – 21 November 2013</li> <li>7. Social Entrepreneurs for Sustainable Development (SeSDev) - 7th February 2014</li> <li>8. On behalf of KUDA by Green Advocates - 17th February 2014</li> <li>9. Green Advocates on behalf of the Gblebo clan - 7th March 2014</li> </ul>

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Nature of complaint	Violation of the RSPO Principles and Criteria and New Plantings Procedure by: 1) Not providing public notification for a 30 day period consistent with the New Planting Procedures, 2) By commencing land preparation for new planting and infrastructure development prior to the expiry of the minimum 30-days consultation period. 3) By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporating 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. 4) Grabbing lands without respecting local customary rights and without the free, prior and informed consent (FPIC) of the customary land owners as represented through representative organizations of their choice (RSPO C2.2, C2.3, C7.5 and C7.6). 5) Forcibly evicting the people from their lands (RSPO C7.5 and C7.6).
Status	Box G (Monitoring progress of action plan for Complaint 1 by Green Advocates) Box D – Panel has made a preliminary decision for Complaint 2 through 9.
Decision /Justification	The Panel to await response from the parties.

Complaint 14	
Member Organization	PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Forest People Programme (FPP) and Transformasi untuk Keadilan (TUK) Indonesia
Date filed	14 October 2014
Nature of complaint	Points raised : 1. PT. KPC is in persistent violation of the RSPO P&C pertaining to 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 during the acquisition of the land. 2. Land was acquired without a land tenure study and participatory mapping. 3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was on May 2014. 4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas. 5. Land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood. 6. GAR as the parent company of all 18 subsidiaries listed is acting in violation of the New Planting Procedures (NPP) by submitting information which it knows is false. No HGU exists in 16 of the 18 concessions where NPP was submitted.

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	7. The assessors who 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	Box D – Complaint Legitimate
Decision /Justification	The case will be closed for monitoring if the stated action plan is satisfactory to FPP and RSPO. The RSPO Secretariat to liaise with the parties toward this.

Complaint 15	
Member Organization	PT Wina Nabati Indonesia /Wilmar
Membership category	Oil Palm Traders
Country	Indonesia
Complainant	Friends of Borneo, Siesfund and Stanislaus Lhota
Date filed	6 February 2013
Nature of complaint	<p>In respect Principles and Criteria of the Roundtable on Sustainable Palm Oil (RSPO) in KelurahanKariangau, Kota Madya Balikpapan, East Kalimantan, where it is building a CPO processing unit.</p> <p>The company has reclaimed land and cleared mangrove swamps in the area to build a jetty in the Balikpapan Bay and it is deemed a sensitive area for biodiversity.</p> <p>The Complainants claim that the clearing of areas includes approximately 18-20 hectares of mangrove forest, which is classified as Kawasan Lindung, according to the local spatial plan (tata ruang kota madya). Besides the spatial plan, opening coastal mangroves violates several national laws: (1) Surat Keputusan Bersama Menteri Pertanian dan Menteri Kehutanan No. KB.550/264/Kpts/4/1984, which defines the zone of protected mangroves to be 200 m; (2) Surat Edaran No. 507/IV-BPHH/1990, which defines the protected green belt to be 200 m along the coast and 50 m along rivers; (3) Keputusan presiden No. 32 tahun 1990 tentang Pengelolaan Kawasan Lindung,</p>
Status	Box G – Closed for Monitoring
Decision /Justification	<p>A note and annual impact assessment report on this case will be placed on the website in the case tracker function.</p> <p>The Biodiversity and High Conservation Values Working Group (BHCV WG), through the Compensation Panel, has recommended to transfer the 0.87 Ha of HCV compensation to WILMAR’s other compensation cases.</p> <p>The Complaints Panel agreed to close this case.</p> <p>Indonesia Complaints Coordinator will send the closure letter.</p>

Complaint 16	
Member Organization	PT Barumun Agro Sentosa/ PT BAS (was PT First Mujur Plantation)
Membership category	Oil Palm Grower

## COMPLAINTS PANEL MEETING MINUTES

18 June 2015 | 3.30pm – 6.00pm | Meeting No. 6/2015

Meeting location: *RSPO Secretariat Office, 37 Floor, Menara UOA, Bangsar, Kuala Lumpur, Malaysia*

Country	Indonesia
Complainant	Mr. Hepli Harahap (Gerakan Pemuda Untuk Keadilan Rakyat/GPUKR) on behalf of himself and Haji Soleh Hasibuan
Date filed	19 January 2015
Nature of complaint	<p>I. FPIC related issues (C2.3, C6.4, C7.6) Complainant alleged PT BAS has not compensated the land owned by Haji Soleh Hasibuan, 25 hectares in Village Labuhan Jurung/ Ujung BatuJulu. About 7700 rubber trees were planted on the land.</p> <p>II. Principle 2 Breach of Law No. 40/ 2007 on Perseroan Terbatas (PT/Corporate) and Law No. 47/2012 on Corporate Social and Environment Responsibility. Lack of Corporate Social Responsibility/CSR.</p> <p>III. Criteria 5.3 PT BAS has polluted Danau Meluak.</p>
Status	Box B– Complaint Received
Decision /Justification	The Complaints Panel agreed to close the case, as there has been no response to queries posed by the Panel to the complainant. The RSPO Secretariat will send a formal letter shortly.

Complaint 17	
Member Organization	PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	AidEnvironment
Date filed	3 April 2015
Nature of complaint	<p>Issues raised by Aidenvironment:</p> <ol style="list-style-type: none"> <li>10,000 ha of planting without permit (IOP)</li> <li>Encroachment into the forest sanctuary</li> <li>IOI has cleared the land without submitting NPP.</li> </ol>
Status	Box C – ComplaintsPanel Convened
Decision /Justification	The Complaints Panel agreed to wait for the internal investigation report to be completed by IOI and then evaluate the merits of the complaint for a preliminary decision.