

COMPLAINTS PANEL MEETING MINUTES

For Website

26 September 2018 | 6.00-9.00pm | Meeting No. 9/2018

Meeting location: *Jakarta Conference Room, RSPO Kuala Lumpur - Malaysia*

GENERAL MEETING AGENDA

List of Complaint Panel members

Melizel Asuncion (Verite), Henry Barlow (Affiliate Member), Michelle Desillets (Orangutan Land Trust), Matthias Diemer (WWF Switzerland), Marieke Leegwater (Solidaridad), Priya Gopalan (UBS AG), Frazer Lanier (Citibank), Lim Sian Choo (Bumitama), Lanash Tanda (SEPA), Robert Kruger (RKG), Samantha Bramley (Standard Chartered), Suzanne Hall (San Diego Zoo)

3.30pm-4.15pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of 23 August 2018 during the CP Meeting
4. Updates from the Board of Governors
5. New Allegations:-
 - a) PT. AMP Plantation (Wilmar);
 - b) Wilmar v Link-Ar Borneo
 - c) PT Harapan Sawit Lestari (Cargill) v Link Ar-Borneo
 - d) PT Agro Lestari Mandiri (Sinar Mas) v Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
 - e) GAR v FPP
 - f) GAR (GVL) v FPP
 - g) PT Agro Andalan v Link Ar-Borneo
 - h) Presco Nigeria PLC v Indigenous People of Oruarivie-Abraka Kingdom
6. Incident reports from the Public Domain
 - a) Aceydesa (Honduras);
 - b) Greenpeace Reports on Links between Wilmar International and GAMA
 - c) Chain Reaction Research Article – Shadow Companies Present Palm Oil Investor Risks and Undermine NDPE Efforts
 - d) Eyes on the Forest Report – Enough is Enough – Investigation Report on Chain of Custody
7. Complaints Case Statistics
8. Cases “Closed for Monitoring”
9. Any other matters: -
 - a) Dates for Complaints Panel meetings;
 - b) Expansion of the Complaints Panel;
 - c) Complaints website revamp;
 - d) Follow up from the progress of the DSF procedures and its ancillary documents;

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- e) Cost Directive
- f) Complaints Panel meeting at RT
- g) Complaint's Executive Resignation
- h) Issues on FGV

- 10. Amnesty International report on Wilmar - a media enquiry by Sydney Morning Herald.
- 11. Request for Re-opening the case of PT Gunta Samba Jaya/PT SIMP.
- 12. Research Report, "Palming Off Responsibility: Labour rights violations in the Indonesian palm oil sector", by SOMO and CNV International (PT Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam – Wilmar).
- 13. Commitment of Financial Institutions
- 14. Complaints for deliberation: -

Group 1: 4.15pm-4.45pm

- i. FELDA vs Orang Dusun Lahad Datu (Desa Begahak) (Robin Balud)
- ii. Agropalma SA vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
- iii. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
- iv. PT. Pusaka Agro Lestari (PT.PAL - Noble Plantation) vs Secretariat
- v. PT. Prima Mitra Jaya Mandiri (PT. PMM - MP Evans) vs Serbundo
- vi. PT. Agro Indomas (Goodhope) vs Mr. Ravindran Veerasamy.
- vii. PT. Susantri Permai, PT Dwie Warna Karya, PT Kapuas Maju Jaya (Genting Plantation Berhad) vs Commission IV of Indonesia's House of Representative
- viii. PT. Susantri Permai (Genting Plantation Berhad) vs Borneo Orangutan Survival Foundation (BOSF)
- ix. PT. Limpah Sejahtera (First Resources) vs Yayasan Indonesian Animal Rescue International
- x. PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK
- xi. PT. Minamas Gemilang (Sime Darby) vs Oky Wardianto
- xii. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Blotek
- xiii. First Resources Ltd vs Link Ar-Borneo

Group 2: 4.45pm-5.15pm

- i. PT. Permata Hijau Pasaman (PHP - Wilmar International) vs Gampo Alam
- ii. Extractora La Gloria SAS vs ASOCOL, ASOCADAR
- iii. PT. Bumitama Gunajaya Agro (BGB- Bumitama) vs Sawit Watch
- iv. PT. Hati Prima Agro (HPA- Bumitama) vs Sawit Watch
- v. PT. Bumi Sawit Kencana II (BSK- Wilmar International Ltd.) vs Village Kapuk
- vi. Palmas Del Espino SA vs FREDEIALBA

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- vii. PT Agro Muara Rupit vs Edhy Wardhana
- viii. FELDA Global Venture Holding Berhad vs Chain Reaction Research
- ix. FELDA Global Venture vs Article by The Wall Street Journal
- x. PT. Sarana Esa Cita (Musim Mas) vs M. Ali Napiah
- xi. Aceites S.A vs Association of Palm Growers of the Irrigation District of Marialabaja
- xii. PT Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo
- xiii. PT Perkebunan Nusantara VI vs PT REKI
- xiv. PT Ivo Mas Tunggal vs LBH Sakai Riau

Group 3: 5.15pm-5.50pm

- i. PT. London Sumatra (Lonsum) vs Sawit Watch
- ii. PT. London Sumatra (Lonsum) vs RAN, Oppuk, ILRF
- iii. PT. Kartika Prima Cipta (GAR) vs FPP and TUK Indonesia
- iv. PT. Kartika Prima Cipta (GAR) vs Link-Ar Borneo
- v. Poligrow vs Environmental Investigation Agency
- vi. PT. Nabire Baru (Goodhope) vs Yayasan PUSAKA
- vii. Goodhope Asia Holdings Ltd vs Secretariat
- viii. PT. Hari Sawit Jaya (PT Inti Indo Sawit Subur) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (FSPMI)
- ix. PT. Nubika Jaya (Permata Group) vs Masyarakat Peduli Lingkungan Hidup (MPLH)
- x. PT. Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) (Ketapang) vs Aid Environment
- xi. IOI Pelita vs Community of Long Teran Kanan
- xii. Primatama Mulia Jaya v Masyarakat Adat Luhak Saparampek Simpang Tigo

Agenda item

1. Opening Remarks by Chairperson

CCP welcomes everyone.

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2. Declaration of "No Conflict of Interest"

No new declaration of conflict of interest.

3. Minutes of the meeting of 23 August 2018

Minutes of 23 August 2018 adopted.

4. Updates from the Board of Governors Meeting (24 September 2018)

Updates from the 24 September 2018 related to Complaints were shared with the Complaints Panel.

5. New Allegations Submitted

a) PT. AMP Plantation (Wilmar);

Complainant: Represented by a Lawyer, on behalf of the communities (requested for confidentiality)

Initial diagnosis in progress.

b) Wilmar International v Link-Ar Borneo

Complainant: Link-Ar Borneo

Received: 30 January 2018

Notice of rejection delivered.

c) PT Harapan Sawit Lestari (Cargill) v Link Ar-Borneo

Allegation: PT Harapan Sawit Lestari commenced the re-planting activities without a proper consent from the local community of Asam Besar

Complainant: Link-Ar Borneo

Complaint received: May 25, 2018

Initial Diagnosis in progress.

d) PT Agro Lestari Mandiri (Sinar Mas) v Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang

Allegation: PT Agro Lestari Mandiri allegedly terminated workers in violation of the Indonesian Employment Law.

Complainant: Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang

Complaint received: August 30, 2018

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Initial Diagnosis in progress

e) Golden Agri Resources v Forest People Programme

Complainant: FPP

Complaint received: 22 August 2018

Allegations: GAR's shadow companies are actively clearing lands.

Initial Diagnosis in progress.

f) Golden Agri Resources (Golden Veroleum Liberia) v Forest People Programme

Complainant: FPP

Complaint received: 22 August 2018

Allegations: GAR, in publicly endorsing GVL's withdrawal from RSPO, has breached RSPO's code of conduct for members and RSPO P&C.

Initial Diagnosis in progress.

g) PT Agro Andalan v Link Ar-Borneo

Complainant: Link Ar-Borneo

Complaint received: 7 September 2018

Allegations: the Company has not provided proper Labourer died due to pesticides poisoning.

Initial Diagnosis in progress.

h) Presco Nigeria PLC v Indigenous People of Oruarivie-Abraka Kingdom

Complainant: Indigenous People of Oruarivie-Abraka Kingdom

Complaint received: 17 September 2018

Allegations: Land grabbing

Initial Diagnosis in progress.

6. Incident Report from the Public Domain

a) Aceydesa (Honduras)

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Major unrest is brewing in Honduras post the elections. There were a series of reports in the foreign press relating to the land around Baja Aguan area, at a concession owned by one of RSPO's certified members, Aceydesa. The allegations are related to land grabbing, social and FPIC related issues amongst the Garifuna indigenous community. Since it's a certified unit, our certification team has already contacted the CB, Control Union, who is supposed to initiate a re-audit. This was initially scheduled for the 8th December 2017 but given the current unrest, they have postponed it to this year. We are on standby and have received a media query from a Swiss press source and we have given our usual response. This matter is on high alert.

b) Greenpeace Report on Links between Wilmar International and GAMA

Monitoring by the Investigation and Monitoring Unit (IMU)

c) Chain Reaction Research Article - Shadow Companies Present Palm Oil Investor Risks and Undermine NDPE Efforts

Monitoring by the Investigation and Monitoring Unit (IMU)

d) Eyes on the Forest Report - Enough is Enough - Investigation Report on Chain of Custody

Monitoring by the Investigation and Monitoring Unit (IMU)

e) Finnwatch report on IOI report

Monitoring by the Investigation and Monitoring Unit (IMU)

7. Complaints Case Statistic.

	January 2018	February 2018	March 2018	April 2018
Complaints received	3	1	1	-
Status	Initial Diagnosis	Initial Diagnosis	Case closed and referred to certification for follow up.	-
Certified	2	0		-
Country	3 Indonesia	1 Indonesia	1 Indonesia	-
Type of Allegations	<ul style="list-style-type: none"> ● Plasma Scheme ● FPIC/Lack of 	<ul style="list-style-type: none"> ● Buying illegal FBB 	Orang utan shooting	

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	Transparency • Land clearance/no compensation to community/ no proper permit.			
	May 2018	June 2018	July 2018	August 2018
Complaints received	4	2	1	3
Status	2 Cases closed 2 Initial Diagnosis	Initial Diagnosis	Initial Diagnosis	Initial Diagnosis
Certified				
Country	Indonesia	Indonesia	Indonesia	2 Indonesia 1 Singapore
Type of Allegations				
	September 2018			
Complaints received	2			
Status	Initial Diagnosis			
Certified				
Country	1 Indonesia 1 Nigeria			
Type of Allegations	-Labour -Land Grabbing			

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Country	Indonesia	Malaysia	Liberia	Columbia	Brazil	Nigeria	Singapore	Peru	Total
Open cases	37	4	1	3	1	1	1	1	49

8. Cases closed for Monitoring

Secretariat to update the CP on actions taken to close old cases which were under monitoring post decision.

9. Any other matters for the Complaints Panel:

10.1 Dates for the next Complaints Panel Meeting
The upcoming CP meeting date: **24 October 2018**

10.2 Expansion of the Complaints Panel
Secretariat to follow up with the IGC members.

10.3 Complaints Website Revamp
Pending migration of related documents

10.4 Follow up on the progress of the DSF procedures and its ancillary documents.
Two documents for public consultation (namely the draft Operational Guidelines and the Framework containing the Principles, ToR, and Procedures) have been circulated for the DSF AG's review and the Secretariat hopes to send it out for public consultation next week. There will be a prep cluster during the RT 16 for public consultation of these documents and the CP members are invited.

10.5 Cost Directive
Issue of cost to be borne by Respondents in the course of an investigation to be discussed and a general consensus to be reached by the CP.

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10.6 CP's Meeting at RT

For CP members to complete the confirmation.

10.7 Announcement of Complaints Executive's Resignation

Advert for the Complaints Executive position to be up soon.

10.8 Issues related to FGV

CCP to email comments for the CP members to consider.

11 Amnesty International's Investigation report on Wilmar International

"Amnesty International interviewed 120 workers working on palm plantations owned by two Wilmar subsidiaries and three Wilmar suppliers in Kalimantan and Sumatra in Indonesia. The investigation exposed a wide range of abuses including:

- i. Women forced to work long hours under the threat of having their pay cut, paid below minimum wage and kept in insecure employment without pensions or health insurance;
- ii. Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation;
- iii. Workers suffering severe injuries from paraquat, an acutely toxic chemical banned in the EU and by Wilmar itself;
- iv. Workers being made to work outdoors without adequate safety;
- v. Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks".

29 November 2016 – Press release from Wilmar was published. The internal actions and assessment report are available at this link :<http://www.wilmar-international.com/sustainability/wp-content/uploads/2016/11/Internal-Assessment-Report-on-Human-and-Labour-Rights-Issues-in-North-Sumatra.pdf>

RSPO Secretariat public statement on the issue: <http://www.rspo.org/news-and-events/news/rspo-response-to-amnesty-international-report-the-great-palm-oil-scandal-labour-abuses-behind-big-brand-names>

30 November 2016 – Musim Mas response on the issue: <http://www.musimmas.com/news/general-news/2016/musim-mas-responds-to-labour-risks-in-the-palm-oil-industry>

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Complaints Panel is following up with Wilmar International and TSH.

Update:

Wilmar International shared their progress update on 20 September 2018. RSPO Secretariat is also following up with TSH for an update.

12 Request for Reopening the case: PT Gunta Samba Jaya/PT SIMP

Greenpeace, upon releasing their investigative report, **Dirty Bankers**, which exposes HSBC's role in funding palm oil companies linked to environmental and human rights abuses followed up with RSPO on the PT Gunta Samba Jaya and Indofood/PT SIMP filed in 2013. The case remains unresolved after Indofood CEO Mark Wakeford informed RSPO that "[Indofood does] not have any shareholding in PT Gunta Samba Jaya and it is not part of the IndoAgri or SIMP Group."

Greenpeace claim that their analysis of the company deeds and corporate structures revealed considerable overlap between PT GSJ and its parent companies, and other Salim Group businesses.

In light of this evidence they are formally requesting that the Complaints Panel re-examine the case against PT Gunta Samba Jaya / PT SIMP.

Update:

The secretariat is in the midst of the administrative process in following up on the audit.

13 Research Report "Palming Off Responsibility: Labour Rights violation in Indonesia palm oil sector by SOMO and CNV International (PT Aneka Inti Persada – Sime Darby and PT Murini Sam Sam – Wilmar International)

SOMO/CNV International published their report on labour violations at PT Murini Sam Sam and PT Aneka Inti Persada. The following violations were noted in the report:

PT Murini Sam Sam

- Temporary workers and contract issues
- Wages and overwork
- Child labour

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- Health and safety
- Gender equality – mainly hired as plantation maintenance workers and as such employed on a seasonal basis. Day workers are denied their 3 months of paid maternity leave.
- Freedom of association

PT Aneka Inti Persada:

- Temporary workers and contract issues
- Wages and workload
- Child labour
- Health and safety
- Gender equality
- Freedom of association

Update:

26 September 2018 (CP Meeting)

ASI has shared their latest audit report on PT Murini Sam Sam and pending review.

14. Involvement of Financial Institutions.

There were discussions:-

1. For financial institutions to encourage other banks to become RSPO members.
2. To encourage banks to examine their commercial banking relationship with other banks to promote sustainability.

23 August 2018 (CP Meeting)

No further updates.

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DELIBERATION OF COMPLAINTS

Group 1

Complaint 1.1.	
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 enclaved 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 F – Action Plan
Decision /Justification	Awaiting outcome of SLSD appeal.

Complaint 1.2.	
Member Organization	Agropalma SA
Membership category	Oil Palm Grower
Country	Brazil
Complainant	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
Date filed	13 August 2015
Nature of complaint	That Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria
Status	Box G - Closed for Monitoring
Decision /Justification	The Complaints Panel noted current progress of the complaint. Submissions have yet to be received from the Complainants' lawyers. Due to parallel State led processes, the Complaints Panel may consider exercising its power under the

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	Complaints and Appeals Procedures (CAP) to adjourn investigations on such terms as it deems fit.
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Complaint 1.3.	
Member Organization	Hap Seng Plantations Holdings Bhd.
Membership category	Palm Oil Company
Country	Malaysia
Complainant	Sia Yi Chin of Lahad Datu Sabah
Date filed	11 November 2015
Nature of complaint	The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah. He says that he is the beneficial owner of the said land and the land office in Kota Kinabalu has confirmed that the said land is still in his name as beneficial owner. He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015
Status	Box D – Complaint Legitimate
Decision /Justification	Pending court process.

Complaint 1.4.	
Member Organization	PT Pusaka Agro Lestari.
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Secretariat
Date filed	20 June 2017
Nature of complaint	1. Potential risk on Clearance a large areas of Primary Forest in Papua; 2. Official Complaint against one of HCV Assessors – Nyoto Susanto.
Status	Box A. Complaint received.
Decision /Justification	The GIS review is done and the TOR is being drafted by the Secretariat. The BHCVWG to set up a sub-committee to review the issue of legacy assessments conducted by pre-ALS assessors.

Complaint 1.5.	
Member Organization	PT. Prima Mitrajaya Mandiri.
Membership category	Oil Palm Growers

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Country	Indonesia
Complainant	Serbundo (Serikat Buruh Perkebunan Indonesia).
Date filed	26 September 2017.
Nature of complaint	Promote the status of the contract worker to become permanent worker, especially those who have been working in permanent basis work.
Status	Box A. Complaint received.
Decision /Justification	To follow up with the both parties on status of the workers. .

Complaint 1.6.

Member Organization	PT. Agro Indomas
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Mr. Ravindran Veerasamy.
Date filed	8 June 2017.
Nature of complaint	Terminations of employment contract without severance pay
Status	Box B. Complaint Categorised.
Decision /Justification	To deliver decision letter on appeal.

Complaint 1.7.

Member Organization	Genting Plantation Berhad (PT Susantri Permai, PT Kapuas Maju Jaya and PT Dwie Warna Karya)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	-
Date filed	18 December 2016
Nature of complaint	PT. Susantri Permai, PT. Kapuas Maju Jaya and PT. Dwie Warna Karya are illegally operating and planting palm in the area of Productive Forest. The three companies were alleged to break the Indonesian law specifically UU No. 41 Tahun 1999, UU No. 18 Tahun 2013, and UU No. 39 Tahun 2014. The 3 companies have not obtained forest land swap area or Forest Area Release Permit and Business Permit (HGU)
Status	Box A. Complaints Categorised.
Decision /Justification	The CP to deliver the decision.

Complaint 1.8.

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Member Organization	PT Susantri Permai (Genting)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Borneo Orangutan Survival Foundation (BOSF)
Date filed	31 March 2017
Nature of complaint	On 14 February 2017, a report published by US News and Indonesian's local News reported that an Orangutan was killed in the concession of PT Susantri Permai / Genting Plantation. BOSF requested the RSPO to suspend the membership of PT Susantri Permai until a socialisation on the endangered species protection to the workers has been conducted.
Status	Box C. Panel Convened
Decision /Justification	Decision letter finalised and to be delivered.

Complaint 1.9.

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. The company is alleged to have breached: Principle 5: Environmental responsibility and conservation of natural resources and biodiversity Principle 7: Responsible development of new plantings. The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before the development of the plantation.
Status	Box F – Action Plan
Decision /Justification	The milestone review is pending.

Complaint 1.10.

Member Organization	PT Mitra Austal Sejahtera (Sime Darby subsidiary)
Membership category	Oil Palm Growers
Country	Indonesia

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Complainant	Transformasi untuk Keadilan (TuK)
Date filed	31 October 2012 (under DSF) Transferred from DSF to the CP on 9 June 2017
Nature of complaint	It is alleged that the company is breaching the RSPO P&C: Principle 1 on Transparency, Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills. The issues filed by the complainant are: <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 regulation.
Status	Box D. Complaint Legitimate
Decision /Justification	To follow up with both parties on the date of the meeting

Complaint 1.11.

Member Organization	PT Minamas Gemilang (Sime Darby subsidiary)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Mr. Oky Wardianto
Date filed	19 November 2017
Nature of complaint	The Complainant is an individual, Mr Oky Wardianto and the allegations are with regards to non-payment of salary to the Complainant in his position as Director and Commissioner. Secretariat to complete the Initial Diagnosis. 21 December 2017 (CP Meeting) Initial diagnosis has been completed and we will be sending it to the CPs. The Complainant alleges that he has not been paid his salary as the Director and Commissioner since 2010. On the basis of the allegations, there are potential breaches of the P&C.
Status	Box C. Panel Convened

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Decision /Justification	To follow up with the company and prepare decision letter.
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Complaint 1.12	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh
Date filed	2 October 2012
Nature of complaint	Golden Veroleum Liberia: <ul style="list-style-type: none"> i) has not provided public notification for a 30 day period consistent with the New Planting Procedures, ii) By commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period iii) 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 iv) 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	Box C. Panel Convened.
Decision /Justification	Further deliberations and actions by the Complaints Panel, subject to the membership status of GVL.

Complaint 1.13.	
Member Organization	First Resources Ltd (PT Swadaya Mukti Prakarsa)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Link -Ar Borneo
Date filed	9th May 2018
Nature of complaint	The Company has cultivated and planted on land without first obtaining the consent of its rightful owner hence causing material and non-material loss
Status	Box C. Panel Convened

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Decision /Justification	To write to the parties on available options following the Bilateral Engagement process and to ask them which they prefer.
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Group 2

Complaint 2.1.	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Oil Palm Grower
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	1. Complainant seeks clarity of the extent of PT. PHP 1’s nucleus estate in Nagari Kapa. 2. Complainant rejects PT. PHP 1’s application to the National Land Agency for a HakGuna Usaha (HGU) certificate over the customary (<i>ulayat</i>) land of Nagari Kapa. 3. Violation of RSPO Principles & Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas. 4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period
Status	
Decision /Justification	Case closed and transferred to IMU

Complaint 2.2.	
Member Organization	Extractora La Gloria SAS
Membership category	Grower
Country	Colombia
Complainant	Fredy Antonio Corrales, representative of the Colombian Association for Displaced Peoples’ Prospects (ASOCOL), Adelfo Segundo Rodríguez, representative of the Association of Returning Displaced Farmers (ASOCADAR), Senator IvánCepeda,

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	Senator Alberto Castilla, and Representative Alirio Uribe
Date filed	19 November 2015
Nature of complaint	Extractora La Gloria SAS, in planting palm oil in the former Hacienda Bellacruz- today Hacienda La Gloria- occupies 9,000 hectares in the municipalities of La Gloria, Pelaya and Tamalameque, in southern Cesar Department without following RSPO rules. It does not comply with the following RSPO principles (1.1, 2.1, 2.2, 2.3, 4.5, 5.2, 6.4, 6.13)
Status	Box F – Action Plan
Decision /Justification	Company in the process of presenting its action plan to relevant stakeholders in Columbia as part of the process of complying with the Constitutional Court decision. Awaiting outcome of the said process. To follow up with the company.

Complaint 2.3.

Member Organization	Bumitama Gunajaya Abadi (Bumitama).
Membership category	Grower
Country	Indonesia
Complainant	Sawit Watch
Date filed	13 November 2015
Nature of complaint	<p>The allegations are:</p> <ol style="list-style-type: none"> 1) Destroying graves and planting trees surrounding the graves; 2) Dispute on plasma scheme mechanism; 3) Termination of labourers and the status of labourer i.e. are they casual or permanent? 4) Compensation not paid directly to the land owner; 5) Loss of land certification and using the land of migrants which is still under control of the owner; 6) Criminalisation of Gusti Gelombang, a former Company Public Relation officer and now the Head of Cooperative Body. <p>This case has been handled bilaterally since 2014. It was escalated to RSPO because police came to Sawit Watch's office to arrest Gusti Gelombang, who was in their office at that time.</p>
Status	Box G - Closed for Monitoring (for allegation no. 1, 3, 4, & 5) Box D – Complaint Legitimate (for plasma issue, cooperative issue & claim from 15 villagers of Sukajaya and Kinjil)
Decision /Justification	To provide briefing notes to the CP summarising the status of the case.

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Complaint 2.4.	
Member Organization	PT Hati Prima Agro
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Sawit Watch
Date filed	13 October 2017
Nature of complaint	<p>A complaint was initially lodged in 2012 on allegations related to land matters. It was dismissed in April 2015 when Bumitama said that they were planning to divest the property and no longer had management control. However, in this request for reopening of the complaint, Sawit Watch has made allegations that although Bumitama claimed to have divested the property they continued to have management control. Further, in July 2016 Bumitama had repurchased the concession unit.</p> <p>Thus, the request for reopening is on the basis that Bumitama allegedly made deceptive claims before the Complaints Panel. The Complainants further claim that Bumitama had not submitted NPP despite the land clearance.</p>
Status	Box C – Panel Convened
Decision /Justification	The CP’s cost directive issued to the respondent and to follow up with the Respondent and the independent legal expert.

Complaint 2.5.	
Member Organization	PT Bumi Sawit Kencana II
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Kapuk Village & NGO Progress
Date filed	22 July 2016
Nature of complaint	Community of Kapuk Village demanded the company to give the compensation on 78 Ha land owned by the Farmers Group
Status	Box C – Panel Convened
Decision /Justification	The land documents to be reviewed and prepare the briefing paper for the CP’s consideration.

Complaint 2.6.	
Member Organization	Palmas Del Espino SA

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Membership category	Palm Oil Grower
Country	Peru
Complainant	FREDEIALBA
Date filed	4 July 2017
Nature of complaint	<ul style="list-style-type: none"> a. The company and their group member developing the plantation without proper NPP process; b. Developing plantation without informing the local communities; c. The company has failed to comply with national law on the forest conversion; d. Mistreatment of employees including arbitrary dismissal; e. New plantings established without EIA and HCV assessment.
Status	Box A. Complaint received
Decision /Justification	Status quo pending Constitutional Court's decision.

Complaint 2.7.

Member Organization	PT Agro Muara Rupit
Membership category	Grower
Country	Indonesia
Complainant	Edhy Wardhana
Date filed	17 May 2017
Nature of complaint	The complainant claimed that his land was fraudulently sold by his cousin to PT Agro Muara Rupit. The complainant demand RSPO to review and hold the development the land.
Status	Box A. Complaint received
Decision /Justification	The decision letter finalised and to be delivered to Parties.

Complaint 2.8.

Member Organization	Felda Global Venture Holding Berhad
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Chain Reaction
Date filed	19 April 2017

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Nature of complaint	There was a report issued by Chain Reaction which reported the fact that FGV in their Kalimantan concession had cleared 1600 Ha peat forest. On 25 th April 2017 Secretariat had a meeting with FGV and they claimed that they only planted on less than 100 Ha of shallow peat.
Status	Box A. Complaint received
Decision /Justification	To review the peat map.

Complaint 2.10.	
Member Organization	FELDA Global Venture
Membership category	Grower
Country	Malaysia
Complainant	Article by The Wall Street Journal
Date filed	26 July 2015
Nature of complaint	<i>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</i> <i>The palm-oil plantations of Malaysia have become magnets for refugees from Bangladesh and Myanmar. Many have complained of onerous working conditions and few legal protections. (Syed Zain Al-Mahmood/The Wall Street Journal.)</i> The issues including human trafficking, general poor labour conditions, Use of labour contractors, to exploit illegal immigrants from Bangladesh and Myanmar; Withholding of passports; Poor health care; Pay below minimum wages; Non-payment of wages; Bonded labourers.
Status	Box F - Action Plan
Decision /Justification	Complaints Panel to continue deliberations on the complaint.

Complaint 2.11.	
Member Organization	Sarana Esa Cita (Musim Mas)
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	M. Ali Napiah
Date filed	6 October 2017
Nature of complaint	The complainant stated that the company has operated on his land without compensation.
Status	Box C. Panel Convened
Decision /Justification	Decision letter has been signed.

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Complaint 2.12.	
Member Organization	Aceites S.A
Membership category	Palm Oil Grower
Country	Maria la Baja, Columbia
Complainant	Confidential
Date filed	11 August 2017
Nature of complaint	One of ACEITES mills is allegedly purchasing its FFB from an operation run by Mrs. Alva Yiseth Villamizar Navas in the Maria la Baja area since May 2016. Alva Navas is allegedly collecting FFB from palm growers who accepted her offer of paying them below the market price, without invoices and also offered to harvest the fruit for them. Further, she also made several trucks available to transport the FFB from the field to the collection site. It is also alleged that she buys fruits from anyone, regardless of their ownership. Due to this, people started stealing fruit in the area, because she purchases fruit regardless of its origin, collecting the fruit without any type of sanitary control and with staff hired outside the rules laid down by the Ministry of Labor. The vehicles that collect the fruit do so during the night, a time when restrictions apply on mobility imposed by the City Hall. The FFB has been transferred to the mills located in the department of Magdalena, belonging to Aceites S.A and Palma Aceites.
Status	Box C. Panel Convened
Decision /Justification	Decision letter finalised and will be communicated to Parties.

Complaint 2.13.	
Member Organization	PT Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo
Membership category	Grower
Country	West Kalimantan, Indonesia
Complainant	Link-Ar Borneo
Date filed	21 January 2018
Nature of complaint	<p>Allegations:</p> <ul style="list-style-type: none"> ● Lack of transparency on the Plasma Scheme. ● Locations: Tapang Tingang Village dan Kiungkang Village, Sanggau, West Kalimantan.
Status	Box C. Panel Convened

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Decision /Justification	Responses by parties together with their translation have been shared with the CP. Secretariat to review supporting documents and update CP.
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Complaint 2.14.	
Member Organization	PT Perkebunan Nusantara VI
Membership category	Grower
Country	Indonesia
Complainant	PT REKI
Date filed	16 April 2018
Nature of complaint	Allegation: The complainant claims that PT. PN VI has bought illegal FFB from the communities. The complainant informed that the communities have planted palm oil plantations on their concession area and sold FFB to members of RSPO (PT. PN VI). The complainant has provided the evidence for these allegations.
Status	Box C. Panel Convened
Decision /Justification	To send the company a warning letter setting out the terms as directed by CP

Complaint 2.15.	
Member Organization	PT. Ivo Mas Tunggal
Membership category	Grower
Country	Riau, Indonesia
Complainant	LBH Sakai Riau
Date filed	12 April 2018
Nature of complaint	Allegations: <ul style="list-style-type: none"> ● Land clearing outside HGU; ● Operated on community's land without compensation (±6,505.42 Ha); ● The company has operated without an appropriate permit
Status	Box C. Panel Convened
Decision /Justification	Decision letter to be delivered.

Group 3

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Complaint 3.1.	
Member Organization	PT London Sumatra (Lonsum)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Community of Desa Pergulaan via Sawit Watch
Date filed	7 April 2009
Nature of complaint	<p>The following points were raised by the community of Desa Pergulaan:</p> <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for the return of land totalling 165.6 ha. 2. The status of the law suit filed by 5 of the residents which are 'out-of-time' (compensation paid in 1971). 3. The legality of the security drains to prevent access. 4. Prohibiting cattle herding in the plantation. 5. The non-employment of residents of Desa Pergulaan in the plantation. 6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised. 7. No complaint letters have been addressed to Lonsum directly. 8. Status of residents on the Police 'Wanted List'.
Status	Box E – Reviewing Response
Decision /Justification	To follow up with the independent expert on the report and its translation.

Complaint 3.2.	
Member Organization	PT PP London Sumatra/IndoAgri
Membership category	Growers
Country	Indonesia
Complainant	Rainforest Action Network (RAN), ILRF, OPPUK Indonesia
Date filed	12 October 2016
Nature of complaint	<p>A report published by RAN, OPPUK, and ILRF titled, "The Human Cost of Conflict Palm Oil: Indofood, PepsiCo's Hidden Link to Worker Exploitation in Indonesia." The report reveals the findings of field investigations and worker interviews completed on two palm oil plantations owned and operated RSPO member and Indofood subsidiary PT London Sumatra. The full report available at ran.org/indofood.</p>
Status	Box C – Panel Convened
Decision /Justification	Special Meeting to be held on the 4th October at 3.30pm at RSPO to review the

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Complaint 3.3.	
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	<p>Points raised :</p> <ol style="list-style-type: none"> 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. The 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 in May 2014. 4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas. 5. The 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.
Status	Box E - Reviewing Response
Decision /Justification	The Secretariat to complete review on the status of allegation.

Complaint 3.4.	
Member Organization	PT Kartika Prima Cipta
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Link-Ar Borneo
Date filed	18 December 2016
Nature of complaint	<p>Specific Findings:</p> <ol style="list-style-type: none"> 1. Land Claim by 1 community member of Nanga Suhaid, Mr. Saudi; 2. Land compensation claim by 1 community member of Nanga Suhaid, H. Kutai; 3. Water Pollution in the Kapuas river which is affecting the fish farmers' business production;

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	2. Conflict between residents and Village Head of Tanjung regarding water quality; 3. Conflict between residents and Village head of Emperiang regarding the land acquisition process.
Status	Box C. Panel Convened
Decision /Justification	The CP to deliver the decision

Complaint 3.5.	
Member Organization	Poligrow Colombia
Membership category	Oil Palm Grower
Country	Colombia
Complainant	Environmental Investigation Agency
Date filed	13 August 2015
Nature of complaint	The Italian-owned Poligrow Ltd has prohibited the Jiw and Sikuni indigenous communities from freedom of movement. The EIA's video alleged abuses by RSPO's Italian member in Colombia
Status	Box D – Complaints Legitimate
Decision /Justification	Secretariat had requested for further clarification from the company on FPIC and its status of compliance with the Complaints Panel's decision dated 2 August 2017. To await response of Company.

Complaint 3.6.	
Member Organization	PT Nabire Baru
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Yayasan PUSAKA
Date filed	19 April 2016
Nature of complaint	Allegations: <ol style="list-style-type: none"> 1. Deforestation which causing severe flood in Village Sima 2. Irregularities including development without EIA 3. Land grabbing of the Indigenous people 4. Failure in following proper FPIC process 5. Excessive use of force and violence using of state security forces
Status	Box D – Complaint Legitimate
Decision /Justification	To provide the briefing note to enable the CP to proceed with deliberation.

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Complaint 3.7.	
Member Organization	Goodhope Asia Holdings
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	RSPO Secretariat
Date filed	19 April 2017
Nature of complaint	FPP and the other NGOs 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. The complainants had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).
Status	Box F. Action Plan
Decision /Justification	To follow up with HCVRN on the HCV Assessment.

Complaint 3.8.	
Member Organization	PT Hari Sawit Jaya
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Konsulat cabang Federasi Serikat Pekerja metal Indonesia (FSPMI) Selabuhanbatu Raya
Date filed	25 September 2017
Nature of complaint	The allegations are: a. the worker force to bring wife and children as helper/ gerdang to help the worker to reach the target as a harvester; b. impositions of penalties on the worker. This matter was queried by the worker, but the management failed to give satisfactory explanations; c. The absent machine for the workers was broken, it has impact on the payroll; d. Bonus deductions; e. Discrimination of the casual workers;
Status	Box C. Panel Convened
Decision /Justification	The CP to deliver the decision

Complaint 3.9.	
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Member Organization	PT Nubika Jaya
Membership category	Supply chain and mill
Country	Indonesia
Complainant	Masyarakat Peduli Lingkungan Hidup (MPLH)
Date filed	3 October 2017
Nature of complaint	The complainant informed that the company has dumped waste into rivers. During rainy seasons, the river overflowed and inundated residents' houses. The complainant stated the company have failed to implement the agreement from 2015.
Status	Box C. Panel Convened
Decision /Justification	Decision letter finalised and to be communicated to the Parties.

Complaint 3.10.

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	Issues raised by AidEnvironment: <ul style="list-style-type: none"> a. 10,000 ha of planting without permit (IUP). b. Encroachment into the forest sanctuary. c. IOI has cleared the land without submitting NPP.
Status	Box F – Action Plan.
Decision /Justification	Case closed and transferred to IMU for monitoring.

Complaint 3.11.

Member Organization	IOI Pelita / IOI
Membership category	Palm Oil Grower
Country	Malaysia
Complainant	Community of Long Teran Kanan
Date filed	10 March 2010 Transferred from DSF to Complaints Panel on 17 January 2017
Nature of complaint	Infringement of P&C No.2.2 – the right to land use disputed

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Status	Box F – Action Plan
Decision /Justification	Company in the process of seeking consent of communities to the Resolution Plan. Company had also requested for the return of its RM50,000 deposited with the Secretariat for prior mediation and capacity building plans which did not take off. The Complaints Panel has no objections to the return and the Secretariat will follow up with the Company.

Complaint 3.12.

Member Organization	Primatama Mulia Jaya
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Masyarakat Adat Luhak Saparampek Simpang Tigo
Date filed	12 July 2018
Nature of complaint	The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
Status	Complaints Panel constituted
Decision /Justification	Initial Diagnosis endorsed and the Secretariat has informed all parties.