

## COMPLAINTS PANEL MEETING MINUTES

For Website

27 November 2018 | 6.00 - 9.00 pm | Meeting No. 11/2018

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

<p><b>List of Complaints Panel Member</b></p>	<table border="1"> <tr> <td data-bbox="415 495 911 789"> <ol style="list-style-type: none"> <li>1. Henry Barlow (Affiliate Member)</li> <li>2. Michelle Desillet (Orangutan Land Trust)</li> <li>3. Matthias Diemer (WWF Switzerland)</li> <li>4. Marieke Leegwater (Solidaridad)</li> <li>5. Melizel Asuncion (Verite)</li> <li>6. Frazer Lanier (Citibank)</li> </ol> </td> <td data-bbox="917 495 1396 789"> <ol style="list-style-type: none"> <li>7. Lim Sian Choo (Bumitama)</li> <li>8. Lanash Thanda (SEPA)</li> <li>9. Robert Kruger (RKG)</li> <li>10. Samantha Bramley (Standard Chartered)</li> <li>11. Suzanne Hall (San Diego Zoo)</li> </ol> </td> </tr> </table> <p>Note: Priya Gopalan tendered in her resignation w.e.f 23 November 2018.</p>	<ol style="list-style-type: none"> <li>1. Henry Barlow (Affiliate Member)</li> <li>2. Michelle Desillet (Orangutan Land Trust)</li> <li>3. Matthias Diemer (WWF Switzerland)</li> <li>4. Marieke Leegwater (Solidaridad)</li> <li>5. Melizel Asuncion (Verite)</li> <li>6. Frazer Lanier (Citibank)</li> </ol>	<ol style="list-style-type: none"> <li>7. Lim Sian Choo (Bumitama)</li> <li>8. Lanash Thanda (SEPA)</li> <li>9. Robert Kruger (RKG)</li> <li>10. Samantha Bramley (Standard Chartered)</li> <li>11. Suzanne Hall (San Diego Zoo)</li> </ol>
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<p><b>Agenda</b></p>	<p><b><u>General Agenda: 6.00 pm - 6.30pm</u></b></p> <ol style="list-style-type: none"> <li>1. Opening Remarks by Chairperson</li> <li>2. Declaration of Conflict of Interest</li> <li>3. To confirm and adopt the minutes of <b>24 October 2018</b> during the CP Meeting</li> <li>4. Updates from the Board of Governors' Meeting</li> <li>5. <b>New Allegations:-</b> <ol style="list-style-type: none"> <li>a. RSPO/2018/07/RB - PT PHP/AMP Plantation (Wilmar);</li> <li>b. RSPO/2018/15/RB - PT Agro Lestari Mandiri (Sinar Mas);</li> <li>c. RSPO/2018/18/JL - HSA Group (Pacific Inter Link, Pacific Oils &amp; Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri);</li> <li>d. RSPO/2018/19/JL - Pacific Inter-Link (Papuan Concessions);</li> <li>e. RSPO/2018/20/JL - Presco PLC Nigeria.</li> <li>f. RSPO/2018/21/CH - PT Kapuas Maju Jaya (Genting Plantation Bhd)</li> <li>g. RSPO/2018/22/RB - PT SMART Tbk (Golden Agri Resources)</li> <li>h. RSPO/2018/23/JL - Golden Veroleum (Liberia) Inc.</li> </ol> </li> <li>6. Incident reports from the Public Domain:-             <ol style="list-style-type: none"> <li>a. Greenpeace Report on Links between Wilmar International and GAMA</li> <li>b. Chain Reaction Research Article - Shadow Companies Present Palm Oil Investor Risks and Undermine NDPE Efforts</li> <li>c. Eyes on the Forest Report - Enough is Enough - Investigation Report on Chain of Custody</li> <li>d. Greenpeace occupying a refinery on Wilmar</li> <li>e. Nigeria-Cross River Communities (Wilmar)</li> <li>f. Greenpeace Report -"Dying for a Cookie" on shadow companies</li> </ol> </li> <li>7. Complaints Case Statistics.</li> </ol>		

8. Any other matters:-
  - a. Dates for Complaints Panel meetings in 2019;
  - b. Expansion of the Complaints Panel;
  - c. Complaints website revamp;
  - d. Follow up on the progress of the DSF procedures and its ancillary documents;
  - e. Collaboration with the Investigation and Monitoring Unit (IMU)
9. Amnesty International report on Wilmar International - a media enquiry by Sydney Morning Herald.
10. Request for Re-opening the case of PT Gunta Samba Jaya/PT SIMP.
11. 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).
12. Commitment of Financial Institutions
13. GA Resolution
14. Complaints for deliberation:-

**Group 1: 6.30pm – 7.15pm**

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak)
2. Agropalma SA vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
3. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
4. PT. Pusaka Agro Lestari (PT.PAL - Noble Plantation) vs RSPO Secretariat
5. PT. Prima Mitra Jaya Mandiri (PT. PMM - MP Evans) vs Serbundo
6. PT. Susantri Permai, PT Dwie Warna Karya, PT Kapuas Maju Jaya (Genting Plantation Berhad) vs Commission IV of Indonesia's House of Representative
7. PT. Susantri Permai (Genting Plantation Berhad) vs Borneo Orangutan Survival Foundation (BOSF)
8. PT. Limpah Sejahtera (First Resources) vs Yayasan Indonesian Animal Rescue International
9. PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK
10. PT. Minamas Gemilang (Sime Darby) vs Oky Wardianto
11. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh
12. First Resources Ltd (PT Swadaya mukti Prakarsa) vs. Link Ar-Borneo
13. PT Harapan Sawit lestari (Cargill) vs LinKar Borneo
14. AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)

**Group 2: 7.15pm – 8.15pm**

1. Extractora La Gloria SAS vs ASOCOL, ASOCADAR
2. PT. Bumitama Gunajaya Agro (BGB- Bumitama) vs Sawit Watch
3. PT. Hati Prima Agro (HPA- Bumitama) vs Sawit Watch
4. PT. Bumi Sawit Kencana II (BSK- Wilmar International Ltd.) vs Village Kapuk
5. Palmas Del Espino SA vs FREDEIALBA
6. PT Agro Muara Rupit vs Edhy Wardhana
7. FELDA Global Venture Holding Berhad vs Article by Chain Reaction Research
8. FELDA Global Venture vs Article by The Wall Street Journal
9. PT. Sarana Esa Cita (Musim Mas) vs M. Ali Napiah
10. Aceites S.A vs Association of Palm Growers of the Irrigation District of Marialabaja
11. PT. Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo
12. PT Perkebunan Nusantara VI vs PT REKI
13. PT Ivo Mas Tunggal vs LBH Sakai Riau
14. GAR (GVL) vs FPP, SESDEV, SDI
15. Golden Agri Resources vs FPP & Tuk-Indonesia
16. Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom

**Group 3: 8.15pm – 9.00pm**

1. PT. London Sumatra (Lonsum) vs Sawit Watch
2. PT. London Sumatra (Lonsum) vs RAN, Oppuk, ILRF
3. PT. Kartika Prima Cipta (GAR) vs FPP and TUK Indonesia
4. PT. Kartika Prima Cipta (GAR) vs Link-Ar Borneo
5. Poligrow vs Video by Environmental Investigation Agency
6. PT. Nabire Baru (Goodhope) vs Yayasan PUSAKA
7. Goodhope Asia Holdings Ltd vs RSPO Secretariat
8. PT. Hari Sawit Jaya (PT Inti Indo Sawit Subur) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (FSPMI)
9. PT. Nubika Jaya (Permata Group) vs Masyarakat Peduli Lingkungan Hidup (MPLH)
10. IOI Pelita (IOI Group) vs Community of Long Teran Kanan
11. Primatama Mulia Jaya v Masyarakat Adat Luhak Saparampek Simpang Tigo
12. PT Agro Andalan (PT Dharma Satya Nusantara) v Link-Ar Borneo



**DETAILS OF THE AGENDA:**

No.	Agenda
1.0	Opening Remarks from Chairperson  Opening speech by the CCP.
2.0	Declaration of “No Conflict of Interest”  No new declaration of Conflict of Interest.
3.0	To confirm and adopt the minutes of <b>24 October 2018</b> during the Complaints Panel Meeting.  Minutes of 24 October 2018 CP meeting adopted unanimously.
4.0	Updates from the Board of Governors Meeting on 16 November 2018: <ul style="list-style-type: none"> <li>a) Endorsement of the amendments to the Complaints and Appeals Procedures related to powers to direct cost in the course of an investigation;</li> <li>b) Establishment of the Ad-hoc Committee on Indonesia;</li> <li>c) Membership Rules to be reviewed to address the its implication on shadow companies and related matters;</li> <li>d) Addressing labour violations and its general implications</li> <li>e) Others:-                             <ul style="list-style-type: none"> <li>i) Shared responsibility Task force / Working group to be established.</li> <li>ii) GA Resolution 6c - Delinking Auditors from the operations they Audit did not pass. GA Resolution 6d - Secretariat to set up a sub-committee and proceed to conduct a review. .</li> <li>iii) BHCV working group is to form a sub-committee to look at HCV legacy issues.</li> <li>iv) The BoG is in the midst of a governance review process.</li> </ul> </li> </ul>
<b>5.0 New allegation submitted</b>	
	<ul style="list-style-type: none"> <li>a. <b>RSPO/2018/07/RB - PT. PHP/AMP Plantation (Wilmar)</b>                              Complainant: Representation by Lawyer on behalf local community (<i>request for confidentiality</i>)                              Complaint received: 20th August 2018                              Allegation:                             <ul style="list-style-type: none"> <li>● dispute regarding plasma cooperation with local community</li> </ul> </li> </ul> <p><b>27 November 2018 (CP Meeting):</b></p> <ul style="list-style-type: none"> <li>● The Initial Diagnosis is in progress.</li> </ul>

**b. RSPO/2018/15/RB - PT Agro Lestari Mandiri (Sinar Mas)**

Complainant: Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang

Complaint received: 30 August 2018

Allegation:-

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

**27 November 2018 (CP Meeting):**

- The Initial Diagnosis is endorsed by the CP and the Complaint is formally accepted.

**c. RSPO/2018/18/JL - HSA Group** (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)

Complainant: Environmental Investigation Agency (EIA); Greenpeace

Complaint received: 15 October 2018

Allegations:-

- Violation of the RSPO Group Membership rule. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.

**27 November 2018 (CP Meeting):**

- The Initial Diagnosis is endorsed by the CP and the Complaint is formally accepted.

**d. RSPO/2018/19/JL - Pacific Inter-Link (Papuan Concessions)**

Complainant: Environmental Investigation Agency (EIA); ; Greenpeace

Complaint received: 15 October 2018

Allegations:-

- 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, two of which have been alleged to be involved in deforestation.

**27 November 2018 (CP Meeting):**

- The Initial Diagnosis is endorsed by the CP and the Complaint is formally accepted.

**e. RSPO/2018/20/JL - Presco PLC Nigeria**

Complainant: Oria-Abraka Community

Complaint received: 16 October 2018

Allegations:-

- Encroachment into community land without compensation. .

**27 November 2018 (CP Meeting):**

- The Initial Diagnosis is endorsed by the CP and the Complaint is formally accepted.



**f. RSPO/2018/21/CH - PT Kapuas Maju Jaya (Genting Plantation Bhd)**

Complainant: Kelompok Tani Penghijauan Tingang Menteng

Complaint received: 12 October 2018

Allegations:-

- Expansion of land approximately 150 ha and destruction of the local community's farm (owned by (Kelompok Tani Penghijauan Tingang Menteng). The Respondent deny any compensation.

Status:-

- ID is in progress and will be circulated to the CP.

**27 November 2018 (CP Meeting):**

- The Initial Diagnosis is in progress.

**g. RSPO/2018/22/RB - PT SMART Tbk (Golden Agri Resources)**

Complainant: Masyarakat Dusun I/II/III Belongkut

Complaint received: 18 October 2018

Allegations:-

- The termination of employment by PT Smart Tbk Kebun Adi Pati without severance payment.

Status:-

- ID is in progress and will be circulated to the CP

**27 November 2018 (CP Meeting):**

- The Initial Diagnosis is in progress.

**h. RSPO/2018/23/JL - Golden Veroleum (Liberia) Inc.**

Complainant: Jaya Kumar (Representing also 4 other ex-workers)

Complaint received: 25 October 2018

Allegations:-

- GVL fail to settle 3 months salary in lieu of 3 months notice to 5 employees

Status:-

- ID is in progress and will be circulated to the CP.

**27 November 2018 (CP Meeting):**

- The Initial Diagnosis is in progress.



## 6.0 Incident Report from the Public Domain

**1. Greenpeace Report on Links between Wilmar International and GAMA**

Monitoring by the Investigation and Monitoring Unit (IMU)

**2. Chain Reaction Research Article - Shadow Companies Present Palm Oil Investor Risks and Undermine NDPE Efforts**

Monitoring by the Investigation and Monitoring Unit (IMU)

**3. Eyes on the Forest Report - Enough is Enough - Investigation Report on Chain of Custody**

Monitoring by the Investigation and Monitoring Unit (IMU)

**4. Greenpeace occupying a refinery on Wilmar**

Monitoring by the Investigation and Monitoring Unit (IMU)

**5. Nigeria-Cross River Communities (Wilmar)**

Monitoring by the Investigation and Monitoring Unit (IMU)

## 7.0 Complaints Cases Statistics

**Total Cases in 2018:-**

	Jan-2018	Feb-2018	Mar-2018	Apr-2018
<b>Complaints received</b>	2	0	1	2
<b>Status</b>	Closed (1) Open (1)	-	Closed (1)	Open (2)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (2)	-	Indonesia (1)	Indonesia (2)
<b>Case Category</b>	-Plasma (1) -FPIC (1)	-	-HCV	-HCV (1) -Legality (1)

	May-2018	June-2018	July-2018	Aug-2018
<b>Complaints received</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>5</b>
<b>Status</b>	Closed (2) Open (2)	-	Closed (1)	Open (5)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (4)	-	Indonesia (1)	Indonesia (4) Singapore (1)
<b>Case Category</b>	-FPIC (2) -HCV (2)	-	-FPIC (1)	-Plasma (2) -Breach of Code of Conduct (2) -Minimum Wage (1)

	Sept-2018	Oct-2018	Nov-2018	Dec-2018
<b>Complaints received</b>	<b>2</b>	<b>6</b>	<b>0</b>	
<b>Status</b>	Open (2)	Open (6)	-	
<b>Certified</b>	-	-	-	
<b>Country</b>	Indonesia (1) Nigeria (1)	Malaysia/Cayman Island (1) PNG (1) Nigeria (1)	-	
<b>Case Category</b>	-Occupational Hazard (1) -FPIC (1)	-Breach of Code of Conduct (2) -FPIC (1)	-	





**Total Active Cases by Country and Year:-**

Country	Active Cases	Year	Active Cases
Indonesia	36	2009	1
Malaysia	4	2010	2
Colombia	3	2011	0
Nigeria	2	2012	2
Singapore	1	2013	0
Peru	1	2014	1
Brazil	1	2015	7
Liberia	2	2016	6
Others*	2	2017	14
<b>TOTAL</b>	<b>52</b>	2018	19
		<b>TOTAL</b>	<b>52</b>

\*Others: Pending group membership determination.

**8.0 Any other matters**

**a. Dates for Complaints Panel Meetings in 2018:**

**27 November 2018 (CP Meeting):**

- The upcoming CP meeting date: 19 December 2018 (3.30pm - MYT).
- 2019 onwards the CP meetings will be scheduled at 6pm (MYT).

**b. Expansion of Complaints Panel**

**27 November 2018 (CP Meeting):**

- Secretariat to follow up with the potential candidates.

**c. Complaints website revamp**

**27 November 2018 (CP Meeting):**

- The new Complaints Portal is online on the RSPO website.

	<p><b>d. Follow up on the progress of the DSF procedures and its ancillary documents.</b></p> <p><b>Last update from 24 October 2018 (CP Meeting):</b></p> <ul style="list-style-type: none"> <li>● The DSF documents are already released for public consultation</li> </ul> <p><b>27 November 2018 (CP Meeting):</b></p> <ul style="list-style-type: none"> <li>● A final internal consultation with the senior management of the Secretariat will be conducted.</li> <li>● The public consultation period ends on 12th December 2018.</li> </ul> <p><b>e. Collaboration with the Investigation and Monitoring Unit</b></p> <p><b>27 November 2018 (CP Meeting):</b></p> <ul style="list-style-type: none"> <li>● The Complaints Desk is in the midst of working with the IMU on the following:             <ul style="list-style-type: none"> <li>○ developing the SOP on the implementation of the HRD policy;</li> <li>○ developing the SOP on post decision monitoring;</li> <li>○ developing the mechanism to ensure transparency post decision.</li> </ul> </li> </ul>
<p><b>9.0 Media Inquiry: Amnesty International Investigation report on Wilmar International – Sydney Morning Herald on 28 November 2016</b></p>	
	<p>"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:</p> <ol style="list-style-type: none"> <li>a. 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;</li> <li>b. Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation;</li> <li>c. Workers suffering severe injuries from paraquat, an acutely toxic chemical banned by the EU and by Wilmar itself;</li> <li>d. Workers being made to work outdoors without adequate safety;</li> <li>e. Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks".</li> </ol> <p><b>27 November 2018 (CP Meeting):-</b></p> <ul style="list-style-type: none"> <li>● The Complaint is under review by the Secretariat.</li> </ul>



**10.0 Request for reopening of 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 claims 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.

**27 November 2018 (CP Meeting):-**

- The secretariat to continue to follow up with the consultant on the review of the case..

**11.0 Research Report, “Palming Off Responsibility: Labour rights violations in the Indonesian Palm Oil Sector, by SMO and CNV International (PT Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam - Wilmar)**

13 June 2017 – SOMO/CNV International published their report on labour violations at PT Murini Sam Sam and PT Aneka Inti Persada. The report was also forwarded to RSPO.

The following violations were noted in the report:

1. PT Murini Sam Sam
  - Temporary workers and contract issues
  - Wages and overwork
  - Child labour
  - 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
2. PT Aneka Inti Persada:
  - Temporary workers and contract issues
  - Wages and workload
  - Child labour
  - Health and safety
  - Gender equality
  - Freedom of association

**27 November 2018 (CP Meeting):-**

- Pending review by the Secretariat.



## 12.0 Commitment Financial Institution

### Last update from 26 September 2018 (CP Meeting):

- No update since last meeting.

### 27 November 2018 (CP Meeting):-

- No updates from the Secretariat.

## 13.0 GA Resolution

### Update:

- **Adoption of Resolution GA15-6d:** Discouraging RSPO members subject to complaints from avoiding their obligations by divestment or withdrawing their membership.

### 27 November 2018 (CP Meeting):-

- Secretariat to prepare the ToR for the sub-committee.



**COMPLAINTS FOR DELIBERATION:**

**GROUP 1**

<b>Complaint 1.1</b>	
<b>Date Filed</b>	16 February 2015
<b>Respondent</b>	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Orang Dusun Lahad Datu (Desa Begahak)
<b>Nature of Complaint</b>	<p>According to the Enquiry National Hak Tanah Malaysia document, 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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	Status quo. Secretariat to prepare a briefing note for the CP to consider the possibility of adjournment.

<b>Complaint 1.2</b>	
<b>Date Filed</b>	13 August 2015
<b>Respondent</b>	Agropalma SA
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Brazil
<b>Complainant</b>	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa.
<b>Complaint description</b>	That Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Status quo. Secretariat to prepare a briefing note for the CP to consider the possibility of adjournment.</a>

<b>Complaint 1.3</b>	
<b>Date Filed</b>	11 November 2015
<b>Respondent</b>	Hap Seng Plantations Holdings Bhd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Sia Yi Chin of Lahad Datu, Sabah
<b>Complaint description</b>	<p>The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah.</p> <p>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.</p> <p>He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Status quo. Secretariat to prepare a briefing note for the CP to consider the possibility of adjournment.</a>

<b>Complaint 1.4</b>	
<b>Date Filed</b>	20 June 2017
<b>Respondent</b>	PT Pusaka Agro Lestari
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Potential risk on Clearance a large areas of Primary Forest in Papua;</li> <li>• Official Complaint against one of HCV Assessors – Nyoto Susanto.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Secretariat to follow up with the company on the comments to the 2nd independent verification report.</a>

<b>Complaint 1.5</b>	
<b>Date Filed</b>	20 April 2017
<b>Respondent</b>	PT. Prima Mitra Jaya Mandiri (PT PMM)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Serbundo (Serikat Buruh Perkebunan Indonesia)
<b>Complaint description</b>	<p>Allegations: The company has breached National Labour Regulation by extending the workers' contract and terminate 7 of them as they refuse to sign a new contract. Demands from Serbundo:</p> <ol style="list-style-type: none"> <li>1. Request the Company instead of extended temporary employment agreement, make them as permanent workers, some of them have worked more than 1,5 years;</li> <li>2. Rehire 7 workers and promote the status to become permanent, especially those who have been working on permanent basis work ie: Permanent/ Harvester.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><a href="#">Secretariat received confirmation from both parties regarding the status of 7 workers.</a> <a href="#">Secretariat to prepare a briefing note and circulate it to the CP for deliberation.</a></p>

<b>Complaint 1.6</b>													
<b>Date Filed</b>	18 December 2016												
<b>Respondent</b>	Genting Plantation Berhad (PT Susantri Permai, PT Kapuas Maju Jaya and PT Dwie Warna Karya)												
<b>Membership Category</b>	Oil Palm Grower												
<b>Country</b>	Central Kalimantan, Indonesia												
<b>Complainant</b>	<i>Confidential</i>												
<b>Complaint description</b>	<p>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).</p> <table border="1"> <thead> <tr> <th></th> <th><b>Landscape planning (RTRWP) 2003</b></th> <th><b>Decision Letter (SK) 529/Minister of Forestry – II/2012</b></th> </tr> </thead> <tbody> <tr> <td><b>PT Dwie Warna Karya</b></td> <td>                     Production Forest (HP): 1.481 ha.                       Residence &amp; other utilization Area (KPPL): 11.019 ha.                 </td> <td>                     Production Forest (HP): 4.372 ha.                       Production Conversion Forest (HPK): 7.350 ha.                       Areas for other utilization (APL): 766 ha.                       Hydrosphere: 12 ha                 </td> </tr> <tr> <td><b>PT. Kapuas Maju Jaya</b></td> <td>Production Development area: 17.500 ha.</td> <td>                     Production Forest (HP): 11.644 ha.                       Production Conversion Forest (HPK): 5.856 ha.                 </td> </tr> <tr> <td><b>PT. Dwie Warna Karya</b></td> <td>                     Production Forest (HP): 6.791 ha.                      Limited Production Forest (HPT): 5.287 ha                       Residence &amp; other utilization Area (KPPL): 2.922 ha.                 </td> <td>                     Production Forest (HP): 3.760 ha.                       Production Conversion Forest (HPK): 9.402 ha.                       Areas for other utilization (AOL): 1.482 ha                 </td> </tr> </tbody> </table>		<b>Landscape planning (RTRWP) 2003</b>	<b>Decision Letter (SK) 529/Minister of Forestry – II/2012</b>	<b>PT Dwie Warna Karya</b>	Production Forest (HP): 1.481 ha.  Residence & other utilization Area (KPPL): 11.019 ha.	Production Forest (HP): 4.372 ha.  Production Conversion Forest (HPK): 7.350 ha.  Areas for other utilization (APL): 766 ha.  Hydrosphere: 12 ha	<b>PT. Kapuas Maju Jaya</b>	Production Development area: 17.500 ha.	Production Forest (HP): 11.644 ha.  Production Conversion Forest (HPK): 5.856 ha.	<b>PT. Dwie Warna Karya</b>	Production Forest (HP): 6.791 ha. Limited Production Forest (HPT): 5.287 ha  Residence & other utilization Area (KPPL): 2.922 ha.	Production Forest (HP): 3.760 ha.  Production Conversion Forest (HPK): 9.402 ha.  Areas for other utilization (AOL): 1.482 ha
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	Note: RSPO received queries about the 3 companies from BORA and FPP in 2015 on the legality of the plantation. The company hold the temporary IUP issued by Head of District/Bupati.Kapuas, Central Kalimantan.
<b>Status</b>	(E) Investigation Closed
<b>Decision / Justification</b>	<a href="#">CP Decision Letter is in progress.</a>

<b>Complaint 1.7</b>	
<b>Date Filed</b>	31 March 2017
<b>Respondent</b>	PT Susantri Permai (Genting)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Borneo Orangutan Survival Foundation
<b>Complaint description</b>	<p>The complaint was by BOSF in response to RSPO query if they are interested to lodge a formal complaint. A complaints form was received by Complaints Desk by 31 March 2017.</p> <p>The follow up action taken by BOSF with regards to the Orangutan incident:-</p> <ul style="list-style-type: none"> <li>• BOSF has conducted a meeting with the management of PT Susantri Permai on 21 February 2017 in Palangkaraya, Central Kalimantan with the purpose of initiating the implementation of the Best Management Practices (BMP) for the workers in their concession.</li> <li>• A communication with the local authorities (Natural Resources Conservation Office of Central Kalimantan and Environmental Office of Central Kalimantan) had been made.</li> <li>• A meeting with the Police Department of Kapuas to discuss on the Law Enforcement Effort on the Orangutan incident in PT Susantri Permai.</li> </ul> <p>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.</p>
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">CP Decision Letter has been delivered to the parties. Deadline for the Appeal submission is by 20 December 2018.</a>

<b>Complaint 1.8</b>	
<b>Date Filed</b>	1 May 2010
<b>Respondent</b>	PT Limpah Sejahtera / First Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Yayasan Indonesian Animal Rescue International
<b>Complaint description</b>	<p>Violation of P&amp;C 5.2 and P&amp;C 7.3 - No HCV carried out and damaging habitats. The company is alleged to have destroyed Orangutan habitats and did not carry out a HCV assessment before the development of the plantation.</p> <p>On the 18th October 2009, International Animal Rescue (IAR) rescued two orangutans from the PT Limpah Sejahtera palm oil plantation in West Kalimantan, Indonesia, on the request of plantation workers. This plantation is owned by PT Borneo Ketapang Permai, a subsidiary of RSPO member First Resources Limited, who this grievance is against.</p> <p>IAR was originally contacted by plantation workers to rescue two baby orangutans from the PT Limpah Sejahtera plantation. On arrival at the plantation on the 18th October, we were informed by a worker that another baby had disappeared and all adult orangutans captured had been killed and eaten. We were able to rescue two juvenile orangutans, who, despite obvious signs of mistreatment and neglect, are doing well and currently awaiting release at our rescue facility in Ketapang, West Kalimantan. We were also informed that orangutan sightings were occurring frequently at the plantation and that at least 10 more orangutans were living in the area. We are afraid that, by now, these orangutans have been killed and/or eaten.</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Secretariat to prepare a briefing note and circulate it to the CP for deliberation.</a>



<b>Complaint 1.9</b>	
<b>Date Filed</b>	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
<b>Respondent</b>	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Transformasi untuk Keadilan (TuK)
<b>Complaint description</b>	<p>The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :</p> <ol style="list-style-type: none"> <li>1. Lack of Transparency on land status and partnership agreements</li> <li>2. Lack of compliance to our customary land rights</li> <li>3. The absence of (documented) compensation</li> <li>4. Lack of compliance to local regulations</li> </ol> <p>In acting so they are alleged to have breached RSPO Principles and Criteria specifically on:</p> <p>Principle 1 on Transparency,</p> <p>Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Legal review initiated by the CP is in progress.</a>



<b>Complaint 1.10</b>	
<b>Date Filed</b>	19 November 2017
<b>Respondent</b>	PT Minamas Gemilang (Sime Darby)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Mr. Oky Wardianto
<b>Complaint description</b>	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.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	To proceed with the review on the Annual General Meeting of Shareholders (AGMS) report (2010 - 2016).



<b>Complaint 1.11</b>	
<b>Date Filed</b>	2 October 2012
<b>Respondent</b>	Golden Veroleum Liberia (GVL)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Liberia
<b>Complainant</b>	Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh
<b>Complaint description</b>	<p>Golden Veroleum Liberia:</p> <ol style="list-style-type: none"> <li>a. has not provided public notification for a 30 day period consistent with the New Planting Procedures;</li> <li>b. commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period;</li> <li>c. 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 &amp; 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;</li> <li>d. Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&amp;C 2.2, 2.3, 7.5 and 7.6</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p>To proceed with the review of the Action Plan.</p> <p>To proceed with the investigation of non-compliance to the stop work order.</p>

<b>Complaint 1.12</b>	
<b>Date Filed</b>	9 May 2018
<b>Respondent</b>	First Resources Ltd (PT Swadaya Mukti Prakarsa)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Link-Ar Borneo
<b>Complaint description</b>	<p><b><u>First Resources Ltd:</u></b></p> <p>The Company has cultivated and planted on land without first obtaining the consent of its rightful owner hence causing material and non-material loss</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Briefing note completed and CP's deliberation is in progress.</a>

<b>Complaint 1.13</b>	
<b>Date Filed</b>	25 May 2018
<b>Respondent</b>	PT Harapan Sawit Lestari (Cargill)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Link-Ar Borneo
<b>Complaint description</b>	PT Harapan Sawit Lestari allegedly commenced the re-planting activities without proper consent from the local community of Asam Besar in West Kalimantan.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<a href="#">The Secretariat to send the documents to the Complainant for their response.</a>



**GROUP 2**

<b>Complaint 2.1</b>	
<b>Date Filed</b>	19 November 2015
<b>Respondent</b>	Extractora de la Gloria SAS
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	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 Iván Cepeda, Senator Alberto Castilla, and Representative Alirio Uribe
<b>Complaint description</b>	<p>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:</p> <ul style="list-style-type: none"> <li>● Principle 1.1. Given that it does not provide clear and sufficient information regarding the Business Group.</li> <li>● Principle 2.1. The Business Group has not declared itself to Colombian authorities and the crops were planted without an Environmental Management Plan for the Forest Reserve, which goes against national business and environmental regulations.</li> <li>● Principle 2.2. Property ownership claims in the areas where Extractora La Gloria grows the majority of its crops have been called into question at national and international judicial bodies. Farming communities have demanded the formalization of their customary land rights, which were violently denied by paramilitary groups.</li> <li>● Principle 2.3. Business operations have not recognized the rights of farmers who are also displacement victims, in contravention of businesses’ duty to guarantee free, prior and informed consent regarding land use.</li> <li>● Principle 4.4. While installing and processing palm crops, Extractora La Gloria affected the Caño Alonso Forest Reserve Buffer Zone and the Singararé, El Carmen and Simaña streams.</li> <li>● Principle 5.2. The company has not avoided damaging the Caño Alonso Forest Reserve Buffer Zone, a specially protected habitat such as installing palm crops over the Reserve’s environmental buffer zone.</li> <li>● Principle 6.4. The company has neglected the claimants, despite the fact that they have been the most affected by its business activities. The company has also refused to create negotiation platforms.</li> <li>● Principle 6.13. The company has benefited from grave human rights violations of vulnerable farmers, who were also forcefully displaced by illegal armed actors. The company has not publicly rejected the threats and intimidations against the claimants. It even requested that the Constitutional Court lift the cautionary measures protecting the victims.</li> </ul>

<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	Status quo, pending update from Company.

<b>Complaint 2.2</b>	
<b>Date Filed</b>	13 November 2015
<b>Respondent</b>	PT Bumitama Gunajaya Abadi
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Sawit Watch
<b>Complaint description</b>	<p><b>The allegations are:-</b></p> <ol style="list-style-type: none"> <li>1. Destroying graves and planting trees surrounding the graves;</li> <li>2. Dispute on plasma scheme mechanism;</li> <li>3. Termination of labourers and the status of labourer i.e. are they casual or permanent?</li> <li>4. Compensation not paid directly to the land owner;</li> <li>5. Loss of land certification and using the land of migrants which is still under control of the owner.</li> </ol>
<b>Status</b>	(E) Investigation Closed
<b>Decision / Justification</b>	The Secretariat to provide the briefing note to the CP to support the deliberation.



<b>Complaint 2.3</b>	
<b>Date Filed</b>	13 October 2017
<b>Respondent</b>	PT Hati Prima Agro (Bumitama)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Sawit Watch
<b>Complaint description</b>	<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, the complainant (Sawit Watch, EIA, and Greenpeace) 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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><a href="#">The Respondent has submitted the necessary documents and it has been forwarded to the legal consultant for review.</a></p> <p><a href="#">Secretariat to follow up on the legal review report from the legal consultant.</a></p>

<b>Complaint 2.4</b>	
<b>Date Filed</b>	22 July 2016
<b>Respondent</b>	PT Bumi Sawit Kencana II (Wilmar International Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Community of Village Kapuk & NGO Progress
<b>Complaint description</b>	Community of Kapuk Village demand the company to give the compensation on 78 Ha land owned by the Farmers Group.
<b>Status</b>	(E) Investigation Closed
<b>Decision / Justification</b>	<a href="#">Briefing Note is in progress to support the CP's deliberation.</a>

<b>Complaint 2.5</b>	
<b>Date Filed</b>	4 July 2017
<b>Respondent</b>	Palmas Del Espino SA
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Peru
<b>Complainant</b>	FREDEIALBA
<b>Complaint description</b>	<p><b>Allegations:-</b></p> <ul style="list-style-type: none"> <li>• The company and their group member developing the plantation without proper NPP process;</li> <li>• Developing plantation without informing the local communities;</li> <li>• The company has failed to comply with national law on the forest conversion.</li> <li>• Mistreatment of employees including arbitrary dismissal.</li> <li>• New plantings established without EIA and HCV assessment.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Status quo. Pending Constitutional Court decision.</a>

<b>Complaint 2.6</b>	
<b>Date Filed</b>	17 May 2017
<b>Respondent</b>	PT Agro Muara Rupit
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Edhy Wardhana
<b>Complaint description</b>	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.
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">CP Decision letter has been sent to the parties. Deadline for submission of appeals is on 20 December 2018.</a>



<b>Complaint 2.7</b>	
<b>Date Filed</b>	19 April 2017
<b>Respondent</b>	Felda Global Venture Holding Berhad
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Chain Reaction
<b>Complaint description</b>	<p>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 25th April 2017 Secretariat had a meeting with FGV and they claimed that they only planted on less than 100 Ha of shallow peat. We had requested them to give an update.</p> <p>The update on an independent audit done by Aksenta showed that there was no deforestation. At the moment, we are still waiting for written clarification from FGV and their further actions.</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Secretariat to prepare the briefing note to support the CP's deliberation.</a>



<b>Complaint 2.8</b>	
<b>Date Filed</b>	26 July 2016
<b>Respondent</b>	FELDA
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Article by The wall street Journal
<b>Complaint description</b>	“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”. 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. 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.
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">CP to deliver the decision.</a>

<b>Complaint 2.9</b>	
<b>Date Filed</b>	6 October 2017
<b>Respondent</b>	Sarana Esa Cita (Musim Mas)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	M. Ali Napiah
<b>Complaint description</b>	The complainant stated that the company has operated on his land without compensation.
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">CP Decision letter has been sent to the parties. Deadline for submission of Appeals is on 20 December 2018.</a>



<b>Complaint 2.10</b>	
<b>Date Filed</b>	11 August 2017
<b>Respondent</b>	Aceites S.A.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Maria la Baja, Columbia
<b>Complainant</b>	Confidential
<b>Complaint description</b>	<p>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 Aceite.</p>
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">CP Decision letter has been sent to the parties. Deadline for submission of appeals is on 24 December 2018.</a>

<b>Complaint 2.11</b>	
<b>Date Filed</b>	21 January 2018
<b>Respondent</b>	PT. Surya Agro Palma (Genting Plantation)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	West Kalimantan, Indonesia
<b>Complainant</b>	Link-Ar Borneo
<b>Complaint description</b>	<p><b>Allegations:</b></p> <ul style="list-style-type: none"> <li>• Lack of transparency on the Plasma Scheme.</li> <li>• Locations: Tapang Tingang Village dan Kiungkang Village, Sanggau, West Kalimantan.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Briefing note in progress for CP’s subsequent deliberation.</a>

<b>Complaint 2.12</b>	
<b>Date Filed</b>	16 April 2018
<b>Respondent</b>	PT Perkebunan Nusantara VI
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	PT REKI
<b>Complaint description</b>	<p><b>Allegation:-</b></p> <p>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.</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Secretariat to commence investigation and to prepare briefing note and circulate the same to the CP.</a>



<b>Complaint 2.13</b>	
<b>Date Filed</b>	12 April 2018
<b>Respondent</b>	PT Ivo Mas Tunggal
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Riau, Indonesia
<b>Complainant</b>	LBH Sakai Riau
<b>Complaint description</b>	<p><b>Allegations:-</b></p> <ul style="list-style-type: none"> <li>• Land clearing outside HGU;</li> <li>• Operated on community’s land without compensation (±6,505.42 Ha);</li> <li>• The company has operated without an appropriate permit</li> </ul>
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	Decision letter issued to parties on 30 October 2018. The 60 working days for appeal expires on 28 January 2018.



<b>Complaint 2.14</b>	
<b>Date Filed</b>	22 August 2018
<b>Respondent</b>	Golden Agri Resources (Golden Veroleum Liberia)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Liberia
<b>Complainant</b>	Forest Peoples Programme (FPP), SESDEV, SDI
<b>Complaint description</b>	Golden Veroleum Limited is a majority-owned subsidiary of Golden Agri-Resources (GAR). Both, until recently, were members of the RSPO. The Complaints Panel has recently upheld a complaint, and rejected an appeal by GVL, on GVL’s violation of the RSPO P&C particularly with respect to land acquisition and Free, Prior and Informed Consent (P&C 2.2 and 2.3). Recently, GVL announced it was temporarily withdrawing its membership of RSPO. GAR’s Sustainability Manager, Agus Purnomo, a member of RSPO’s Board of Governors, upheld this decision in a public statement. This appears to us to be a bad faith decision by both GVL and its majority owner GAR and to be contrary to the interests of RSPO and the credibility of its certification system. Meanwhile, on the ground in Liberia, there is evidence that GVL continues to act in defiance of the RSPO Complaints Panel and to develop its mill site and land clearance despite being repeatedly asked to desist by the Complaints Panel and the Liberian Civil Society Organization Oil Palm Working Group (CSO-OPWG) of which SDI and SESDev are part.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<a href="#">CP to discuss Parties’ submissions and consider way forward.</a>





<b>Complaint 2.15</b>	
<b>Date Filed</b>	22 August 2018
<b>Respondent</b>	Golden Agri Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme (FPP) and Tuk- Indonesia
<b>Complaint description</b>	GAR's shadow companies are actively clearing lands.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<a href="#">CP to initiate legal due diligence.</a>



<b>Complaint 2.16</b>	
<b>Date Filed</b>	17 September 2018
<b>Respondent</b>	Presco PLC Nigeria (SIAT SA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	Indigenous People of Oruarivie-Abraka Kingdom
<b>Complaint description</b>	for the past five years, PRESCO, in conjunction with the Edo State Government, through its Ministry of Agriculture and Natural Resources; the Police in Benin City, Edo State; and the Nigeria Army’s 4th Brigade (also located in Benin City, Edo State), has been forcefully encroaching into ancestral and customarily owned indigenous farm lands, including Oruarivie-Abraka ancestral farm lands, situated in Delta State (a neighbouring State to Edo State, where PRESCO’s Head Office is located), and forcefully evicting local farmers from these ancestral and customarily owned indigenous farm lands measuring approximately three thousand hectares (well beyond the Edo State boundaries), and forcefully and illegally grabbing same for its palm oil plantation expansionist activities.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<a href="#">CP to discuss Parties’ submissions and consider way forward.</a>



**GROUP 3**

<b>Complaint 3.1</b>	
<b>Date Filed</b>	7 April 2009
<b>Respondent</b>	PT PP London Sumatera/Indofood Agri Ltd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Community of Desa Pergulaan via Sawit Watch
<b>Nature of Complaint</b>	<p><b>Points raised:-</b></p> <ol style="list-style-type: none"> <li>1. Legality of the extension of the concession and demands for return of the land of 165.6 ha.</li> <li>2. The lawsuit filed by 5 of the residents is 'out-of-time' (compensation paid in 1971).</li> <li>3. Security drain to prevent access.</li> <li>4. Prohibiting cattle herding in the plantation.</li> <li>5. Residents of Desa Pergulaan not employed in the plantation.</li> <li>6. Lonsum did not carry out CSR programmes as promised.</li> <li>7. No complaint letters have been addressed to Lonsum directly.</li> <li>8. Residents on 'Wanted People List'.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">Secretariat to prepare the briefing note and circulate it to the CP for deliberation.</a>



<b>Complaint 3.2</b>	
<b>Date Filed</b>	9 June 2016 (Reported Case); 12 October 2016 (Formal Complaint)
<b>Respondent</b>	PT PP London Sumatera/Indofood Agri Ltd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Oppuk, Rainforest Action Network (RAN) and International Labour Rights Forum (ILRF)
<b>Complaint description</b>	A report published by RAN, OPPUK, and ILRF titled, <i>“The Human Cost of Conflict Palm Oil: Indofood, PepsiCo’s Hidden Link to Worker Exploitation in Indonesia.”</i> The report reveals the findings of field investigations and worker interviews completed on two palm oil plantations owned and operated RSCO member and Indofood subsidiary PT London Sumatra. The full report available at <a href="http://ran.org/indofood">ran.org/indofood</a>
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">Decision letter delivered to Parties on 2 November 2018.</a>



<b>Complaint 3.3</b>	
<b>Date Filed</b>	14 October 2014
<b>Respondent</b>	Golden Agri Resources (GAR) – PT Kartika Prima Cipta (KPC)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia – Kapuas Hulu, West Kalimantan
<b>Complainant</b>	Forest People Programme (FPP) and (Transformasi untuk Keadilan) TUK Indonesia
<b>Complaint description</b>	<p><b>Points raised:-</b></p> <ol style="list-style-type: none"> <li>1. PT KPC is in persistent violation of the RSPO P&amp;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.</li> <li>2. Land takeover was done without land tenure study and participatory mapping.</li> <li>3. Late HCV assessment which was done by IPB, final consultation was on May 2014.</li> <li>4. Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%).</li> <li>5. Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood.</li> <li>6. 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.</li> <li>7. 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&amp;C.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	Secretariat is in the progress of reviewing the HCV management and monitoring plans of the related 18 concessions.

<b>Complaint 3.4</b>	
<b>Date Filed</b>	17 February 2017
<b>Respondent</b>	Golden Agri Resources (GAR) – PT Kartika Prima Cipta (KPC)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia – Kapuas Hulu, West Kalimantan
<b>Complainant</b>	Link-Ar Borneo
<b>Complaint description</b>	<p><b>Specific Findings:-</b></p> <ol style="list-style-type: none"> <li>1. Land Claim by 1 community member of Nanga Suhaid, Mr. Saudi;</li> <li>2. Land compensation claim by 1 community member of Nanga Suhaid, H. Kutai;</li> <li>3. Water Pollution in the Kapuas river which is affecting the fish farmers' business production;</li> <li>4. Conflict between residents and Village Head of Tanjung regarding water quality;</li> <li>5. Conflict between residents and Village head of Emperiang regarding the land acquisition process.</li> </ol> <p><b>The NGO demand the company to:-</b></p> <ol style="list-style-type: none"> <li>1. Renegotiate the land acquisition with the community;</li> <li>2. be transparent in the plasma management;</li> <li>3. Conduct the water quality improvement, particularly in the Batang Suhaid river, Rindit river, and Mantan river.</li> <li>4. Improve salary and working conditions of casual workers;</li> <li>5. Provide information such as EIA, Cadastral map, local map expansion plan, and water quality test result.</li> </ol>
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">CP Decision Letter is in progress.</a>



<b>Complaint 3.5</b>	
<b>Date Filed</b>	13 August 2015
<b>Respondent</b>	Poligrow Colombia
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	Environmental Investigation Agency
<b>Complaint description</b>	EIA’s video, “Between Water and Oil Palm,” is a collaboration with Colombian group La Comisión Intereclesial de Justicia y Paz (Justicia y Paz) and has documented how investments have come at the expense of indigenous rights in Mapiripán, Meta, Colombia. One company, the Italian-owned Poligrow Ltd, has prohibited the Jiw and Sikuani indigenous communities from using traditional hunting and fishing lands, and prevented access to a culturally revered site, Las Toninas—a lake considered sacred and home to pink dolphins. The Jiw report that no free, prior, or informed consultation has taken place regarding Poligrow’s operations and that the company’s expansion limits their right to freedom of movement. The video above alleged abuses by RSPO Italian member in Colombia.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">The Secretariat has reviewed the Respondent’s action plan and will respond to the Respondent accordingly.</a>

<b>Complaint 3.6</b>	
<b>Date Filed</b>	19 April 2016
<b>Respondent</b>	PT Nabire Baru
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Papua, Indonesia
<b>Complainant</b>	Yayasan PUSAKA
<b>Complaint description</b>	<p><b>Allegations:-</b></p> <ol style="list-style-type: none"> <li>1. Deforestation;</li> <li>2. Irregularities including development without EIA;</li> <li>3. Sima Village within PT Nabire Baru concession are suffered from severe flooding;</li> <li>4. Failure in following proper FPIC process;</li> <li>5. Excessive use of force including using of state security forces;</li> </ol> <p><b>The complainant requested RSPO to:</b></p> <ul style="list-style-type: none"> <li>● Do the ground checking</li> <li>● Request PT Nabire Baru to compensate and stop their activity, unless they got consent from Yerisiem.</li> </ul>
<b>Status</b>	(E) Investigation Closed
<b>Decision / Justification</b>	Secretariat to finalise the briefing note and circulate the same to the CP.



<b>Complaint 3.7</b>	
<b>Date Filed</b>	19 April 2017
<b>Respondent</b>	Goodhope Asia Holdings
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
<b>Complaint description</b>	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).
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">The exemption on Ketapang Units has been communicated to the company.</a> <a href="#">The Secretariat to follow up with the company to finalise the LUCA.</a>

<b>Complaint 3.8</b>	
<b>Date Filed</b>	25 September 2017
<b>Respondent</b>	PT Hari Sawit Jaya
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Konsulat cabang Federasi Serikat Pekerja metal Indonesia ( FSPMI)
<b>Complaint description</b>	<p><b>The allegations are:-</b></p> <ol style="list-style-type: none"> <li>1. the workforce bring their wife and children as helpers/ gerdang to help the worker to reach the target as a harvester;</li> <li>2. Impositions of penalties on the worker. This matter was queried by the worker, but the management failed to give satisfactory explanations;</li> <li>3. The absent machine for the workers was broken, it has impact on the payroll;</li> <li>4. Bonus deductions;</li> <li>5. Discrimination of the casual workers;</li> </ol>
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">CP Decision delivered on 31 October 2018 to both parties. The appeals period will be over on 29 January 2018.</a>

<b>Complaint 3.9</b>	
<b>Date Filed</b>	3 October 2017
<b>Respondent</b>	PT Nubika Jaya
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Masyarakat Peduli Lingkungan Hidup (MPLH)
<b>Complaint description</b>	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.
<b>Status</b>	(F) CP decision
<b>Decision / Justification</b>	<a href="#">CP Decision letter has been sent to the parties. Deadline for submission of appeals is on 20 December 2018.</a>



<b>Complaint 3.10</b>	
<b>Date Filed</b>	10 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
<b>Respondent</b>	IOI Pelita (IOI Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Sarawak, Malaysia
<b>Complainant</b>	Community of Long Teran Kanan
<b>Complaint description</b>	Infringement of P&C No.2.2 – the right to land use disputed
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">The Respondent is in the process of getting consent from the communities.</a>

<b>Complaint 3.11</b>	
<b>Date Filed</b>	12 July 2018
<b>Respondent</b>	PT Primatama Mulia Jaya [subsidiary of Wilmar International]
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Masyarakat Adat Luhak Saparampek Simpang Tigo and Forest People Programme (FPP)
<b>Complaint description</b>	The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<a href="#">The secretariat has forwarded the Respondent’s response to the Complainant. Awaiting the Complainant’s response.</a>



<b>Complaint 3.12</b>	
<b>Date Filed</b>	7 September 2018
<b>Respondent</b>	PT Agro Andalan (PT Dharma Satya Nusantara)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Link-Ar Borneo
<b>Complaint description</b>	Labourer died due to pesticides poisoning.
<b>Status</b>	(C) CP constituted
<b>CP Discussion &amp; Decision of 27 November 2018</b>	<a href="#">The Secretariat to communicate with both parties in regards to the RSPO Policy on Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons (HRD Policy).</a>