

## COMPLAINTS PANEL

### MINUTES OF MEETING

For Website

24 April 2019 | 6.00 - 9.00 pm | Meeting No. 04/2019

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

<p><b>List of Complaints Panel Member</b></p>	<table border="1"> <tr> <td data-bbox="371 591 906 869"> <ol style="list-style-type: none"> <li>1. Henry Barlow (Honorary Member)</li> <li>2. Michelle Desilet (Orangutan Land Trust)</li> <li>3. Matthias Diemer (Affiliate Member)</li> <li>4. Marieke Leegwater (Solidaridad)</li> <li>5. Melizel Asuncion (Verite)</li> <li>6. Frazer Lanier (Citibank)</li> </ol> </td> <td data-bbox="906 591 1437 869"> <ol style="list-style-type: none"> <li>7. Lim Sian Choo (Bumitama)</li> <li>8. Lanash Thanda (SEPA)</li> <li>9. Robert Kruger (AAF)</li> <li>10. Samantha Bramley (Standard Chartered)</li> <li>11. Suzanne Hall (San Diego Zoo)</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. Henry Barlow (Honorary Member)</li> <li>2. Michelle Desilet (Orangutan Land Trust)</li> <li>3. Matthias Diemer (Affiliate Member)</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 (AAF)</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 style="text-align: center;"><b><u>General Agenda: 6.00 pm -6.30 pm</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>27 March 2019</b> during the CP Meeting.</li> <li>4. New Allegations:-             <ol style="list-style-type: none"> <li>a. RSPO/2018/22/RB - PT SMART Tbk (Golden Agri Resources)</li> <li>b. RSPO/2019/03/JL - Melur Gemilang Sdn Bhd (Tradewinds Plantation)</li> <li>c. RSPO/2019/04/RB - PT Berkas Sawit Sejati (PT Musim Mas)</li> <li>d. RSPO/2019/05/PR - Oleaginosas Del Peru S.A. (OLPESA)</li> <li>e. RSPO/2019/06/PR - Alicorp S.A.A</li> <li>f. RSPO/2019/07/RB - PT Perkebunan Nusantara IV</li> </ol> </li> <li>5. Incident reports from the Public Domain:-             <ol style="list-style-type: none"> <li>a. Greenpeace Report - "Dying for a Cookie" on shadow companies.</li> </ol> </li> <li>6. Complaints Case Statistics.</li> <li>7. Any other matters:-             <ol style="list-style-type: none"> <li>a. Dates for Complaints Panel meetings in 2019.</li> <li>b. Expansion of the Complaints Panel.</li> <li>c. Follow up on the progress of the DSF procedures and its ancillary documents.</li> <li>d. Collaboration with the Investigation and Monitoring Unit (IMU).</li> </ol> </li> </ol>		

8. Amnesty International report on Wilmar International - a media enquiry by Sydney Morning Herald.
9. Request for Re-opening the case of PT Gunta Samba Jaya/PT SIMP.
10. 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).
11. Commitment of Financial Institutions.
12. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.

13. Complaints for deliberation:-

**Group 1: 6.30pm – 7.15pm**

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak) (Robin Balud)
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. Limpah Sejahtera (First Resources) vs Yayasan Indonesian Animal Rescue International
8. PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK
9. PT. Minamas Gemilang (Sime Darby) vs Oky Wardianto
10. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh
11. PT Harapan Sawit lestari (Cargill) vs LinKar Borneo
12. AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)
13. HSA Group (Pacific Inter Link, Pacific Oils & Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace
14. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace.

**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. FELDA Global Venture Holding Berhad vs Article by Chain Reaction Research
7. FELDA Global Venture vs Article by The Wall Street Journal
8. PT. Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo
9. PT Perkebunan Nusantara VI vs PT REKI
10. GAR (GVL) vs FPP, SESDEV, SDI
11. Golden Agri Resources vs FPP
12. Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom
13. Presco PLC Nigeria (SIAT SA) vs Ori-Abraka Community
14. PT Agri Plus (Bumitama Agri Ltd) vs Link-AR Borneo

**Group 3: 8.15pm – 9.00pm**

1. PT. Kartika Prima Cipta (GAR) vs FPP and TUK Indonesia
2. PT. Kartika Prima Cipta (GAR) vs Link-Ar Borneo
3. Poligrow vs Video by Environmental Investigation Agency
4. Goodhope Asia Holdings Ltd vs RSPO Secretariat
5. IOI Pelita (IOI Group) vs Community of Long Teran Kanan
6. Primatama Mulia Jaya v Masyarakat Adat Luhak Saparampek Simpang Tigo
7. PT Agro Andalan (PT Dharma Satya Nusantara) v Link-Ar Borneo
8. PT Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
9. PT Kapuas Maju Jaya (Genting Plantation Bhd) vs Kelompok Tani Penghijauan Tingang Menteng
10. PT Perkebunan Nusantara III vs Pimpinan Cabang Federasi Serikat Pekerja Metal Indonesia

**DETAILS OF THE AGENDA:**

No.	Agenda
1.0	Opening Remarks from Chairperson  Opening speech by CCP
2.0	Declaration of “No Conflict of Interest”  No new declaration of Conflict of Interest (COI). CCP reiterated his COI.
3.0	To confirm and adopt the minutes of <b>27 March 2019</b> during the Complaints Panel Meeting.  Minutes of 27 March 2019 CP meeting adopted.
<b>4.0 New allegation submitted</b>	
	<p><b>a. RSPO/2018/22/RB - PT SMART Tbk (Golden Agri Resources)</b>                      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.</p> <p><b>24 April 2019 (CP Meeting):-</b></p> <p><b>1. Initial Diagnosis is completed and endorsed.</b></p> <p><b>b. RSPO/2019/03/JL - Melur Gemilang Sdn Bhd (Tradewinds Plantation Berhad)</b>                      Complainant : Iban Communities - Kampung Sungai Lingkau, Kampung Melanjok and Kampung Sekendu, Simunjan District, Kota Samarahan, Sarawak                      Complaint received : 8 March 2019                      Allegations: Native Customary Rights (NCR) land claim.</p> <p><b>24 April 2019 (CP Meeting):-</b></p> <p><b>1. Rejection has been communicated to the Complainant as both companies are not a member of RSPO.</b></p> <p><b>c. RSPO/2019/04/RB - PT Berkas Sawit Sejati</b>                      Complainant : Hutan Kita Institute (HaKI)(Indonesia)                      Complaint received : 12 March 2019                      Allegations:- indicated using the area of Dangku Wildlife Reserve (SM) approximately 2,600 Ha and production forest area (HP) approximately 3,200 Ha.</p>

**24 April 2019 (CP Meeting):-**

**1. Initial Diagnosis is in progress.**

**d. RSPO/2019/05/PR -Oleaginosas Del Peru S.A. (OLPESA)**

Complainant :- Santa Clara de Uchunya

Complaint received :- 22 March 2019

Location:- Pucallpa, Peru

Allegations: - 1) Sourcing FFB from unsustainable origin.  
2) Failure to conduct SIA

**24 April 2019 (CP Meeting):-**

**1. The Initial Diagnosis is in progress**

**e. RSPO/2019/06/PR -Alicorp S.A.A.**

Complainant :- Santa Clara de Uchunya

Complaint received :- 22 March 2019

Location:- Pucallpa, Peru

Allegations: - sourcing CPO from unsustainable origin.

**24 April 2019 (CP Meeting):-**

**1. Initial Diagnosis pending review by the CP.**

**f. RSPO/2019/07/RB - PT Perkebunan Nusantara IV**

Complainant : Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI

Complaint received : 10 April 2019

Location : North Sumatera

Allegations:- 1) Lack of adequate health and safety equipment  
2) Worker died due to lack of safety equipment  
3) No festive holidays for temporary workers

**24 April 2019 (CP Meeting):-**

**1. The Initial Diagnosis is in progress.**

**g. RSPO/2019/08/PR - Biase Plantations (subsidiary of Wilmar)**

Complainant :- Uvet Egwa

Complaint received :- 21 April 2019  
Location:- Nigeria  
Allegations: - Infringement of copyright of a song

**Initial Diagnosis is in progress.**

**h. RSPO/2019/09/RB - PT Smart Tbk (subsidiary of GAR)**

Complainant :- KC-FSPMI  
Complaint received :-22 April 2019  
Location:- North Sumatra, Indonesia  
Allegations: - Discrimination and violation against women workers, wages and no holidays given to women workers.

**Initial Diagnosis is in progress.**

**5.0 Incident Report from the Public Domain**

**1. Greenpeace Report - “Dying for a Cookie”**

Greenpeace released a report on 13 November 2018 on Bumitama’s alleged connection to numerous concessions in Indonesia which are allegedly proceeding with development without the required permits or in breach of RSPO rules. This includes Bumitama’s alleged involvement in shadow companies.

**24 April 2019 (CP Meeting):-**

**1. IMU’s investigation report is pending.**

## 6.0 Complaints Cases Statistics

### Total Cases in 2018:

	Jan-2018	Feb-2018	Mar-2018	Apr-2018
<b>Complaints received</b>	2	0	1	4
<b>Status</b>	Closed (1) Open (1)	-	Closed (1)	Open (4)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (2)	-	Indonesia (1)	Indonesia (4)
<b>Case Category</b>	-Plasma (1) -FPIC (1)	-	-HCV	-HCV (1) -Legality (1) -Plasma (2)

	May-2018	June-2018	July-2018	Aug-2018
<b>Complaints received</b>	4	0	1	3
<b>Status</b>	Closed (3) Open (1)	-	Open (1)	Open (3)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (4)	-	Indonesia (1)	Indonesia (2) Singapore (1)
<b>Case Category</b>	-FPIC (2) -HCV (2)	-	-FPIC (1)	-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>0</b>
<b>Status</b>	Open (2)	Open (6)	-	-
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (1) Nigeria (1)	Indonesia (3) Liberia (1) Nigeria (1) Others (1)	-	-
<b>Case Category</b>	-Occupational Hazard (1) -FPIC (1)	-Breach of Code of Conduct (2) -FPIC (2) -Compensation (1) -Wage (1)	-	-

**Total Cases in 2019:**

	Jan-2019	Feb-2019	Mar-2019	Apr-2019
<b>Complaints received</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>
<b>Status</b>	Open (2)	Closed (1)	Open (3)	Open (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (2)	Malaysia(1)	Indonesia (1) Peru (2)	Indonesia (1)
<b>Case Category</b>	-Occupational Hazard (1) -FPIC (1)	- FPIC (0)	-Deforestation (3) - FPIC (2)	-Occupational Hazard (1) -No Festive Holidays





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

Country	Active Cases
Indonesia	27
Malaysia	4
Colombia	2
Nigeria	2
Singapore	1
Peru	3
Brazil	1
Liberia	1
Others*	2
<b>TOTAL</b>	<b>43</b>

Year	Active Cases
2009	0
2010	2
2011	0
2012	3
2013	0
2014	1
2015	6
2016	2
2017	7
2018	16
2019	6
<b>TOTAL</b>	<b>43</b>

\*Others: Pending group membership determination

## 7.0 Any other matters

### a. Dates for Complaints Panel Physical Meeting in 2019:

24 April 2019 (CP Meeting):-

1. Proposal to have the CP meeting (3 - 4 September 2019) back to back with the BoG meeting (5 September 2019) in Jakarta.

### b. Expansion of Complaints Panel

24 April 2019 (CP Meeting):-

1. The selection committee has now interviewed 3 new individuals.

### c. Collaboration with the Investigation and Monitoring Unit

24 April 2019 (CP Meeting):-

1. IMU to forward the SOPs for review.

**8.0 Media Inquiry: Amnesty International Investigation report on Wilmar International – Sydney Morning Herald on 28 November 2016**

"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:

- a. Women were 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;
- b. Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation;
- c. Workers suffering severe injuries from paraquat, an acutely toxic chemical banned by the EU and by Wilmar itself;
- d. Workers being made to work outdoors without adequate safety;
- e. Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks".

**24 April 2019 (CP Meeting):-**

- 1. No further updates**

**9.0 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.

**24 April 2019 (CP Meeting):-**

- 1. The decision letter is in progress.**

**10.0 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

**24 April 2019 (CP Meeting):-**

1. **No further updates.**



## 11.0 Commitments of Financial Institution(s)

### 24 April 2019 (CP Meeting):-

1. CP discussed the different positions being taken by financial institutions on financing oil palm initiatives.
2. The CP was deeply concerned by a report that Sustainalytics, based in Toronto, providing sustainable finance solutions, is blacklisting palm oil. They do not appear to be aware of RSPO, and the need to differentiate between RSPO certified palm oil and other non certified oil. It appears that this organisation have little if any knowledge of the industry. The CP were dismayed to hear that Sustainalytics' website indicates that they consider palm oil to be on par with gambling, pornography and nuclear weapons.
3. It was agreed that urgent measures be taken to engage further with Sustainalytics to clarify the position on RSPO certified sustainable palm oil.

## 12.0 GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership

### Update:

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

### 24 April 2019 (CP Meeting):-

1. The ToR was endorsed by the BoG.

**COMPLAINTS FOR DELIBERATION:**

**GROUP 1**

<b>Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak) (Robin Balud)</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 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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><b>1. The Secretariat to issue a warning letter to both parties requesting them to furnish the Secretariat with an update.</b></p>

<b>Complaint 1.2 Agropalma S.A. vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa</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>	<b>1. The complaint is status quo.</b>

### Complaint 1.3 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin

<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>	<ol style="list-style-type: none"> <li>1. <b>The trial proceeded in February and March this year and no further hearing dates have been fixed by the Court.</b></li> <li>2. <b>Respondent to write in to Secretariat once new hearing dates are fixed.</b></li> </ol>



**Complaint 1.4 PT. Pusaka Agro Lestari (PT. PAL - Noble Plantation) vs RSPO Secretariat**

<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>	<ol style="list-style-type: none"> <li>1. Respondent had requested for an extension in order to submit the compensation plan and the remediation plan.</li> </ol>

<b>Complaint 1.5 PT Prima Mitra Jaya Mandiri (PT. PMM - MP Evans) vs Serbundo</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.</p> <p>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>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<b>1. The CP issued a decision letter dated 22 April 2019.</b>

**Complaint 1.6 PT. Susantri Permai, PT. Kapuas Maju Jaya and PT. Dwie Warna Karya (Genting Plantation Berhad) vs Commission IV of Indonesia’s House of Representative**

<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                 </td> <td>                     Production Forest (HP): 3.760 ha.                       Production Conversion Forest (HPK): 9.402 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	Production Forest (HP): 3.760 ha.  Production Conversion Forest (HPK): 9.402 ha.
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		utilization Area (KPPL): 2.922 ha.	Areas for other utilization (AOL): 1.482 ha
<b>Status</b>	(F) Complaints Panel Decision		
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The decision letter delivered, pending appeals.</b></li> </ol>		

<b>Complaint 1.7 PT Limpah Sejahtera (First Resources) vs Yayasan Indonesian Animal Rescue International</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>	<ol style="list-style-type: none"> <li><b>1. Secretariat to respond to the letter from First Resources dated 8 April 2019.</b></li> </ol>

<b>Complaint 1.8 PT Mitra Austral Sejahtera (Sime Darby) vs NGO TuK</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>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has engaged the legal reviewer to proceed with the legal review.</b></li> </ol>

<b>Complaint 1.9 PT Minamas Gemilang (Sime Darby) vs Oky Wardianto</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>	<b>1. The CP granted extension to the Respondent to provide the necessary documents by 2 May 2019.</b>

Complaint 1.10 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh	
<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>	<b>1. CP's decision on non-compliance to be issued to the Parties.</b>





<b>Complaint 1.11 PT Harapan Sawit lestari (Cargill) vs LinKar Borneo</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>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note is in progress.</b>

<b>Complaint 1.12 AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)</b>	
<b>Date Filed</b>	30 April 2018
<b>Respondent</b>	AMP Plantation (Wilmar)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Represented by lawyer on behalf of KUD Dasra
<b>Complaint description</b>	Dispute regarding plasma cooperation with KUD Dasra.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Secretariat has received the PoA from the Respondent.</li> <li>2. The Respondent granted an extension of the deadline to submit the written response by 26 April 2019.</li> </ol>

**Complaint 1.13 HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace**

<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia / Cayman Island
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	Breach of Code of Conduct - violation of the RSPO Group Membership rules. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<b>1. Awaiting the due diligence of the group membership by the Secretariat.</b>



<b>Complaint 1.14 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) &amp; Greenpeace</b>	
<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	Pacific Inter-Link (Papuan Concessions)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia / Cayman Island
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	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.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Respondent requested the Complainant to sign an NDA in order to exchange documents between both parties.</b></li> </ol>

**GROUP 2**

<b>Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR</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 is 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>	<ol style="list-style-type: none"> <li>1. <b>Awaiting a response from the Colombian National Land Agency and the Land Restitution Unit on the implementation of the Constitutional Court's decision.</b></li> </ol>

<b>Complaint 2.2 Bumitama Gunajaya Abadi (BGB- Bumitama) vs Sawit Watch</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>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The decision letter is in progress.</b></li> </ol>

<b>Complaint 2.3 PT Hati Prima Agro (HPA- Bumitama) vs Sawit Watch</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>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<b>1. Awaiting the Statement Letter from the legal expert on confidentiality.</b>





<b>Complaint 2.4 PT Bumi Sawit Kencana II (BSK-Wilmar International Ltd.) vs Village Kapuk</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>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<b>1. The decision delivered and pending appeal until 19 June 2019.</b>



<b>Complaint 2.5 Palmas Del Espino SA. vs FREDEIALBA</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>	<p><b>1. The Secretariat has scheduled a meeting with the Respondent on Monday (29 April 2019) to inquire on the progress of the Constitutional Court's decision.</b></p>

<b>Complaint 2.6 Felda Global Venture Holding Berhad vs RSPO Secretariat</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>	RSPO Secretariat (on the basis of Article by Chain Reaction Research)
<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>	<b>1. Pending further clarification from the Respondent.</b>



<b>Complaint 2.7 FELDA Global Venture vs Article by The Wall Street Journal</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>	<p>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</p> <p>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.</p> <p>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.</p>
<b>Status</b>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<p><b>1. FGV has submitted the action plan and it’s being reviewed by IMU.</b></p>



<b>Complaint 2.8 PT. Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo</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>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<p><b>1. The decision letter has been delivered and this matter is now pending the expiry date of the appeal period on 16 July 2019.</b></p>

**Complaint 2.9 PT. Perkebunan Nusantara VI vs PT REKI**

<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> 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>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<p><b>1. The decision letter has been delivered and this matter is now pending the expiry of the appeal period on 4 June 2019.</b></p>

<b>Complaint 2.10 Golden Veroleum Liberia vs Forest Peoples Programme (FPP), SESDEV, SDI</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>	<p>The Complainants allege that Golden Veroleum Liberia 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&amp;C particularly with respect to land acquisition and Free, Prior and Informed Consent (P&amp;C 2.2 and 2.3). Recently, GVL announced it was temporarily withdrawing its membership of RSPO. It is further alleged that GAR’s Sustainability Manager, Agus Purnomo, a member of RSPO’s Board of Governors, upheld this decision in a public statement. According to the Complainants 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.</p>
<b>Status</b>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>CP’s decision delivered on 28 January and pending expiry of appeals deadline on 24 April 2019.</b></li> </ol>



**Complaint 2.11 Golden Agri Resources vs Forest Peoples Programme (FPP)**

<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>	<b>1. A revised ToR based on the input from FPP will be sent to CP members.</b>



<b>Complaint 2.12 Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom</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>	<b>1. Both parties have agreed to mediate this dispute.</b>



<b>Complaint 2.13 Presco PLC Nigeria (SIAT SA) vs Oria-Abraka Community</b>	
<b>Date Filed</b>	16 October 2018
<b>Respondent</b>	Presco PLC Nigeria (SIAT SA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	Oria-Abraka Community
<b>Complaint description</b>	Infringement of customary rights of the local community.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<b>1. The next mediation session is now fixed on 23 April 2019.</b>



<b>Complaint 2.14 PT Agri Plus (Bumitama Agri Ltd) vs Link-AR Borneo</b>	
<b>Date Filed</b>	25 January 2019
<b>Respondent</b>	PT Agri Plus
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Link-AR Borneo
<b>Complaint description</b>	FPIC Process, EIA/SIA Pollution
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Respondent has requested for an extension of time until 10 May 2019 to respond with a formal response.</b></li> </ol>

**GROUP 3**

<b>Complaint 3.1 PT Kartika Prima Cipta (GAR) vs FPP &amp; TUK Indonesia</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 in 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>	<b>1. Pending TOR of external review of HCV Assessments.</b>

Complaint 3.2 PT Kartika Prima Cipta (GAR) vs Link-Ar Borneo	
<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 results.</li> </ol>
<b>Status</b>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<b>1. Pending clarification from both parties on the issue of compensation.</b>



<b>Complaint 3.3 Poligrow vs Video by Environmental Investigation Agency</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 Sikuaní 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>	<b>1. The Respondent was given an extension till 3 May 2019 to submit the revised action plan.</b>

### Complaint 3.4 Goodhope Asia Holdings vs RSPO Secretariat

<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>	<b>1. The CP’s decision on the Respondents request to construct mills in Ketapang and Sintang to be redrafted.</b>



**Complaint 3.5 IOI Pelita (IOI Group) vs Community of Long Teran Kanan**

<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>	<b>1. IOI submitted the Resolution plan and an updated work plan. Pending review.</b>



<b>Complaint 3.6 PT Primatama Mulia Jaya v Masyarakat Adat Luhak</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>	<b>1. The briefing note is in progress.</b>



**Complaint 3.7 PT Agro Andalan (PT Dharma Satya Nusantara) v Link-Ar Borneo**

<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>Decision / Justification</b>	<b>1. The Secretariat is obtaining further clarifications from both Parties.</b>

**Complaint 3.8 PT Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang**

<b>Date Filed</b>	30 August 2018
<b>Respondent</b>	PT Agro Lestari Mandiri (Sinar Mas)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
<b>Complaint description</b>	PT Agro Lestari Mandiri allegedly terminated workers in violation of the Indonesian Employment Law.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Secretariat is obtaining confirmation regarding on-going court process and the update on settlement agreements.</b></li> </ol>

<b>Complaint 3.9 PT Kapuas Maju Jaya (Genting Plantation Bhd) vs Kelompok Tani Penghijauan Tingang Menteng</b>	
<b>Date Filed</b>	12 October 2018
<b>Respondent</b>	PT Kapuas Maju Jaya (Genting Plantation Bhd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Kelompok Tani Penghijauan Tingang Menteng
<b>Complaint description</b>	Operation on community land with a coverage of approximately 150 Ha, hence causing destruction of a total of 124,500 rattan trees on the community's rattan plantation without any compensation paid.
<b>Status</b>	(C) CP constituted
<b>Update on Actions</b>	Both Parties agree to proceed with Bilateral Engagement.
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. A letter was sent to the representative of the Complainant and awaiting a reply due by 29 April 2019.</li> </ol>

<b>Complaint 3.10 PT Perkebunan Nusantara III vs Pimpinan Cabang Federasi Serikat Pekerja Metal Indonesia</b>	
<b>Date Filed</b>	18 January 2019
<b>Respondent</b>	PT Perkebunan Nusantara III
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Pemimpinan Cabang Federasi Serikat Pekerja Metal Indonesia
<b>Complaint description</b>	Minimum wage Wage withholding/Deduction Occupational Hazard, Unsafe working conditions, exposure to chemicals.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Secretariat is in the midst of reviewing the documents furnished by both parties.</b>