

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 29 April 2022 @ 3.00pm - 6.30pm (Meeting No.04/2022)

Meeting location: *via Zoom Link*

<p>List of Complaints Panel Members</p>	<table border="1"> <tr> <td data-bbox="376 533 906 797"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda </td> <td data-bbox="912 533 1439 797"> <ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda 	<ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe
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<p>Agenda</p>	<p><u>General Agenda:- 3.00pm to 4.10pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. RSPO Antitrust Guidelines 3. Declaration of Conflict of Interest 4. To confirm and adopt the minutes of 30 March 2022 during the CP Meeting 5. New Allegations 6. Complaints Case Statistics 7. Complaints Panel meeting Dates 		

	<p>7.1 Dates for CP monthly meetings - 2022</p> <p>7.2 Dates for CP Physical Meetings - 2022</p> <p>7.3 Expansion of the Complaints Panel</p> <p>8. Post Complaints Monitoring</p> <p>9. Dispute Settlement Facility (DSF)</p> <p>10. Commitment of Financial Institutions.</p> <p>11. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.</p> <p>12. Any Other Matters</p>
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13. Complaints for deliberation:-

Group 1:- 4.10pm to 4.20pm

1. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
2. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
3. HSA Group (Pacific Inter Link, Pacific Oils & Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace
4. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
5. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
6. PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace & FPP
7. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs *requested for confidentiality*
8. Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs *requested for confidentiality*
9. PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs *requested for confidentiality*

Group 2:- 4.20pm to 5.30pm

1. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
2. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
3. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
4. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
5. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
6. PT Agro Kati Lama - subsidiary of SIPEF group vs *requested for confidentiality*
7. PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.) vs Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
8. PT. Cipta Usaha Sejati (Subsidiary of Pasifik Agro Sentosa) vs Petrus Suwito (Binua Tingkarak Kalimantan) representing - Isak Aloka and Simon P. Liunesi
9. PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs *requested for confidentiality*
10. Mados's Holdings Sdn Bhd vs Mighty Earth Inc.

Group 3:- 5.30pm to 6.30pm

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Goodhope Asia Holdings Ltd vs RSPO Secretariat
3. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
4. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
5. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
6. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
7. PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan
8. Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Daabon Group) vs Puerto Wilches Section Sintrainagro Deputy Director's Office
9. First Resources Limited vs *requested for confidentiality*
10. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
11. PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited) vs *requested for confidentiality*

DETAILS OF THE AGENDA:

No.	Agenda										
1.	Opening Remarks from Chairperson Opening speech by CCP.										
2.	RSPO Antitrust Guidelines RSPO Antitrust Guidelines were read to the Complaints Panel.										
3.	Declaration of “No Conflict of Interest” Declaration of conflict of interest made by a CP member and no new conflict of interest declared by the rest of the CP members at this time of the meeting.										
4.	To confirm and adopt the minutes of 30 March 2022 during the Complaints Panel Meeting. Minutes of the meeting for the 30 March 2022 adopted unanimously.										
5. New allegation submitted											
5.1	<table border="1" data-bbox="233 1211 1401 1637"> <tbody> <tr> <td data-bbox="233 1211 523 1283">RSPO/2022/03/CRP</td> <td data-bbox="523 1211 1401 1283">PT.Perkebunan Nusantara V (PERSERO)</td> </tr> <tr> <td data-bbox="233 1283 523 1355">Complainant</td> <td data-bbox="523 1283 1401 1355"><i>requested for confidentiality</i></td> </tr> <tr> <td data-bbox="233 1355 523 1426">Complaint received</td> <td data-bbox="523 1355 1401 1426">04 March 2022</td> </tr> <tr> <td data-bbox="233 1426 523 1498">Location</td> <td data-bbox="523 1426 1401 1498">Indonesia</td> </tr> <tr> <td data-bbox="233 1498 523 1637">Allegations</td> <td data-bbox="523 1498 1401 1637"> <ul style="list-style-type: none"> ● The Respondent is deemed to have violated the cooperation agreement with the Complainant. ● The Respondent is not transparent. </td> </tr> </tbody> </table> <p data-bbox="280 1675 826 1709">Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> <li data-bbox="280 1749 1434 1821">1. Pending receipt of further clarification from the Complainant for the completion of the Initial Diagnosis. 	RSPO/2022/03/CRP	PT.Perkebunan Nusantara V (PERSERO)	Complainant	<i>requested for confidentiality</i>	Complaint received	04 March 2022	Location	Indonesia	Allegations	<ul style="list-style-type: none"> ● The Respondent is deemed to have violated the cooperation agreement with the Complainant. ● The Respondent is not transparent.
RSPO/2022/03/CRP	PT.Perkebunan Nusantara V (PERSERO)										
Complainant	<i>requested for confidentiality</i>										
Complaint received	04 March 2022										
Location	Indonesia										
Allegations	<ul style="list-style-type: none"> ● The Respondent is deemed to have violated the cooperation agreement with the Complainant. ● The Respondent is not transparent. 										

5.2

RSPO/2022/04/HN	PT.Teguh Sempurna (subsidiary of Sime Darby)
Complainant	<i>requested for confidentiality</i>
Complaint received	15 March 2022
Location	Indonesia
Allegations	<ul style="list-style-type: none"> The Complainant alleges that PT Teguh Sempurna has been cultivating land belonging to the late Abdul Karim without permission and compensation/ settlement.

Discussion from 29 April 2022 (CP Meeting):-

- The Initial Diagnosis has been furnished to the CP and the Secretariat has received the full endorsement from the CP for the Complaint to be rejected.**
- The Secretariat is in the midst of finalising the Notice of Rejection.**

6. Complaints Cases Statistics

Total Cases in 2022

	Jan-2022	Feb-2022	Mar-2022	Apr-2022
Complaints received	0	1	3	0
Status	-	Open (1)	Open (3)	-
Country	-	Malaysia (1)	Indonesia (3)	-
Case Category	-	land clearing without prior HCV assessment	FPIC	-

Total Active Cases by Country and Year (as of 25.04.2022)

Country	Active Cases	Year	Active Cases
Indonesia	25	2010	1
Malaysia	3	2012	1



Colombia	1	2014	1
Liberia	1	2017	3
Cayman Island	1	2018	3
Honduras	1	2019	3
		2020	7
		2021	9
		2022	4
TOTAL	32	TOTAL	32

7.	Complaints Panel Meeting Dates
7.1	Dates for Complaints Panel monthly meetings
	<p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Meeting dates for the rest of 2022 have been fixed and calendar invites issued subject to the availability of CP members. 2. In light of the RT week in November 2022, the CP meeting will be brought forward to the 23rd of November 2022.
7.2	Dates for Complaints Panel Physical Meetings in 2022
	<p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. A doodle poll will be issued to CP members suggesting dates for the next quarterly meeting. 2. The CP physical meeting for the year 2022 has been tentatively scheduled on 27.11.2022.
7.3	Expansion of Complaints Panel
	<p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has approached an individual with respect to participating as a CP member. Pending response from the said individual. 2. The Secretariat and CP are also reaching out to the ENGO sector to identify interested candidates to apply to participate as a CP member.

8. Post Complaints Monitoring	
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. ASI has indicated that a response regarding the endorsement of the verification report will be provided in three to four weeks time to the Secretariat. 2. The Secretariat held a meeting with the Respondent on 14.04.2022. Pending receipt of written response by the Respondent with respect to the CP's request in its letter dated 22.03.2022.
8.2	<p>PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research)</p> <p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending submission of the draft decision letter to the CP for the CP's perusal and comments.
8.3	<p>Poligrow Colombia SAS</p> <p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The CB updated by way of email on 12-Apr-2022 stating that a follow up on-site visit will be scheduled since in the recent audit conducted, the auditors faced difficulties to interview the communities in order to verify the Respondent's implementation of the action plan due to Covid-19 travel restrictions that were implemented in Colombia. Therefore, the auditors were unable to fully verify the Respondent's implementation of its action plan as directed by the RSPO Complaints Panel. 2. The follow up on-site verification is planned to be conducted in either May or June 2022.
8.4	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat to reach out to the Complainant to verify whether the specific comments raised by the Complainant have been addressed based on the evidence furnished by the Respondent.
8.5	<p>Extractor de la Gloria SAS</p> <p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending receipt of the translated Social Impact Assessment report and the monthly update for April 2022.

9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> Minutes of the recent DSF GoA online meeting have been submitted for review.
10. Commitments of Financial Institution(s)	
	<p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat has reached out to a local Malaysian bank seeking to engage with their sustainability team and to explore their interest in becoming an RSPO member.
11. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership	
	<p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> Pending further discussion by the BoG and its subsequent endorsement of the Resolution 6d proposals.
12. Any Other Matters	
	<p>ASC-CP MEETING</p> <p>Discussion from 29 April 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> Pending finalisation of tentative dates for the ASC-CP meeting and potential topics for discussion.

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK	
Case Reference	PreCAP/2012/06/PR
Date Filed	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
Respondent	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Transformasi untuk Keadilan (TuK)
Complaint description	<ul style="list-style-type: none"> ● The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without : <ol style="list-style-type: none"> 1. Lack of Transparency on land status and partnership agreements; 2. Lack of compliance to our customary land rights; 3. The absence of (documented) compensation; 4. Lack of compliance to local regulations; ● In acting so they are alleged to have breached RSPO Principles and Criteria specifically on: <ol style="list-style-type: none"> 1. Principle 1 on Transparency, 2. Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is in the midst of finalising the Briefing Note.

Complaint 1.2 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh	
Case Reference	PreCAP/2012/09/PR
Date Filed	3 October 2012
Respondent	Golden Veroleum Liberia (GVL)
Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
Complaint description	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> • has not provided public notification for a 30 day period consistent with the New Planting Procedures; • commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; • By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land; • Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6).
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is still in the process of reviewing the Interim Report. 2. The Secretariat will fix a meeting with the independent facilitator and a CP member once the Secretariat has reviewed the Interim Report.

Complaint 1.3 HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/18/RB
Date Filed	15 October 2018
Respondent	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
Membership Category	Processors and / or Traders
Country	Cayman Island
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> Breach of Code of Conduct - violation of the RSPO Group Membership rules. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Secretariat is in the midst of drafting the Briefing Note.

Complaint 1.4 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/19/RB
Date Filed	15 October 2018
Respondent	Pacific Inter-Link (Papuan Concessions)
Membership Category	Processors and / or Traders
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> • Violation of the RSPO Code of Conduct because of their alleged involvement in the control/ownership and operational development of four palm oil plantation companies in Papua.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of drafting the ToR for the independent investigation.

Complaint 1.5 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2020/12/EN
Date Filed	14 July 2020
Respondent	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction; • Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and • Development of a jetty, which includes reclamation of the sea floor as long as 590 meters
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Briefing Note has been drafted and is being reviewed for accuracy before submission to the CP.

Complaint 1.6 PT Nabire Baru and PT Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace and Forest Peoples Programme	
Case Reference	RSPO/2020/17/SW
Date Filed	18 September 2020
Respondent	PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Awasmiffee, Greenpeace & FPP
Complaint description	<ul style="list-style-type: none"> The Complaint was lodged as a result of the comments that have been given by the Complainant during the Respondent's NPP consultation period have not been resolved. The allegations as below: "that the Respondent withheld two important documents which should have been made available to stakeholders under the RSPO principle on transparency. The documents are the original draft of the 2011 HCV assessment and the Respondent's legal review commissioned by the RSPO Secretariat."
Status	(D) Investigation / deliberation
Decision / Justification	1. Pending expiry of the appeal period.

Complaint 1.7 PT Mitra Karya Sentosa (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2021/07/SW
Date Filed	19 March 2021
Respondent	PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • The Respondent did not pay the full land compensation to the six (6) individuals; • The Respondent unilaterally marking up the cost of plasma development and did not refer to the relevant regulations in deciding the cost of plasma development; • The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and • The Respondent did not provide the complete map along with its coordinates for the land that has been handed over by the six (6) individuals.
Status	(D) Investigation / deliberation - (Bilateral Engagement process)
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat held a meeting with parties to the Complaint and in the meeting both parties indicated that they wish for the Bilateral Engagement process to be extended. 2. The CP has agreed to grant an extension of the Bilateral Engagement process for a duration of 60 (sixty) working days.

Complaint 1.8 Papaso Estate & PT Damai Nusa Sekawan - Soso & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs requested for confidentiality	
Case Reference	RSPO/2021/05/SW
Date Filed	19 March 2021
Respondent	Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	requested for confidentiality
Complaint description	<ul style="list-style-type: none"> ● Complainant alleged that the Respondent prohibits the workers to conduct union activities (protest with regards to the Omnibus Law); ● Complainant alleged that the Respondent has conducted a unilateral termination of employment for the 2 (two) PT Permata Hijau Sawit workers; and ● Complainant alleged that the Respondent did not socialize the Company Regulations (<i>Peraturan Perusahaan</i>) to the workers in PT Damai Nusa Sekawan.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is to schedule a meeting with parties to obtain further clarification on developments in the Complaint.

Complaint 1.9 PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited vs requested for confidentiality)	
Case Reference	RSPO/2021/10/LSL
Date Filed	1 July 2021
Respondent	PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • It is alleged that the Respondent and Koperasi Koling Hapakat did not use the plasma area in accordance with the permission allocated. • It is alleged that there is a transfer of ownership of community-owned SHM (“Sertifikat Hak Milik”) by Koperasi Koling Hapakat to the Respondent.
Status	(D) Investigation / deliberation - (adjourned)
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaint is adjourned pending an outcome of the claims lodged before the Police of Kalimantan and the Ministry of Environment and Forestry. 2. The Complainant has agreed to pursue DSF Mediation. 3. The Respondent has requested for more information on DSF Mediation before a decision is made and a meeting with the Secretariat for clarification has been scheduled on 19.05.2022.

GROUP 2

Complaint 2.1 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch	
Case Reference	RSPO/2017/06/SW
Date Filed	13 October 2017
Respondent	PT Hati Prima Agro (subsidiary of Bumitama)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<ul style="list-style-type: none"> • 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. • 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.
Status	(H) Appeals Submitted
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of reviewing the Notice of Appeal. 2. Pending formation of the Appeals Panel.

Complaint 2.2 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK	
Case Reference	RSPO/2018/14/IR
Date Filed	22 August 2018
Respondent	Golden Agri Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme (FPP) and Tuk- Indonesia
Complaint description	<ul style="list-style-type: none"> • GAR's shadow companies are actively clearing lands.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of reviewing the Terms of Reference for the independent investigation and preparation of a Service Agreement.

Complaint 2.3 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT	
Case Reference	RSPO/2019/07/IR
Date Filed	10 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
Complaint	<ul style="list-style-type: none"> • Lack of adequate health and safety equipment;

description	<ul style="list-style-type: none"> • Worker died due to lack of safety equipment; and • No festive holidays for temporary workers.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Clarification regarding the Compliance Audit report has been obtained from ASI and the Secretariat will proceed with the preparation of the Briefing Note for submission.

Complaint 2.4 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality

Case Reference	RSPO/2019/11/IR
Date Filed	23 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Temporary workers contract and wages issues; • Intimidation of workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Clarification regarding the Compliance Audit report has been obtained from ASI and the Secretariat will proceed with the preparation of the Briefing Note for submission.

Complaint 2.5 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)

Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia

Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ul style="list-style-type: none"> • Alleged fraud of wages for 7 workers, • No festive holidays and bonus for temporary workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Clarification regarding the Compliance Audit report has been obtained from ASI and the Secretariat will proceed with the preparation of the Briefing Note for submission.

Complaint 2.6 PT Agro Kati Lama (subsidiary of SIPEF group) vs requested for confidentiality	
Case Reference	RSPO/2021/01/EN
Date Filed	22 January 2021
Respondent	PT Agro Kati Lama (subsidiary of SIPEF group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint Description	<ul style="list-style-type: none"> • The daily casual workers are paid below the minimum wage set out by the Musi Rawas District Government; • The daily casual workers are not protected and no remedy available for work accidents; • The daily casual workers are not equipped with personal protection equipment [PPE] and are not equipped with working tools; • The daily casual workers did not receive festive allowance in accordance with the regulation; • The daily casual workers, who are hired through the third party, do not get a pay slip. The amount written in the payment receipt is without formal stamp and without the name of the party who rendered the payment.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Mediation process under the DSF mechanism is ongoing.

Complaint 2.7 PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd) vs Tim Advokasi DPPKNPI	
Case Reference	RSPO/2021/02/SW
Date Filed	27 January 2021
Respondent	PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
Complaint Description	<ul style="list-style-type: none"> • Operating in the protected forest area without having a license from the Ministry of Forestry; • Operating without having a HGU; and • Did not develop plasma plantations for the community as agreed
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in receipt of two translated Court decisions and the same is being reviewed before submission to the Complaints Panel with the Secretariat's analysis.

Complaint 2.8 PT Cipta Usaha Sejati (subsidiary of Pasifik Agro Sentosa) vs Petrus Suwito (Binua Tinkakok Kalimantan) representing - Isak Aloka and Simon P.Luinesi	
Case Reference	RSPO/2021/09/EN
Date Filed	11 May 2021
Respondent	PT. Cipta Usaha Sejati (Subsidiary of Pasifik Agro Sentosa)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Petrus Suwito (Binua Tingkakok Kalimantan) representing - Isak Aloka and Simon P. Luinesi
Complaint Description	<ul style="list-style-type: none"> • Embezzlement of severance payment of two retired workers by the Respondent's Head of Administration.

Status	(D) Investigation/Deliberation
Decision / Justification	1. Briefing Note submitted to the CP for deliberation.

Complaint 2.9 PT Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/12/CRP
Date Filed	08 November 2021
Respondent	PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint Description	<ul style="list-style-type: none"> ● that the Respondent conducted land expansion to about 167 hectares into the Imbo Putui Customary Forest; ● that the Respondent's used their operational truck passing through the Customary Forest and disturbing the community with the noise and dust pollution, disturbing the growth of trees along the road, cutting off animal paths (bear, deer, pangolin, snake, monitor lizard, monkey), and cutting off water paths; ● that the Respondent's action of planting oil palm up to the riverbank, even in the middle of the river (the company changed the waterway, then planted oil palm on the former river that was stockpiled); ● that the Respondent is not taking the responsibility for the social, economic, and ecological damage that occurred in the Imbo Putui Customary Forest and Petapahan Village; ● that the Respondent changed the natural shape of the rivers and made them straight; ● that the Respondent is destroying the downstream river ecosystem in the Imbo Putui customary forest with fertilizers and pesticides; and ● that the Respondent claimed the Imbo Putui Customary Forest as their conservation area (HCV).
Status	(D) Investigation/Deliberation
Decision / Justification	1. Bilateral Engagement process between parties ongoing with the Secretariat as an observer.

Complaint 2.10 Mados's Holdings Sdn Bhd vs Mighty Earth Inc.	
Case Reference	RSPO/2022/01/HN
Date Filed	22 February 2022
Respondent	Mados's Holdings Sdn Bhd
Membership Category	Oil Palm Grower
Country	Johor, Malaysia
Complainant	Mighty Earth Inc.
Complaint Description	<p>The Complainant alleges that the Respondent (Mados's Holdings Sdn Bhd) conducted land clearing without prior HCV assessment by an RSPO-approved assessor. The Complainant provided the following information: -</p> <ul style="list-style-type: none"> • According to GIS data published by Global Forest Watch, there was 291 ha of identified Tree Cover Loss within the 6 Mados's Holdings Sdn Bhd estates between 2016 and 2017 (the period prior to the ratification of RSPO P&C 2018); and • According to GIS data published by Global Forest Watch, there was 230 ha of identified Tree Cover Loss within the 6 Mados's Holding Sdn Bhd estates between 2018 and 2020 (the period after the ratification of RSPO P&C 2018).
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complainant has notified the Secretariat of the Complainant's intention to withdraw this Complaint. 2. The Secretariat has conveyed the same to the Complaints Panel and the Complaints Panel has allowed the withdrawal of the formally accepted complaint/allegations in its entirety. 3. The Secretariat will notify both parties by way of email and proceed accordingly.

GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
Case Reference	PreCAP/2014/03/IR
Date Filed	13 October 2014
Respondent	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
Complaint description	<p><u>Points raised:-</u></p> <ul style="list-style-type: none"> ● PT KPC is in persistent violation of the RSPO P&C pertaining HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people in the process of land take over. ● Land takeover was done without land tenure study and participatory mapping. ● Late HCV assessment which was done by IPB, final consultation was in May 2014. ● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). ● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. ● GAR as the parent company of all 18 subsidiaries listed in acting in violation of the New Planting Procedure (NPP) by submitting information which is known as false. No HGU in 16 of 18 NPP. ● The assessors which have endorsed GAR’s HCV assessment, ESIA’s and social engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&C.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is to schedule an ad-hoc CP meeting to facilitate deliberations for this Complaint.

Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat	
Case Reference	PreCAP/2017/06/SW
Date Filed	19 April 2017
Respondent	Goodhope Asia Holdings
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
Complaint description	<ul style="list-style-type: none"> Note: FPP and the other NGOs also sent a complaint to the BoG on the fact that Goodhope had insisted that their NPP be posted for public consultation despite the Secretariat's finding that the HCV Assessment was not satisfactory. They had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> Pending a response from the Secretariat to the Respondent's letter raising queries on the FCL calculation.

Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan	
Case Reference	PreCAP/2010/01/PR
Date Filed	15 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
Respondent	IOI Pelita (IOI Group)
Membership Category	Oil Palm Grower
Country	Sarawak, Malaysia
Complainant	Community of Long Teran Kanan
Complaint description	<ul style="list-style-type: none"> Infringement of P&C No.2.2 – the right to land use disputed.

Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Updates from the Respondent on the progress of the Final Settlement Agreement were furnished to the CP. The CP has raised certain queries for clarification which is to be directed to the Respondent by the Secretariat. 2. A member of the Grievance Unit and the CP will be present at the signing ceremony of the Final Settlement Agreement.

Complaint 3.4 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation	
Case Reference	RSPO/2020/04/IR
Date Filed	2 March 2020
Respondent	Golden Agri Resource (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme & Elk Hills Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law; • The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of reviewing the ToR for the independent investigation as well as in the process of identifying a suitable Consultant for the investigation process.

Complaint 3.5 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality	
Case Reference	RSPO/2020/07/LSL
Date Filed	6 April 2020
Respondent	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
Membership Category	Oil Palm Grower
Country	Honduras
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Modification of property deeds to remove areas identified by the government as environmental protection zone; ● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits; ● Non-compliance with labour laws; ● Threatening of workers to suppress information from auditors; ● Bribing workers and government agencies; ● Manipulation of scale systems; Falsification of data; ● Operating without an environmental license.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The comments on the revised special audit report has been furnished by the Certification Unit and the same has been shared with the CP. 2. The CP has since directed a Compliance Audit to be conducted.

Complaint 3.6 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality	
Case Reference	RSPO/2020/19/IR
Date Filed	5 October 2020
Respondent	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Unilateral pay cut by the Respondent ● Poor living conditions for the labourers ● Intimidation of workers ● Forced labour ● Lack of transparent grievance system
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. An ad hoc CP meeting was conducted on 7th of April 2022. 2. The CP's directive letter has been endorsed by the CP and the same has been furnished to both parties on 25th of April 2022.

Complaint 3.7 PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan	
Case Reference	RSPO/2020/20/SW
Date Filed	12 November 2020
Respondent	PT Nubika Jaya (subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	LSM-Baris Labuhanbatu Selatan

Complaint description	<ul style="list-style-type: none"> ● No Domestic Wastewater Treatment Plant; ● The Oleochemical equalization pool was not built with concrete; ● Sludge from the Oleochemical Wastewater Treatment Plant has never been transported to a designated waste processing agency. ● Dispose of liquid waste without permit; ● Inconsistency on the volume of Hazardous Waste transported to a designated waste processing agency; ● A sparring equipment has yet installed at the Wastewater Treatment Plant; ● No certified Wastewater Treatment Operational Responsible and Water Pollution Control Officer onsite; ● Processing fresh fruit bunches from non-RSPO certified plantations.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Briefing Note has been drafted and is being reviewed before submission to the CP.</p>

Complaint 3.8 Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Subsidiary of Daabon Group) - (Adjourned)	
Case Reference	RSPO/2020/16/LSL
Date Filed	10 September 2020
Respondent	Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group)
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	Puerto Wilches Section Sintrainagro Deputy Director’s Office
Complaint description	<ul style="list-style-type: none"> ● Non-compliance with labour rights/laws; ● Anti-union practices; and ● Employees not provided sufficient protection equipment.
Status	(D) Investigation / deliberation (adjourned)

Decision / Justification	<p>1. Pending receipt of the translated resolution of the claim lodged before the Ministry of Labour and comments from the Complainant on the said resolution.</p>
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Complaint 3.9 First Resources Limited vs requested for confidentiality	
Case Reference	RSPO/2021/04/EN
Date Filed	8 March 2021
Respondent	First Resources Limited
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● The Respondent allegedly has ownership, control and influence over a company called Fangiono Agro Plantation (FAP) Agri, a non-RSPO member who was not declared in the Respondent’s RSPO Group Membership. ● The Respondent also allegedly has ownership, control and influence of an Indonesian company, Ciliandry Anky Abadi (CAA) who is a subsidiary of a British Virgin Islands registered company by the name of Sima Capital. This company too was not declared to be a part of the Respondent’s RSPO Group Membership. ● The Respondent, via FAP or by FAP’s 11 subsidiaries have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, river pollution, and unilateral layoffs of workers. ● The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution. ● The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Secretariat is to schedule an ad-hoc CP meeting to facilitate deliberations for this Complaint.</p>

Complaint 3.10 PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/06/SW
Date Filed	19 March 2021
Respondent	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community; ● Respondent did not develop the plasma plantations for the community; and ● Respondent did not have an internal grievance mechanism that the stakeholders can access
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Secretariat is currently in the midst of reviewing the CB’s verification report. Further queries may need to be posed to the CB to obtain clarification on the contents of the said report.</p>

Complaint 3.11 PT Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited vs Teraju Foundation - Indonesia	
Case Reference	RSPO/2022/02/HH
Date Filed	4 March 2022
Respondent	PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited)
Membership Category	Processors and / or Traders
Country	Kalimantan Barat, Indonesia
Complainant	Teraju Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent forced a community to give up the rights to their land in order to develop the land into an oil palm plantation. • The company then refused to return the land to the community by involving the police.
Status	(D) Investigation / Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has furnished the allegations to the Respondent for their formal response and the deadline of the 14 working days for the formal response has been extended to 30-May-2022 in light of the recent public holidays in Indonesia.