

# COMPLAINTS PANEL

## MINUTES OF MEETING

For Website

23 September 2020 | 6.00pm - 8.20pm | Meeting No. 09/2020

Meeting location: *Jakarta Conference Room, RSPO Kuala Lumpur - Malaysia & via Zoom Link*

<p><b>List of Complaints Panel Member</b></p>	<table border="1"> <tr> <td data-bbox="373 640 906 987"> <ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( LSC - Co Chair)</li> <li>3. Michelle Desilets (MD)</li> <li>4. Matthias Diemer (MDM)</li> <li>5. Marieke Leegwater (ML)</li> <li>6. Lanash Thanda (LT)</li> <li>7. Suzanne Hall (SH)</li> </ol> </td> <td data-bbox="911 640 1442 987"> <ol style="list-style-type: none"> <li>8. Peter van der Werf (PVDW)</li> <li>9. José den Toom (JDT)</li> <li>10. Robert Kruger (RK)</li> <li>11. Ian Hay (IH)</li> <li>12. Priya Gopalan (PG)</li> <li>13. Fakri Karim (FK)</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( LSC - Co Chair)</li> <li>3. Michelle Desilets (MD)</li> <li>4. Matthias Diemer (MDM)</li> <li>5. Marieke Leegwater (ML)</li> <li>6. Lanash Thanda (LT)</li> <li>7. Suzanne Hall (SH)</li> </ol>	<ol style="list-style-type: none"> <li>8. Peter van der Werf (PVDW)</li> <li>9. José den Toom (JDT)</li> <li>10. Robert Kruger (RK)</li> <li>11. Ian Hay (IH)</li> <li>12. Priya Gopalan (PG)</li> <li>13. Fakri Karim (FK)</li> </ol>
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<p><b>Agenda</b></p>	<p><b><u>General Agenda:- 6.00pm to 7.00pm</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>26 August 2020</b> during the CP Meeting</li> <li>4. New Allegations:-             <ol style="list-style-type: none"> <li>4.1 RSPO/2020/10/SW - PT Victorindo Alam Lestari (Permata Hijau Group)</li> <li>4.2 RSPO/2020/12/DPM - First Resources Limited (PT Wahana Prima Sejati)</li> <li>4.3 RSPO/2020/13/DPM - Pabrik Kelapa Sawit Batang Kulim POM &amp; Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas)</li> <li>4.4 RSPO/2020/15/LSL - Benso Oil Palm Plantation (Wilmar International Limited)</li> <li>4.5 RSPO/2020/16/LSL - Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Daabon Group)</li> <li>4.6 RSPO/2020/17/SW - PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)</li> </ol> </li> <li>5. Complaints Case Statistics.</li> <li>6. Complaints Panel meeting Dates             <ol style="list-style-type: none"> <li>6.1 Dates for CP monthly meetings in 2020</li> </ol> </li> </ol>		

	<p>6.2 Dates for CP Physical Meetings</p> <p>6.3 Expansion of the Complaints Panel</p> <p>7. Collaboration with the Investigation &amp; Monitoring Unit (IMU)</p> <p>    7.1 FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>    7.2 PT Temila Agro Abadi - subsidiary of FGV - ( Article by Chain Reaction Research)</p> <p>    7.3 Poligrow Colombia SAS</p> <p>    7.4 PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>8. Dispute Settlement Facility (DSF)</p> <p>9. 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).</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: 7.00pm to 7.15pm**

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
2. Agropalma S.A vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
3. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
4. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
5. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
6. PT. Harapan Sawit Lestari (PT. HSL) - subsidiary of Cargill vs Link-AR Borneo
7. 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
8. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
9. PT. Berkas Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)
10. Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.) vs *requested for confidentiality*
11. PT Buana Wira Lestari vs *requested for confidentiality*

**Group 2: 7.15pm to 7.55pm**

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
3. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
4. Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*
5. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
6. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
7. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
8. PT Musim Mas Holding Pte Ltd vs *requested for confidentiality*
9. Palmaceite S.A. vs *requested for confidentiality*
10. Agroaceite S.A. vs *requested for confidentiality*
11. PT Pangkatan Indonesia - subsidiary of MP.Evans Group vs KOSP-LSM FSPMI & TIPAN

**Group 3: Group 3:-7.55pm to 8.20pm**

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. Primatama Mulia Jaya vs Masyarakat Adat Luhak Saparampek Simpang Tigo
5. PT. Agro Lestari Mandiri (PT. ALM) - subsidiary of Sinarmas vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
6. PT. SMART Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut
7. Oleaginosas Del Peru S.A. (OLPESA) vs *requested for confidentiality*
8. PT. PHP/AMP Plantation (subsidiary of Wilmar) vs Represented by Lawyer on behalf local community
9. Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad) vs Mr Sauddin Che Lamin
10. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
11. PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung
12. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*



**DETAILS OF THE AGENDA:**

No.	Agenda
1.	Opening Remarks from Chairperson  Opening speech by CCP.
2.	Declaration of “No Conflict of Interest”  No further conflict of interest declared at this time of the meeting.
3.	To confirm and adopt the minutes of <b>26 August 2020</b> during the Complaints Panel Meeting.  Minutes of <b>26 August 2020</b> adopted unanimously.



**4. New allegation submitted**

4.1

<b>RSPO/2020/10/SW</b>	<b>PT Victorindo Alam Lestari (Permata Hijau Group)</b>
Complainant	KC FSPMI
Complaint received	17 June 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>● Daily casual workers are not registered to the BPJS Kesehatan (BPJS Healthcare) or BPJS Ketenagakerjaan (BPJS Employment Security);</li> <li>● The Respondent does not provide a decent and good health care facilities for workers in the Company area;</li> <li>● The Respondent does not ensure worker’s rights to associate as union management or members;</li> <li>● Workers working in the core work are employed under a definite time employment agreement (PKWT) scheme instead of indefinite time employment agreement (PKWTT) or furnished with appointment letters without prior written indefinite time employment agreement (PKWTT);</li> <li>● Daily casual workers are not provided with a written employment agreement;</li> <li>● The Respondent does not fully pay overtime wages;</li> <li>● Company Regulations owned by the company have not yet been approved by the local manpower office;</li> <li>● The Respondent has employed some of the workers as daily casual workers for more than 3 (three) years;</li> <li>● The Respondent does not ensure legal certainty for workers in the event of expiration or termination of employment relationship due to death, redundancy, pension and resignation.</li> </ul>

**Discussion from 23 September 2020 (CP Meeting):-**

- 1. The Secretariat will inform both parties of the delay in the finalisation of the Initial Diagnosis as more clarification is required on the issue of mandate and representation of the communities by the Complainant.**

**4.2**

<b>RSPO/2020/12/DPM</b>	<b>First Resources Limited (PT Wahana Prima Sejati)</b>
Complainant	<i>requested for confidentiality</i>
Complaint received	14 July 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>• Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction;</li> <li>• Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and</li> <li>• Development of a jetty, which includes reclamation of the sea floor as long as 590 meters.</li> </ul>

**Discussion from 23 September 2020 (CP Meeting):-**

- 1. The Complaint is formally accepted by the CP.**

**4.3**

<b>RSPO/2020/13/DPM</b>	<b>Pabrik Kelapa Sawit Batang Kulim POM &amp; Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas)</b>
Complainant	KC FSPMI
Complaint received	5 August 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>• Unauthorised Company Regulations;</li> <li>• Flat rate overtime premium;</li> <li>• Copy of the Collective Bargaining Agreement is not furnished to the workers;</li> <li>• Workers working night shift is not provided with extra food;</li> <li>• Inadequate and unsanitary worker’s housing;</li> <li>• Daily casual workers are not provided with a written employment agreement;</li> </ul>



	<ul style="list-style-type: none"> <li>• Daily casual workers are not provided with Employment security (BPJS Ketenagakerjaan) cards;</li> <li>• Complicated healthcare insurance (BPJS Kesehatan) and paid sick day processes;</li> <li>• Unfair dismissal/termination for unjustified reason such as participating in union activities;</li> <li>• Limitation of worker’s right to organize outside the established independent/non-affiliated trade union.</li> </ul>
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**Discussion from 23 September 2020 (CP Meeting):-**

- 1. The Complaint is formally accepted.**

**4.4**

<b>RSPO/2020/15/LSL</b>	<b>Benso Oil Palm Plantation (subsidiary of Wilmar International Limited)</b>
Complainant	Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
Complaint received	25.8.2020
Location	Ghana
Allegations	<ul style="list-style-type: none"> <li>• The company has destroyed farmers' products, especially rubber plantations for oil palm plantation;</li> <li>• The company is not willing to pay for the damages caused to rubber farmers;</li> <li>• The company is still cutting down rubber farms to plant oil palm; and</li> <li>• Farmers are to report the issue to the police and willing to go to court.</li> </ul>

**Discussion from 23 September 2020 (CP Meeting):-**

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

4.5

<b>RSPO/2020/16/LSL</b>	<b>Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group)</b>
Complainant	Puerto Wilches Section Sintrainagro Deputy Director's Office
Complaint received	10.9.2020
Location	Colombia
Allegations	<ul style="list-style-type: none"> <li>• Non-compliance with labour rights/laws;</li> <li>• Anti-union practices; and</li> <li>• Employees not provided sufficient protection equipment.</li> </ul>

**Discussion from 23 September 2020 (CP Meeting):-**

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

4.6

<b>RSPO/2020/17/SW</b>	<b>PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)</b>
Complainant	Awasmiffee, Greenpeace & FPP
Complaint received	18 September 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>• Transparency during the process of addressing the NPP comments.</li> </ul>

**Update:-**

- The Initial Diagnosis is in progress.

**Discussion from 23 September 2020 (CP Meeting):-**

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

## 5. Complaints Cases Statistics

Year	Total case open	Total case closed
Jan - Dec 2018	8	14

### Total Cases in 2019:

	Jan-2019	Feb-2019	Mar-2019	Apr-2019
<b>Complaints received</b>	2	1	3	4
<b>Status</b>	Open (0) Closed (2)	Rejected (1)	Open (1) Rejected (1) Closed (1)	Open (2) Rejected (1) Closed (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (2)	Malaysia(1)	Indonesia (1) Peru (2)	Indonesia (3) Nigeria (1)
<b>Case Category</b>	-Occupational Hazard (1) -FPIC (1)	- FPIC (1)	-Deforestation (3) - FPIC (2)	-Occupational Hazard (1) -No Festive Holidays (3) - Infringement of copyright (1)

	May 2019	Jun 2019	July 2019	Aug 2019
<b>Complaints received</b>	2	3	1	1
<b>Status</b>	Open (1) Closed (1)	Open (2) Closed (1)	Open (0) Closed (1)	Open (0) Closed (1)
<b>Certified</b>	-		-	
<b>Country</b>	Indonesia (1) Malaysia (1)	Indonesia (1) Guatemala (1) Nigeria (1)	Indonesia (1)	Malaysia(1)

<b>Case Category</b>	- Wages (1) -No Festive Holidays (1) -conservation area for water (1)	-Workers unjustifiably dismissed (1) - Social Benefits (1) -Customary rights (1)	-Customary rights (1)	Terminated based on mental health discrimination (1)
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	Sept-2019	Oct-2019	Nov-2019	Dec-2019
<b>Complaints received</b>	0	3	0	1
<b>Status</b>	-	Open (1) Closed (2)	-	Rejected (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	-	Indonesia (1) Ghana (1) Nigeria (1)	-	Sierra Leone (1)
<b>Case Category</b>	-	Breach of Code of Conduct (1) Compensation (1) Pollution (1)	-	Others - Employment

**Total Cases in 2020**

	Jan-2020	Feb-2020	Mar-2020	Apr-2020
<b>Complaints received</b>	2	1	3	1
<b>Status</b>	Open (0) Rejected (1) Closed (1)	Open (1)	Open (3)	Open (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Malaysia (1) Indonesia (1)	Indonesia (1)	Indonesia (2) Colombia (1)	Honduras (1)
<b>Case Category</b>	-Invasion of main access road (1) -Wage, safety (1)	- Land fires - River Pollution - Planting on Peat	- Illegal permit (1) - convicted for Bribery (1)	

			- Water Pollution(2) - Breached CoC (1)	
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	May 2020	Jun 2020	Jul 2020	Aug 2020
<b>Complaints received</b>	0	3	2	2
<b>Status</b>	-	Open (2) Rejected (1)	Open (2)	Open (2) Rejected (1)
<b>Certified</b>			-	-
<b>Country</b>	-	Indonesia (3)	Guatemala (1) Indonesia (1)	Indonesia (2)
<b>Case Category</b>	-	-Workers unjustifiably dismissed (1) -Social Benefits(2) -Infringement of copyright (1) - no adequate health,housing facilities (1)	- River Pollution (2) - Deforestation(1) -endangered wildlife (1) -Breach of P&C (1)	-Unfair dismissal /termination - no adequate health,housing facilities - illegal control and use of land

	Sept-2020	Oct-2020	Nov-2020	Dec-2020
<b>Complaints received</b>	1	1	-	-
<b>Status</b>	Open (1)	Open (1)	-	-
<b>Certified</b>	-	-	-	-
<b>Country</b>	Colombia (1)	Indonesia (1)	-	-
<b>Case Category</b>	-Occupational hazard (1)	- NPP (1)	-	-



**Total Active Cases by Country and Year (as of 20.09.2020)**

Country	Active Cases	Year	Active Cases
Indonesia	23		
Malaysia	3	2009	0
Colombia	3	2010	1
Nigeria	1	2011	0
Singapore	0	2012	1
Peru	1	2013	0
Brazil	1	2014	1
Liberia	1	2015	4
Guatemala	2	2016	0
Ghana	0	2017	3
Sierra Leone	0	2018	8
Cayman Island	1	2019	7
Honduras	1	2020	13
<b>TOTAL</b>	<b>38</b>	<b>TOTAL</b>	<b>38</b>



<b>6. Complaints Panel Meeting Dates</b>	
<b>6.1</b>	<b>Dates for Complaints Panel monthly meetings</b>
	<p>Discussion from 23 September 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The dates for the first half of the year 2021 have been forwarded to the CP members.</li> <li>2. The CP meeting on 16.12.2020 will be vacated and all matters will be dealt through email.</li> </ol>
<b>6.2 Dates for Complaints Panel Physical Meetings in 2020</b>	
	<p>Discussion from 23 September 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The next CP Quarterly meeting will be held online on 29.09.2020 from 6.00pm to 8.00pm.</li> </ol>
<b>6.3 Expansion of Complaints Panel</b>	
	<p>Discussion from 23 September 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The secretariat is still waiting for a response from a candidate on their confirmation as a CP member.</li> </ol>
<b>7. Collaboration with the Investigation &amp; Monitoring Unit (IMU)</b>	
<b>7.1</b>	<b>FELDA Global Venture - (Article by The Wall Street Journal)</b>
	<p>Discussion from 23 September 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. IMU had a meeting with the Assurance Unit to map out the verification audit in line of the pandemic. They have also scheduled a meeting with the Respondent to look into the situation in Sabah.</li> </ol>



<p><b>7.2</b></p>	<p><b>PT Temila Agro Abadi - subsidiary of FGV - ( Article by Chain Reaction Research)</b></p> <p>Discussion from 23 September 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. IMU has prepared a monitoring plan and will hold a meeting with the Respondent to discuss the matter moving forward.</li> </ol>
<p><b>7.3</b></p>	<p><b>Poligrow Colombia SAS:</b></p> <p>Discussion from 23 September 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. Status quo. IMU is still waiting for the initial audit report which is due at the end of 2020 and IMU will follow up with the CB either in October 2020 or November 2020 to obtain the necessary updates on the progress of the audit</li> </ol>
<p><b>7.4</b></p>	<p><b>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</b></p> <p>Discussion from 23 September 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. IMU has conducted the monitoring kick off meeting with the Respondent on 03.09.2020 and the first monitoring report will be issued by IMU in November 2020.</li> </ol>
<p><b>8.</b></p>	<p><b>Dispute Settlement Facility (DSF)</b></p> <p>Discussion from 23 September 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The interviews of DSF mediators from Indonesia have concluded. The Secretariat together with DSF Consultant will be the finalising and shortlisting candidates to be engaged as DSF mediators.</li> </ol>





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

13 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

**Discussion from 23 September 2020 (CP Meeting):-**

1. **The draft letter has been re-sent to the CP members and is currently pending endorsement from CP members.**

**10. Commitments of Financial Institution(s)**

**Discussion from 23 September 2020 (CP Meeting):-**

1. **There are no further updates on this matter.**

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

Discussion from 23 September 2020 (CP Meeting):-

1. The Resolution 6d is in the midst of the 2nd public consultation which is scheduled to end on 25.09.2020. Two webinars were held in September 2020 and the feedback on the updated draft was good.
2. The Secretariat is currently preparing a Board Paper for the presentation and endorsement in November 2020.

**12. Any Other Matters**

a) ASC-CP MEETING

Discussion from 23 September 2020 (CP Meeting):-

1. The Secretariat will schedule a meeting with the Independent lead together with the Assurance and IMU departments and shall thereafter update the CP during the quarterly meeting on 29.09.2020 with respect to the preparation for the ASC-CP meeting.

b) KRAFT's no palm oil claim:-

Discussion from 23 September 2020 (CP Meeting):-

1. This Complaint has been resolved amicably and will be removed from the agenda moving forward.

**COMPLAINTS FOR DELIBERATION:**

**GROUP 1**

<b>Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)</b>	
<b>Case Reference</b>	PreCAP/2015/05/PR
<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/Robin Balud)
<b>Nature of Complaint</b>	<ul style="list-style-type: none"> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● A police report has been made by the community and that is the source of the complaint.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><b>1. Status quo. Pending outcome of the appeal before the Sabah Lands and Surveys Department (SLSD).</b></p>

**Complaint 1.2 Agropalma S.A. vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa**

<b>Case Reference</b>	PreCAP/2015/23/PR
<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>	<ul style="list-style-type: none"> <li>• Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat has received the documents from the Respondent and has scheduled a meeting to ensure the clarity of the subsequent situation with the Court proceedings and the proceedings before the local authorities.</li> </ol>

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

<b>Case Reference</b>	PreCAP/2015/36/PR
<b>Date Filed</b>	24 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>	<ul style="list-style-type: none"> <li>• The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah.</li> <li>• 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.</li> <li>• He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Pending outcome of the Court’s hearing which is scheduled on 27th and 28th October 2020.</li> </ol>

<b>Complaint 1.4 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK</b>	
<b>Case Reference</b>	PreCAP/2012/06/PR
<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>	<ul style="list-style-type: none"> <li>● The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :               <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> </li> <li>● In acting so they are alleged to have breached RSPO Principles and Criteria specifically on:               <ol style="list-style-type: none"> <li>1. Principle 1 on Transparency,</li> <li>2. Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.</li> </ol> </li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat is in the midst of finalising a draft letter responding to the Complainant for the CP’s endorsement.</b></li> </ol>

Complaint 1.5 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"> <li>• has not provided public notification for a 30 day period consistent with the New Planting Procedures;</li> <li>• commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period;</li> <li>• 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>• 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> </ul>
Status	(D) Investigation / deliberation
Decision / Justification	<p><b>1. The interim Briefing Note has been furnished to the CP members. Pending a directive from the CP.</b></p>



<b>Complaint 1.6 PT. Harapan Sawit Lestari (Cargill) vs Link-AR Borneo</b>	
<b>Case Reference</b>	RSPO/2018/11/SW
<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>	<ul style="list-style-type: none"> <li>PT Harapan Sawit Lestari allegedly commenced the re-planting activities without proper consent from the local community of Asam Besar in West Kalimantan.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The decision letter to close this complaint has been delivered. The closure of this complaint is without an appeal period as it is based on the fact that both parties have reached a settlement agreement, and also taking into consideration that the Asam Besar Village communities are satisfied with the settlement.</b></li> <li><b>This Complaint will be removed from the agenda moving forward.</b></li> </ol>



**Complaint 1.7 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>Case Reference</b>	RSPO/2018/18/RB
<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>	Cayman Island
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The draft decision letter has been sent to the CP members for endorsement.</li> </ol>

<b>Complaint 1.8 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) &amp; Greenpeace</b>	
<b>Case Reference</b>	RSPO/2018/19/RB
<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>	Indonesia
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The confidentiality undertaking given by the Complainants has been furnished to the CP members.</li> <li>2. The Secretariat will furnish the undertaking to the Respondent for their perusal and comments.</li> </ol>

<b>Complaint 1.9 PT Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)</b>	
<b>Case Reference</b>	RSPO/2019/04/IR
<b>Date Filed</b>	12 March 2019
<b>Respondent</b>	PT Berkat Sawit Sejati (subsidiary of Musim Mas)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Hutan Kita Institute (HaKI)(Indonesia)
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>indicated using the area of Dangku Wildlife Reserve (SM) approximately 2,600 Ha and production forest area (HP) of approximately 3,200 Ha.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The draft decision letter has been furnished to the CP members for endorsement.</li> </ol>



**Complaint 1.10 Nacional Agro Industrial, S.A. (subsidiary of KH Regional Group Inc.) vs requested for confidentiality**

<b>Case Reference</b>	RSPO/2019/14/PR
<b>Date Filed</b>	8 June 2019
<b>Respondent</b>	Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Guatemala
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Unjustifiably dismissed 50 workers.</li> <li>• Naisa violates the code of ethical conduct through their contractor companies, 1) Hidrogen y oxigeno,SA. (2) Labores y Servicios, SA, (3) Servicios Agrícolas del Peten, SA.</li> </ul>
<b>Status</b>	(H) Appeals Submitted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>An appeal has been submitted by the Complainant</b></li> <li>2. <b>The Secretariat is in the process of convening an Appeals Panel.</b></li> </ol>

<b>Complaint 1.11 PT Buana Wira Lestari Mas vs <i>requested for confidentiality</i></b>	
<b>Case Reference</b>	RSPO/2019/21/SW
<b>Date Filed</b>	29 October 2019
<b>Respondent</b>	PT Buana Wira Lestari Mas
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● The Respondent planted oil palm trees outside the HGU and planted oil palm trees at the edge of the river which resulted in damage to the watershed.</li> <li>● The Respondent is polluting the river water and also the surrounding community settlement caused by the liquid waste from the palm oil mills.</li> <li>● The Respondent never watered the road traversed by its FFB and CPO transport trucks which affected the health of the community of two villages due to dust pollution.</li> <li>● The Respondent mill's chimney emits black smoke and causes air pollution.</li> <li>● The Respondent did not provide proper social assistance to the local community.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note is still being finalised.</b>

**GROUP 2**

<b>Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR</b>	
<b>Case Reference</b>	PreCAP/2015/35/PR
<b>Date Filed</b>	19 November 2015
<b>Respondent</b>	Extractora de la Gloria SAS
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	Fredy Antonio Corrales, representative of the Colombian Association for Displaced Peoples’ Prospects (ASOCOL), Adelfo Segundo Rodríguez, representative of the Association of Returning Displaced Farmers (ASOCADAR), Senator Iván Cepeda, Senator Alberto Castilla, and Representative Alirio Uribe
<b>Complaint description</b>	<p>Extractora La Gloria SAS, in planting palm oil in the former Hacienda Bellacruz-today Hacienda La Gloria- occupies 9,000 hectares in the municipalities of La Gloria, Pelaya and Tamalameque, in southern Cesar Department without following RSPO rules. It does not comply with the following RSPO principles:</p> <ul style="list-style-type: none"> <li>● Principle 1.1. Given that it does not provide clear and sufficient information regarding the Business Group.</li> <li>● Principle 2.1. The Business Group has not declared itself to Colombian authorities and the crops were planted without an Environmental Management Plan for the Forest Reserve, which goes against national business and environmental regulations.</li> <li>● Principle 2.2. Property ownership claims in the areas where Extractora La Gloria grows the majority of its crops have been called into question at national and international judicial bodies. Farming communities have demanded the formalization of their customary land rights, which were violently denied by paramilitary groups.</li> <li>● Principle 2.3. Business operations have not recognized the rights of farmers who are also displacement victims, in contravention of businesses’ duty to guarantee free, prior and informed consent regarding land use.</li> <li>● Principle 4.4. While installing and processing palm crops, Extractora La Gloria affected the Caño Alonso Forest Reserve Buffer Zone and the Singararé, El Carmen and Simaña streams.</li> <li>● Principle 5.2. The company has not avoided damaging the Caño Alonso Forest Reserve Buffer Zone, a specially protected habitat such as installing palm crops over the Reserve’s environmental buffer zone.</li> <li>● Principle 6.4. The company has neglected the claimants, despite the fact that they have been the most affected by its business activities. The company has also refused to create negotiation platforms.</li> <li>● Principle 6.13. The company has benefited from grave human rights violations of vulnerable farmers, who were also forcefully displaced by illegal armed actors. The company has not publicly rejected the threats and intimidations against the claimants. It even requested that the</li> </ul>

	Constitutional Court lift the cautionary measures protecting the victims.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Secretariat is still in the midst of reviewing the translated version of the Court’s decision before the findings are incorporated into the Briefing Note.</b></li> </ol>

<b>Complaint 2.2 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch</b>	
<b>Case Reference</b>	RSPO/2017/06/SW
<b>Date Filed</b>	13 October 2017
<b>Respondent</b>	PT Hati Prima Agro (subsidiary of Bumitama)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Sawit Watch
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Secretariat is in the midst of finalising the Chronology of the Complaint.</b></li> </ol>



<b>Complaint 2.3 Golden Agri Resources vs Forest Peoples Programme (FPP) &amp; TuK</b>	
<b>Case Reference</b>	RSPO/2018/14/IR
<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>	<ul style="list-style-type: none"> <li>• GAR’s shadow companies are actively clearing lands.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The legal consultant has shared their preliminary findings on the legal review and has requested for some additional documents to be provided.</b></li> </ol>



### Complaint 2.4 Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*

<b>Case Reference</b>	RSPO/2018/17/PR
<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>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Secretariat received an update from the Respondent stating that the parties have almost reached a resolution through private mediation. Pending further updates from parties to the Complaint.</b></li> </ol>

**Complaint 2.5 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT**

<b>Case Reference</b>	RSPO/2019/07/IR
<b>Date Filed</b>	10 April 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatera, Indonesia
<b>Complainant</b>	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Lack of adequate health and safety equipment;</li> <li>● Worker died due to lack of safety equipment; and</li> <li>● No festive holidays for temporary workers.</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note will be furnished to the CP members after the peer review is completed.</b></li> </ol>

<b>Complaint 2.6 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality</b>	
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"> <li>• Temporary workers contract and wages issues;</li> <li>• Intimidation of workers</li> </ul>
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note will be furnished to the CP members after the peer review is completed.</b></li> </ol>

<b>Complaint 2.7 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)</b>	
Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ul style="list-style-type: none"> <li>• Alleged fraud of wages for 7 workers,</li> <li>• No festive holidays and bonus for temporary workers</li> </ul>
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note will be furnished to the CP members after the peer review is completed.</b></li> </ol>

<b>Complaint 2.8 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/03/DPM
<b>Date Filed</b>	11 February 2020
<b>Respondent</b>	PT Musim Mas Holding Pte Ltd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Land fires occurred in the conservation area within the PT MusimMas HGU covering an area of 12 hectares;</li> <li>• Damaging the river by damming the river flow;</li> <li>• Community owned plantation and public cemetery are not enclaved;</li> <li>• Planting on peatland and in protected areas of river banks.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The CB was unable to conduct the field audit in September 2020 as the Respondent has limited its field operations due to COVID-19.</b></li> <li>2. <b>The CB is working with the Respondent on the new schedule and will keep the Secretariat informed accordingly and this has been conveyed to the Complainant as well.</b></li> </ol>

<b>Complaint 2.9 Palmaceite S.A vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/05/HN
<b>Date Filed</b>	24 March 2020
<b>Respondent</b>	Palmaceite S.A.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>The Respondent has allegedly failed to fulfill the agreement with the Complainant to implement and monitor the operations of the Complainant's plantation which led to the collapse of the production within the plantation.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The CB has submitted a response to the Complainant's concern and allegations on 05.09.2020 and the same has been furnished to the Complainant.</li> <li>The CB will proceed to conduct a special audit, conducted by a new auditor who was not involved in the previous assessment which will begin on 24.09.2020 and the same has been conveyed to the Complainant.</li> </ol>

## 2.10 Agroaceite S.A. vs requested for confidentiality - Guatemala

<b>Case Reference</b>	RSPO/2020/11/HN
<b>Date Filed</b>	6 July 2020
<b>Respondent</b>	Agroaceite, S.A.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Guatemala
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Complainant alleges that the Respondent has destroyed the biodiversity of the Manchón Guamuchal nature reserve, a coastal-marine wetland, located along the Pacific coast of Guatemala in the San Marcos and Retalhuleu department;</li> <li>• The Respondent allegedly discharged immense quantities of toxic chemicals and hazardous waste which affected the local marine species, the mangrove's ecosystem and the local community.</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Complainant has furnished the 125 pages of Spanish version report from the Environmental Ministry of Guatemala to the Secretariat.</b></li> <li>2. <b>The Secretariat requested for an executive summary of the same report. Pending submission from the Complainant.</b></li> <li>3. <b>The Respondent has submitted their response to the allegations on 19.09.2020.</b></li> <li>4. <b>The CB has conducted the special audit to investigate the allegation and the report shall be furnished to the Secretariat in due course.</b></li> </ol>

**2.11 PT Pangkatan Indonesia subsidiary of MP. Evans Group vs KOSP-LSM FSPMI dan TIPAN - Indonesia**

<b>Case Reference</b>	RSPO/2020/08/DPM
<b>Date Filed</b>	4 June 2020
<b>Respondent</b>	PT Pangkatan Indonesia - subsidiary of MP. Evans Group
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	KOSP-LSM FSPMI dan TIPAN
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Termination of employment without severance and other related compensation;</li> <li>● No written employment agreement for daily casual workers;</li> <li>● No National Healthcare Insurance (BPJS Kesehatan) and Employee Social Security (BPJS Ketenagakerjaan) for daily casual workers;</li> <li>● No bonus and extra benefits/rice allowance as stipulated in the CBA for daily casual workers;</li> <li>● No payslip for daily casual workers;</li> <li>● Insufficient Religious Festive Allowance for daily casual workers;</li> <li>● No PPE provided.</li> </ul>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<p><b>1. The Secretariat is currently waiting for a formal response and supporting documents from the parties to the Complaint.</b></p>

**GROUP 3**

<b>Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme &amp; TuK</b>	
<b>Case Reference</b>	PreCAP/2014/03/IR
<b>Date Filed</b>	13 October 2014
<b>Respondent</b>	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia – Kapuas Hulu, West Kalimantan
<b>Complainant</b>	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
<b>Complaint description</b>	<p><b><u>Points raised:-</u></b></p> <ul style="list-style-type: none"> <li>● 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>● Land takeover was done without land tenure study and participatory mapping.</li> <li>● Late HCV assessment which was done by IPB, final consultation was in May 2014.</li> <li>● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%).</li> <li>● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood.</li> <li>● 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>● 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> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><b>1. The Secretariat held separate meetings with the Complainant and Respondent and both parties have expressed their preference of having the CP deliberate on this matter on an issue to issue basis. The Complaints Desk will commence Phase I.</b></p>



<b>Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat</b>	
<b>Case Reference</b>	PreCAP/2017/06/SW
<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>	<ul style="list-style-type: none"> <li>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).</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Compensation Desk has informed the Secretariat that further LUCA clarification is still required for one entity.</b></li> </ol>



<b>Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan</b>	
<b>Case Reference</b>	PreCAP/2010/01/PR
<b>Date Filed</b>	15 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>	<ul style="list-style-type: none"> <li>• Infringement of P&amp;C No.2.2 – the right to land use disputed.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Phase 2 of the Respondent’s Resolution Plan is still in progress.</b>

<b>Complaint 3.4 PT. Primatama Mulia Jaya v Masyarakat Adat Luhak</b>	
<b>Case Reference</b>	RSPO/2018/12/SW
<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
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Briefing Note is still being finalised.</b></li> </ol>

<b>Complaint 3.5 PT. Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang</b>	
<b>Case Reference</b>	RSPO/2018/15/SW
<b>Date Filed</b>	30 August 2018
<b>Respondent</b>	PT Agro Lestari Mandiri (a subsidiary of Golden Agri-Resources Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>Respondent allegedly terminated workers in violation of the Indonesian Employment Law.</li> </ul>
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The decision has been delivered.</b></li> <li><b>Pending expiry of the appeal period.</b></li> </ol>

<b>Complaint 3.6 PT Smart Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut</b>	
<b>Case Reference</b>	RSPO/2018/22/SW
<b>Date Filed</b>	18 October 2018
<b>Respondent</b>	PT Smart Tbk - subsidiary of Golden Agri Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Masyarakat Dusun I/II/III Belongkut
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The termination of employment by PT Smart Tbk Kebun Adi Pati without severance payment.</li> <li>• PT Smart Tbk Kebun Adi Pati never conducted Corporate Social Responsibility (CSR) on the matter(s) regarding the environment.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The draft decision letter has been furnished to the CP for endorsement.</b>



<b>Complaint 3.7 Oleaginosas Del Peru S.A (OLPESA) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2019/05/PR
<b>Date Filed</b>	22 March 2019
<b>Respondent</b>	Oleaginosas Del Peru S.A. (OLPESA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Peru
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Sourcing FFB from unsustainable origin.</li> <li>● Failure to conduct SIA.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>1. The Secretariat has received the translated version of the final response from the Respondent.</b></li> </ol>

<b>Complaint 3.8 PT. PHP/AMP Plantation (subsidiary of Wilmar ) vs Represented by Lawyer on behalf of Local Community</b>	
<b>Case Reference</b>	RSPO/2018/07/SW
<b>Date Filed</b>	20 August 2018
<b>Respondent</b>	PT. PHP/AMP Plantation (subsidiary of Wilmar)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Represented by Lawyer on behalf of local community
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Dispute regarding plasma cooperation with local community</li> </ul>
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The decision has been delivered. Pending expiry of the appeal period.</b></li> </ol>

<b>Complaint 3.9 Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad) vs Mr Sauddin Che Lamin</b>	
<b>Case Reference</b>	RSPO/2019/18/IR
<b>Date Filed</b>	12 August 2019
<b>Respondent</b>	Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Mr Sauddin Che Lamin
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>Complainant was terminated on 2 July 2019 via letter without salary for 3 consecutive months based on mental health discrimination.</li> </ul>
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The appeal period has expired and this Complaint is closed.</b></li> <li><b>This Complaint will be removed from the agenda moving forward.</b></li> </ol>



<b>Complaint 3.10 Golden Agri Resources (GAR) vs Forest Peoples Programme &amp; Elk Hills Foundation</b>	
<b>Case Reference</b>	RSPO/2020/04/IR
<b>Date Filed</b>	2 March 2020
<b>Respondent</b>	Golden Agri Resource (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme & Elk Hills Foundation
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law;</li> <li>• The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has shared the GIS analysis with the CP and the parties to the Complaint. Pending receipt of comments from the Complainants on the GIS analysis.</b></li> </ol>





**Complaint 3.11 PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung (Indonesia)**

<b>Case Reference</b>	RSPO/2020/06/DPM
<b>Date Filed</b>	30 March 2020
<b>Respondent</b>	PT Gersindo Minang Plantation subsidiary of Wilmar Group
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Buyung
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>• Untreated liquid waste or palm oil mill effluent (POME) is directly discharged to a river stream.</li> </ul>
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The decision has been delivered. Pending expiry of the appeal period.</b></li> </ol>

<b>Complaint 3.12 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality - (Honduras)</b>	
<b>Case Reference</b>	RSPO/2020/07/LSL
<b>Date Filed</b>	6 April 2020
<b>Respondent</b>	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Honduras
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Modification of property deeds to remove areas identified by the government as environmental protection zone;</li> <li>● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits;</li> <li>● Non-compliance with labour laws;</li> <li>● Threatening of workers to suppress information from auditors;</li> <li>● Bribing workers and government agencies;</li> <li>● Manipulation of scale systems; Falsification of data;</li> <li>● Operating without an environmental license.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has scheduled a meeting on 25.09.2020 with the LatAm Office for an update of this Complaint.</b></li> </ol>