

# COMPLAINTS PANEL

## MINUTES OF MEETING

For Website

24 February 2021 | 5.00pm - 8.20pm | Meeting No. 02/2021

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>1. Henry Barlow (Chair - CCP)</td> <td>7. Peter van der Werf (PVDW)</td> </tr> <tr> <td>2. Lim Sian Choo ( LSC - Co Chair)</td> <td>8. José den Toom (JDT)</td> </tr> <tr> <td>3. Michelle Desilets (MD)</td> <td>9. Robert Kruger (RK)</td> </tr> <tr> <td>4. Matthias Diemer (MDM)</td> <td>10. Priya Gopalan (PG)</td> </tr> <tr> <td>5. Marieke Leegwater (ML)</td> <td>11. Fakri Karim (FK)</td> </tr> <tr> <td>6. Lanash Thanda (LT)</td> <td></td> </tr> </table>	1. Henry Barlow (Chair - CCP)	7. Peter van der Werf (PVDW)	2. Lim Sian Choo ( LSC - Co Chair)	8. José den Toom (JDT)	3. Michelle Desilets (MD)	9. Robert Kruger (RK)	4. Matthias Diemer (MDM)	10. Priya Gopalan (PG)	5. Marieke Leegwater (ML)	11. Fakri Karim (FK)	6. Lanash Thanda (LT)	
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<p><b>Agenda</b></p>	<p><b><u>General Agenda:- 5.05pm to 6.30pm</u></b></p> <ol style="list-style-type: none"> <li>1. Opening Remarks by Chairperson</li> <li>2. Declaration of Conflict of Interest</li> <li>3. To confirm and adopt the minutes of <b>20 January 2021</b> during the CP Meeting</li> <li>4. New Allegations:-             <ol style="list-style-type: none"> <li>4.1 RSPO/2021/01/EN - PT Agro Kati Lama</li> <li>4.2 RSPO/2021/02/SW - PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)</li> <li>4.3 RSPO/2021/03/LSL - Nestlé S.A.</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 2021</li> <li>6.2 Dates for CP Physical Meetings</li> <li>6.3 Expansion of the Complaints Panel</li> </ol> </li> <li>7. Collaboration with the Investigation &amp; Monitoring Unit (IMU)             <ol style="list-style-type: none"> <li>7.1 FELDA Global Venture - (Article by The Wall Street Journal)</li> <li>7.2 PT Temila Agro Abadi - subsidiary of FGV - ( Article by Chain Reaction Research)</li> </ol> </li> </ol>												

	<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. Commitment of Financial Institutions.</p> <p>10. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.</p> <p>11. Any Other Matters</p>
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12. Complaints for deliberation:-

**Group 1:- 6.30pm to 6.50pm**

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. 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
7. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
8. PT Buana Wira Lestari vs *requested for confidentiality*
9. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
10. PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace & FPP

**Group 2:- 6.55pm to 7.35pm**

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
12. Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI

**Group 3:- 7.35pm 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. Oleaginosas Del Peru S.A. (OLPESA) vs *requested for confidentiality*
6. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
7. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
8. Benso Oil Palm Plantation (subsidiary of Wilmar International Limited) vs Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
9. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
10. PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan
11. 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

**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>20 January 2021</b> during the Complaints Panel Meeting.  Minutes of <b>20 January 2021</b> adopted.

**4. New allegation submitted**

4.1

<b>RSPO/2021/01/EN</b>	<b>PT Agro Kati Lama (subsidiary of SIPEF group)</b>
Complainant	requested for confidentiality
Complaint received	22 January 2021
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>● The daily casual workers are paid below the minimum wage set out by the Musi Rawas District Government;</li> <li>● The daily casual workers are not protected and no remedy available for work accidents;</li> <li>● The daily casual workers are not equipped with personal protection equipment [PPE] and are not equipped with working tools;</li> <li>● The daily casual workers did not receive festive allowance in accordance with the regulation;</li> <li>● 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.</li> </ul>

**Discussion from 24 February 2021 (CP Meeting):-**

- 1. The Initial Diagnosis is in progress and the CP will wait for the Initial Diagnosis to be furnished.**

**4.2**

<b>RSPO/2021/02/SW</b>	<b>PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)</b>
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 received	27 January 2021
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>• Operating in the protected forest area without having a license from the Ministry of Forestry;</li> <li>• Operating without having a HGU; and</li> <li>• Did not develop plasma plantations for the community as agreed</li> </ul>

**Discussion from 24 February 2021 (CP Meeting):-**

- 1. The Initial Diagnosis is in progress and will be furnished to the Complaints Panel in due course.**

**4.3**

<b>RSPO/2021/03/LSL</b>	<b>Nestlé S.A.</b>
Complainant	Malaysian Palm Oil Association
Complaint received	3 February 2021
Location	Switzerland
Allegations	<ul style="list-style-type: none"> <li>• “no palm oil” claim on label</li> </ul>

**Discussion from 24 February 2021 (CP Meeting):-**

- 1. The Initial Diagnosis is in progress**



## 5. Complaints Cases Statistics

### Total Cases in 2020

	Jan-2020	Feb-2020	Mar-2020	Apr-2020
<b>Complaints received</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>
<b>Status</b>	Open (0) Rejected (1) Closed (1)	Open (1)	Open (2) Closed (1)	Open (1)
<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)	

	May 2020	Jun 2020	Jul 2020	Aug 2020
<b>Complaints received</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>2</b>
<b>Status</b>	-	Open (1) Rejected (2)	Open (2)	Open (2) Rejected (1)
<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>	2	2	1	-
<b>Status</b>	Open (2)	Open (1) Rejected (1)	Open (1)	-
<b>Country</b>	Colombia (1) Indonesia (1)	Colombia (1) Malaysia (1)	Indonesia (1)	-
<b>Case Category</b>	-Occupational hazard (1) - NPP (1)	-Breach of CoC -Human Rights violation -Fake pay slip	-Water pollution -Processing FFB from non-RSPO certified plantations.-	-

**Total Cases in 2021**

	Jan-2021	Feb-2021	Mar-2021	Apr-2021
<b>Complaints received</b>	2	1	-	-
<b>Status</b>	Open (2)	Open (1)	-	-
<b>Country</b>	Indonesia (2)	Switzerland (1)	-	-
<b>Case Category</b>	-Operating without having a HGU -Labour Issues	-“no palm oil” claim	-	-

**Total Active Cases by Country and Year (as of 15.02.2021)**

Country	Active Cases	Year	Active Cases
Indonesia	20		
Malaysia	4		
Colombia	3		
Nigeria	1	2010	1
Peru	1	2012	1
Brazil	1	2014	1
Liberia	1	2015	4
Guatemala	1	2017	3
Ghana	1	2018	5
Cayman Island	1	2019	5
Honduras	1	2020	13
Switzerland	1	2021	3
<b>TOTAL</b>	<b>36</b>	<b>TOTAL</b>	<b>36</b>

<b>6. Complaints Panel Meeting Dates</b>	
<b>6.1</b>	<b>Dates for Complaints Panel monthly meetings</b>
	<p><b>Discussion from 24 February 2021 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. A proposition was made during the CP meeting with respect to rescheduling the dates of the CP meeting for the year 2021 to accommodate the request of a CP member. The CP has agreed to proceed with discussions by way of email.</li> </ol>
<b>6.2 Dates for Complaints Panel Physical Meetings in 2020</b>	
	<p><b>Discussion from 24 February 2021 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. The Secretariat has proposed 29th or 30th of March 2021 for the first quarterly meeting from 3.00 p.m. to 5.30 p.m.</li> </ol>
<b>6.3 Expansion of Complaints Panel</b>	
	<p><b>Discussion from 24 February 2021 (CP Meeting):</b></p> <ol style="list-style-type: none"> <li>1. The Secretariat is awaiting an update from a CP candidate.</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><b>Discussion from 24 February 2021 (CP Meeting):</b></p> <ol style="list-style-type: none"> <li>1. The audits are ongoing as scheduled and the Secretariat is due to receive the reports sometime in March 2021.</li> </ol>
<b>7.2</b>	<b>PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research)</b>
	<p><b>Discussion from 24 February 2021 (CP Meeting):</b></p> <ol style="list-style-type: none"> <li>1. FGV has compiled the timeline and has submitted the rehabilitation plan. Review ongoing.</li> </ol>

**7.3 Poligrow Colombia SAS**

**Discussion from 24 February 2021 (CP Meeting):**

1. A meeting has been scheduled between the Risk Unit and the Grievance Unit on 01.03.2021 for the proper transition of the documents and on the next steps moving forward.

**7.4 PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)**

**Discussion from 24 February 2021 (CP Meeting):**

1. The Grievance unit is currently reviewing the progress report and its supporting evidence.
2. The secretariat has received with the final progress report of the implementation of the Bilateral Agreement and supporting documents from the Respondent.

**8. Dispute Settlement Facility (DSF)**

**Discussion from 24 February 2021 (CP Meeting):**

1. The DSF will be hosting a series of webinars starting March 2021 to spread awareness on the DSF system. A mock mediation webinar which will be held with a mediator from Indonesia is scheduled as well.
2. Invitations have been issued to the CP members, the DSF Advisers and to the stakeholders to attend the webinar.

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

Discussion from 24 February 2021 (CP Meeting):

1. There are no further updates on this matter.

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

Discussion from 24 February 2021 (CP Meeting):-

1. Status quo and no further updates.

**12. Any Other Matters**

a) ASC-CP MEETING

Discussion from 24 February 2021 (CP Meeting):

1. A tentative date has been fixed for the ASC-CP meeting in April 2021.

**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>	<ol style="list-style-type: none"> <li>1. <b>Status quo. Pending outcome of the appeal before the Sabah Lands and Surveys Department (SLSD).</b></li> <li>2. <b>The Secretariat has sent an email to the Complainant’s next of kin and is awaiting response from him.</b></li> </ol>

**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>	(F) Decision Delivered
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The deadline for the submission of an appeal is on 26.02.2021.</b></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. <b>Case adjourned. Pending outcome of the Court process.</b></li> <li>2. <b>The Secretariat has reached out to the Complainant seeking to have a virtual meeting to discuss on the options to move the Complaint forward. The Complainant did not respond to the request despite several attempts made by the Secretariat.</b></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 has responded to queries posed by the CP and will be proceeding with issuing the directive from the CP.</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><u>Tarjuowon Area:-</u></p> <ol style="list-style-type: none"> <li>1. The independent facilitator has indicated that he has been speaking to both the parties over the past couple of weeks and that they remain committed to completing the Tarjuowon participatory mapping process over the next couple of months. He has indicated that parties have agreed that March would be a good timing for the engagement and field work process. In the interim, the independent facilitator has requested both sides to furnish him with a list of stakeholders to confirm if the "Joint Statement on the Implementation of the RSPO decision Blogbo Complaint" has been shared with them.</li> </ol> <p><u>Other Areas</u></p> <ol style="list-style-type: none"> <li>1. The Respondent has indicated that they have no objections to the appointment of the proposed independent facilitator.</li> <li>2. The Complainants wrote back with their letter dated 17.02.2021 not consenting to the appointment of the independent facilitator. The Secretariat has furnished the Complainants' response to the CP and the CP has issued a directive to be conveyed to the parties.</li> </ol>

**Complaint 1.6 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>	(H) Appeals Submitted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Appeal Panel has been constituted and the deliberation is on going.</b></li> </ol>

<b>Complaint 1.7 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. <b>The Secretariat will hold a discussion with the Membership Department to commence the due diligence on the allegations raised.</b></li> </ol>

<b>Complaint 1.8 PT Buana Wira Lestari vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2019/21/SW
<b>Date Filed</b>	29 October 2019
<b>Respondent</b>	PT Buana Wira Lestari
<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>	<ol style="list-style-type: none"> <li>1. The decision letter has been furnished to both parties on 26 January 2021.</li> <li>2. Pending expiry of the appeals period on 20 April 2021.</li> </ol>

<b>Complaint 1.9 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/12/EN
<b>Date Filed</b>	14 July 2020
<b>Respondent</b>	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
<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>• 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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat received an email from the Respondent and Complainant with regard to the status of the Complaint.</li> <li>2. The Secretariat received the satellite pictures from the Complainant concerning the polluted rivers around the Respondent’s constructions.</li> <li>3. The CP has issued a directive for the next course of action.</li> </ol>

<b>Complaint 1.10 PT Nabire Baru and PT Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd) vs Awasmifee, Greenpeace and Forest Peoples Programme - (Indonesia)</b>	
<b>Case Reference</b>	RSPO/2020/17/SW
<b>Date Filed</b>	18 September 2020
<b>Respondent</b>	PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Awasmifee, Greenpeace & FPP
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>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."</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Secretariat is in the midst of incorporating all of the responses from the Parties to be sent to the CP for deliberation.</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 Constitutional</li> </ul>

	Court lift the cautionary measures protecting the victims.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note has been submitted to the CP for a decision.</b>

<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>	<b>1. The justification to re-open the case and consideration of Clause 7.1.14 of the CAP has been incorporated into the draft chronology and it is now pending compilation of the annexures before it can be sent to the CP.</b>

<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. The draft ToR for the investigation has been shared with the CP.</li> <li>2. Upon endorsement, the draft ToR will be shared with parties.</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 has granted an extension of until the end of February 2021 to continue the private mediation process. Pending response from the Respondent.</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>	<b>1. Pending discussions with the Certification Unit.</b>

<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	<b>1. Pending discussions with the Certification Unit.</b>

<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	<b>1. Pending discussions with the Certification Unit.</b>

<b>Complaint 2.8 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/03/EN
<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>	<b>1. The Secretariat is currently waiting for the CB to provide the report.</b>

<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 updated the Secretariat that they are finalising the audit report of the surveillance audit. Pending receipt of the audit report from the CB.</li> </ol>



<b>2.10 Agroceite S.A. vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/11/HN
<b>Date Filed</b>	6 July 2020
<b>Respondent</b>	Agroceite, 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>	<p><b>1. The CB has updated the Secretariat that the on-site audit is to be conducted between 18.02.2021 - 21.02.2021 and that the audit report shall be furnished to the Secretariat in due course.</b></p>

<b>2.11 PT Pangkatan Indonesia subsidiary of MP. Evans Group vs KOSP-LSM FSPMI dan TIPAN</b>	
<b>Case Reference</b>	RSPO/2020/08/EN
<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>	<b>1. Pending expiry of the appeals period on 3.03.2021.</b>

**2.12 Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI - Indonesia**

<b>Case Reference</b>	RSPO/2020/13/EN
<b>Date Filed</b>	5 August 2020
<b>Respondent</b>	Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	KC FSPMI
<b>Complaint Description</b>	<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> <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>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<p><b>1. The Secretariat is still waiting for the CB with regard to the report which includes the additional information from the Complainant.</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>	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note has been furnished for CP’s deliberation.</b></li> <li>2. <b>Pending discussion on Phase 3.</b></li> </ol>

<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 Secretariat has re-sent the email with regard to the findings from the Compensation Panel to the Complaints Panel on 20.01.2021. Pending a response from the CP members.</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. Resolution plan ongoing.</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 peer review process of the draft decision letter is completed and the Secretariat needs to add additional information to the draft before it can be furnished to the CP.</b></li> </ol>

<b>Complaint 3.5 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>1. <b>The Secretariat has furnished the finalised decision letter to the CP for endorsement.</b></li> </ol>



<b>Complaint 3.6 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 furnished the draft ToR to the CP.</b></li> </ol>

<b>Complaint 3.7 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality</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 special audit has been rescheduled to March 2021 due to issues with logistics.</b></li> </ol>

<b>Complaint 3.8 Benso Oil Palm Plantations (subsidiary of Wilmar International Limited) vs Mrs Joseph Yankey &amp; Mr Solomon Asante-Sefa</b>	
<b>Case Reference</b>	RSPO/2020/15/LSL
<b>Date Filed</b>	25 August 2020
<b>Respondent</b>	Benso Oil Palm Plantation (subsidiary of Wilmar International Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Ghana
<b>Complainant</b>	Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● The Respondent has acquired land to develop oil palm in Ghana;</li> <li>● The Respondent has destroyed farmers’ rubber plantation;</li> <li>● The Respondent is not willing to pay for the damages caused to the rubber farmers;</li> <li>● The Respondent is still cutting down rubber farms to plant oil palm;</li> <li>● The remaining uncultivated lands have been taken over for the Respondent’s project;</li> <li>● The Respondent has shown no interest in resolving these issues despite several Complaints made to the Respondent by the Complainants.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Bilateral Engagement is in progress with a deadline expiring on 01.04.2021.</b>

<b>Complaint 3.9 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/19/IR
<b>Date Filed</b>	5 October 2020
<b>Respondent</b>	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Unilateral pay cut by the Respondent</li> <li>● Poor living conditions for the labourers</li> <li>● Intimidation of workers</li> <li>● Forced labour</li> <li>● Lack of transparent grievance system</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Complaints Desk has received the recent surveillance audit and no NCs were reported.</b></li> <li>2. <b>The Complainant has said that all of the matters have been resolved except one particular issue which happened in the past.</b></li> <li>3. <b>The Complaints Desk will continue the analysis and provide an update to CP.</b></li> </ol>

<b>Complaint 3.10 PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan - Indonesia</b>	
<b>Case Reference</b>	RSPO/2020/20/SW
<b>Date Filed</b>	12 November 2020
<b>Respondent</b>	PT Nubika Jaya (subsidiary of Permata Hijau Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	LSM-Baris Labuhanbatu Selatan
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● No Domestic Wastewater Treatment Plant;</li> <li>● The Oleochemical equalization pool was not built with concrete;</li> <li>● Sludge from the Oleochemical Wastewater Treatment Plant has never been transported to a designated waste processing agency.</li> <li>● Dispose of liquid waste without permit;</li> <li>● Inconsistency on the volume of Hazardous Waste transported to a designated waste processing agency;</li> <li>● A sparring equipment has yet installed at the Wastewater Treatment Plant;</li> <li>● No certified Wastewater Treatment Operational Responsible and Water Pollution Control Officer onsite;</li> <li>● Processing fresh fruit bunches from non-RSPO certified plantations.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><b>1. Both parties of the Complaint have decided to proceed with Bilateral Engagement. The deadline for the Bilateral Engagement process is on 19 April 2021.</b></p>

**Complaint 3.11 Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Subsidiary of Daabon Group) - Colombia - (Adjourned)**

<b>Case Reference</b>	RSPO/2020/16/LSL
<b>Date Filed</b>	10 September 2020
<b>Respondent</b>	Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	Puerto Wilches Section Sintrainagro Deputy Director's Office
<b>Complaint description</b>	<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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. This Complaint will be adjourned pending the outcome of the proceedings before the Ministry of Labour.</li> <li>2. Both parties of the Complaint have been informed of the same.</li> </ol>