

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 29 March @ 3.00pm - 5.30pm (Meeting No.03/2023)

Meeting location: *via Zoom Link*

<p>List of Complaints Panel Members</p>	<table border="1"> <tr> <td data-bbox="376 483 906 710"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda </td> <td data-bbox="912 483 1441 710"> <ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe 10. Priya Gopalan </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda 	<ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe 10. Priya Gopalan
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<p>Agenda</p>	<p style="text-align: center;"><u>General Agenda:- 3.00pm to 4.00pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. RSPO Antitrust Guidelines 3. Declaration of Conflict of Interest 4. To confirm and adopt the minutes of 22 February 2023 during the CP Meeting 5. New Allegations 6. Complaints Case Statistics 7. Complaints Panel meeting Dates <ol style="list-style-type: none"> 7.1 Dates for CP monthly Meetings - 2023 7.2 Dates for CP Physical Meetings 7.3 Expansion of the Complaints Panel 8. Post Complaints Monitoring 9. Dispute Settlement Facility (DSF) 10. Commitment of Financial Institutions. 11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures 12. Any Other Matters 13. Complaints for deliberation:- 		

Group 1:- 4.50pm to 5.05pm

1. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
2. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
3. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
4. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
5. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs *requested for confidentiality*
6. Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs *requested for confidentiality*
7. PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs *requested for confidentiality*
8. PT. Eagle High Plantations vs vs *requested for confidentiality*
9. Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs *requested for confidentiality*

Group 2:- 4.00pm to 4.50pm

1. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
2. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
3. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
4. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
5. PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.) vs Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
6. PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
7. Mados's Holdings Sdn Bhd vs Mighty Earth Inc
8. PT. Perkebunan Nusantara V (PERSERO) vs *requested for confidentiality*
9. PT Farinda Bersaudara (subsidiary of TSH Resources Berhad) vs RSPO Secretariat

Group 3:- 5.05pm to 5.30pm

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
3. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
4. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
5. First Resources Limited vs *requested for confidentiality*
6. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
7. PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited) vs Teraju Foundation
8. Grasas Y Derivados S.A. Gradesa S.A vs *requested for confidentiality*
9. Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A) vs *requested for confidentiality*

DETAILS OF THE AGENDA:

No.	Agenda
1.	Opening Remarks from Chairperson Opening speech by CCP.
2.	RSPO Antitrust Guidelines RSPO Antitrust Guidelines were read to the Complaints Panel.
3.	Declaration of “No Conflict of Interest” No new conflict of interest declared by the Complaints Panel members at this time of the meeting.
4.	To confirm and adopt the minutes of 22 February 2023 during the Complaints Panel Meeting. Minutes of 22 February 2023 adopted unanimously.

5. New allegation submitted

5.1

RSPO/2022/17/LSL	PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited)
Complainant	Requested for confidentiality
Complaint received	26 December 2022
Location	Kalimantan Barat, Indonesia
Allegations	<ul style="list-style-type: none"> The allegations are with respect to labour related issues and union busting.

Discussion from 29 March 2023 (CP Meeting):-

- The Secretariat has since received a revised Complaints Form from the Complainant on 15.03.2023. In that regard, the period of the Initial Diagnosis will need to be extended.

5.2

RSPO/2023/02/LSL	PT Laras Internusa (a subsidiary of TSH Resources Berhad)
Complainant	requested for confidentiality
Complaint received	25 January 2023
Location	West Sumatera, Indonesia
Allegations	<ul style="list-style-type: none"> Allegations made against the Respondent are pertaining to land disputes. The Communities allege that they have never handed their customary land for development to the Respondent. The “Izin Perkebunan” and HGU obtained by the Respondent are allegedly in relation to another community’s customary land but the Respondent has developed its plantation in the Complainant’s customary land instead.

Discussion from 29 March 2023 (CP Meeting):-

- The Complaints Panel has deliberated on the Initial Diagnosis and reached a decision to formally reject this Complaint.

5.3

RSPO/2023/03/RR	PT Agro Masang Perkasa Plantation (subsidiary of Wilmar International Ltd)
Complainant	JONI PRANATA & DAMIRUDIN
Complaint received	02 February 2023
Location	Indonesia
Allegations	<ul style="list-style-type: none"> • The complaint is pertaining to the Respondent’s use of the land against the principles of FPIC, and for obtaining HGU on the land without the community’s knowledge of the same. • The Complainant claims that the land in question is an indigenous land, and wants the same to be returned to the community. • The Complainant also claims that plasma was not provided to the community in accordance with the agreement entered into between the community and the Bupati.

Discussion from 29 March 2023 (CP Meeting):-

- 1. Quorum reached to reject the Complaint.**
- 2. Notice of Rejection furnished to parties on 28.03.2023.**

6. Complaints Cases Statistics

Total Cases in 2022

	Jan-2022	Feb-2022	Mar-2022	Apr-2022
Complaints received	0	1	3	0
Status	-	Open (0) Withdrawn(1)	Open (2) Rejected (1)	-
Country	-	Malaysia (1)	Indonesia (3)	-
Case Category	-	land clearing without prior HCV assessment	FPIC	-

	May-2022	Jun-2022	Jul-2022	Aug-2022
Complaints received	1	1	0	1
Status	Open (1)	Open (0) Rejected (1)	-	Open (0) Rejected (1)
Country	Malaysia	Indonesia	-	Singapore
Case Category	land clearing without prior HCV assessment	Pollution of river water	-	Breach of contract

	Sep-2022	Oct-2022	Nov-2022	Dec-2022
Complaints received	3	3	3	2
Status	Open (1) Rejected (2)	Open (1) Rejected (2)	Open (2) Rejected (1)	Open (1) Rejected (1)
Country	Indonesia	Malaysia Nigeria Guatemala	Colombia Indonesia	Indonesia
Case Category	workers wage Land compensation HCV	-Staff harassment -wrongful termination of employment -violation of labour rights	-working conditions and safety of workers -Land issues	-land abandoned by a previous company -illegal deforestation

Total cases in 2023

	Jan-2023	Feb-2023	Mar-2023	Apr-2023
Complaints received	2	1	0	0
Status	Open (2)	Open (1)	-	-
Country	Ecuador Indonesia	Indonesia	-	-
Case Category	-degradation & deforestation	-FPIC	-	-

Total Active Cases by Country and Year (as of 24.03.2023)

Country	Active Cases	Year	Active Cases
Indonesia	23	2012	1
Malaysia	2	2014	1
Colombia	1	2017	1
Liberia	1	2018	2
Honduras	1	2019	3
Guatemala	1	2020	4
Ecuador	1	2021	7
		2022	8
		2023	3
TOTAL	30	TOTAL	30

7. Complaints Panel Meeting Dates	
7.1	Dates for Complaints Panel monthly meetings
	<p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Complaints Panel meeting dates for the whole year (2023) have been confirmed. However these dates may be subject to future changes depending on the circumstances.
7.2	Dates for Complaints Panel Physical Meetings
	<p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has issued a doodle poll proposing two options (2 half day online meetings) for the next quarterly meeting as follows:- <ol style="list-style-type: none"> a) 17th & 18th April 2023; or b) 18th & 19th April 2023.
7.3	Expansion of Complaints Panel
	<p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat will proceed to schedule a selection interview for a candidate interested in applying to be a CP member.
8. Post Complaints Monitoring	
8.1	FELDA Global Venture - (Article by The Wall Street Journal)
	<p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending receipt of a further document from FGV.
8.2	Poligrow Colombia SAS
	<p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending receipt of a response from the Certification Unit about the findings in the audit report with respect to the Respondent's compliance with the Complaints Panel's directive.

8.3	<p>Extractor de la Gloria SAS</p> <p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Complaints Panel has closed item C, bullets IV and V of the Appeals Panel’s Decision of 20.12.2021. 2. This directive to close item C, bullets IV and V does not amount to the closure of all other remaining items to be complied with by the Respondent under the Appeals Panel’s Decision of 20.12.2021.
9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Minutes of the DSF GoA online meeting were furnished to all the attendees on 14.03.2023. 2. No further updates at the moment.
10. Commitments of Financial Institution(s)	
	<p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The CP was informed that the Financial Institutions Consultative Group (FICG) will be having a FICG Workshop, to be held in Singapore on the 12th and 13th of April 2023. The FICG is hoping to finalise their work plan and the ToR for the FICG at the workshop. The recruitment of local banks as RSPO members is still a very prioritised item on the agenda. 2. The Secretariat has proposed that colleagues from the Stakeholder Engagement Department are to be invited at the Quarterly Meeting to update on the progress.
11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures	
	<p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The 2nd Steering Group meeting proceeded as scheduled on the 17th March 2023. The Consultants have been tasked with revising the draft review report which will be due on 31.03.2023.
12. Any Other Matters	
	<p>ASC-CP MEETING</p> <p>Discussion from 29 March 2023 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has proposed the 15th and 16th of June 2023 as the next ASC-CP joint meeting. Pending confirmation from the ASC and Complaints Panel on the suitability of the dates.

COMPLAINTS FOR DELIBERATION:

GROUP 1

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

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

Complaint 1.3 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/19/RB
Date Filed	15 October 2018
Respondent	Pacific Inter-Link (Papuan Concessions)
Membership Category	Processors and / or Traders
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> • Violation of the RSPO Code of Conduct because of their alleged involvement in the control/ownership and operational development of four palm oil plantation companies in Papua.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of discussing the terms of the engagement of the Independent Investigator (i.e. the Service Agreement) with the Independent Investigator. 2. The CP has directed the Secretariat to conclude the procurement process at the soonest possible.

Complaint 1.4 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2020/12/EN
Date Filed	14 July 2020
Respondent	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • Deforestation and land clearing including in the High Conservation Value Forest within the Respondent's concession for construction;

	<ul style="list-style-type: none"> • Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and • Development of a jetty, which includes reclamation of the sea floor as long as 590 meters
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	<ol style="list-style-type: none"> 1. Decision letter delivered to parties on 7.03.2023. 2. The appeals period is to expire on 29.05.2023.

Complaint 1.5 PT Mitra Karya Sentosa (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2021/07/SW
Date Filed	19 March 2021
Respondent	PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • The Respondent did not pay the full land compensation to the six (6) individuals; • The Respondent unilaterally marking up the cost of plasma development and did not refer to the relevant regulations in deciding the cost of plasma development; • The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and • The Respondent did not provide the complete map along with its coordinates for the land that has been handed over by the six (6) individuals.

Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has received documents from the Complainant and is in the midst of compiling all of the feedback from parties. 2. A new case manager has been assigned to this Complaint moving forward and the parties of the Complaint have been informed of the hand over process. 3. The Secretariat will proceed with the drafting of the Briefing Note.

Complaint 1.6 Papaso Estate & PT Damai Nusa Sekawan - Soso & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs requested for confidentiality	
Case Reference	RSPO/2021/05/SW
Date Filed	19 March 2021
Respondent	Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • Complainant alleged that the Respondent prohibits the workers to conduct union activities (protest with regards to the Omnibus Law); • Complainant alleged that the Respondent has conducted a unilateral termination of employment for the 2 (two) PT Permata Hijau Sawit workers; and • Complainant alleged that the Respondent did not socialize the Company Regulations (<i>Peraturan Perusahaan</i>) to the workers in PT Damai Nusa Sekawan.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. A new case manager has been assigned to this Complaint moving forward and the parties of the Complaint have been informed of the hand over process. 2. Finalisation of the Briefing Note is in progress.

Complaint 1.7 PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) vs requested for confidentiality	
Case Reference	RSPO/2021/10/LSL
Date Filed	1 July 2021
Respondent	PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> It is alleged that the Respondent and Koperasi Koling Hapakat did not use the plasma area in accordance with the permission allocated. It is alleged that there is a transfer of ownership of community-owned SHM (“Sertifikat Hak Milik”) by Koperasi Koling Hapakat to the Respondent.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> As no proper grounds were provided by the Complainants on the request for confidentiality of the submitted documents, the CP has directed the documents be furnished to the Respondent for a response. The Respondent has provided a response and the Secretariat is in the midst of reviewing the same.

Complaint 1.8 PT. Eagle High Plantations vs requested for confidentiality	
Case Reference	RSPO/2022/15/RR
Date Filed	08 November 2022
Respondent	PT. Eagle High Plantations
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint	<ul style="list-style-type: none"> Allegations made against the Respondent are pertaining to rights of workers,

description	working conditions, and safety concerns.
Status	(D) Investigation / deliberation - (Bilateral Engagement)
Decision / Justification	1. Bilateral Engagement process ongoing.

Complaint 1.9 Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs requested for confidentiality	
Case Reference	RSPO/2022/13/MAM
Date Filed	21 October 2022
Respondent	Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP)
Membership Category	Oil Palm Grower
Country	Guatemala
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • The Complainant alleged that the Respondent violates the fundamental and labour rights of employees, because there are bad work conditions, unjustified dismissals, mistreatment, and false and unfounded suspicions; • The Respondent uses retaliation against farm workers and human rights defenders; • The Respondent uses the figure of the blacklist to designate employees who will not be rehired; • The Respondent uses organic fertilizer that generates pestilent odour and flies affecting communities.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has furnished the Complainant with the formal response and evidence from the Respondent for comments and informed the Complainant about the request for confidentiality of some documents explaining what they are and the reasons for the confidentiality in accordance with Guatemalan law. 2. The Complainant responded that they do not have any further comments.

GROUP 2

Complaint 2.1 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK	
Case Reference	RSPO/2018/14/IR
Date Filed	22 August 2018
Respondent	Golden Agri Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme (FPP) and Tuk- Indonesia
Complaint description	<ul style="list-style-type: none"> ● GAR's shadow companies are actively clearing lands.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The draft decision letter has been submitted to the CP members. 2. Pending endorsement from the CP members.

Complaint 2.2 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT	
Case Reference	RSPO/2019/07/IR
Date Filed	10 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
Complaint description	<ul style="list-style-type: none"> ● Lack of adequate health and safety equipment; ● Worker died due to lack of safety equipment; and ● No festive holidays for temporary workers.

Status	(D) Investigation/Deliberation
Decision / Justification	1. The Secretariat is in the midst of scheduling a meeting with the Certification Body to facilitate an alignment discussion.

Complaint 2.3 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality

Case Reference	RSPO/2019/11/IR
Date Filed	23 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Temporary workers contract and wages issues; • Intimidation of workers
Status	(D) Investigation/Deliberation
Decision / Justification	1. The Secretariat is in the midst of scheduling a meeting with the Certification Body to facilitate an alignment discussion.

Complaint 2.4 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)

Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ul style="list-style-type: none"> • Alleged fraud of wages for 7 workers, • No festive holidays and bonus for temporary workers

Status	(D) Investigation/Deliberation
Decision / Justification	1. The Secretariat is in the midst of scheduling a meeting with the Certification Body to facilitate an alignment discussion.

Complaint 2.5 PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd) vs Tim Advokasi DPPKNPI	
Case Reference	RSPO/2021/02/SW
Date Filed	27 January 2021
Respondent	PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
Complaint Description	<ul style="list-style-type: none"> Operating in the protected forest area without having a license from the Ministry of Forestry; Operating without having a HGU; and Did not develop plasma plantations for the community as agreed
Status	(D) Investigation/Deliberation
Decision / Justification	1. A new case manager has been assigned to this Complaint and the drafting of the Briefing Note is in progress.

Complaint 2.6 PT Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch	
Case Reference	RSPO/2021/12/CRP
Date Filed	08 November 2021
Respondent	PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
Complaint Description	<ul style="list-style-type: none"> ● that the Respondent conducted land expansion to about 167 hectares into the Imbo Putui Customary Forest; ● that the Respondent's used their operational truck passing through the Customary Forest and disturbing the community with the noise and dust pollution, disturbing the growth of trees along the road, cutting off animal paths (bear, deer, pangolin, snake, monitor lizard, monkey), and cutting off water paths; ● that the Respondent's action of planting oil palm up to the riverbank, even in the middle of the river (the company changed the waterway, then planted oil palm on the former river that was stockpiled); ● that the Respondent is not taking the responsibility for the social, economic, and ecological damage that occurred in the Imbo Putui Customary Forest and Petapahan Village; ● that the Respondent changed the natural shape of the rivers and made them straight; ● that the Respondent is destroying the downstream river ecosystem in the Imbo Putui customary forest with fertilizers and pesticides; and ● that the Respondent claimed the Imbo Putui Customary Forest as their conservation area (HCV).
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has received the Final Special Audit Report from the Certification Body on 23.03.2023 and has furnished the same to both parties on 03.03.2023 2. The Secretariat is planning to conduct a site visit to meet and discuss the findings with both parties prior to developing the Briefing Note for the Complaints Panel's deliberations.

Complaint 2.7 Mados's Holdings Sdn Bhd vs Mighty Earth Inc - Malaysia	
Case Reference	RSPO/2022/05/HN
Date Filed	09 May 2022
Respondent	Mados's Holdings Sdn Bhd
Membership Category	Oil Palm Grower
Country	Johor, Malaysia
Complainant	Mighty Earth Inc
Complaint Description	<ul style="list-style-type: none"> ● Mados’s Holdings Sdn Bhd has not disclosed all potential non-compliant land development within the Company’s own concessions and Related Entities’ concessions (controlled and influenced by Mados’s Holdings Sdn Bhd). ● The potential RaCP liabilities associated with Mados’s Holdings Sdn Bhd’s RSPO membership (i.e. the 1 Management Unit referenced in the RaCP Tracker) does not currently extend to all non-compliant land clearing of HCVs/HCS within the company’s own concessions and Related Entities’ concessions: - <ul style="list-style-type: none"> ○ Mados’ Holdings Sdn Bhd ○ Ibzi Holdings Sdn Bhd and its subsidiary, AA Sawit Sdn Bhd ○ Nadi Mesra Sdn Bhd
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The draft decision letter has been submitted to the CP for endorsement. 2. Pending endorsement from the CP members.

Complaint 2.8 PT. Perkebunan Nusantara V (PERSERO) vs requested for confidentiality

Case Reference	RSPO/2022/03/CRP
Date Filed	04 March 2022
Respondent	PT. Perkebunan Nusantara V (PERSERO)
Membership Category	Oil Palm Grower
Country	Riau Province, Indonesia
Complainant	Requested for confidentiality
Complaint Description	<ul style="list-style-type: none"> • The Respondent is alleged of illegally controlling some of the KKPA (Primary Member Cooperative Credit) objects, as well as violating the KKPA agreement. • The Respondent is alleged of embezzling funds and fraud in the development of oil palm plantations. • The Respondent is alleged of violating the agreement related to the sale of the farmers' fruits which should have been disbursed to the Complainant to be distributed to its members and illegal bailout funds.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat conducted a meeting with the Certification Body on 13.03.2023 to clarify the findings of the Special Audit Report. 2. Pending receipt of the revised Special Audit Report from the Certification Body.

Complaint 2.9 PT. Farinda Bersaudara (subsidiary of TSH Resources Berhad vs RSPO Secretariat - Indonesia

Case Reference	RSPO/2022/10/HN
Date Filed	26 September 2022
Respondent	PT Farinda Bersaudara (subsidiary of TSH Resources Berhad)
Membership Category	Oil Palm Grower
Country	Kalimantan Barat, Indonesia

Complainant	RSPO Secretariat
Complaint Description	<ul style="list-style-type: none"> ● The Respondent cleared High Conservation Value (HCV) areas in one of its subsidiaries, PT Farinda Bersaudara (PT FDB): - <ul style="list-style-type: none"> a. TSH Resources Berhad submitted a self-declaration on 25 September 2020 to the RSPO Secretariat to declare its liability for unintentional clearing of HCV areas in PT FDB and undertake responsibility for the liability; and b. The Secretariat responded by initiating an independent ground verification conducted by independent assessors (Pramitama Bayu Saputro and Nurul Iman Suansa) in July 2021 to verify the self-declaration made by the Respondent. The independent verification results are as follows: - <ul style="list-style-type: none"> i. there was clearance of HCV areas before (69.87ha) and after (256.92ha) the Respondent became an RSPO member; ii. some of the land clearance were caused by community encroachment; iii. implementation of established SOPs in the field was not as effective as intended by the Respondent; and iv. local communities encroached the HCV areas as they were not well aware of where the boundary of Hak Guna Usaha (HGU) is located. <p>Note: The Complaint is lodged by the RSPO Secretariat in line with section 1.4 of the Remediation & Compensation Procedure (2015).</p>
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	<p>1. Decision delivered and pending expiry of the appeals period on 08-May-2023.</p>

GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
Case Reference	PreCAP/2014/03/IR
Date Filed	13 October 2014
Respondent	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
Complaint description	<p><u>Points raised:-</u></p> <ul style="list-style-type: none"> ● PT KPC is in persistent violation of the RSPO P&C pertaining HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people in the process of land take over. ● Land takeover was done without land tenure study and participatory mapping. ● Late HCV assessment which was done by IPB, final consultation was in May 2014. ● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). ● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. ● GAR as the parent company of all 18 subsidiaries listed in acting in violation of the New Planting Procedure (NPP) by submitting information which is known as false. No HGU in 16 of 18 NPP. ● The assessors which have endorsed GAR’s HCV assessment, ESIA’s and social engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&C.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is still in the midst of preparing the Briefing Notes for Phases 3, 4 & 5.

Complaint 3.2 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation	
Case Reference	RSPO/2020/04/IR
Date Filed	2 March 2020
Respondent	Golden Agri Resource (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme & Elk Hills Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law; • The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has furnished the draft ToR for an independent investigation to the Complaints Panel, setting out the revised terms following feedback from parties. 2. Pending endorsement of the revised draft ToR by the Complaints Panel.

Complaint 3.3 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality	
Case Reference	RSPO/2020/07/LSL
Date Filed	6 April 2020
Respondent	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
Membership Category	Oil Palm Grower
Country	Honduras
Complainant	Requested for confidentiality

Complaint description	<ul style="list-style-type: none"> ● Modification of property deeds to remove areas identified by the government as environmental protection zone; ● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits; ● Non-compliance with labour laws; ● Threatening of workers to suppress information from auditors; ● Bribing workers and government agencies; ● Manipulation of scale systems; Falsification of data; ● Operating without an environmental license.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat held a meeting on 16.03.2023 in order to review the Accreditation Body's Compliance Audit Report. 2. The Secretariat has been informed that the Certification Body must furnish their response to non conformities on or before 27.04.2023.

Complaint 3.4 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality	
Case Reference	RSPO/2020/19/IR
Date Filed	5 October 2020
Respondent	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> ● Unilateral pay cut by the Respondent ● Poor living conditions for the labourers ● Intimidation of workers ● Forced labour ● Lack of transparent grievance system
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending finalisation and submission of the Briefing Note.

Complaint 3.5 First Resources Limited vs Requested for confidentiality	
Case Reference	RSPO/2021/04/EN
Date Filed	8 March 2021
Respondent	First Resources Limited
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • The Respondent allegedly has ownership, control and influence over a company called Fangiono Agro Plantation (FAP) Agri, a non-RSPO member who was not declared in the Respondent’s RSPO Group Membership. • The Respondent also allegedly has ownership, control and influence of an Indonesian company, Ciliandry Anky Abadi (CAA) who is a subsidiary of a British Virgin Islands registered company by the name of Sima Capital. This company too was not declared to be a part of the Respondent’s RSPO Group Membership. • The Respondent, via FAP or by FAP’s 11 subsidiaries have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, river pollution, and unilateral layoffs of workers. • The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution. • The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has received further evidence submitted by the Complainant on 01.03.2023 and has confirmed by way of email dated 16.03.2023 that the further evidence are all publicly available and can be quoted by the Independent Investigator. 2. Pending receipt of endorsement from Complaints Panel members of the draft revised ToR with feedback from parties submitted to the Complaints Panel.

Complaint 3.6 PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/06/SW
Date Filed	19 March 2021
Respondent	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community; Respondent did not develop the plasma plantations for the community; and Respondent did not have an internal grievance mechanism that the stakeholders can access
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> A new case manager has been assigned for this Complaint and parties to the Complaint have been informed of the same. The investigation process by the Independent Investigator has commenced. The Independent Investigator is in the midst of conducting an onsite investigation scheduled from 18.03.2023 until 27.03.2023.

Complaint 3.7 PT Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited vs Teraju Foundation	
Case Reference	RSPO/2022/02/HH
Date Filed	4 March 2022
Respondent	PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited)
Membership Category	Processors and / or Traders
Country	Kalimantan Barat, Indonesia
Complainant	Teraju Foundation
Complaint	<ul style="list-style-type: none"> The Respondent forced a community to give up the rights to their land in

description	<p>order to develop the land into an oil palm plantation.</p> <ul style="list-style-type: none"> The company then refused to return the land to the community by involving the police.
Status	(D) Investigation / Deliberation
Decision / Justification	<ol style="list-style-type: none"> The Certification Body furnished the revised Special Audit Report and the same has been furnished to both parties and the Complaints Panel. Briefing Note has been submitted to the Complaints Panel for deliberations. Pending conclusion of the deliberation process by the Complaints Panel.

Complaint 3.8 Grasas Y Derivados S.A. Gradesa S.A. vs requested for confidentiality

Case Reference	RSPO/2022/14/MAM
Date Filed	03 November 2022
Respondent	Grasas Y Derivados S.A. Gradesa S.A.
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> Prosecution of union workers in order to lay off them and weaken the union. Infringement of constitutional rights, because the company is affecting the right of union association. Dismissals of labour contracts without a fair cause.
Status	(D) Investigation / Deliberation - (Adjourned)
Decision / Justification	<ol style="list-style-type: none"> This Complaint has been adjourned in light of the proceedings before the Ministry of Labour. The Respondent has furnished the Secretariat with its formal response with supporting documents on 22.03.2023 and additional documents on 24.03.2023.

Complaint 3.9 Energy & Palma S.A. (as subsidiary of HOLDING LA FABRIL S.A) vs requested for confidentiality

Case Reference	RSPO/2023/01/MAM
Date Filed	05 January 2023
Respondent	Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A)
Membership Category	Oil Palm Grower
Country	Ecuador
Complainant	Requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • Allegations made against the Respondent are in relation to the modification of property deeds to remove areas identified by the government as community lands and environmental protection zones. • Lawsuit against community owners to intimidate the local people. • Company's activities have a negative impact on the natural environment and lead to degradation and deforestation.
Status	(D) Investigation / Deliberation
Decision / Justification	<p>1. Parties have been updated on the formal acceptance of the Complaint. Pending receipt of a formal response from the Respondent.</p>