

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 29 June 2022 @ 5.00pm - 8.00pm (Meeting No.06/2022)

Meeting location: *via Zoom Link*

| | | | |
|---|---|---|--|
| <p>List of Complaints Panel Members</p> | <table border="1"> <tr> <td data-bbox="376 533 906 799"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda </td> <td data-bbox="912 533 1439 799"> <ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe </td> </tr> </table> | <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Marieke Leegwater 5. Lanash Thanda | <ol style="list-style-type: none"> 6. Robert Kruger 7. Nunik Maharani 8. Florentine van den Eerenbeemt 9. Laszlo Mathe |
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| <p>Agenda</p> | <p style="text-align: center;"><u>General Agenda:- 5.00pm to 6.20pm</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 25 May 2022 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 - 2022 7.2 Dates for CP Physical Meetings - 2022 7.3 Expansion of the Complaints Panel 8. Post Complaints Monitoring 9. Dispute Settlement Facility (DSF) 10. Commitment of Financial Institutions. 11. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership 12. Any Other Matters | | |

13. Complaints for deliberation:-

Group 1:- 6.20pm to 6.40pm

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

Group 2:- 6.40pm to 7.40pm

1. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
2. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
3. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
4. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
5. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
6. PT 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.
7. PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
8. Mados's Holdings Sdn Bhd vs Mighty Earth Inc

Group 3:- 7.40pm to 8.00pm

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

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 CP members at this time of the meeting. | | | | | | | | | | |
| 4. | To confirm and adopt the minutes of 25 May 2022 during the Complaints Panel Meeting. Minutes of the meeting for 25 May 2022 adopted unanimously. | | | | | | | | | | |
| 5. | New allegation submitted | | | | | | | | | | |
| 5.1 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">RSPO/2022/03/CRP</td> <td>PT.Perkebunan Nusantara V (PERSERO)</td> </tr> <tr> <td>Complainant</td> <td><i>requested for confidentiality</i></td> </tr> <tr> <td>Complaint received</td> <td>04 March 2022</td> </tr> <tr> <td>Location</td> <td>Indonesia</td> </tr> <tr> <td>Allegations</td> <td> <ul style="list-style-type: none"> The Respondent is deemed to have violated the cooperation agreement with the Complainant. The Respondent is not transparent. </td> </tr> </table> <p>Discussion from 29 June 2022 (CP Meeting):-</p> <p>1. The Initial Diagnosis has been furnished to the CP for their comments.</p> | RSPO/2022/03/CRP | PT.Perkebunan Nusantara V (PERSERO) | Complainant | <i>requested for confidentiality</i> | Complaint received | 04 March 2022 | Location | Indonesia | Allegations | <ul style="list-style-type: none"> The Respondent is deemed to have violated the cooperation agreement with the Complainant. The Respondent is not transparent. |
| RSPO/2022/03/CRP | PT.Perkebunan Nusantara V (PERSERO) | | | | | | | | | | |
| Complainant | <i>requested for confidentiality</i> | | | | | | | | | | |
| Complaint received | 04 March 2022 | | | | | | | | | | |
| Location | Indonesia | | | | | | | | | | |
| Allegations | <ul style="list-style-type: none"> The Respondent is deemed to have violated the cooperation agreement with the Complainant. The Respondent is not transparent. | | | | | | | | | | |

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| RSPO/2022/06/SW | PT. Gersindo Minang Plantations (a subsidiary of Wilmar International Limited) |
| Complainant | Wartawan Surat Kabar Mingguan THE PUBLIC |
| Complaint received | 15 June 2022 |
| Location | Kabupaten Pasaman Barat, Indonesia |
| Allegations | <ul style="list-style-type: none"> There has been a leakage from the wastewater pipe into the river and polluting the water of the Batang Saman river. |

Discussion from 29 June 2022 (CP Meeting):-

- The Initial Diagnosis is in progress.**

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 | - | - |
| Status | Open (1) | Open (1) | - | - |
| Country | Malaysia | Indonesia | - | - |

| | | | | |
|----------------------|--|--------------------------|---|---|
| Case Category | land clearing without prior HCV assessment | Pollution of river water | - | - |
|----------------------|--|--------------------------|---|---|

Total Active Cases by Country and Year (as of 24.06.2022)

| Country | Active Cases | Year | Active Cases |
|---------------|--------------|--------------|--------------|
| Indonesia | 23 | 2010 | 1 |
| Malaysia | 3 | 2012 | 1 |
| Colombia | 1 | 2014 | 1 |
| Liberia | 1 | 2017 | 3 |
| Cayman Island | 1 | 2018 | 3 |
| Honduras | 1 | 2019 | 3 |
| | | 2020 | 7 |
| | | 2021 | 7 |
| | | 2022 | 4 |
| TOTAL | 30 | TOTAL | 30 |

7. Complaints Panel Meeting Dates

7.1 Dates for Complaints Panel monthly meetings

Discussion from 29 June 2022 (CP Meeting):-

1. No further updates on the dates of the CP meeting.

7.2 Dates for Complaints Panel Physical Meetings in 2022

Discussion from 29 June 2022 (CP Meeting):-

1. Physical meeting will be held on 27.11.2022 in Kuala Lumpur, Malaysia.

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| 7.3 | Expansion of Complaints Panel |
| | <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. An application by an individual to be an affiliate member has been approved. The Secretariat will be preparing a board paper to be submitted to the BoG for endorsement of the selections process of the individual as a CP member 2. The Secretariat is still waiting to hear from a member from the ENGO sector with respect to their application to be a CP member. 3. The Secretariat has received a complete application from a Grower member. 4. The Secretariat will convene a Selection Committee for an interview process of the candidates once it has enough complete applications. 5. Another individual has expressed interest in supporting the Complaints Panel. The CP has held an internal discussion and has agreed that a meeting be organised with the said individual to determine his expertise and the best way he is able to support the CP. |
| 8. | Post Complaints Monitoring |
| 8.1 | <p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The CP convened and deliberated on 20.06.2022, 29.06.2022 and 07.07.2022 respectively on the draft decision/directive. 2. The CP has furnished its views on the relevant revisions to be made. |
| 8.2 | <p>Poligrow Colombia SAS</p> <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The CB has stated (by way of email dated 17 June 2022) that their LATAM team were unable to travel for the audit in Colombia because of the current instability happening in the region due to the Presidential election and the travel arrangements to the Poligrow estate will require a stable security team since it is a high risk area. Therefore, the logistics to go to the Poligrow estate will be difficult at this moment. Pending confirmation from the CB. |
| 8.4 | <p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has received the response from the Complainant on 15th June 2022 with respect to the six (6) items as set out in the Bilateral Engagement Agreement. 2. The Secretariat is still reviewing the response and will update the CP accordingly. |



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| 8.5 | <p>Extractora de la Gloria SAS</p> <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Respondent has raised a query regarding the CP’s directive on the monitoring plan. 2. The CP has deliberated and has required more information from the relevant unit within the Secretariat before a response could be provided to the Respondent. 3. The Respondent has submitted their monthly update for June 2022. |
| 9. Dispute Settlement Facility (DSF) | |
| | <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat is in the midst of preparing the minutes of the DSF GoA virtual meeting held on 13.06.2022. |
| 10. Commitments of Financial Institution(s) | |
| | <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has scheduled a meeting with a Malaysian bank virtually on the 5th of July 2022 to explore the possibility of having the bank join as an RSPO member. |
| 11. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership | |
| | <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The BoG has endorsed the Resolution 6d proposals and has agreed that the proposals are to be implemented only after the review of the CAP and the Grievance System to ensure uniformity. 2. The CP has agreed that this item be removed from the agenda moving forward and be replaced with updates on the CAP review. |
| 12. Any Other Matters | |
| | <p>ASC-CP MEETING</p> <p>Discussion from 29 June 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The ASC-CP meeting proceeded as scheduled virtually on 16.06.2022. |

COMPLAINTS FOR DELIBERATION:

GROUP 1

| Complaint 1.1 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK | |
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| 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 | <ol style="list-style-type: none"> 1. The Secretariat and CP is to identify a CP member from the other groups to join the deliberation process for this particular Complaint as some of the CP members are conflicted and for the purposes of ensuring sufficient quorum. |

| Complaint 1.2 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh | |
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| Case Reference | PreCAP/2012/09/PR |
| Date Filed | 3 October 2012 |
| Respondent | Golden Veroleum Liberia (GVL) |
| Membership Category | Oil Palm Grower |
| Country | Liberia |
| Complainant | Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh |
| Complaint description | <p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> • has not provided public notification for a 30 day period consistent with the New Planting Procedures; • commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; • By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land; • Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6). |
| Status | (D) Investigation / deliberation |
| Decision / Justification | <ol style="list-style-type: none"> 1. The Secretariat had a meeting with the independent facilitator on 06.06.2022 and is to prepare a summary of the interim report which has been furnished to the CP members. 2. The Secretariat will furnish the summary for the CP with a proposal on the next cause of action as far as the Tarjuwon area is concerned. |

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

| Complaint 1.4 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace | |
|---|---|
| Case Reference | RSPO/2018/19/RB |
| Date Filed | 15 October 2018 |
| Respondent | Pacific Inter-Link (Papuan Concessions) |
| Membership Category | Processors and / or Traders |
| Country | Indonesia |
| Complainant | Environmental Investigation Agency (EIA) & Greenpeace |
| Complaint description | <ul style="list-style-type: none"> Violation of the RSPO Code of Conduct because of their alleged involvement in the control/ownership and operational development of four palm oil plantation |

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| | companies in Papua. |
| Status | (D) Investigation / deliberation |
| Decision / Justification | 1. The ToR is being drafted for the independent investigation. |

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

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

| Complaint 1.7 PT Mitra Karya Sentosa (subsidiary of First Resources Limited) vs requested for confidentiality | |
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| Case Reference | RSPO/2021/07/SW |
| Date Filed | 19 March 2021 |
| Respondent | PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) |
| Membership Category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | requested for confidentiality |
| Complaint description | <ul style="list-style-type: none"> • The Respondent did not pay the full land compensation to the six (6) individuals; • The Respondent unilaterally marking up the cost of plasma development and did not refer to the relevant regulations in deciding the cost of plasma development; • The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and • The Respondent did not provide the complete map along with its coordinates for the land that has been handed over by the six (6) individuals. |
| Status | (D) Investigation / deliberation - (Bilateral Engagement process) |
| Decision / Justification | <ol style="list-style-type: none"> 1. The 1st Bilateral Engagement meeting (2nd round of the BE process) was conducted on 23 June 2022 and the Secretariat attended the meeting virtually as an observer. 2. The Secretariat has briefed the CP on the conduct of parties during the said meeting. 3. The CP has directed the Secretariat to stop the Bilateral Engagement process and to have this Complaint proceed by way of the Complaints and Appeals process. |

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

| Complaint 1.9 PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited vs requested for confidentiality) | |
|---|---|
| Case Reference | RSPO/2021/10/LSL |
| Date Filed | 1 July 2021 |
| Respondent | PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) |
| Membership Category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | requested for confidentiality |
| Complaint description | <ul style="list-style-type: none"> • It is alleged that the Respondent and Koperasi Koling Hapakat did not use the plasma area in accordance with the permission allocated. • It is alleged that there is a transfer of ownership of community-owned SHM (“Sertifikat Hak Milik”) by Koperasi Koling Hapakat to the Respondent. |
| Status | (D) Investigation / deliberation - (adjourned) |
| Decision / Justification | <ol style="list-style-type: none"> 1. The Complaint is adjourned pending an outcome of the claim lodged before the Police of Kalimantan and the Ministry of Environment and Forestry. 2. The CP has made a directive and the same will be furnished to both parties in due course. |

GROUP 2

| Complaint 2.1 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch | |
|---|---|
| Case Reference | RSPO/2017/06/SW |
| Date Filed | 13 October 2017 |
| Respondent | PT Hati Prima Agro (subsidiary of Bumitama) |
| Membership Category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Sawit Watch |
| Complaint description | <ul style="list-style-type: none"> • A complaint was initially lodged in 2012 on allegations related to land matters. It was dismissed in April 2015 when Bumitama said that they were planning to divest the property and no longer had management control. However, in this request for reopening of the complaint, the complainant (Sawit Watch, EIA, and Greenpeace) has made allegations that although Bumitama claimed to have divested the property they continued to have management control. Further, in July 2016 Bumitama had repurchased the concession unit. • Thus, the request for reopening is on the basis that Bumitama allegedly made deceptive claims before the Complaints Panel. The Complainants further claim that Bumitama had not submitted NPP despite the land clearance. |
| Status | (I) Appeals deliberation |
| Decision / Justification | <ol style="list-style-type: none"> 1. The 1st and 2nd Appeals Panel meeting was conducted on 2 June 2022 and 10 June 2022, respectively. The key information of the discussions and the relevant documents have been furnished to the Appeals Panel on 13 June 2022. Pending deliberation and decision by the Appeals Panel. 2. The deadline for the delivery of the Appeals Panel decision is on 20 July 2022. |

| Complaint 2.2 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK | |
|--|--|
| Case Reference | RSPO/2018/14/IR |
| Date Filed | 22 August 2018 |
| Respondent | Golden Agri Resources |
| Membership Category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Forest Peoples Programme (FPP) and Tuk- Indonesia |
| Complaint description | <ul style="list-style-type: none"> • GAR's shadow companies are actively clearing lands. |
| Status | (D) Investigation / deliberation |
| Decision / Justification | <ol style="list-style-type: none"> 1. Pending outcome of an Independent investigation by the Independent Consultant. 2. Draft email to update parties on the progress of the Complaint has been submitted to the CP for endorsement. |

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

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| description | <ul style="list-style-type: none"> • Worker died due to lack of safety equipment; and • No festive holidays for temporary workers. |
| Status | (D) Investigation/Deliberation |
| Decision / Justification | 1. Pending finalisation of the Briefing Note. |

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

| | |
|---------------------------------|---|
| Case Reference | RSPO/2019/11/IR |
| Date Filed | 23 April 2019 |
| Respondent | PT Perkebunan Nusantara IV (PERSERO) |
| Membership Category | Oil Palm Grower |
| Country | North Sumatera, Indonesia |
| Complainant | <i>requested for confidentiality</i> |
| Complaint description | <ul style="list-style-type: none"> • Temporary workers contract and wages issues; • Intimidation of workers |
| Status | (D) Investigation/Deliberation |
| Decision / Justification | 1. Pending finalisation of the Briefing Note. |

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

| | |
|----------------------------|--|
| Case Reference | RSPO/2019/12/IR |
| Date Filed | 6 May 2019 |
| Respondent | PT Perkebunan Nusantara IV (PERSERO) |
| Membership Category | Oil Palm Grower |
| Country | North Sumatra, Indonesia |
| Complainant | Federasi Serikat Pekerja Metal Indonesia (FSPMI) |

| | |
|---------------------------------|--|
| Complaint description | <ul style="list-style-type: none"> ● Alleged fraud of wages for 7 workers, ● No festive holidays and bonus for temporary workers |
| Status | (D) Investigation/Deliberation |
| Decision / Justification | 1. Pending finalisation of the Briefing Note. |

| Complaint 2.6 PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd) vs Tim Advokasi DPPKNPI | |
|---|--|
| Case Reference | RSPO/2021/02/SW |
| Date Filed | 27 January 2021 |
| Respondent | PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.) |
| Membership Category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat. |
| Complaint Description | <ul style="list-style-type: none"> ● Operating in the protected forest area without having a license from the Ministry of Forestry; ● Operating without having a HGU; and ● Did not develop plasma plantations for the community as agreed |
| Status | (D) Investigation/Deliberation |
| Decision / Justification | <ol style="list-style-type: none"> 1. The Secretariat informed the CP members that the adjournment has been revoked and the Respondent has furnished the Secretariat with their formal response. 2. The same has been forwarded to the Complainant for their feedback. |

| Complaint 2.7 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 (Bilateral Engagement process) |
| Decision / Justification | <ol style="list-style-type: none"> 1. The parties have agreed to discontinue the Bilateral Engagement process and to continue the deliberation before the CP for the next phase. 2. The Secretariat is in the midst of communicating with the CB for further information. 3. The Secretariat is also in communication with the Respondent to obtain a formal response to the allegations. |

| Complaint 2.8 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 Complaint was formally accepted on 23 June 2022 and the same has been communicated to both parties of the Complaint. 2. Pending a formal response from the Respondent. The deadline for the formal response will be on 13 July 2022. |

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 | <p>1. Pending preparation of the Briefing Notes for phases 3, 4 and 5. Draft email to update the progress of the Complaint to the parties has been submitted to the CP for endorsement.</p> |

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

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

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| Status | (D) Investigation / deliberation |
| Decision / Justification | <ol style="list-style-type: none"> 1. Pending drafting and submission of the decision letter to the CP for endorsement. |

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

| Complaint 3.5 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality | |
|---|--|
| Case Reference | RSPO/2020/07/LSL |
| Date Filed | 6 April 2020 |
| Respondent | Aceites Y Derivados Sociedad Anonima (ACEYDESA) |
| Membership Category | Oil Palm Grower |
| Country | Honduras |
| Complainant | <i>requested for confidentiality</i> |
| Complaint description | <ul style="list-style-type: none"> ● Modification of property deeds to remove areas identified by the government as environmental protection zone; ● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits; ● Non-compliance with labour laws; ● Threatening of workers to suppress information from auditors; ● Bribing workers and government agencies; ● Manipulation of scale systems; Falsification of data; ● Operating without an environmental license. |
| Status | (D) Investigation / deliberation |
| Decision / Justification | <ol style="list-style-type: none"> 1. ASI has updated the Secretariat that the compliance audit will be conducted in August 2022. |

| Complaint 3.6 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality | |
|---|---|
| Case Reference | RSPO/2020/19/IR |
| Date Filed | 5 October 2020 |
| Respondent | IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) |
| Membership Category | Oil Palm Grower |
| Country | Malaysia |
| Complainant | <i>requested for confidentiality</i> |
| Complaint description | <ul style="list-style-type: none"> ● Unilateral pay cut by the Respondent ● Poor living conditions for the labourers ● Intimidation of workers ● Forced labour ● Lack of transparent grievance system |
| Status | (D) Investigation / deliberation |
| Decision / Justification | <ol style="list-style-type: none"> 1. Independent assessment against IOI’s labour practice and policies (as required in the RSPO P&C): - <ol style="list-style-type: none"> a. The Respondent has furnished the official letter from the CB explaining their stance with respect to the nature of the audit conducted against the Bukit Leelau Management Unit. The same has been furnished to the CP. b. The Secretariat is to review if the CP’s concerns have been addressed by the audit conducted by the CB. 2. Independent review on IOI’s internal grievance mechanism: - <ol style="list-style-type: none"> a. The Respondent has furnished an explanation of the independent workers’ survey (independent monitoring of working conditions and workers’ wellbeing). This assessment is conducted by an independent assessor and the same has been furnished to the CP. 3. Independent assessment on the incident surrounding the forged and/or fraudulent documents: - <ol style="list-style-type: none"> a. Pending clarification or explanation in writing from the Respondent with respect to this incident and how it does not lead to the workers’ salaries being reduced. |

| Complaint 3.7 PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan | |
|--|--|
| Case Reference | RSPO/2020/20/SW |
| Date Filed | 12 November 2020 |
| Respondent | PT Nubika Jaya (subsidiary of Permata Hijau Group) |
| Membership Category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | LSM-Baris Labuhanbatu Selatan |
| Complaint description | <ul style="list-style-type: none"> ● No Domestic Wastewater Treatment Plant; ● The Oleochemical equalization pool was not built with concrete; ● Sludge from the Oleochemical Wastewater Treatment Plant has never been transported to a designated waste processing agency. ● Dispose of liquid waste without permit; ● Inconsistency on the volume of Hazardous Waste transported to a designated waste processing agency; ● A sparring equipment has yet installed at the Wastewater Treatment Plant; ● No certified Wastewater Treatment Operational Responsible and Water Pollution Control Officer onsite; ● Processing fresh fruit bunches from non-RSPO certified plantations. |
| Status | (D) Investigation / deliberation |
| Decision / Justification | 1. The Briefing Note has been submitted to the CP for deliberation. |

| Complaint 3.8 Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Subsidiary of Daabon Group) - (Adjourned) | |
|--|---|
| Case Reference | RSPO/2020/16/LSL |
| Date Filed | 10 September 2020 |
| Respondent | Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group) |
| Membership Category | Oil Palm Grower |
| Country | Colombia |
| Complainant | Puerto Wilches Section Sintrainagro Deputy Director's Office |
| Complaint description | <ul style="list-style-type: none"> • Non-compliance with labour rights/laws; • Anti-union practices; and • Employees not provided sufficient protection equipment. |
| Status | (D) Investigation / deliberation (adjourned) |
| Decision / Justification | <ol style="list-style-type: none"> 1. The translated resolution from the Ministry of Labour has been furnished to the Complaints Panel for their perusal. 2. The adjournment of this Complaint will be continued as the processes before the local authorities are yet to be exhausted. |

| Complaint 3.9 First Resources Limited vs requested for confidentiality | |
|---|--------------------------------------|
| Case Reference | RSPO/2021/04/EN |
| Date Filed | 8 March 2021 |
| Respondent | First Resources Limited |
| Membership Category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | <i>requested for confidentiality</i> |

| | |
|--|--|
| <p>Complaint description</p> | <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. |
| <p>Status</p> | <p>(D) Investigation / deliberation</p> |
| <p>Decision / Justification</p> | <ol style="list-style-type: none"> 1. The Secretariat is in the midst of finalising the ToR for the investigation. 2. The Secretariat will furnish the draft ToR to the CP and schedule an ad hoc meeting. |

| <p>Complaint 3.10 PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs requested for confidentiality</p> | |
|---|--|
| <p>Case Reference</p> | <p>RSPO/2021/06/SW</p> |
| <p>Date Filed</p> | <p>19 March 2021</p> |
| <p>Respondent</p> | <p>PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)</p> |
| <p>Membership Category</p> | <p>Oil Palm Grower</p> |
| <p>Country</p> | <p>Indonesia</p> |
| <p>Complainant</p> | <p><i>requested for confidentiality</i></p> |
| <p>Complaint description</p> | <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; |

| | |
|---------------------------------|---|
| | <p>and</p> <ul style="list-style-type: none"> Respondent did not have an internal grievance mechanism that the stakeholders can access |
| Status | (D) Investigation / deliberation |
| Decision / Justification | <p>1. The Secretariat has obtained clarification from the CB with regard to the contents of the CB’s report and has requested the CB to provide detailed information in writing.</p> |

| Complaint 3.11 PT Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited vs Teraju Foundation - Indonesia | |
|---|---|
| Case Reference | RSPO/2022/02/HN |
| Date Filed | 4 March 2022 |
| Respondent | PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited) |
| Membership Category | Processors and / or Traders |
| Country | Kalimantan Barat, Indonesia |
| Complainant | Teraju Foundation |
| Complaint description | <ul style="list-style-type: none"> The Respondent forced a community to give up the rights to their land in order to develop the land into an oil palm plantation. The company then refused to return the land to the community by involving the police. |
| Status | (D) Investigation / Deliberation |
| Decision / Justification | <p>1. The Respondent had furnished their formal response to the allegation and supporting documents on 10 June 2022.</p> <p>2. The Respondent's response was furnished to the Complainant on 18 June 2022 and the Secretariat sought for clarification from the Complainant on the matter of the mandate in the Complaint.</p> <p>3. The Complainant has furnished their response on 4 July 2022. However, the Complainant did not answer the Secretariat's queries clearly with respect to the mandate. Hence, the Secretariat is to seek further clarification from the Complainant.</p> |