

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 28 September 2022 @ 5.00pm - 7.10pm (Meeting No.09/2022)

Meeting location: *via Zoom Link*

<p>List of Complaints Panel Members</p>	<table border="1"> <tr> <td data-bbox="373 568 906 875"> <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="906 568 1442 875"> <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
<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 		
<p>Agenda</p>	<p><u>General Agenda:- 5.00pm to 6.05pm</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 24 August 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 & 2023 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. 1st Internal Voluntary Review of the Complaints and Appeals Procedures 		

12. Any Other Matters

13. Complaints for deliberation:-

Group 1:- 6.05pm to 6.45pm

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*

Group 2:- 6.45pm to 6.55pm

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*

Group 3:- 6.55pm to 7.10pm

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. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
4. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
5. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
6. 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
7. First Resources Limited vs *requested for confidentiality*
8. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
9. 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 Co-Chair.										
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 24 August 2022 during the Complaints Panel Meeting. Minutes of the meeting for 24 August 2022 adopted unanimously.										
5.	New allegation submitted										
5.1	<table border="1" data-bbox="233 1171 1401 1839"> <tbody> <tr> <td data-bbox="233 1171 523 1240">RSPO/2022/08/RR</td> <td data-bbox="523 1171 1401 1240">Wilmar International Ltd</td> </tr> <tr> <td data-bbox="233 1240 523 1310">Complainant</td> <td data-bbox="523 1240 1401 1310">requested for confidentiality</td> </tr> <tr> <td data-bbox="233 1310 523 1379">Complaint received</td> <td data-bbox="523 1310 1401 1379">08 September 2022</td> </tr> <tr> <td data-bbox="233 1379 523 1449">Location</td> <td data-bbox="523 1379 1401 1449">Kalimantan Barat, Indonesia</td> </tr> <tr> <td data-bbox="233 1449 523 1839">Allegations</td> <td data-bbox="523 1449 1401 1839"> <ul style="list-style-type: none"> ● The Complainant alleges that there is a suppression of workers rights to form their own and/or desired trade union, and were being forced to be part of an existing trade union formed by the Respondent, which forces its membership on workers. ● The Complainant alleges that its workers salaries are cut as part of payment for the membership of the alleged trade union managed by the Respondent. ● The Complainant alleges that its workers did not fill up any membership forms to be part of the alleged trade union, and that the same was forced upon them by the Respondent. </td> </tr> </tbody> </table> <p data-bbox="252 1879 874 1912">Discussion from 28 September 2022 (CP Meeting):-</p> <p data-bbox="280 1951 751 1984">1. The Initial Diagnosis is in progress.</p>	RSPO/2022/08/RR	Wilmar International Ltd	Complainant	requested for confidentiality	Complaint received	08 September 2022	Location	Kalimantan Barat, Indonesia	Allegations	<ul style="list-style-type: none"> ● The Complainant alleges that there is a suppression of workers rights to form their own and/or desired trade union, and were being forced to be part of an existing trade union formed by the Respondent, which forces its membership on workers. ● The Complainant alleges that its workers salaries are cut as part of payment for the membership of the alleged trade union managed by the Respondent. ● The Complainant alleges that its workers did not fill up any membership forms to be part of the alleged trade union, and that the same was forced upon them by the Respondent.
RSPO/2022/08/RR	Wilmar International Ltd										
Complainant	requested for confidentiality										
Complaint received	08 September 2022										
Location	Kalimantan Barat, Indonesia										
Allegations	<ul style="list-style-type: none"> ● The Complainant alleges that there is a suppression of workers rights to form their own and/or desired trade union, and were being forced to be part of an existing trade union formed by the Respondent, which forces its membership on workers. ● The Complainant alleges that its workers salaries are cut as part of payment for the membership of the alleged trade union managed by the Respondent. ● The Complainant alleges that its workers did not fill up any membership forms to be part of the alleged trade union, and that the same was forced upon them by the Respondent. 										

5.2

RSPO/2022/09/RR	PT. Cipta Usaha Sejati
Complainant	requested for confidentiality
Complaint received	12 September 2022
Location	Kalimantan Barat, Indonesia
Allegations	<ul style="list-style-type: none"> • The Complainant alleges that the Respondent is working on a land which has not been duly relinquished to the Respondent and that the relevant compensation for the same have not been made. • The Complainant alleges that there has been an agreement between parties involved that the subject land remains status quo until the issue is resolved. However, the Respondent has ignored the same and has started work on the land. • The Complainant alleges that the Respondent has conducted work on 500 hectares of the land but only has a right on 219 hectares of the land to work on. • The Complainant alleges that the Respondent has commenced work beyond the designated area.

Discussion from 28 September 2022 (CP Meeting):-

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

5.3

RSPO/2022/10/HN	PT Farinda Bersaudara (subsidiary of TSH Resources Berhad)
Complainant	RSPO Secretariat
Complaint received	26 September 2022
Location	Kalimantan Barat, Indonesia
Allegations	<ul style="list-style-type: none"> • TSH Resources Berhad submitted a self-declaration to the RSPO Secretariat to declare its liability for unintentional clearing of High Conservation Value (HCV) areas in one of its subsidiaries, PT Farinda Bersaudara (PT FDB) and undertake responsibility for the liability. <p>Note: The Complaint is lodged by the RSPO Secretariat in compliance with section 1.4 of the Remediation & Compensation Procedure (2015).</p>

Discussion from 28 September 2022 (CP Meeting):-

- 1. 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	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	-	-	-
Status	Open (3)	-	-	-
Country	Indonesia	-	-	-
Case Category	workers wage Land compensation HCV	-	-	-

Total Active Cases by Country and Year (as of 26.09.2022)

Country	Active Cases	Year	Active Cases
Indonesia	22	2012	1
Malaysia	2	2014	1
Colombia	1	2017	2
Liberia	1	2018	2
Honduras	1	2019	3
		2020	5
		2021	7
		2022	6
TOTAL	27	TOTAL	27

7. Complaints Panel Meeting Dates

7.1 Dates for Complaints Panel monthly meetings

Discussion from 28 September 2022 (CP Meeting):-

1. Dates for the Complaints Panel meetings for 2022 have been fixed.

7.2 Dates for Complaints Panel Physical Meetings in 2022

Discussion from 28 September 2022 (CP Meeting):-

1. The Complaints Panel’s physical meeting is to proceed as scheduled on 27.11.2022 in Kuala Lumpur, Malaysia.

7.3 Expansion of Complaints Panel

Discussion from 28 September 2022 (CP Meeting):-

1. The CP has directed the Secretariat to proceed with arrangements for the Selection Committee to be convened to interview a CP candidate.

8. Post Complaints Monitoring	
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 28 September 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. FGV had on 26.08.2022 furnished a letter with respect to the directive delivered by the Complaints Panel. The CP has had sight of the same and a response will be furnished accordingly.
8.2	<p>Poligrow Colombia SAS</p> <p>Discussion from 28 September 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Certification Body has informed the Secretariat that a follow-up verification audit was carried out and the lead auditor is in the midst of preparing the report.
8.3	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 28 September 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat sought for further clarification from both parties with respect to the implementation of the electronic payslip system and both parties have provided the necessary clarification. 2. The Secretariat is to proceed with the Briefing Note.
8.4	<p>Extractor de la Gloria SAS</p> <p>Discussion from 28 September 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has received the monthly update for August 2022. 2. Pending monthly update for September 2022 from the Respondent.
9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 28 September 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The next DSF GoA meeting is fixed on 28.11.2022 in Kuala Lumpur, Malaysia.

10. Commitments of Financial Institution(s)

Discussion from 28 September 2022 (CP Meeting):-

1. The Secretariat is still waiting to hear from a local bank on their position with respect to applying for an RSPO membership.

11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures

Discussion from 28 September 2022 (CP Meeting):-

1. The Secretariat is in the process of reviewing the submissions received from interested candidates in response to the Expression of Interest.

12. Any Other Matters

ASC-CP MEETING

Discussion from 28 September 2022 (CP Meeting):-

1. The revised Minutes of Meeting between ASI and the CP were endorsed by the CP and thereafter furnished to the Co-Chairs of the ASC. The said minutes were also shared with the ASC during the ASC meeting on 22.09.2022. The CP has decided that further discussions are to be held at the next ASC-CP meeting, once fixed.

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	<ol style="list-style-type: none"> 1. There was insufficient quorum for deliberation. 2. The Secretariat will follow up with the Complaints Panel by way of email with the Briefing Note.

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

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 reviewing the draft ToR for the independent investigation and the same will be sent to the Complaints Panel for endorsement in due course.

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	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction; • Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and • Development of a jetty, which includes reclamation of the sea floor as long as 590 meters
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is to schedule an Ad-hoc meeting for the CP to continue deliberations on this Complaint further.

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 a directive from the CP to issue a letter to the Complainant with regard to the status of the Complainant’s mandate in this matter.

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	1. The Secretariat is in the midst of drafting the Briefing Note.

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	1. The Bilateral Engagement process is in progress and will expire on 27.10.2022.

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 CP agrees to grant the 2 months extension as requested by the independent investigator for purposes of completing the investigation. 2. The CP directed the Secretariat to update both parties on this development.

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	<ol style="list-style-type: none"> 1. Pending a response from the Certification Unit on the status of the Compliance Audit Report.

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	<ol style="list-style-type: none"> 1. Pending a response from the Certification Unit on the status of the Compliance Audit Report

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	<ol style="list-style-type: none"> 1. Pending a response from the Certification Unit on the status of the Compliance Audit Report

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	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of compiling all the responses and feedback from parties and once finalised the same will be furnished to the CP for deliberation.

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 responses from both parties 2. The Secretariat has received the overlay map from GIS Unit. 3. Pending receipt of the Special Audit Report from the Certification Body.

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 Membership Unit has furnished their verification report on the allegation pertaining to group membership requirements. 2. With respect to the allegation on non-compliant land clearing within the Respondent's certified plantations, the Secretariat has referred the Complaint to the Certification Body (through the Certification Unit) for the Certification Body to perform the necessary verification on this allegation. 3. Pending verification to be performed by the Certification Body.

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 has conducted a case management meeting with the Respondent on 31.08.2022 and has received the formal response. 2. The Secretariat has also received the response to the Respondent's formal response from the Complainant. The Secretariat will be scheduling a case management meeting with the Complainant.

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	<ol style="list-style-type: none"> 1. The Secretariat conducted a physical case management meeting with the Respondent on 8 September 2022. 2. The Secretariat has also scheduled a case management meeting with the Complainant on 30 September 2022. 3. Pending completion of Briefing Notes for the remaining phases of the Complaint.

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

Complaint 3.3 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 draft ToR for an independent investigation is in the midst of being reviewed by the Secretariat prior to submission to the CP.

Complaint 3.4 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 indicated that the Compliance Audit is scheduled on 31 October 2022.

Complaint 3.5 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. With respect to the CP's 1st directive which is on assessing the Respondent's labor practices and policies based on the requirements of the P&C: - <ol style="list-style-type: none"> a. The Secretariat has responded to the CP's comments and sought for the CP's directive. 2. With respect to the CP's directive for an independent review on the Respondent's internal grievance mechanism: - <ol style="list-style-type: none"> a. The Secretariat has requested from the Respondent by way of an email, for a report. b. Pending a response from the Respondent. 3. With respect to the CP's 3rd directive on the allegation of an incident surrounding the issue of fraudulent documents: - <ol style="list-style-type: none"> a. The Secretariat has furnished the Respondent's explanation/clarification with respect to the incident to the CP. b. Pending further deliberations by the CP. 4. The Secretariat is to schedule an ad hoc meeting for the CP to discuss and deliberate further on the above-mentioned directives.

Complaint 3.6 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 Secretariat is to hold a meeting with the Respondent for the purposes of reviewing the status of the Complaint.

Complaint 3.7 First Resources Limited vs requested for confidentiality	
Case Reference	RSPO/2021/04/EN
Date Filed	8 March 2021
Respondent	First Resources Limited
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • The Respondent allegedly has ownership, control and influence over a company called Fangiono Agro Plantation (FAP) Agri, a non-RSPO member who was not declared in the Respondent’s RSPO Group Membership. • The Respondent also allegedly has ownership, control and influence of an Indonesian company, Ciliandry Anky Abadi (CAA) who is a subsidiary of a British Virgin Islands registered company by the name of Sima Capital. This company too was not declared to be a part of the Respondent’s RSPO Group Membership. • The Respondent, via FAP or by FAP’s 11 subsidiaries have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, river pollution, and unilateral layoffs of workers. • The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution. • The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Respondent and Complainant have furnished their feedback on the draft ToR for an independent investigation. 2. The Secretariat will collate the feedback to be furnished for the CP’s consideration.

Complaint 3.8 PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/06/SW
Date Filed	19 March 2021
Respondent	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community; ● Respondent did not develop the plasma plantations for the community; and ● Respondent did not have an internal grievance mechanism that the stakeholders can access
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The draft ToR for an independent investigation has been submitted to the CP for their CP’s perusal and comments.

Complaint 3.9 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	<ol style="list-style-type: none"> 1. A physical meeting was scheduled with the Respondent on 20.092022. 2. The Secretariat has furnished the salient points of the meeting to the Respondent by way of an email. 3. The Secretariat also requested for further documentary evidence from the Respondent. Pending a response from the Respondent.