

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 30 March 2022 @ 5.00pm - 8.30pm (Meeting No.03/2022)

Meeting location: *via Zoom Link*

<p>List of Complaints Panel Members</p>	<table border="1"> <tr> <td data-bbox="376 533 906 801"> <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 801"> <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><u>General Agenda:- 5.00pm to 6.15pm</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 23 February 2022 during the CP Meeting 5. New Allegations 6. Complaints Case Statistics 		

	<ul style="list-style-type: none"> 7. Complaints Panel meeting Dates <ul style="list-style-type: none"> 7.1 Dates for CP monthly meetings in 2022 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. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership. 12. Any Other Matters
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13. Complaints for deliberation:-

Group 1:- 6.15pm to 6.50pm

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

Group 2:- 6.50pm 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. Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*
4. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
5. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
6. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
7. PT Agro Kati Lama - subsidiary of SIPEF group vs *requested for confidentiality*
8. 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.
9. PT. Cipta Usaha Sejati (Subsidiary of Pasifik Agro Sentosa) vs Petrus Suwito (Binua Tingkarak Kalimantan) representing - Isak Aloka and Simon P. Liunesi
10. PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs *requested for confidentiality*

Group 3:- 7.40pm to 8.30pm

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 SMART TBK (Golden Agri Resources Ltd) vs *requested for confidentiality*

DETAILS OF THE AGENDA:

No.	Agenda										
1.	Opening Remarks from Chairperson Opening speech by CCP and new CP members were welcomed.										
2.	RSPO Antitrust Guidelines RSPO Antitrust Guidelines were read to the Complaints Panel.										
3.	Declaration of “No Conflict of Interest” Declaration of conflict of interest made by new CP members and no new conflict of interest declared from the rest of the CP members at this time of the meeting.										
4.	To confirm and adopt the minutes of 23 of February 2022 during the Complaints Panel Meeting. Minutes of the meeting for the 23 of February 2022 adopted unanimously.										
5.	New allegation submitted										
5.1	<table border="1" data-bbox="231 1243 1401 1771"> <tbody> <tr> <td data-bbox="231 1243 523 1317">RSPO/2022/01/HN</td> <td data-bbox="523 1243 1401 1317">Mados's Holdings Sdn Bhd</td> </tr> <tr> <td data-bbox="231 1317 523 1391">Complainant</td> <td data-bbox="523 1317 1401 1391">Mighty Earth Inc.</td> </tr> <tr> <td data-bbox="231 1391 523 1464">Complaint received</td> <td data-bbox="523 1391 1401 1464">22 February 2022</td> </tr> <tr> <td data-bbox="231 1464 523 1538">Location</td> <td data-bbox="523 1464 1401 1538">Malaysia</td> </tr> <tr> <td data-bbox="231 1538 523 1771">Allegations</td> <td data-bbox="523 1538 1401 1771"> <ul style="list-style-type: none"> ● The Respondent has not disclosed all group-held companies owned by the HM Sultan of Johor when applying for its current RSPO Group membership. ● The Respondent and other related companies owned by the HM Sultan of Johor have conducted land clearing without prior HCV assessment by a RSPO approved assessor. </td> </tr> </tbody> </table> <p data-bbox="268 1809 831 1845">Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> <li data-bbox="268 1883 1423 1951">1. Pending finalisation of the Initial Diagnosis. The deadline for the Initial Diagnosis is on the 5th of April 2022. 	RSPO/2022/01/HN	Mados's Holdings Sdn Bhd	Complainant	Mighty Earth Inc.	Complaint received	22 February 2022	Location	Malaysia	Allegations	<ul style="list-style-type: none"> ● The Respondent has not disclosed all group-held companies owned by the HM Sultan of Johor when applying for its current RSPO Group membership. ● The Respondent and other related companies owned by the HM Sultan of Johor have conducted land clearing without prior HCV assessment by a RSPO approved assessor.
RSPO/2022/01/HN	Mados's Holdings Sdn Bhd										
Complainant	Mighty Earth Inc.										
Complaint received	22 February 2022										
Location	Malaysia										
Allegations	<ul style="list-style-type: none"> ● The Respondent has not disclosed all group-held companies owned by the HM Sultan of Johor when applying for its current RSPO Group membership. ● The Respondent and other related companies owned by the HM Sultan of Johor have conducted land clearing without prior HCV assessment by a RSPO approved assessor. 										

5.2

RSPO/2022/02/HN	PT. Bumi Pratama Khatulistiwa (subsidiary of Wilmar International Limited)
Complainant	Teraju Foundation
Complaint received	04 March 2022
Location	Indonesia
Allegations	<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.

Discussion from 30 March 2022 (CP Meeting):-

- 1. Pending preparation of the Initial Diagnosis. The deadline for the Initial Diagnosis is on the 15th of April 2022.**

5.3

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.

Discussion from 30 March 2022 (CP Meeting):-

- 1. Pending preparation of the Initial Diagnosis. The deadline for the Initial Diagnosis is on the 15th of April 2022.**

5.4

RSPO/2022/04/HN	PT.Teguh Sempurna (subsidiary of Sime Darby)
Complainant	<i>requested for confidentiality</i>
Complaint received	15 March 2022
Location	Indonesia
Allegations	<ul style="list-style-type: none"> The Complainant alleges that PT Teguh Sempurna has been cultivating land belonging to the late Abdul Karim without permission and compensation/ settlement.

Discussion from 30 March 2022 (CP Meeting):-

- Pending preparation of the Initial Diagnosis. The deadline for the Initial Diagnosis is on the 26th of April 2022.**

6. Complaints Cases Statistics

Total Cases in 2022

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

Total Active Cases by Country and Year (as of 25.03.2022)

Country	Active Cases	Year	Active Cases
Indonesia	26	2010	1
Malaysia	4	2012	1

Colombia	1	2014	1
Nigeria	1	2015	1
Liberia	1	2017	3
Guatemala	0	2018	4
Ghana	0	2019	3
Cayman Island	1	2020	7
Honduras	1	2021	10
		2022	4
TOTAL	35	TOTAL	35

7.	Complaints Panel Meeting Dates
7.1	Dates for Complaints Panel monthly meetings
	<p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> CP meeting dates for the rest of 2022 have been decided upon and calendar invites are to be issued. Dates may be subject to changes if necessary.
7.2	Dates for Complaints Panel Physical Meetings in 2022
	<p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> The 1st CP Quarterly meeting has been scheduled for the 13th of April 2022 at 4.00pm (MYT)
7.3	Expansion of Complaints Panel
	<p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat and CP are looking to recruit more CP members. Focus at present is being placed on individuals from the ENGO sector.

8. Post Complaints Monitoring	
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The CP has issued a letter to the Respondent on 22.03.2022 and the same was uploaded on the Case Tracker. The request for ASI to endorse the verification report has been furnished to ASI through the Assurance Department.
8.2	<p>PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research)</p> <p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending delivery of final letter from the CP.
8.3	<p>Poligrow Colombia SAS</p> <p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat has received the surveillance audit report on 24.03.2022 from the Certification Unit. 2. Pending further clarification from the CB on queries raised by the Secretariat pertaining to the audit report.
8.4	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat is still in the midst of reviewing the documents and collating the information necessary to assess the Respondent's progress and/or level of compliance to the settlement agreement. 2. A meeting was conducted with the previous case manager in order to obtain further clarification and information. There are several additional documents which are to be reviewed by the Secretariat.
8.5	<p>Extractor de la Gloria SAS</p> <p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Respondent has furnished the Secretariat with an update and the Social Impact Assessment (in Spanish). Pending translation of the said report into English.

9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat is in the midst of preparing the minutes of the meeting of the recent DSF GoA online meeting and thereafter will follow up with the action points.
10. Commitments of Financial Institution(s)	
	<p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. No further updates.
11. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership	
	<p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending receipt of confirmation of complete endorsement of proposals by the BoG.
12. Any Other Matters	
	<p>ASC-CP MEETING</p> <p>Discussion from 30 March 2022 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Internal discussions are ongoing with respect to the fixing of a convenient date for the meeting.

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)	
Case Reference	PreCAP/2015/05/PR
Date Filed	16 February 2015
Respondent	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
Nature of Complaint	<ul style="list-style-type: none"> ● According to the Enquiry National Hak Tanah Malaysia document, the state government had given 1260 acres of land to the Dusun Begahak community in 1981. At the same time, the same land was alienated to FELDA for development. ● The complainant raised the issue that FELDA has no right to develop their land and should return it to the community because the land originally belonged to the community. The complainant also stated that the cemetery area is being developed by FELDA. ● FELDA enclaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land. ● A police report has been made by the community and that is the source of the complaint.
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Pending expiry of the appeal period.

Complaint 1.2 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. The Secretariat is in the midst of finalising the Briefing Note.

Complaint 1.3 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	1. The Secretariat is to schedule a meeting with the independent facilitator and a CP member to discuss the next course of action.

Complaint 1.4 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"> Pending preparation of the Briefing Note for the CP to deliver a decision.

Complaint 1.5 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 CP has deliberated and directed an independent investigation to be conducted. 2. The Secretariat will be updating parties accordingly.

Complaint 1.6 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	1. Pending preparation of the Briefing Note.

Complaint 1.7 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	(D) Investigation / deliberation
Decision / Justification	1. Pending expiry of the appeal period.

Complaint 1.8 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 - (Bilateral Engagement process)
Decision / Justification	<p>1. To seek clarification on the updates received. The Secretariat had a meeting with the Complainant on 28.03.2022 and will be scheduling a meeting with the Respondent.</p>

Complaint 1.9 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 will be scheduling a meeting with both parties of the Complaint to seek clarification on the updates received with respect to a claim that Court proceedings have been initiated.

Complaint 1.10 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 claims lodged before the Police of Kalimantan and the Ministry of Environment and Forestry. 2. The Secretariat has received a letter from the police by the Respondent indicating that the investigation could not be processed further due to lack of evidence. However, the investigation may resume upon receiving further evidence. 3. The Complainant has been updated on the letter from the police which was addressed to the Complainant and clarification was obtained from the Complainant. 4. No further updates with respect to the claim before the Ministry of Environment and Forestry. 5. The Secretariat will be writing to the CP members for a directive.

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	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	<ol style="list-style-type: none"> 1. Notice of Appeal submitted by Complainant/Appellant on 24.03.2022. 2. The Secretariat will process the appeal in accordance with the Complaints and Appeals Procedures (2017).

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"> Pending further discussions with the Independent Consultant on the revised ToR and timelines.

Complaint 2.3 Presco PLC Nigeria (SIAT SA) vs requested for confidentiality

Case Reference	RSPO/2018/17/PR
Date Filed	17 September 2018
Respondent	Presco PLC Nigeria (SIAT SA)
Membership Category	Oil Palm Grower
Country	Nigeria
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> For the past five years, PRESCO, in conjunction with the Edo State Government, through its Ministry of Agriculture and Natural Resources; the Police in Benin City, Edo State; and the Nigeria Army's 4th Brigade (also located in Benin City, Edo State), has been forcefully encroaching into ancestral and customarily owned indigenous farm lands, including Oruarivie-Abraka ancestral farm lands, situated in Delta State (a neighbouring State to Edo State, where PRESCO's Head Office is located), and forcefully evicting local farmers from these ancestral and customarily owned indigenous farm lands measuring approximately three thousand hectares (well beyond the Edo State boundaries), and forcefully and illegally grabbing same for its palm oil plantation expansionist activities.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> Parties have achieved an amicable resolution by way of mediation and a Notice of Withdrawal of Complaint was submitted to the Secretariat. Pending further confirmation from the Complainant on the status of the withdrawal of the Complaint.

Complaint 2.4 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 clarification from the Certification Unit regarding the Compliance Audit Report.

Complaint 2.5 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 clarification from the Certification Unit regarding the Compliance Audit Report.

Complaint 2.6 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 clarification from the Certification Unit regarding the Compliance Audit Report.

Complaint 2.7 PT Agro Kati Lama (subsidiary of SIPEF group) vs requested for confidentiality	
Case Reference	RSPO/2021/01/EN
Date Filed	22 January 2021
Respondent	PT Agro Kati Lama (subsidiary of SIPEF group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint Description	<ul style="list-style-type: none"> • The daily casual workers are paid below the minimum wage set out by the Musi Rawas District Government; • The daily casual workers are not protected and no remedy available for work accidents; • The daily casual workers are not equipped with personal protection equipment [PPE] and are not equipped with working tools;

	<ul style="list-style-type: none"> The daily casual workers did not receive festive allowance in accordance with the regulation; The daily casual workers, who are hired through the third party, do not get a pay slip. The amount written in the payment receipt is without formal stamp and without the name of the party who rendered the payment.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> This matter is under the purview of the DSF mechanism for mediation. Mediation sessions proceeded on 24.03.2022, 30.03.2022 and 31.03.2022.

Complaint 2.8 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"> The CP has retracted the adjournment of this Complaint following the information obtained from the Complainant that there is no ongoing legal or Court process related to this Complaint. The Secretariat will proceed to translate the Court Decision furnished by a party before submitting the same to the CP.

Complaint 2.9 PT Cipta Usaha Sejati (subsidiary of Pasifik Agro Sentosa) vs Petrus Suwito (Binua Tinkakok Kalimantan) representing - Isak Aloka and Simon P.Luinesi

Case Reference	RSPO/2021/09/EN
Date Filed	11 May 2021
Respondent	PT. Cipta Usaha Sejati (Subsidiary of Pasifik Agro Sentosa)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Petrus Suwito (Binua Tingkarak Kalimantan) representing - Isak Aloka and Simon P. Luinesi
Complaint Description	<ul style="list-style-type: none"> • Embezzlement of severance payment of two retired workers by the Respondent's Head of Administration.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending preparation of the Briefing Note.

Complaint 2.10 PT Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs requested for confidentiality	
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	<i>requested for confidentiality</i>
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
CP Discussion & Decision of 23 February 2022	<ol style="list-style-type: none"> 1. Parties have agreed to engage with each other through Bilateral Engagement. 2. First Bilateral Engagement meeting proceeded on 28.03.2022.

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. The Secretariat is in the midst of reviewing all necessary documentation before finalising the Briefing Notes for Phases 3, 4 and 5. A CP ad-hoc meeting will be scheduled for deliberations.</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.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat will be organising an online meeting with the Respondent on 31.03.2022 to obtain updates on the progress of the resolution plan.

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. Pending identification of the details of an Independent Consultant. An ad hoc CP meeting is to be organised for deliberations.

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. The Certification Unit is in the midst of reviewing the revised special audit report 2. Pending receipt of comments from the Certification Unit.

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. The Respondent has furnished the audit report to the Secretariat and the same has been furnished to the CP. 2. The CP has raised several queries with respect to the audit report and the Secretariat has furnished the CP's queries to the Certification Unit to be forwarded to the CB. 3. The Complaints Desk will schedule an ad hoc CP meeting to facilitate deliberations.

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 Secretariat is currently in the midst of reviewing the CB's verification report.

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. Pending receipt of the translated resolution of the claim lodged before the Ministry of Labour and comments from the Complainant on the said resolution.

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>
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	1. Pending internal discussion and the fixing of an ad hoc meeting to facilitate deliberations by the CP.

Complaint 3.10 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	1. The Secretariat is currently in the midst of reviewing the CB’s verification report.

Complaint 3.11 PT SMART TBK (a subsidiary of Golden Agri Resources Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/11/HN
Date Filed	11 July 2021
Respondent	PT SMART TBK (subsidiary of Golden Agri Resources Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Supply CPO & FFB from unsustainable sources. • The Respondent supplies FFB and CPO from PT Kapuasindo Palm Industri (a subsidiary of Kencana Group), a non-RSPO member, which has a series of conflicts with the local community and violations to the RSPO standards.
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Pending expiry of the appeal period.