

COMPLAINTS PANEL MEETING MINUTES

For Website

16 November 2015 | 3.30pm – 8.00pm | Meeting No. 11/2015

Meeting location: *Studio 2, Concorde Hotel, Kuala Lumpur, Malaysia*

GENERAL MEETING AGENDA

List of Complaint Panel members

Melizel Asuncion (Verite), Henry Barlow (Affiliate Member), Michelle Desilets (Orangutan Land Trust), Matthias Diemer (WWF Switzerland), Bambang Dwilaksono (First Resources), Marieke Leegwater (Solidaridad), Sabarinah Marzuky (Sime Darby), John Payne (Borneo Rhino Alliance), Nina Roth (UBS AG), Frasier Lanier (Citibank), Torben Venning (Borneo Child Aid), Tom Mclaughlin (Woolworths), Bremen Yong (Bumitama).

3.30pm – 4.20pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 21 October 2015 Complaints Panel Meeting
4. New reported cases
5. Monthly Update: List of Complaints
6. List of Complaint and Reported cases
7. Any other matters
8. Golden Veroleum Liberia

Group 1: 4.20pm- 4.50pm

1. Genting Plantation Bhd (GPB)
2. PT Limpah Sejahtera (First Resources Ltd)
3. PT Borneo Surya Mining Jaya (First Resources Ltd)
4. Orang Dusun Lahad Datu/ FELDA
5. PT Sawit Mandiri Lestari/ PT Sawit Sumbermas Sarana (PT SML/PT SSS)
6. Agropalma SA

Group 2: 4.50pm – 5.30pm

7. PT Sisirau/Ibris Palm Group
8. PT Permata Hijau Pasaman (PHP) 1 (Wilmar International)
9. Equatorial Palm Oil
10. Groupe CASINO/Ferrero
11. PT Nubika Jaya / Permata Hijau Group
12. PT Prima Mitrajaya Mandiri/MP Evans

Group 3: 5.30 – 6.00pm

13. PT London Sumatra (Lonsum)
14. Golden Veroleum Liberia (GVL)
15. PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
16. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang

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Agenda item
<p>1. Opening Remarks by Chairperson</p> <p>The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.</p>
<p>2. “No Conflict of Interest”</p> <p>None of the members had a conflict of interest in any of the case/complaints being reported or deliberated.</p>
<p>3. Minutes of the meeting of 21 October 2015</p> <p>The minutes of the meeting were adopted and confirmed by the members unanimously.</p>
<p>4. New Reported Cases</p> <p>The following are reported cases received by the RSPO Secretariat which have not yet been deliberated by the Complaints Panel.</p> <p>1. Plantaciones de Pucallpa SAC – Peru</p> <p>Plantaciones de Pucallpa SAC has been accused of human rights violation by the Shipibo community of Santa Clara de Uchunya. In so doing, Plantaciones de Pucallpa has been alleged to have breached the Principles and Criteria of the RSPO on land acquisition and the conservation of forest. These allegations were made in a forum in London; please see the link below.</p> <p>http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126.</p> <p>Status: Box A. Complaint received</p> <p>Update: RSPO Secretariat has written to the company on the 4th of November 2015 and sought clarification.</p> <p>2. PT Ecogreen Oleochemical (processor) – lodge by Serikat Pekerja Kimia, Energi dan Pertambangan SPSI (Indonesia Labour Union) on 26 October 2015</p> <p>The company has terminated 50 workers with the reason to increase efficiency.</p> <p>Status: Box A. Complaint received.</p> <p>Update: RSPO Secretariat has sent an email to the company on 27th of October 2015 and is currently waiting for their reply.</p> <p>3. PT Sarana Esa Cipta & PT Mulia Indah (Musim Mas) – lodge by farmers Group of Usaha Mandiri Prima on 27 October 2015.</p> <p>It is alleged that the company has grabbed land owned by the Farmers Group of Usaha Mandiri Prima of 272 Hectares.</p> <p>Status: Box A. Complaint received.</p> <p>Update: RSPO secretariat had a meeting with Musim Mas on 11 November 2015. The company has strong evidence to show that they have already paid for the compensation. The land does not belong to the farmers group but owned by Raden Farid Muchsin Panji Anom (Royal Family of Sambas Kingdom).The reference letter</p>

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tendered as the evidence from the complainant is no longer valid, because the Head of Village has issued a letter saying that the land is owned by Farid Muchsin. The case will be closed by the end of November 2015.

4. PT Sintang Raya/Miwon Commercial Co. Ltd – 6 October 2015

Complaints was lodged by NGO, Link-Ar Borneo on behalf of indigenous community of Pelita Jaya, Olak-olak Kubu, Dabong, Mengkalan, Seruat I, Seruat II, and Ambawang Village which located in Kubu, Kubu Raya, West Kalimantan. The allegations are:

- 1) The company is operating without plantation business permit (HGU). The Supreme Court has canceled the HGU permit of PT Sintang Raya in 2013 (decision No 550 K/TUN/2013);
- 2) The land acquisition is only based on the letter of release from the Head of Village in 2008, instead of getting the consent of the indigenous community.

Status: Box J. No case

Update: on 20 October, PT Sintang Raya sent their clarification. The company does not have any links with Miwon Commercial Co. Ltd. This statement had been confirmed via phone with the parties. The RSPO Secretariat considers that there is no case, since it involves a non-member.

No further action and it is up to Wilmar to address the issues raised.

5. PT Karya Makmur Langgeng/Bumitama Agri Ltd – 26 September 2015

The complaint was lodged by NGO, Link-Ar Borneo on behalf of the indigenous villagers of Keklipor and Paoh Concong, Simpang Hulu Sub district, Ketapang, West Kalimantan. Allegations:

- 1) no clear information on the total sum of compensation paid for destroyed crops on the indigenous land of Keklipor;
- 2) No clear information on the plasma scheme for small holder;
- 3) PT.KML said that they hold the HGU permit issued by the government of Indonesia, but on the dissemination (socialization) process, PT.KML did not show the document(permit), so the community has doubts about the company's permit;
- 4) There is intimidation during the dissemination(socialization) process and post-dissemination process which was done by the local government of Simpang Hulu sub-district;
- 5) There is an illegal compensation given by the PT.KML to the head of Paoh Concong village and some of the customary leaders of about Rp. 600.000 /month.

Status : Box B. Complaint Categorized

Update: Bumitama have sent their formal response on 9 October 2015 clarifying the allegations. Bumitama had a meeting with the community on 20 October 2015. Based on information from community members, the complainant has falsified the letter of objection. The attached signatures on the letter belongs to a different meeting on customary land.

The RSPO Secretariat has sent a strong email to the complainant on the need for integrity in filing complaints. We will continue to monitor bilateral cooperation between parties.

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6. PT Telaga Hikmah I/Sampoerna Agro – 16 September 2015

The complaint was lodged by the labour union, KASBI. The allegations are :

- 1) no freedom to be a member of KASBI (trade union), as there were intimidation such as transfer and termination of the staff who are involved in KASBI;
- 2) the company has breached Labour Law by employing daily workers for more than 21 days and did not promote them as fixed term employees;
- 3) The company has ‘pushed’ the employees to be members of Serikat Pekerja Sampoerna Agro (SPSA) the union with the majority of members
- 4) The termination of Mr. Mugiyanto was unfair.

Mr. Mugiyanto was terminated with the reason, that he had harvested young FFB three times, but on the other hand, other employees who did the same during the low crop season were not hauled up by the company.

Status : Box B. Complaint Categorized

Update: on 4 November 2015, Secretariat met the CEO of Sampoerna Agro and 2 Directors. They revealed that they have taken part in bipartite and tripartite negotiations facilitated by the government. The District Manpower Office (Dinas Tenaga Kerja) has invited Mugiyanto for further meetings.

RSPO Secretariat to monitor the outcome. The case will remain as a reported case until the outcome is known.

7. Poligrow Italy/ Poligrow Colombia Ltda – 13 August 2015

EIA’s video, “Between Water and Oil Palm,” is a collaboration with Colombian group La Comisión Intereclesial de Justicia y Paz (Justicia y Paz) and has documented how investments have come at the expense of indigenous rights in Mapiripán, Meta, Colombia. One company, the Italian-owned Poligrow Ltd, has prohibited the Jiw and Sikuni indigenous communities from using traditional hunting and fishing lands, and prevented access to a culturally revered site, Las Toninas—a lake considered sacred and home to pink dolphins. The Jiw report that no free, prior, or informed consultation has taken place regarding Poligrow’s operations and that the company’s expansion, limits their right to freedom of movement. The video above alleged abuses by RSPO Italian member in Colombia.

Status : Box A. Complaint Received

Update: The RSPO Secretariat has written to them asking for clarification. The member responded on 25th of August 2015 and the Secretariat followed it up with a teleconference on 2 September 2015. On 16 September 2015, EIA USA wrote to RSPO saying that they are still evaluation RSPO complaint process.

Complaint Panel decided that the case should be investigated by an independent third party. The company have agreed to the investigation plan. RSPO Secretariat to develop the Terms of Reference (ToR) for the investigation.

8. PT Harapan Hibrida Kalbar, Lipat Gunting Estate (Manis Mata, District Ketapang, West Kalimantan, Indonesia) a subsidiary of PT Union Sampoerna Triputra Persada – lodged by Padma Indonesia on 26 May 2015.

The Human Rights Commission of Indonesia (Komnas HAM) and the Ombudsman (Ombudsman Republik Indonesia) are also involved.

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The letter from Komnas HAM to the Head of the District of Ketapang dated 10 September 2014, states that there is wide spread land grabbing of about 1,588 hectares that is owned by 330 families (Kepala Keluarga/KK). The letter from the Ombudsman Republik Indonesia Perwakilan Kalimantan Barat to the Head of the District of Ketapang dated 10 March 2014, revealed that the complaint is related to the absence of implementation of planting under the Kredit Koperasi Primer Anggota (KKPA) scheme since 2006 until present.

Status: Box A. Complaint Received

Update: On 5 October 2015 Triputra Agro Persada has replied to the Secretariat, saying that PT HHK is not a RSPO member. However, we asked them to issue a formal letter stating that PT HHK is not their subsidiary and is not in their supply chain. We are looking forward to receiving the letter and meeting them on the 19th November 2015. The Secretariat to check if they have management control over the company, which might make them subject to RSPO rules.

9. PT Swadaya Multi Prakarsa (Batu Daya Village, Simpang Dua, Ketapang, West Kalimantan, Indonesia) a subsidiary of First Resources – lodged by Link-Ar Borneo on 11 May 2015.

The allegations are :

- i. land clearing and plantation activities without Plantation Business Permit (IUP);
- ii. land clearing by burning;
- iii. land claim by community of Batu Daya including the plasma;
- iv. lack of FPIC.

Status: Box F. Action Plan

Update: There was an incident on the field, where one of the LinK-Ar staff was punched by a community member. Currently, it is still under investigation by the company. Secretariat will monitor the incident and the implementation of the action plan.

5. Monthly List of Complaints (Status as of 1 November 2015)

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	0	6
(B) Complaint categorized	2	3
(C) Panel convened	2	0
(D) Complaint legitimate	6	0
(E) Reviewing response	2	0
(F) Action plan	4	2
(G) Case Closed for monitoring	12	0
(H) Case Closed	24	22
(I) Resubmission of complaint	0	0

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(J) No case	0	2
(K) No response/ no action from member	0	0
(L) Termination	0	0
(M) panel decision disputed	0	0
(N) Non cooperation	1	0
(O) No consent on action plan	0	0
(P) Appeal	0	0
(Q) Not resolved	2	0
TOTAL	55	35
TOTAL OPEN CASES	17	13

At this meeting, a total of 17 ongoing complaint cases were deliberated and 13 new/reported cases were recorded.

6. Any other matters for the Complaints Panel:

6.1 Dates for the next Complaints Panel Meetings

- i. The suggested of the upcoming CP meeting dates for the 1st Quarter of 2016 are as follows:

Dec	Jan 2016	Feb 2016	March 2016	April 2016
17/12/2015	21/01/2016	23/02/2016	17/03/2016	19/04/2016

6.2 General Information

- The minutes of the 21 October 2015 meeting have been published on the RSPO website on 13 November 2015.
- RSPO paper, titled "The Roles of Voluntary Multi-stakeholders Initiative to Address Issues on Human Rights and Biodiversity: Case study of the Roundtable on Sustainable Palm Oil (RSPO)" was presented at the "Business and Human Rights Conference" in University Gadjah Mada, Yogyakarta, 5 November 2015.

6.3 Complaints System Revamp

- Independent Appeal Mechanism and Resolution 6g will be presented in the BoG meeting.
- Integrated Complaints System and the Progress of the Revamp will be presented during RT 13 on 17th November at 14.00 hours

6.4 Membership of Complaints Panel

- The Outreach Manager of RSPO will continue to seek for the 'back-up pool' of Complaint Panel members from South and Central America.
- RSPO Secretariat to review the attendance requirement for the Complaint Panel members.

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7. FELDA Global Ventures – Article by Wall Street Journal 26 July 2015

- i. Wall Street Journal published an article on migrant worker abuses in the Malaysian oil palm plantation industry on 26 July 2015.
- ii. On 29 July 2015, 12 NGOs urged the RSPO to conduct a transparent investigation into Wall Street Journal's findings of forced labour, human trafficking, and other human and labour rights violations especially on RSPO member FELDA's plantations.
- iii. RSPO Secretariat will conduct an independent assessment to investigate the report on the efficacy of CB reports on labour condition on all RSPO members. Malaysia would be the first country, where the assessment would be done.
- iv. ASI has conducted two investigation audits on FELDA: 1) investigation audit on Certification Bodies, Mutu Agung Lestari and Control Union; 2) investigation audit on FELDA, highlighting the issues raised by Wall Street Journal article.
- v. Regarding the status of compliance audit against the CBs, ASI has raised two non-compliance issues. The CBs will be given 3 months period to close the major issues raised.
- vi. As the next step, RSPO will conduct an integrity audit on industries in Malaysia highlighting the issues raised by Wall Street Journal, this would be conducted most likely in November/December.
- vii. RSPO Secretariat has circulated the report from ASI to the Complaints Panel members and has received the comments on the matter. Secretariat shall work with the Technical Department to address the issues raised by Complaints Panel and update on the next steps at the next meeting.

8. Golden Veroleum Liberia

- i. During the meeting, of 4th June 2015, it was decided that the 'Butaw incident' will be treated as a separate issue from the main complaint.
- ii. A meeting took place on 5 August 2015, and the next meeting is scheduled on 24th August 2015.
- iii. The Panel stressed the need to reach a balanced decision to address all the issues leading to an amicable solution to multiple issues.
- iv. The Impacts Team has sent out emails to stakeholders on the meeting in Liberia in September 2015, on the establishment of a pilot initiative for a National Advisory Committee on Oil Palm in Liberia.
- v. On 26th of September 2015, the Impacts Team presented the decision of the Complaints Panel to the stakeholders in Monrovia Liberia.
- vi. On 26 October 2015, GVL sent their response to the decision of the CP dated 19 September 2015.
- vii. On 16 November, Complaints Panel has decided that the 'stop work order' may be lifted after GVL renegotiate the FPIC from the communities in Butaw and sign a permanent MOU.

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DELIBERATION OF COMPLAINTS

Complaint 1	
Member Organization	Genting Plantation Bhd (GPB)
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Borneo Rhino Alliance (BORA)
Date filed	27 February 2013
Nature of complaint	<ol style="list-style-type: none"> 1. Despite being a member of RSPO, GPB has not complied with the RSPO New Planting Procedures. 2. Annual report clearly shows expansion in land area planted, but no NPP notification has been submitted to the RSPO during the period. 3. No commitment to full certification on a time bound plan.
Status	Box G – Closed for Monitoring, since GPB have moved to compliance.
Decision /Justification	The Secretariat to check if preserving the forest and HCV area to create the corridor is part of the decision in this complaint.

Complaint 2	
Member Organization	PT Limpah Sejahtera (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan International Animal Rescue Indonesia (YIARI)
Date filed	1 May 2010
Nature of complaint	<p>Violation of RSPO P&C 5.2 and P&C 7.3.</p> <p>The company is alleged to have breached:</p> <p>Principle 5: Environmental responsibility and conservation of natural resources and biodiversity</p> <p>Principle 7: Responsible development of new plantings.</p> <p>The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before development of the plantation.</p>
Status	Box F – Action Plan
Decision /Justification	The Complaints Panel shall wait for the formal notification from the Compensation Task Force prior to their final decision.

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Complaint 3	
Member Organization	PT Borneo Surya Mining Jaya (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA), Aliansi Masyarakat Adat Nusantara (AMAN) and the community of Muara Tae
Date filed	16 October 2012
Nature of complaint	Violation of RSPO's New Planting Procedures under Principle 7 of the RSPO Principles and Criteria. The Muara Tae community alleged that FR did not carry out proper FPIC procedure in acquiring their customary land area. There are concurrent claims by Muara Tae and Muara Ponak communities over the same land. Also, the HCV forest was not properly identified nor set aside for conservation.
Status	Box F – Action Plan
Decision /Justification	The Complaints Panel agreed to close the case. The CP made a note that though this was not the desired outcome but due to the non –cooperation by the Muara Tae community, further progress of the case is not possible.

Complaint 4	
Member Organization	FELDA (Federal Land development Authority) FELDA Ventures Bhd.
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak)
Date filed	16 February 2015
Nature of complaint	According to the Enquiry National Hak Tanah document by SUHAKAM, 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	Box D – Complaints legitimate

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Decision /Justification	The parties are meeting the Land and Survey Office of Sabah to seek clarifications in late November 2015. The CP shall wait for the outcome of the meeting before any decision is made.
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Complaint 5	
Member Organization	PT Sisirau/Ibris Palm Group
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Sumatran Orangutan Society (SOS)
Date filed	29 October 2012
Nature of complaint	<ol style="list-style-type: none"> 1. Clearing of HCV land containing Orangutan habitats 2. Failing to stop work after the discovery of Orangutans 3. Breach of New Planting Procedures
Status	Box N - Non Cooperation
Decision /Justification	The Complaint Panel shall wait for the outcome of resolution 6g to be tabled on the legality of the submission of concession maps and then make a decision if PT Sisirau can comply by submitting their concession maps.

Complaint 6	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Palm Oil Processors and/or Traders
Country	Indonesia
Complainant	<p>S.H Gampo Alam, <i>Pucuk Adat Nagari Kapa</i> (indigenous leader of Nagari Kapa) as well as Head of <i>Kerapatan Adat Nagari Kapa</i> (KAN – a village/nagari-level customary institution in Minangkabau which maintains and preserves the Minangkabau customs and culture).</p> <p>Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform)</p>
Date filed	30 October 2014
Nature of complaint	<ol style="list-style-type: none"> 1. Complainant seeks clarity of the extent of PT. PHP 1's nucleus estate in Nagari Kapa. 2. Complainant rejects PT. PHP 1's application to the National Land Agency for a Hak Guna Usaha (HGU) certificate over the customary (<i>ulayat</i>) land of Nagari Kapa. 3. Violation of RSPO Principles & Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas.

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	4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period?
Status	Box D – Complaint Legitimate
Decision /Justification	The Secretariat shall continue to seek a consensus on the appointment of a mutually agreed legal expert.

Complaint 7	
Member Organization	Equatorial Palm Oil PLC
Membership category	Oil Palm Grower
Country	Liberia
Complainant	Sustainable Development Institute
Date filed	25 September 2013
Nature of complaint	It is alleged that the company has cleared and planted on land that is the customary land of the community in New Cess, Grand Bassa County, Liberia; and is seeking to expand the plantation without the free, prior and informed consent of the communities. The community is also objecting to the company carrying out a re-survey of the existing concession area. The company is alleged to have breached Principle 2.2 & 2.3 of FPIC and Principle 7: Responsible development of new plantings. No NPP notification posted to RSPO.
Status	Box D – Complaint Legitimate
Decision /Justification	The RSPO Secretariat shall continue to monitor the progress reports and ensure that the action plan is implemented accordingly.

Complaint 8	
Member Organization	Groupe CASINO
Membership category	Retailer
Country	France
Complainant	Ferrero
Date filed	16 April 2015
Nature of complaint	The Ferrero Group is making a fresh complaint that CASINO: a. Has not done anything to show the French public that CSPO is an alternative to the conventional palm oil. b. Continues to have “ <i>sans palm oil</i> ” labels despite the change in legislation that makes it redundant.

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	<p>c. Has announced that it will replace palm oil in its food products.</p> <p>d. Associated palm oil with perceived harmful products like aspartame etc.</p> <p>e. Generally has violated the Code of Conduct by failing to endorse the objectives of the RSPO.</p>
Status	Box C- Complaints Panel Convened
Decision /Justification	Once the resolution 6C is tabled and passed at the November 2015 General Assembly, it will address the issue and no further action is required.

Complaint 9	
Member Organization	PT London Sumatra (Lonsum)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Community of Desa Pergulaan via Sawit Watch
Date filed	7 April 2009
Nature of complaint	<p>The following points were raised by the community of Desa Pergulaan:</p> <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for return of land totalling 165.6 ha. 2. The status of the law suit filed by 5 of the residents which is 'out-of-time' (compensation paid in 1971). 3. The legality of the security drain to prevent access. 4. Prohibiting cattle herding in the plantation. 5. The non-employment of residents of Desa Pergulaan in the plantation. 6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised. 7. No complaint letters have been addressed to Lonsum directly. 8. Status of residents on the Police 'Wanted List'.
Status	Box D – Complaint Legitimate
Decision /Justification	The RSPO Secretariat to continue to monitor the implementation of the Social Impact Assessment by HARI/Lonsum.

Complaint 10	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia, Africa
Complainant	Local communities in towns and villages identified within the proposed Golden Veroleum project, which according to the Environmental and Social Impact

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	<p>Assessment (ESIA) covers about thirty three thousand hectares (33,000 ha) of land located in Greenville, Butaw and Kpanyan Districts of Sinoe County, Republic of Liberia encompassing several towns and villages, including: Plusunnie, Pynes Town, Kilo Town, Dejila, Solo Village, Bukrah, Saklaboh, Bloh, Pluoh, Farley town, Soweh, Jaryenneh, Tuoh, Teah Town, Klay Tow, Butaw Compound, Otis Village. Represented by Alfred Brownell of Green Advocates (GA), Kulu United Development Association (KUDA), Save My Future Foundation (SAMFU), Forest People Programme (FPP), Social Entrepreneurs for Sustainable Development (SesDev).</p>
Date filed	<ol style="list-style-type: none"> 1. Green Advocates – 3 Oct 2012 2. Forest People Programme – 26 July 2013 3. Sustainable Development Institute/SesDev Liberia - 2 October 2013 4. Joint statement by FPP, SAMFU, SDI and GA – 1 November 2013 5. Kulu United Development Association (KUDA) - 14 November 2013 6. Sustainable Development Institute(SDI) and Social Entrepreneurs for Sustainable Development(SesDev) Liberia – 21 November 2013 7. Social Entrepreneurs for Sustainable Development (SeSDev) - 7th February 2014 8. On behalf of KUDA by Green Advocates - 17th February 2014 9. Green Advocates on behalf of the GBlebo clan - 7th March 2014
Nature of complaint	<p>Violation of the RSPO Principles and Criteria and New Plantings Procedure by:</p> <ol style="list-style-type: none"> 1) Not providing public notification for a 30 day period consistent with the New Planting Procedures, 2) By commencing land preparation for new planting and infrastructure development prior to the expiry of the minimum 30-days consultation period. 3) By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporating 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. 4) Grabbing lands without respecting local customary rights and without the free, prior and informed consent (FPIC) of the customary land owners as represented through representative organizations of their choice (RSPO C2.2, C2.3, C7.5 and C7.6). 5) Forcibly evicting the people from their lands (RSPO C7.5 and C7.6).

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Status	Box G (Monitoring progress of action plan for Complaint 1 by Green Advocates) Box D – Panel has made a preliminary decision for Complaint 2 to 9.
Decision /Justification	The ‘stop work order’ will only be lifted after they have re-negotiated the FPIC from the communities in Butaw and signed a permanent MOU with the community. The RSPO Secretariat shall draft the said letter .

Complaint 11	
Member Organization	PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Forest People Programme (FPP) and Transformasi untuk Keadilan (TUK) Indonesia
Date filed	14 October 2014
Nature of complaint	<p>Points raised :</p> <ol style="list-style-type: none"> 1. PT. KPC is in persistent violation of the RSPO P&C pertaining to 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 during the acquisition of the land. 2. Land was acquired without a land tenure study and participatory mapping. 3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was on May 2014. 4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas. 5. Land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples’ livelihood. 6. GAR as the parent company of all 18 subsidiaries listed is acting in violation of the New Planting Procedures (NPP) by submitting information which it knows is false. No HGU exists in 16 of the 18 concessions where NPP was submitted. 7. The assessors who 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	Box D – Complaint Legitimate
Decision /Justification	The Secretariat to ensure that the Terms of Reference (ToR) and the choice of legal expert is agreed by both parties, prior to commencement of the legal review.

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Complaint 12	
Member Organization	PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	AidEnvironment
Date filed	3 April 2015
Nature of complaint	Issues raised by Aidenvironment: <ul style="list-style-type: none"> a. 10,000 ha of planting without permit (IUP) b. Encroachment into the forest sanctuary c. IOI has cleared the land without submitting NPP.
Status	Box C – Complaints Panel Convened
Decision /Justification	The issues raised by the complainant warrants an in depth study by the RSPO, prior to the final decision. <ul style="list-style-type: none"> – The Complaints Coordinator shall consult the Technical Division of RSPO, before a decision is made by the CP and update them at the next meeting

Complaint 13	
Member Organisation	PT Sawit Mandiri Lestari /PT Sawit Sumbermas Sarana (PT SSS)
Membership category	Oil Palm Grower
Country	Indonesia, Lamandau, Central Kalimantan
Complainant	Environmental Investigation Agency (EIA) and Jaringan Pemantau Independen Kehutanan Kalimantan Tengah (JPIK Kalteng)
Date filed	5 June 2015
Nature of complaint	Category : FPIC related issues (C2.3, C6.4) The Greenomics report of June 2015 says, PT SSS continues to actively clear forested peatland including orang-utan habitat. Following the NPP of PT SSS for public comment on 12 March 2015, the allegation from EIA is major flaws of HCV assessment and SEIA conducted by PT. Sonokeling, which covered: <ul style="list-style-type: none"> 1. Consultations with communities did not take place as described in NPP documents and affected communities did not participate in the HCV assessment and SEIA; 2. HCV assessment is technically flawed; 3. No FPIC process in place; 4. the AMDAL process was not carried out in accordance with the law;

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	5. PT SMP has not yet obtained permits that are a prerequisite to land clearing.
Status	Box F – Action Plan
Decision /Justification	RSPO will continue to make sure that the agreed action plan is implemented and then, close the case for monitoring.

Complaint 14	
Member Organisation	PT Nubika Jaya / Permata Hijau Group
Membership category	Oil Palm Growers
Country	Indonesia, Labuhan batu Selatan, North Sumatra
Complainant	NGO Masyarakat Peduli Lingkungan Hidup Labusel (MPLH Labusel)
Date filed	9 June 2015
Nature of complaint	Category : river pollution (C4.3, C4.4, C5.1, C5.3) Allegations : PT Nubika Jaya (oil palm mill) has polluted the river, Aek Baba. Community cannot use the river for bathing and washing. In May 2012, some of the fish breeders found thousands of fish dead in the dike located in the Hamlet of Karang Sari, Village Sisumut, along Aek Baba. Flooding contaminated with waste also occurred in the same village in 2012.
Status	(C) Panel Convened
Decision /Justification	The case shall be closed once the outstanding issue has been resolved to the satisfaction of the RSPO.

Complaint 15	
Member Organization	PT Prima Mitrajaya Mandiri
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Sigit Temu
Date filed	27 February 2013
Nature of complaint	Allegations that the member has cleared KBK (forest) land in breach of the law on Kutai Negara Kalimantan. Violation of RSPO P& C – Principle 2 Compliance with national legislation The member has cleared KBK land and planted palm oil outside of its Izin Lokasi. They claim it is due to a discrepancy in the maps at local and national level. They have got permission to swop one part of the land (641 ha).

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Status	Box D Complaint legitimate
Decision /Justification	The CP agreed with the decision but the company shall submit evidence of the completion of the land swap prior to closure.

Complaint 16	
Member Organization	Agropalma SA
Membership category	Oil Palm Grower
Country	Brazil
Complainant	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
Date filed	13 August 2015
Nature of complaint	That Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria
Status	Box B – Complaint Categorised
Decision /Justification	Complaint Panel shall await more details from Complainants before any decision is made.