

COMPLAINTS PANEL MEETING MINUTES

For Website

17 December 2015 | 3.30pm – 7.00pm | Meeting No. 12/2015

Meeting location: *RSPO Secretariat Office, 37 Floor, Menara UOA, Bangsar, 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), 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 16 November 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

1. Opening Remarks by Chairperson

The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.

2. “No Conflict of Interest”

Two members had a conflict of interest in 4 of the cases/complaints being reported or deliberated. They shall abstain from taking part in the deliberation and any decision made in those cases.

3. Minutes of the meeting of 16 November 2015

The minutes of the meeting were adopted and confirmed by the members unanimously.

4. New Reported Cases

The following are reported cases received by the RSPO Secretariat which have not yet been deliberated by the Complaints Panel.

1. Plantaciones de Pucallpa SAC, Peru – lodge by FPP on 5 December 2015

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.

Status: Box A. Complaint received

Update: The RSPO Secretariat shall further investigate the complaint before a decision is made.

2. RSPO (as an organization) – lodge by Sawit Watch on 4 December 2015

Sawit Watch is doing an observation on the fire hotspots in several provinces in Indonesia using Monthly Hotspots data in 6 provinces issued by the Indonesia Ministry of Environment and Forestry. Sawit Watch did ground checks to make sure the location that was mentioned by the satellite were verified. And from direct observation, it is proven that for several hotspots, fires are indeed spreading in the oil palm concessions owned by RSPO members. The sample of the hotspots were given for locations in Jambi and Central Kalimantan.

Sawit Watch has submitted their complaint to RSPO (as an organization) and requested the RSPO to:

- 1) Implement compliance audit process and overall verification for all RSPO member companies;
- 2) Implement RSPO certification review of the companies that have been proven to have burnt areas, including whole supply chain;
- 3) Ensuring that the companies implement continuous improvement through internal rules related to the land governance, fire mitigation, and apply best practices in palm oil management and production;
- 4) Ensure that all complaints and objections raised by complainants is processed in a transparent and accountable manner

Status: Box A. Complaint received

Update: RSPO Secretariat had a conference call on 11 December 2015. Sawit Watch to provide detailed information including the GPS coordinate of the hotspots.

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3. PT Agro Palindo Sakti, PT Buluh Cawang Plantation, PT Tania Selatan, PT Musi Banyuasin Indah subsidiaries of Wilmar International Ltd – 6 November 2015

The complaint is about termination of 13 labours.

Status: Box B. Complaint categorized

RSPO Secretariat had meeting with Wilmar during RT 13 on 17 November 2015. Their justification to terminate the staffs are:

- ✓ Going on strikes many times and without proper notification as required under the law.
- ✓ The staff also broke the collective bargaining agreement which they themselves agreed on with the company.
- ✓ The substance of the strikes is not related to Wilmar, it was against PT Sampoerna Agro. Wilmar is upset because the labourers in Wilmar went on strike for 3 days, while in Sampoerna Agro it was only for 1 day. Also by the fact that, Wilmar is a buyer of Sampoerna Agro, this strikes set a bad precedent. Wilmar said that they allow freedom of association to join in the union. The union "Sekar" was established some years ago. Wilmar also give the staff leave to attend to union activities .e.g workshop in Jakarta. Wilmar is also supporting some funding for the union. Wilmar will reply to the complainant's letter to RSPO soon.

Update: The Secretariat is waiting for the response from Wilmar; deadline 18 December 2015.

4. PT Bumitama Gunajaya Abadi / PT Bumitama – lodged by Sawit Watch on 13 November 2015

The case was lodged by Sawit Watch on 13 November 2015. The allegations are:

- Destroying graves and planting trees surrounding the graves;
- Dispute on plasma scheme mechanism;
- Termination of labourers and the status of labourer i.e. are they casual or permanent
- Compensation not paid directly to the land owner;
- Unauthorized use of trans-migrant land and the loss of land certificate;
- Criminalisation of Gusti Gelombang, a former Company Public Relation officer and now the Head of Cooperative Body.

This case has been handled bilaterally since 2014. It was escalated to RSPO because police came to Sawit Watch's office to arrest Gusti Gelombang, who was in their office.

Status: Box A. Complaints Received

Update: The RSPO Secretariat to request the company to send their formal reply.

5. Extractora La Gloria SAS – Colombia - received 19 November 2015

The complaint is lodged by Fredy Antonio Corrales, representative of the Colombian Association for Displaced Peoples' Prospects (ASOCOL), Adelfo Segundo Rodríguez, representative of the Association of Returning Displaced Farmers (ASOCADAR), Senator Iván Cepeda, Senator Alberto Castilla, and Representative Alirio Uribe

The substance of the complaint is Extractora La Gloria SAS, in planting palm oil in the former Hacienda Bellacruz- today Hacienda La Gloria- occupies 9,000 hectares in the municipalities of La Gloria, Pelaya and

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Tamalameque, in southern Cesar Department without following RSPO rules. It does not comply with the following RSPO principles:

- Principle 1.1. Given that it does not provide clear and sufficient information regarding the Business Group.
- Principle 2.1. The Business Group has not declared itself to Colombian authorities and the crops were planted without an Environmental Management Plan for the Forest Reserve, which goes against national business and environmental regulations.
- Principle 2.2. Property ownership claims in the areas where Extractora La Gloria grows the majority of its crops have been called into question at national and international judicial bodies. Farming communities have demanded the formalization of their customary land rights, which were violently denied by paramilitary groups.
- Principle 2.3. Business operations have not recognized the rights of farmers who are also displacement victims, in contravention of businesses' duty to guarantee free, prior and informed consent regarding land use.
- Principle 4.4. While installing and processing palm crops, Extractora La Gloria affected the Caño Alonso Forest Reserve Buffer Zone and the Singararé, El Carmen and Simaña streams.
- Principle 5.2. The company has not avoided damaging the Caño Alonso Forest Reserve Buffer Zone, a specially protected habitat such as installing palm crops over the Reserve's environmental buffer zone.
- Principle 6.4. The company has neglected the claimants, despite the fact that they have been the most affected by its business activities. The company has also refused to create negotiation platforms.
- Principle 6.13. The company has benefited from grave human rights violations of vulnerable farmers, who were also forcefully displaced by illegal armed actors. The company has not publicly rejected the threats and intimidations against the claimants. It even requested that the Constitutional Court lift the cautionary measures protecting the victims.

Status: Box A – Complaint Received

Update: RSPO Secretariat has received clarifications from the company on 5 Dec 2015. However, it needs further investigation. The RSPO Secretariat shall advise the Panel at the next meeting

6. Hap Seng Plantations Holdings Bhd, complaint filed by Sia Yi Chin of Lahad Datu Sabah on 11 November 2015

The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah.

He says that he is the beneficial owner of the said land and the land office in Kota Kinabalu has confirmed that the said land is still in his name as beneficial owner.

He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015.

Status: Box A. Complaint Received

Update: Secretariat has requested for clarification from the company and is currently awaiting their reply. Complaints Panel looks forward to more details of the case at the next meeting

7. PT Ecogreen Oleochemical (processor) – lodged by Serikat Pekerja Kimia, Energi dan Pertambangan SPSI (Indonesia Labour Union) on 26 October 2015

The company has terminated 50 workers with reason of increasing efficiency.

Status: Box A. Complaint received.

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Update: The company has sent their formal reply on 11 December 2015, saying that the case has been resolved. The RSPO Secretariat will talk to the labour union before any closure is made.

8. PT Sarana Esa Cipta & PT Mulia Indah (Musim Mas) – lodge by farmers Group of Usaha Mandiri Prima on 27 October 2015.

It is alleged that the company has grabbed land owned by Farmers Group of Usaha Mandiri Prima of 272 Hectares.

Status: Box H. Case Closed

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 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 RSPO Secretariat has sent the closure letter on 4 December 2015.

9. 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 released by Head of Village in 2008, instead of getting the consent of the indigenous community.

Status: Box J. No case – 11 November 2015

Update: on 20 October, PT Sintang Raya have 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 Complainant has responded on 13 November 2015, saying that they understand RSPO's justification in not proceeding with the complaint.

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

The complaint was lodged by NGO, Link-Ar Borneo on behalf of the indigenous villages 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;

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- 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 permit document, so the community has doubts about their 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 customary leaders of about Rp.600.000 /month.

Status: Box H. Case Closed.

Update: The case has been resolved bilaterally. The RSPO Secretariat has closed the case on 30 November 2015.

11. 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 majority 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 G. Closed for monitoring – 7 November 2015

Update: The complaint has been settled by tripartite discussion on 3 December 2015. The agreement is that the issue will be discussed bilaterally without any complaints against PT Sampoerna Agro. The RSPO Secretariat sent a letter to KASBI on 4th of December 2015 informing them on the progress of the case. PT Sampoerna Agro has sent the progress update to RSPO on 7 December 2015.

12. PT Agrowiratama / Musim Mas – lodged on 31 August 2015

The complaint was lodged by Buyung Fajri. The allegations are:

- The company has 'grabbed' the land owned by the community of Kenagarian Ujung Gading (Bagindo Majolelo Nagari Parit)
- The company has planted outside the HGU totalling 1,900 Ha
- The location of HGU overlaps with Batang Papan river

Status: Box H. Case Closed – 16 November 2015

Update:

- On 28 October 2015, the RSPO Secretariat had requested the complainant to send GPS coordinates to RSPO by 6 November 2015. The complainant has not given their feedback yet.

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- RSPO Secretariat had a meeting with PT Musim Mas on 11 November 2015. The company has given their clarification.
- The RSPO Secretariat closed the case on 16 November 2015.

13. Poligrow Italy/ Poligrow Colombia Itda – 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 Sikuaní 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:

Complaint Panel decided that the case should be investigated by an independent third party. The company have agreed to the investigation plan. RSPO Secretariat is currently developing the Terms of Reference (ToR). The Complaints Panel agreed to move this case into Group 1.

14. 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.

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

The letter from Komnas HAM to Head of District Ketapang dated 10 September 2014, states that there is wide spread land grabbing of about 1588 hectares that is owned by 330 families (Kepala Keluarga/KK). The letter from Ombudsman Republik Indonesia Perwakilan Kalimantan Barat to Head of District Ketapang dated 10 March 2014, revealed that the complaint is related to the absence of implementation of planting under Kredit Koperasi Primer Anggota (KKPA) scheme since 2006 until present.

Status: Box H. Case Closed – 27 November 2015

Update: On 19 November 2015, RSPO Secretariat had a meeting with PT Triputra Agro Persada (Tap Agri) to clarify the case. USTP is a subsidiary of Triputra Group, and PT HHK is one of the subsidiary of USTP. Both PT HHK and USTP are not RSPO member. Tap Agri has shares at USTP, however the company is not the major shareholders and is a passive investor. The RSPO Secretariat has closed the case and sent a letter to the complainant on the 27 November 2015 informing them of the matter.

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15. 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 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: First Resources had a meeting with Link-Ar during RT 13. RSPO to monitor the agreement that had been signed on 31 July 2015 in handling land burning and land clearing issues.

The RSPO Secretariat shall wait for First Resource to send the details of the meeting.

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

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	0	2
(B) Complaint categorized	0	2
(C) Panel convened	1	0
(D) Complaint legitimate	8	1
(E) Reviewing response	2	0
(F) Action plan	5	2
(G) Case Closed for monitoring	8	0
(H) Case Closed	29	24
(I) Resubmission of complaint	0	0
(J) No case	0	3
(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	56	34
TOTAL OPEN CASES	17	10

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At this meeting, a total of 17 ongoing complaint cases were deliberated and 10 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

- i. The minutes of the 16 November 2015 meeting have been published on the RSPO website on 14 December 2015.
- ii. The DSF Manager has resigned and her last working day was on 10 December 2015.
- iii. Additional manpower to be hired in early 2016.

6.3 Complaints System Revamp

- i. The public consultation of the Integrated Complaints System and Independent Appeal Mechanism has ended. Input and comments received during the Public Consultation will be reviewed and passed to the consultants.

6.4 Membership of Complaints Panel

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

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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.
- viii. Complaints Panel has conveyed their concerns regarding the ASI's report and expected responses from ASI on the matter. RSPO Secretariat will discuss this with the Technical Department of RSPO.

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 has 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' maybe lifted after GVL renegotiate the FPIC from the communities in Butaw.

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- viii. 8 December 2015, GVL asked for a lifting of the Stop Work Order, as they claim it was the community's wishes. The RSPO Secretariat shall draft the letter and circulate it to the Complaints Panel members for review.

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	Since it is now proved that the 44 Ha is not part of the complaint and it is not located in Kalimantan, RSPO Secretariat to recommend BORA to appeal based on GPB's corporate sustainability policy.

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>

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	The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before development of the plantation.
Status	Box F – Action Plan
Decision /Justification	Secretariat to circulate formal notification from the Compensation Task Force to the Complaints Panel members, and make a decision based on the letter.

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	<ul style="list-style-type: none"> - The Complaints Panel agreed to close the case as unresolved. - RSPO Secretariat to send the closure letter after receiving approval from the Complaints Panel.

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

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	<p>community. The complainant also stated that the cemetery area is being developed by FELDA.</p> <p>Felda encaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land.</p> <p>A police report has been made by the community and that is the source of the complaint.</p>
Status	Box D – Complaints legitimate
Decision /Justification	RSPO Secretariat to wait for the minutes of meeting between FELDA, the community and the Sabah Land Office which was held on 18 November 2015. To advise the Panel at the next meeting.

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 RSPO Secretariat to wait for clarification from National Land Agency and Ministry of Agriculture of Indonesia.

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>Pucuak 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

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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. 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 to prepare the contract for the independent expert based on the agreed Terms of Reference (ToR).

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	<p>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.</p> <p>The community is also objecting to the company carrying out a re-survey of the existing concession area.</p> <p>The company is alleged to have breached Principle 2.2 & 2.3 of FPIC and Principle 7: Responsible development of new plantings.</p> <p>No NPP notification posted to RSPO.</p>
Status	Box G – Closed for monitoring
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

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Complainant	Ferrero
Date filed	16 April 2015
Nature of complaint	The Ferrero Group is making a fresh complaint that CASINO: <ul style="list-style-type: none"> 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. c. Has announced that it will replace palm oil in its food products. d. Associated palm oil with perceived harmful products like aspartame etc. e. Generally has violated the Code of Conduct by failing to endorse the objectives of the RSPO.
Status	Box C- Complaints Panel Convened
Decision /Justification	<ul style="list-style-type: none"> - The resolution was passed on 19 November 2015, which has now made CASINO’s actions unacceptable. - The RSPO Secretariat to close the case.

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	The following points were raised by the community of Desa Pergulaan: <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	To wait for the approval of the BOD of PT Lonsum on the contract.

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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 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).
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

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	<p>enhance one or more High Conservation Values (HCVs), and (d) local peoples' land.</p> <p>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).</p> <p>5) Forcibly evicting the people from their lands (RSPO C7.5 and C7.6).</p>
Status	<p>Box G (Monitoring progress of action plan for Complaint 1 by Green Advocates)</p> <p>Box D – Panel has made a preliminary decision for Complaint 2 to 9.</p>
Decision /Justification	<p>The 'stop work order' can be lifted after GVL have re-negotiated the FPIC and signed a permanent MOU with the communities in Butaw. Secretariat to draft the letter.</p>

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.

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	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	GAR may continue their plantation business, once they have completed all the remedial actions in each progressively. Then they can continue to complete the remediation in the remaining subsidiaries

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 Panel has asked the Secretariat to draft the letter on the appropriate action and justifications for a decision

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:

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	<ol 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; 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	<p>Category : river pollution (C4.3, C4.4, C5.1, C5.3)</p> <p>Allegations :</p> <p>PT Nubika Jaya (oil palm mill) has polluted the river, Aek Baba. Community cannot use the river for bathing and washing.</p> <p>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.</p>
Status	(C) Panel Convened
Decision /Justification	<ul style="list-style-type: none"> - To wait for the progress report from the company. - The RSPO Secretariat shall update the Panel on the decision at the next meeting

Complaint 15	
Member Organization	PT Prima Mitrajaya Mandiri
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Sigit Temu
Date filed	27 February 2013

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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).
Status	Box D Complaint legitimate
Decision /Justification	RSPO Secretariat to close the case for monitoring after it has received clarification from the Ministry of Environment and Forestry of Indonesia.

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 D – Complaint Legitimate
Decision /Justification	RSPO Secretariat to give 14 days for the complainant to reply, then proceed to make a decision at the next meeting.