

## COMPLAINTS PANEL MEETING MINUTES

*For Website*

21 December 2017 | 3.30pm – 6.00pm | Meeting No. 12/2017

Meeting location: *RSPO Secretariat Office, 37<sup>th</sup> floor Menara UOA, Kuala Lumpur - Malaysia*

### GENERAL MEETING AGENDA

#### List of Complaint Panel members

Melizel Asuncion (Verite), Henry Barlow (Affiliate Member), Michelle Desillets (Orangutan Land Trust), Matthias Diemer (WWF Switzerland), Marieke Leegwater (Solidaridad), Sabarinah Marzuky (Sime Darby), John Payne (Borneo Rhino Alliance), Priya Gopalan (UBS AG), Frasier Lanier (Citibank), Lim Sian Choo (Bumitama), Lanash Tanda (SEPA), Robert Kruger (RKG).

#### 3.30pm – 4.20pm

1. Opening Remarks by Chairperson;
2. Declaration of Conflict of Interest;
3. To confirm and adopt the minutes of the 26 September 2017 Complaints Panel Meeting;
4. New Complaints;
5. Complaints Cases Statistic;
6. Any Other Matters;
7. Amnesty International report on Wilmar International Ltd;
8. Request to re-open the case: PT Gunta Samba Jaya;
9. Research Report “Palming off Responsibility: Labour Rights Violations in the Indonesian Palm Oil Sector” by SOMO and CNV;
10. Complaints for Deliberation;

#### Group 1: 4.20pm- 4.50pm

1. PT Limpah Sejahtera (First Resources Ltd);
2. FELDA/Orang Dusun Lahad Datu;
3. Agropalma;
4. Hap Seng Plantations Holdings Bhd;
5. Coles Supermarket Ltd;
6. PT. Susantri Permai, PT. Dwie Warna Karya, PT. Kapuas Maju Jaya (Genting Plantation Berhad);
7. PT. Susantri Permai/ Borneo Orangutan Survival Foundation (BOSF);
8. PT. Mitra Austral Sejahtera/ NGO TuK;
9. PT. Pusaka Agro Lestari (Noble Plantation);
10. PT. Prima Mitra Jaya Mandiri (MP. Evans);
11. PT. Agro Indomas (Goodhope).

#### Group 2: 4.50pm – 5.30pm

1. PT Permata Hijau Pasaman (PHP) 1 (Wilmar International);
2. Plantaciones de Pucallpa SAC;

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3. FELDA Global Venture;
4. Extractora La Gloria SAS ;
5. PT Bumitama Gunajaya Agro (Bumitama);
6. PT. Hati Prima Agro (Bumitama);
7. PT Bumi Sawit Kencana (Wilma Int Ltd) / Communities of Kapuk Village;
  
8. Palmas Del Espino SA;
9. Western Pacific Oil;
10. FGV.
11. PT. Sarana Esa Cita.

### Group 3: 5.30 – 6.00pm

1. PT London Sumatra (Lonsum)/ Sawit Watch;
2. PT PP London Sumatra (Lonsum)/ RAN, OPPUK & ILRF;
3. PT Kartika Prima Cipta/ FPP;
4. PT Kartika Prima Cipta/ Link-Ar Borneo;
5. PT Nabire Baru/ Pusaka;
6. PT Sawit Nabati Agro, PT Sukses Karya Sawit, PT Berkat Nabati Sawit, PT Bumi Sawit Sejahtera (IOI group);
7. IOI Pelita / Long Teran Kanan;
8. Poligrow Colombia Ltd;
9. Goodhope Asia Holdings.
  
10. PT Hari Sawit Jaya
11. PT Nubika Jaya

### Agenda item

#### 1. Opening Remarks by Chairperson

Chairman welcomes everyone to the CP Meeting.

#### 2. Declaration of “No Conflict of Interest”

No new declaration of Conflict of Interest

#### 3. Minutes of the meeting of 26 September 2017

The October minutes were adopted with some minor amendments.

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### 4. New Complaints

**i. PT Hati Prima Agro, subsidiary of Bumitama by Sawit Watch**

CP has decided to reopen the case. Secretariat tasked to follow up with the parties to the Complaint.

**ii. PT. Minamas Gemilang (Sime Darby)**

Secretariat to complete the Initial Diagnosis.

**iii. ACEITES S.A / Association of Palm Growers of the Irrigation District of Maria la Baja (Asopalma 1 & 2), filed on 11 August 2017**

It is alleged that one of Aceites's mill purchasing FFB from operation in the Maria la Baja which collecting FFB from palm grower who pay below the market price, without invoices and from anyone regardless its origin. The FFB was collected without sanitary control and with staff hired outside the regulation of the Ministry of Labour.

It is alleged that the vehicle collecting the FFB during the night, a time with restrictions on mobility imposed by the City Hall. The FFB transferred to Aceites S.A and Palma Aceite located in the Department of Magdalena.

**Status:** Initial Diagnosis

**Update:**

**21 December 2017**

The audit report is under review.

### 5. Complaints Case Statistic.

The Impacts Team has come up with the statistics.

### 6. Any other matters for the Complaints Panel:

**6.1 Dates for the next Complaints Panel Meeting.**

The upcoming CP meeting date: **24 January 2018**

**6.2 Complaints System Revamp and Guidelines.**

The Secretariat has received the final draft of the SOP from the consultant.

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### 6.3 Membership of the Complaints Panel

Meeting on the 9 January 2018 to review applications.

### 7. Amnesty International's Investigation report on Wilmar International

"Amnesty International interviewed 120 workers working on palm plantations owned by two Wilmar subsidiaries and three Wilmar suppliers in Kalimantan and Sumatra in Indonesia. The investigation exposed a wide range of abuses including:

- i. Women forced to work long hours under the threat of having their pay cut, paid below minimum wage and kept in insecure employment without pensions or health insurance;
- ii. Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation;
- iii. Workers suffering severe injuries from paraquat, an acutely toxic chemical banned in the EU and by Wilmar itself;
- iv. Workers being made to work outdoors without adequate safety;
- v. Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks".

**29 November 2016** – Press release from Wilmar was published. The internal actions and assessment report are available at this link :<http://www.wilmar-international.com/sustainability/wp-content/uploads/2016/11/Internal-Assessment-Report-on-Human-and-Labour-Rights-Issues-in-North-Sumatra.pdf>

RSPO Secretariat public statement on the issue: <http://www.rspo.org/news-and-events/news/rspo-response-to-amnesty-international-report-the-great-palm-oil-scandal-labour-abuses-behind-big-brand-names>

**30 November 2016** – Musim Mas response on the issue: <http://www.musimmas.com/news/general-news/2016/musim-mas-responds-to-labour-risks-in-the-palm-oil-industry>

RSPO Secretariat public statement on the issue: <http://www.rspo.org/news-and-events/news/rspo-response-to-amnesty-international-report-the-great-palm-oil-scandal-labour-abuses-behind-big-brand-names>

#### Update:

**21 December 2017** - Secretariat to continue monitoring the issue.

### 8. Request for Reopening the case: PT Gunta Samba Jaya/PT SIMP

Greenpeace, upon releasing their investigative report, which exposes one financial institution, a member of RSPO role in funding palm oil companies linked to environmental and human rights abuses followed up with RSPO on the PT Gunta Samba Jaya and Indofood/PT SIMP filed in 2013.

Greenpeace claim that their analysis of the company deeds and corporate structures revealed

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considerable overlap between PT GSJ and its parent companies, and other Salim Group businesses.

In light of this evidence they are formally requesting that the Complaints Panel re-examine the case against PT Gunta Samba Jaya / PT SIMP.

**Update:**

**21 December 2017-** Secretariat will identify a forensic auditor.

**9. Research Report “Palming Off Responsibility: Labour Rights violation in Indonesia palm oil sector by SOMO and CNV International (PT Aneka Inti Persada – Sime Darby and PT Murini Sam Sam – Wilmar International)**

SOMO/CNV International published their report on labour violations at PT Murini Sam Sam and PT Aneka Inti Persada. The following violations were noted in the report:

PT Murini Sam Sam

- Temporary workers and contract issues
- Wages and overwork
- Child labour
- Health and safety
- Gender equality – mainly hired as plantation maintenance workers and as such employed on a seasonal basis. Day workers are denied their 3 months of paid maternity leave.
- Freedom of association

PT Aneka Inti Persada:

- Temporary workers and contract issues
- Wages and workload
- Child labour
- Health and safety
- Gender equality
- Freedom of association

**Update:**

**21 November 2017-** Secretariat to discuss the information with ASI.

### DELIBERATION OF COMPLAINTS

#### Group 1

<b>Complaint 1.1.</b>	
Member Organization	PT Limpah Sejahtera (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower

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Country	Indonesia
Complainant	Yayasan International Animal Rescue Indonesia (YIARI)
Date filed	1 May 2010
Nature of complaint	Violation of RSPO P&C 5.2 and P&C 7.3. The company is alleged to have breached: Principle 5: Environmental responsibility and conservation of natural resources and biodiversity Principle 7: Responsible development of new plantings. The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before the development of the plantation.
Status	Box F – Action Plan
Decision /Justification	Company has submitted the LUCA and will proceed to the next phase.

### Complaint 1.2.

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 F – Action Plan
Decision /Justification	To proceed with the meeting with the Director of SLSD.

### Complaint 1.3.

Member Organization	Agropalma SA
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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 G - Closed for Monitoring
Decision /Justification	Secretariat to continue monitoring the case.

### **Complaint 1.4.**

Member Organization	Hap Seng Plantations Holdings Bhd.
Membership category	Palm Oil Company
Country	Malaysia
Complainant	Sia Yi Chin of Lahad Datu Sabah
Date filed	11 November 2015
Nature of complaint	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 D – Complaint Legitimate
Decision /Justification	Secretariat to follow up with the Company and the complainants

### **Complaint 1.5.**

Member Organization	Coles Supermarket Ltd.
Membership category	Retailers
Country	Australia
Complainant	Palm Oil Investigation
Date filed	8 December 2016
Nature of complaint	Allegation: Coles are labelling on pack that the product contains either certified sustainable palm

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	<p>oil OR sustainable palm oil without any RSPO approved audits.</p> <p>Please also be aware that as Coles use close to 1,000 contract manufacturers (not all of which are using palm), it would be impossible for all these certification claims to be correct as there are only around 100 certified manufacturers in Australia that have undergone official audits. The majority of these manufacturers are contracted by Coles.</p> <p>COLES CLAIM THAT</p> <p>All Coles brand food and drink products now contain RSPO certified palm oil from physical supply chains. This represents almost all of the palm oil used in Coles brand products. Non-food Coles brand products are made with RSPO certified palm oil from either physical supply chains or book and claim (Green Palm).</p> <p>AND</p> <p>Coles' brand food and drinks now use sustainable palm oil. More than 3,000 tonnes of palm oil used by Coles comes from a sustainable source. The conversion program for our non-food products is also underway and in May 2015, we launched Coles Hand Sanitisers with sustainable palm oil. The use of palm oil in Coles Brand non-food products has been offset with GreenPalm certificates while the conversion program take place.</p> <p>POI have been engaging with Coles on this issue often and for quite some time, however when we ask for their official audit certificates, they cease responding.</p>
Status	Box F. Action Plan
Decision /Justification	Secretariat to continue monitoring the case.

<b>Complaint 1.6.</b>	
Member Organization	Genting Plantation Berhad (PT Susantri Permai, PT Kapuas Maju Jaya and PT Dwie Warna Karya)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	-
Date filed	18 December 2016
Nature of complaint	PT. Susantri Permai, PT. Kapuas Maju Jaya and PT. Dwie Warna Karya are illegally operating and planting palm in the area of Productive Forest. The three companies were alleged to break the Indonesian law specifically UU No. 41 Tahun 1999, UU No. 18 Tahun 2013, and UU No. 39 Tahun 2014. The 3 companies have not obtained forest land swap area or Forest Area Release Permit and Business Permit (HGU)
Status	Box A. Complaints Categorised.



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Decision /Justification	Secretariat to continue following up with the parties to the Complaints.
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<b>Complaint 1.7.</b>	
Member Organization	PT Susantri Permai
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Borneo Orangutan Survival Foundation (BOSF)
Date filed	31 March 2017
Nature of complaint	On 14 February 2017, a report published by US News and Indonesian's local News reported that an Orangutan killed in the concession of PT Susantri Permai / Genting Plantation.  BOSF requested the RSPO to suspend the membership of PT Susantri Permai until a socialisation on the endangered species protection to the workers has been conducted.
Status	Box C. Panel Convened
Decision /Justification	Secretariat to continue monitoring the case.

<b>Complaint 1.8.</b>	
Member Organization	PT Mitra Austal Sejahtera
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Transformasi untuk Keadilan (TuK)
Date filed	31 October 2012 (under DSF) Transferred from DSF to the CP on 9 June 2017
Nature of complaint	It is alleged that the company is breaching the RSPO P&C: Principle 1 on Transparency, Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills. The issues filed by the complainant are: <ol style="list-style-type: none"> <li>1. Lack of Transparency on land status and partnership agreements</li> <li>2. Lack of compliance to our customary land rights</li> <li>3. The absence of (documented) compensation</li> <li>4. Lack of compliance to local regulation.</li> </ol>
Status	Box D. Complaint Legitimate

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Decision /Justification	CP to issue a letter to Sime Darby with specific directives.
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<b>Complaint 1.9.</b>	
Member Organization	PT. Pusaka Agro Lestari.
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	EIA and Greenpeace
Date filed	20 June 2017
Nature of complaint	<ol style="list-style-type: none"> <li>1. Potential risk on Clearance a large areas of Primary Forest in Papua;</li> <li>2. Official Complaint against one of HCV Assessors – Nyoto Susanto.</li> </ol>
Status	Box A. Complaint received.
Decision /Justification	Secretariat to follow up with the company on their assessment reports and proceed with an independent review of all assessments.

<b>Complaint 1.10.</b>	
Member Organization	PT. Mitra Jaya Mandiri.
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Serbundo (Serikat Buruh Perkebunan Indonesia).
Date filed	26 September 2017.
Nature of complaint	Promote the status of the contract worker to become permanent worker, especially those who have been working in permanent basis work.
Status	Box A. Complaint received.
Decision /Justification	CP to wait for the Company's and Serbundo's response and then make a final decision.

<b>Complaint 1.11.</b>	
Member Organization	PT. Agro Indomas
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Mr. Ravindran Veerasamy.
Date filed	8 June 2017.
Nature of complaint	Terminations of employment contract without severance pay
Status	Box B. Complaint Categorized.

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Decision /Justification	Complaints Panel to deliver decision
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### Group 2

<b>Complaint 2.1.</b>	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	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). Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform)
Date filed	30 October 2014
Nature of complaint	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 HakGuna 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 P – Appeal
Decision /Justification	Secretariat to continue monitoring the implementation.

<b>Complaint 2.2.</b>	
Member Organization	Plantaciones de Pucallpa SAC
Membership category	Grower
Country	Peru
Complainant	Forest People Program (FPP)
Date filed	5 December 2015
Nature of complaint	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

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	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 link below. <a href="http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-peru-amazon-for-palm-oil-peruvian-indigenous-leader/5486126">http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-peru-amazon-for-palm-oil-peruvian-indigenous-leader/5486126</a>
Status	Decision delivered
Decision /Justification	Complaints Panel to close the case.

<b>Complaint 2.3.</b>	
Member Organization	FELDA Global Venture
Membership category	Grower
Country	Malaysia
Complainant	Article by The Wall Street Journal
Date filed	26 July 2015
Nature of complaint	<b><i>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</i></b> <i>The palm-oil plantations of Malaysia have become magnets for refugees from Bangladesh and Myanmar. Many have complained of onerous working conditions and few legal protections. (Syed Zain Al-Mahmood/The Wall Street Journal.)</i> The issues including human trafficking, general poor labour conditions, Use of labour contractors, to exploit illegal immigrants from Bangladesh and Myanmar; Withholding of passports; Poor health care; Pay below minimum wages; Non-payment of wages; Bonded labourers.
Status	Box F - Action Plan
Decision /Justification	Verification exercise to be carried out in March.

<b>Complaint 2.4.</b>	
Member Organization	Extractora La Gloria SAS
Membership category	Grower
Country	Colombia
Complainant	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

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Date filed	19 November 2015
Nature of complaint	Extractor 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 Tamalameque, in southern Cesar Department without following RSPO rules. It does not comply with the following RSPO principles (1.1, 2.1, 2.2, 2.3, 4.5, 5.2, 6.4, 6.13)
Status	Box F – Action Plan
Decision /Justification	Secretariat to continue monitoring the case.

### Complaint 2.5.

Member Organization	Bumitama Gunajaya Abadi (Bumitama).
Membership category	Grower
Country	Indonesia
Complainant	Sawit Watch
Date filed	13 November 2015
Nature of complaint	<p>The allegations are:</p> <ol style="list-style-type: none"> <li>1) Destroying graves and planting trees surrounding the graves;</li> <li>2) Dispute on plasma scheme mechanism;</li> <li>3) Termination of labourers and the status of labourer i.e. are they casual or permanent?</li> <li>4) Compensation not paid directly to the land owner;</li> <li>5) Loss of land certification and using the land of migrants which is still under control of the owner;</li> <li>6) Criminalisation of Gusti Gelombang, a former Company Public Relation officer and now the Head of Cooperative Body.</li> </ol> <p>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 at that time.</p>
Status	<p>Box G - Closed for Monitoring (for allegation no. 1, 3, 4, &amp; 5)</p> <p>Box D – Complaint Legitimate (for plasma issue, cooperative issue &amp; claim from 15 villagers of Sukajaya and Kinjil)</p>
Decision /Justification	Secretariat to follow up with both parties to set the date for a meeting.

### Complaint 2.6.

Member Organization	PT Bumi Sawit Kencana II
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Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Kapuk Village & NGO Progress
Date filed	22 July 2016
Nature of complaint	Community of Kapuk Village demanded the company to give the compensation on 78 Ha land owned by the Farmers Group
Status	Box C – Panel Convened
Decision /Justification	CP to direct the Company to proceed with participatory mapping with an external facilitator.

<b>Complaint 2.7.</b>	
Member Organization	Palmas Del Espino SA
Membership category	Palm Oil Grower
Country	Peru
Complainant	FREDEIALBA
Date filed	4 July 2017
Nature of complaint	<ul style="list-style-type: none"> <li>a. The company and their group member developing the plantation without proper NPP process;</li> <li>b. Developing plantation without informing the local communities;</li> <li>c. The company has failed to comply with national law on the forest conversion;</li> <li>d. Mistreatment of employees including arbitrary dismissal;</li> <li>e. New plantings established without EIA and HCV assessment.</li> </ul>
Status	Box A. Complaint received
Decision /Justification	Secretariat to follow up with the Company.

<b>Complaint 2.8.</b>	
Member Organization	Western Pacific Oil
Membership category	Supply Chain Associate
Country	USA
Complainant	MOI Foods USA Inc
Date filed	17 March 2017

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Nature of complaint	Western Pacific Oils claimed that they are purchasing MB shortening from MOI Foods. MOI Foods clarified that WPO is not their supplier.
Status	Box A. Complaint received
Decision /Justification	CP to issue official warning to the Company for failure to cooperate.

<b>Complaint 2.9.</b>	
Member Organization	Felda Global Venture Holding Berhad
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Chain Reaction
Date filed	19 April 2017
Nature of complaint	There was a report issued by Chain Reaction which informed the fact of FGV in Kalimantan's concession had cleared 1600 Ha peat forest. On 25 <sup>th</sup> April 2017 Secretariat had a meeting with FGV and they claimed that they only planted on less than 100 Ha on a shallow depth.
Status	Box A. Complaint received
Decision /Justification	Secretariat to follow up with the Company for additional information before proceeding with the independent verification.

<b>Complaint 2.10.</b>	
Member Organization	Sarana Esa Cita (Musim Mas)
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	
Date filed	
Nature of complaint	The allegations relate to land claims. However, this is also a closed case. The case was closed for lack of evidence on 3 December 2015. Both the complainants and allegations are similar in nature.
Status	Box C. Panel Convened
Decision /Justification	Parties to be informed of the complaints and DSF procedures.

### Group 3

<b>Complaint 3.1.</b>
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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 DesaPergulaan: <ol style="list-style-type: none"> <li>1. Legality of the extension of the concession and demands for the return of land totaling 165.6 ha.</li> <li>2. The status of the law suit filed by 5 of the residents which are 'out-of-time' (compensation paid in 1971).</li> <li>3. The legality of the security drains to prevent access.</li> <li>4. Prohibiting cattle herding in the plantation.</li> <li>5. The non-employment of residents of DesaPergulaan in the plantation.</li> <li>6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised.</li> <li>7. No complaint letters have been addressed to Lonsum directly.</li> <li>8. Status of residents on the Police 'Wanted List'.</li> </ol>
Status	Box E – Reviewing Response
Decision /Justification	Secretariat to follow up with the Company on the clear timeline and actions plan in response to Bupati's letter.

<b>Complaint 3.2.</b>	
Member Organization	PT PP London Sumatra/IndoAgri
Membership category	Growers
Country	Indonesia
Complainant	Rainforest Action Network (RAN), ILRF, OPPUK Indonesia
Date filed	12 October 2016
Nature of complaint	A report published by RAN, OPPUK, and ILRF titled, " <u><i>The Human Cost of Conflict Palm Oil: Indofood, PepsiCo's Hidden Link to Worker Exploitation in Indonesia.</i></u> " The report reveals the findings of field investigations and worker interviews completed on two palm oil plantations owned and operated RSPO member and Indofood subsidiary PT London Sumatra. The full report available at <a href="http://ran.org/indofood">ran.org/indofood</a> .
Status	Box C – Panel Convened
Decision /Justification	Secretariat to carry out the independent investigation.



## COMPLAINTS PANEL MEETING MINUTES

For Website

21 December 2017 | 3.30pm – 6.00pm | Meeting No. 12/2017

Meeting location: RSPO Secretariat Office, 37<sup>th</sup> floor Menara UOA, Kuala Lumpur - Malaysia

<b>Complaint 3.3.</b>	
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"> <li>1. PT. KPC is in persistent violation of the RSPO P&amp;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.</li> <li>2. The land was acquired without a land tenure study and participatory mapping.</li> <li>3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was in May 2014.</li> <li>4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas.</li> <li>5. The land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood.</li> <li>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.</li> </ol>
Status	Box E - Reviewing Response
Decision /Justification	Complaints Panel to complete review of the documents. Secretariat tasked to respond to the Parties to the Complaints.

<b>Complaint 3.4.</b>	
Member Organization	PT Kartika Prima Cipta
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Link-Ar Borneo
Date filed	18 December 2016
Nature of complaint	<p>Specific Findings:</p> <ol style="list-style-type: none"> <li>1. Land Claim by 1 community member of Nanga Suhaid, Mr. Saudi;</li> <li>2. Land compensation claim by 1 community member of Nanga Suhaid, H. Kutai;</li> <li>3. Water Pollution in the Kapuas river which affecting the fish farmers' business production;</li> <li>2. Conflict between residents and Village Head of Tanjung regarding water quality;</li> <li>3. Conflict between residents and Village head of Emperiang regarding the land</li> </ol>

## COMPLAINTS PANEL MEETING MINUTES

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	acquisition process.
Status	Box C. Panel Convened
Decision /Justification	CP to review the Action Plan.

<b>Complaint 3.5.</b>	
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: 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 F – Action Plan.
Decision /Justification	Secretariat to proceed with plans for the verification exercise.

<b>Complaint 3.6.</b>	
Member Organization	IOI Pelita / IOI
Membership category	Palm Oil Grower
Country	Malaysia
Complainant	Community of Long Teran Kanan
Date filed	10 March 2010 Transferred from DSF to Complaints Panel on 17 January 2017
Nature of complaint	Infringement of P&C No.2.2 – the right to land use disputed
Status	Box F – Action Plan
Decision /Justification	Complaints Panel to review the Action Plan and revert with recommendations

<b>Complaint 3.7.</b>	
Member Organization	Poligrow Colombia
Membership category	Oil Palm Grower

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Country	Colombia
Complainant	Environmental Investigation Agency
Date filed	13 August 2015
Nature of complaint	The Italian-owned Poligrow Ltd has prohibited the Jiw and Sikuni indigenous communities from freedom of movement. The EIA's video alleged abuses by RSPO's Italian member in Colombia
Status	Box D – Complaints Legitimate
Decision /Justification	Complaints Panel to review the action plan.

### **Complaint 3.8.**

Member Organization	PT Nabire Baru
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Yayasan PUSAKA
Date filed	19 April 2016
Nature of complaint	Allegations: <ol style="list-style-type: none"> <li>1. Deforestation which causing severe flood in Village Sima</li> <li>2. Irregularities including development without EIA</li> <li>3. Land grabbing of the Indigenous people</li> <li>4. Failure in following proper FPIC process</li> <li>5. Excessive use of force and violence using of state security forces</li> </ol>
Status	Box D – Complaint Legitimate
Decision /Justification	Secretariat tasked to continue monitoring the case.

### **Complaint 3.9.**

Member Organization	Goodhope Asia Holdings
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	RSPO Secretariat
Date filed	19 April 2017
Nature of complaint	FPP and the other NGOs 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. The complainants had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).

## COMPLAINTS PANEL MEETING MINUTES

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Status	Box F. Action Plan
Decision /Justification	Secretariat to continue monitoring the case.

<b>Complaint 3.10.</b>	
Member Organization	PT Hari Sawit Jaya
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Konsulat cabang Federasi Serikat Pekerja metal Indonesia ( FSPMI) Selabuhanbatu Raya
Date filed	19 April 2017
Nature of complaint	The allegations are: a. the workforce bring their wives and children as helpers/ gerdang to help the worker to reach the target as a harvester; b. impositions of penalties on the worker. this matter was asked by the worker, but the management failed to give satisfactory explanations; c. The absent machine for the workers was broken, it has impact on the payroll; d. Bonus deductions; e. Discrimination of the casual workers;
Status	Box C. Panel Convened
Decision /Justification	CP to refer to the CB for clarification.

<b>Complaint 3.11.</b>	
Member Organization	PT Nubika Jaya
Membership category	
Country	Indonesia
Complainant	
Date filed	
Nature of complaint	The complainant informed that the company has dumped waste into rivers. During rainy seasons, the river overflowed and inundated residents' houses. The complainant stated the company have failed to implement the agreement from 2015.
Status	Box C. Panel Convened
Decision /Justification	To facilitate a meeting between the parties to the Complaint.