

COMPLAINTS PANEL MEETING MINUTES

For Website

23 February 2016 | 3.30pm – 5.30pm | Meeting No. 2/2016

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), Lanash Tanda (SEPA).

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 January 2016 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. Orang Dusun Lahad Datu/ FELDA
4. PT Sawit Mandiri Lestari/ PT Sawit Sumbermas Sarana (PT SML/PT SSS)
5. Agropalma SA

Group 2: 4.50pm – 5.30pm

6. PT Sisirau/Ibris Palm Group
7. PT Permata Hijau Pasaman (PHP) 1 (Wilmar International)
8. Equatorial Palm Oil / KLK
9. PT Nubika Jaya / Permata Hijau Group
10. Plantaciones de Pucallpa SAC
11. FELDA Global Venture

Group 3: 5.30 – 6.00pm

12. PT London Sumatra (Lonsum)
13. Golden Veroleum Liberia (GVL)
14. PT Kartika Prima Cipta/ Golden Agri Resource (GAR)

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15. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang
16. Poligrow Colombia/EIA

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 3 of the cases/complaints being reported or deliberated. They will abstain from taking part in the deliberation and decision in those cases.

3. Minutes of the meeting of 21 January 2016

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. IOI – filed by Puan Merysah Sevilla, a villager in Ulu Estate on 11 January 2016

RSPO Secretariat received a phone call from a villager in Ulu Estate in the first week of January 2016. The villager complained that the IOI management in the estate demolished their houses which were being built in the riparian reserve of Sg Tungud in the estate. The houses are being shifted from the original locations due to flooding. She said that the villagers have applied for permission from the state government to build the houses.

Status: Box A - Reported case received

Update: IOI has sent their clarification on 22 January 2016, stating that the company had not demolished any structure. They had informed her on 21 Nov 2015 that a house cannot be constructed at that location and advised the complainant to dismantle and move. The company have also sent several letters to the complainant to highlight this matter.

This case has been officially addressed by the company in December 2015. RSPO Secretariat will send a letter to the villager stating that a house cannot be constructed at that place. It is suggested that this case can be closed.

2. Musim Mas – lodged by Walhi Jambi on 15 February 2016

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Musim Mas buys FFB from PT Bukit Bintang Sawit (PT BBS) which is non RSPO member. PT BBS has a land dispute with the communities in 3 villages, namely Desa Seponjen, Sogo dan Tanjung in District Muaro Jambi, Indonesia.

Status: Box A – reported case received

Update: the complainant asked RSPO to be an observer during the mediation that will be held on 2 March 2016 in Jambi.

The Complaint Panel was of the view that the complaint is technically invalid as PT BBS is not a member of RSPO. Based on this, the Complaints Panel advised RSPO to not attend the mediation. However, the Panel agreed to request PT Musim Mas, as one of PT BBS's supply chain, to attend the meeting as an observer.

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

The company has terminated 50 workers giving reasons, to increase efficiency.

The company and the workers have signed an agreement, where they have been compensated.

Status: Box H. Case Closed

Update: Box H. Case Closed – 9 February 2016

Closure letter has been sent to the company.

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

Sawit Watch is observing 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 locations that were mentioned by the satellite were verified. 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:

- Implement a compliance audit process and overall verification for all RSPO member companies;
- Implement RSPO certification review of the companies that have been proven to have burnt areas, including the whole supply chain;
- Ensure 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;
- Ensure that all complaints and objections raised by complainants are processed in a transparent and accountable manner

Status: Box A. Complaint received

Update: RSPO Secretariat had meeting with Sawit Watch on 13 January 2016. We suggested 3 options: 1) the case is lodged to BoG; 2) submit to ISEAL; 3) Focus to 1-2 members. No response yet from Sawit Watch since the meeting.

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5. 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 the termination of 13 labourers.

Status: Box B. Complaint categorized

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

- Going on strike 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 because Wilmar is a buyer of Sampoerna Agro products, this strikes set a bad precedent. Wilmar said that they allow freedom of association to join the union. The union "Sekar" was established some years ago. Wilmar also gave 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: No consensus was reached in the 2nd mediation on 18 January 2016, there were a further meeting on 26 Jan 2016, which again yielded no common consent. Wilmar received a letter from Disnaker on 11 February 2016, which has concluded that the workers' demonstration on 15 October had violated the law PKB, Pasal 5(1), Pasal 47 (1c, 2b). Disnaker has recommended compensation packages to the workers. Wilmar is currently reviewing the recommendation and will respond within 10 days.

6. 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 around the graves;
- Dispute on plasma scheme mechanism;
- Termination of labourers and the status of labourers i.e. are they casual or permanent
- Compensation not paid directly to the land owners;
- 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 the Cooperative .

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 the time.

Status: Box A. Complaints Received???

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Update: RSPO Secretariat had a meeting with the complainant on 23 February 2016. The complainant requested RSPO to facilitate the case rather than to continue with the bilateral engagement.

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

- Principle 1.1. The company does not provide clear and sufficient information regarding the Business Group.
- Principle 2.1. The Business Group has not declared itself to the 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 by 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 adversely 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 by planting 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 persons. The company has not publicly denied that it has used the threats and intimidations against the claimants. It even requested that the Constitutional Court lift the cautionary measures protecting the victims.

Status: Box B – Complaint categorised

Update: On 21 Dec 2015 The complainants responded and it was forwarded to the company. Subsequently, the company replied and now it is with the complainants once more (6 Jan 2016).

A teleconference has been scheduled with the complainant on 24 Feb 2016. Any decision will be made after

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the teleconference.

It is recommended that this case to be moved to Group 2.

8. 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 Holdings 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: RSPO Secretariat has conveyed the response from the company to the Complainant. It was suggested to allow the civil proceedings to proceed.

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 :

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

Status: Box F. Action Plan

Update: The company are waiting for GPS coordinate information from NGO. NGO states that the community claimed the company had grabbed about 1000 ha of the community's land but has not yet provided the exact location.

5. Monthly List of Complaints (Status as of 1 January 2016)

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	0	3
(B) Complaint categorized	0	3
(C) Panel convened	0	0
(D) Complaint legitimate	7	0
(E) Reviewing response	2	0
(F) Action plan	5	2

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(G) Case Closed for monitoring	8	0
(H) Case Closed	30	27
(I) Resubmission of complaint	0	0
(J) No case	0	5
(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	3	0
TOTAL	56	40
TOTAL OPEN CASES	15	8

At this meeting, a total of 15 ongoing complaint cases were deliberated and 8 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:

Feb 2016	March 2016	April 2016	May 2016	June 2016
23/02/2016	17/3/2016	19/04/2016	18/05/2016	16/06/2016
6		6	6	6

6.2 General Information

- The minutes of the 21 January 2015 meeting will be published on the RSPO website on 24 February 2016.
- RSPO will organize a 2nd Half Day Mediation Seminar in Kota Jambi Jakarta with Pusat Mediasi Nasional on 1 March 2016.
- RSPO has presented the paper, entitled “Environmental and Conflict Resolution: Case Study of Dispute Settlement Facility (DSF) in RSPO” in the 7th Asia Pacific Mediation Forum on 10-12 Feb 2016 in Lombok.
- A new intern, Kasthuri Redi has joined RSPO on 2nd of February. She is based in the KL office.

6.3 Complaints System Revamp

- ASI will submit a concise draft on 10 Feb 2016, and the Secretariat will give inputs before it is put for 60 days public consultation.

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6.4 Membership of Complaints Panel

- i. Lanash Tandha (LT) from Sabah Environmental Protection Association (SEPA) is joining us as an observer. RSPO secretariat to look for a social NGO member from Indonesia to be a part of the Complaints Panel.

6.5 Membership Suspension and Certification suspension

- i. A suspension of membership should also involve suspension of all their certification. This was practiced during the suspension of members for late submission of ACOP.
- ii. We should be consistent throughout the organisation, membership as well as certification. Suspension should be considered very carefully as it involves financial implications on the member. Every member should understand the severity of the suspension.

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 has conducted an independent assessment to investigate the report on the efficacy of CB reports on labour condition on all RSPO members. Malaysia is the first country, to be assessed.
- 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 the compliance audit against the CBs, ASI has raised two non-compliances 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 RSPO certified members in Malaysia highlighting the issues raised by Wall Street Journal. This was scheduled for November/December, 2015.
- vii. RSPO Secretariat has circulated the report from ASI to the Complaints Panel members and has received their comments on the matter. Secretariat will work with the Technical Department to address the issues raised by Complaints Panel and update on the next steps at the next meeting.
- viii. The 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.
- ix. The internal meeting between Impacts and Technical was held and an agreed action plan was devised. The subsequent letter was drafted and shared with Complaints Panel members on 13th of January 2016.

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- x. On 14 January 2016, ASI suspended two CBs – Mutuagung Lestari and Control Union (Malaysia) SDN BHD - found to be in violation of RSPO’s certification system requirement.
- xi. It is agreed to move this case to Group 2.

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 was 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 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, the Complaints Panel decided that the ‘stop work order’ may be lifted after GVL renegotiate the FPIC from the communities in Butaw.
- viii. 8 December 2015, GVL asked for a lifting of the Stop Work Order, as they claimed it was at the request of the community. The RSPO Secretariat to draft the letter and circulate it to the Complaints Panel members for review.
- ix. The letter was sent to GVL on 21 Dec 2015 and conditions for the lifting of the “stop work order” were specified in it.
- x. We are waiting for the response from the complainants.
- xi. *RSPO secretariat received a response from 3 complainants NGO on their concern on the case. The meeting will be scheduled between RSPO Secretariat and Complaints panel on GVL issues on 21 March 2016.*

DELIBERATION OF COMPLAINTS

Complaint 1	
Member Organization	Genting Plantation Bhd (GPB)
Membership category	Oil Palm Grower
Country	Malaysia



Roundtable on Sustainable Palm Oil

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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 H - Case Resolved/ Closed
Decision /Justification	RSPO Secretariat to circulate closure letter to GPB and BORA

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	RSPO Secretariat to request FR to redo both HCV assessment which will be done by independent assessor from the HCV Resource Network, including to demonstrate what kind of assessment and consultation was conducted by FR in 2008 and 2010.

Complaint 3	
Member Organization	FELDA (Federal Land development Authority) FELDA Ventures Bhd.



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Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak)
Date filed	16 February 2015
Nature of complaint	<p>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.</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	The RSPO Secretariat shall await the letter from Sabah Land Office before the Complaints Panel makes any decision.

Complaint 4	
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	<p>RSPO Secretariat to write to the company to inform them if they are fail to meet their obligations within certain period of time, Complaints Panel will recommend the termination.</p> <p>Time bound plan given is 14 days after the date of the letter.</p>

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Complaint 5	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Palm Oil Processors and/or Traders
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	<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	Continue to hire independent assessor since the gap of information between complainants and the company is very high.

Complaint 6	
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



Roundtable on Sustainable Palm Oil

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	<p>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 to continue to monitor the action plan and await for the next quarterly progress report.

Complaint 7	
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	RSPO Secretariat to send strongly worded letter to the company and state that the company is not showing good commitment as an RSPO member

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Complaint 8	
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

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	<p>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.</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 final decision for Complaints 2 to 9.</p>
Decision /Justification	<p>The RSPO Secretariat to have a meeting with Complaints Panel on 21 March 2016.</p>

Complaint 9	
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



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	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	Proceed with the legal review and continue to monitor action plan

Complaint 10	
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 D – Complaint legitimate
Decision /Justification	Complaints Panel suggests suspension of certification based on a number of violations. RSPO Secretariat to advise BoG on the matter.

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Complaint 11	
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	<p>Category : FPIC related issues (C2.3, C6.4)</p> <p>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 that there have been major flaws of HCV assessment and SEIA conducted by PT. Sonokeling, which covered:</p> <ol style="list-style-type: none"> 1. Consultations with communities did not take place as described in the 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 Secretariat to follow up with the company to get an update of the 2 nd progress report. Complaint Coordinator (Indonesia) shall call the member to get the latest updates

Complaint 12	
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)

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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	It is suggested that the case shall be closed for monitoring if the points in agreement has been fully implemented

Complaint 13	
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 C – Complaints Panel convened
Decision /Justification	RSPO Secretariat to draft the preliminary decision and circulate to CP. The letter would be sent after the Complaints Panel have reviewed the letter.

Complaint 14	
Member Organization	Poligrow Colombia
Membership category	Oil Palm Grower
Country	Colombia
Complainant	Environmental Investigation Agency
Date filed	13 August 2015
Nature of complaint	The Italian-owned Poligrow Ltd, has prohibited the Jiw and Sikuaní indigenous communities from freedom of movement. The EIA's video alleged abuses by



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	RSPO Italian member in Colombia
Status	Box D – Complaints Legitimate
Decision /Justification	The Complaints Panel agreed that the verification team should be credible and also to let the Secretariat be observers during the ground verification in Colombia.

Complaint 15	
Member Organization	Plantaciones de Pucallpa SAC
Membership category	Grower
Country	Peru
Complainant	Forest People Program (FPP)
Date filed	5 December 2016
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 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. http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126
Status	Box B. Complaints categorised
Decision /Justification	RSPO Secretariat to have a meeting with the parties before the Complaints Panel makes a preliminary decision.

Complaint 16	
Member Organization	FELDA
Membership category	Grower
Country	Malaysia
Complainant	Article by The Wall Street Journal
Date filed	26 July 2015
Nature of complaint	<i>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</i> <i>The palm-oil plantations of Malaysia have become magnets for refugees from</i>



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	<p><i>Bangladesh and Myanmar. Many have complained of onerous working conditions and few legal protections.</i></p> <p><i>Syed Zain Al-Mahmood/The Wall Street Journal.</i></p> <p>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.</p>
Status	Box E - reviewing response
Decision /Justification	Complaints Panel decided on suspension of certification for the Pasoh palm oil mill owned by FELDA Suspension is given until full clearance of the re-audits by FELDA.