

COMPLAINTS PANEL MEETING MINUTES

For Website

17 March 2016 | 3.30pm – 5.30pm | Meeting No. 3/2016

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), Ruddy Lumuru (LINKS) .

3.30pm – 4.20pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 23 February 2016 Complaints Panel Meeting
4. New reported cases
5. Monthly Update: List of Complaints and Reported cases
6. Any other matters
7. Golden Veroleum Liberia

Group 1: 4.20pm- 4.50pm

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

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

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Agenda item
<p>1. Opening Remarks by Chairperson</p> <p>The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.</p>
<p>2. “No Conflict of Interest”</p> <p>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.</p>
<p>3. Minutes of the meeting of 23 February 2016</p> <p>The minutes of the meeting were adopted and confirmed by the members unanimously.</p>
<p>4. New Reported Cases</p> <p>The following are reported cases received by the RSPO Secretariat which have not yet been deliberated by the Complaints Panel.</p> <p>1. New - PT Bumi Pratama Khatulistiwa/Wilmar International – filed by Link-Ar Borneo on 3 March 2016</p> <p>It is alleged that PT BPK, has polluted the Malaya river by disposing empty fruit bunches that caused flood every rainy season. The company also does not provide any CSR program to the community of Malaya Village. The complainant demand the company to:</p> <ul style="list-style-type: none"> - Stop disposing empty fruit bunches to the river - Perform regular and sustainable maintenance to Malaya River - Provide CSR program to improve the infrastructure and other social needs - To be transparent in the CSR financial management in accordance with Government Regulation No.47/2012. <p>Status: Box A – reported case received</p> <p>Update: RSPO has conveyed the complaint to Wilmar on 4 March 2016. Currently waiting for their response.</p> <p>2. IOI – filed by Puan Merysah Sevilla, a villager in Ulu Estate on 11 January 2016</p> <p>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.</p> <p>Status: Box A - Reported case received</p> <p>Update: Case Closed - 26 February 2016</p> <p>On 12 February 2016, the state Drainage and Irrigation Dept. has confirmed that a house cannot be constructed at that place as it is a riparian reserve land.</p> <p>The RSPO Secretariat has sent a letter to the complaint formally on 26 February 2016. The case is closed</p> <p>3. Musim Mas – lodged by Walhi Jambi on 15 February 2016</p>

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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: PT Musim Mas stated that PT Bukit Bintang Sawit (BBS) is not part of Musim Mas Group plantations or under Musim Mas management. PT BBS is a third party supplier of CPO and Palm Kernel of PT Musim Mas. However, they said that they are happy if they are asked to be independent observer.

On 1 March 2016, the community came to see the RSPO Team in Jambi and asked us to help them to highlight their complaints to Wilmar and Musim Mas.

RSPO Secretariat has sent all the documents from the community to PT Musim Mas.

Currently waiting for the company updates on the case.

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.

RSPO Secretariat had send a reminder to Sawit Watch on 10 March 2016. Currently, waiting for their feedback.

RSPO Secretariat to send Sawit Watch another reminder and requested them to reply. RSPO Secretariat to close the case if there is no response from the complainant.

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 termination of 13 labours.

Status: Box B. Complaint categorized

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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 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: On 23 February, Wilmar has informed RSPO Secretariat that they have agreed to accept all recommendation proposed by Disnaker (District Workforce Office).

On 26 February, The complainant, KASBI conveyed that they have objections with the current process.

RSPO Secretariat to recommend KASBI to proceed the case to the court if they still have issues/objection on the process.

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 surrounding 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 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: On 3 March 2016, a representative from RSPO Secretariat has joined the ground checking as an observer to PT BGB plantation in Kotawaringin, Central Kalimantan.

RSPO Secretariat to send the summary of the report to the Complaints Panel.

It is recommended that RSPO Secretariat to have discussion with Sawit Watch regarding the findings of field observation.

7. 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

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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: On 23 February 2016, RSPO Secretariat has received the extract of the criminal. It shows that the person, who granted the power of attorney to complainant Mr Sia Yi Chan is being charged for forgery. Complainant is yet to respond. It is recommended to move the case to Group 1.

8. 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 could not get the coordinate as the Link-Ar Borneo office is flooded. RSPO Secretariat to follow up with the case. RSPO Secretariat to follow up with the case.

5. Monthly List of Complaints (Status as of 1 March 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
(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

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(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

6.2 General Information

- The minutes of the 23 February 2016 meeting was published on the RSPO website on 18 March 2016.
- RSPO will organize the 3rd Mediation Seminar in Kota Palangkaraya with Pusat Mediasi Nasional on 5 April 2016.
- Oi Soo Chin (current BHCV Manager) was promoted to be Associate Director ~ Evaluation & Impact (taking over from Dr. Sanath) with effect from 1st April 2016

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.

6.4 Membership of Complaints Panel

- Ruddy Lumuru from Lingkar Komunitas Sawit has agreed to join the Complaints Panel and will taking part as an observer at the next Complaints Panel meeting.

6.5 Membership Suspension and Certification suspension

- 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.
- 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.
- Technically RSPO cannot give suspension certificate of a member as certification has been outsourced to the Certification Bodies. What RSPO can do is to suspend the membership. Regarding the suspension of certification, RSPO should escalate this matter to the CBs.

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7. 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	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	No further action until we hear developments in the appeals by complainant.

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Complaint 2	
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 get more detail on the background information on why the company sold to a non-RSPO member in December 2015.

Complaint 3	
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.

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	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	RSPO Secretariat to allow the company responded on the revision of the time bound plan.

Complaint 4	
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	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 development of the plantation.
Status	Box F – Action Plan
Decision /Justification	RSPO Secretariat to wait for First Resource response on the letter

Complaint 5	
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.

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	Felda encased 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land. A police report has been made by the community and that is the source of the complaint.
Status	Box D – Complaints legitimate
Decision /Justification	RSPO Secretariat to recommend Felda to ensure that the community representatives are able to attend the next meeting in Sabah Land Office.

Complaint 6	
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	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	Since there was an objection from one member of the Complaints Panel on the Termination, RSPO Secretariat to re-circulate the letter and to note the objection on the letter.

Complaint 7	
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	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

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	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	RSPO Secretariat to wait for the response from the Complaints Panel on the letter.

Complaint 8	
Member Organization	Equatorial Palm Oil PLC
Membership category	Oil Palm Grower
Country	Liberia
Complainant	Sustainable Development Institute
Date filed	25 September 2013
Nature of complaint	It is alleged that the company has cleared and planted on land that is the customary land of the community in New Cess, Grand Bassa County, Liberia; and is seeking to expand the plantation without the free, prior and informed consent of the communities. The community is also objecting to the company carrying out a re-survey of the existing concession area. The company is alleged to have breached Principle 2.2 & 2.3 of FPIC and Principle 7: Responsible development of new plantings. No NPP notification posted to RSPO.
Status	Box G – Closed for monitoring
Decision /Justification	Secretariat to continue to monitor the action plan and await for the next 3 rd quarterly progress report.

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: 1. Legality of the extension of the concession and demands for return of land

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	<p>totalling 165.6 ha.</p> <p>2. The status of the law suit filed by 5 of the residents which is ‘out-of-time’ (compensation paid in 1971).</p> <p>3. The legality of the security drain to prevent access.</p> <p>4. Prohibiting cattle herding in the plantation.</p> <p>5. The non-employment of residents of Desa Pergulaan in the plantation.</p> <p>6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised.</p> <p>7. No complaint letters have been addressed to Lonsum directly.</p> <p>8. Status of residents on the Police ‘Wanted List’.</p>
Status	Box D – Complaint Legitimate
Decision /Justification	RSPO Secretariat to wait for the response from the company on the letter.

Complaint 10	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia, Africa
Complainant	<p>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).</p>
Date filed	<p>1. Green Advocates – 3 Oct 2012</p> <p>2. Forest People Programme – 26 July 2013</p> <p>3. Sustainable Development Institute/SesDev Liberia - 2 October 2013</p> <p>4. Joint statement by FPP, SAMFU, SDI and GA – 1 November 2013</p> <p>5. Kulu United Development Association (KUDA) - 14 November 2013</p> <p>6. Sustainable Development Institute(SDI) and Social Entrepreneurs for Sustainable Development(SesDev) Liberia – 21 November 2013</p> <p>7. Social Entrepreneurs for Sustainable Development (SeSDev) - 7th February</p>

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	<p>2014</p> <p>8. On behalf of KUDA by Green Advocates - 17th February 2014</p> <p>9. Green Advocates on behalf of the GBLEbo clan - 7th March 2014</p>
Nature of complaint	<p>Violation of the RSPO Principles and Criteria and New Plantings Procedure by:</p> <p>1) Not providing public notification for a 30 day period consistent with the New Planting Procedures,</p> <p>2) By commencing land preparation for new planting and infrastructure development prior to the expiry of the minimum 30-days consultation period.</p> <p>3) By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporating the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land.</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 Complaints 2 to 9.</p>
Decision /Justification	<p>The RSPO Secretariat to wait for the result of the meeting with Complaints Panel on 21 March 2016.</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> <p>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.</p>

COMPLAINTS PANEL MEETING MINUTES

For Website

17 March 2016 | 3.30pm – 5.30pm | Meeting No. 3/2016

Meeting location: *RSPO Secretariat Office, 37 Floor, Menara UOA, Bangsar, Kuala Lumpur, Malaysia*

	<p>2. Land was acquired without a land tenure study and participatory mapping.</p> <p>3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was on May 2014.</p> <p>4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas.</p> <p>5. Land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood.</p> <p>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.</p>
Status	Box D – Complaint Legitimate
Decision /Justification	Proceed with legal review and continue to monitor action plan

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	<p>Issues raised by AidEnvironment:</p> <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	<p>IOI is given one week to respond to RSPO.</p> <p>CP recommends BoG the following:</p> <ul style="list-style-type: none"> a. To confirm CPs conclusion/decision/suggestion (whichever sounds more suitable). b. To request RSPO Secretariat to instruct relevant CBs to suspend the certificate for IOIs subsidiaries until met with the conditions stated in the CP Final Decision letter.

Complaint 13	
Member Organisation	PT Nubika Jaya / Permata Hijau Group
Membership category	Oil Palm Growers

COMPLAINTS PANEL MEETING MINUTES

For Website

17 March 2016 | 3.30pm – 5.30pm | Meeting No. 3/2016

Meeting location: *RSPO Secretariat Office, 37 Floor, Menara UOA, Bangsar, Kuala Lumpur, Malaysia*

Country	Indonesia, Labuhan Batu Selatan, North Sumatra
Complainant	NGO Masyarakat Peduli Lingkungan Hidup Labusel (MPLH Labusel)
Date filed	9 June 2015
Nature of complaint	Category : River pollution (C4.3, C4.4, C5.1, C5.3) Allegations : PT Nubika Jaya (oil palm mill) has polluted the river, Aek Baba. Community cannot use the river for bathing and washing. In May 2012, some of the fish breeders found thousands of fish dead in the dike located in the Hamlet of Karang Sari, Village Sisumut, along Aek Baba. Flooding contaminated with waste also occurred in the same village in 2012.
Status	(C) Panel Convened
Decision /Justification	RSPO Secretariat to wait for the next progress report. To close the case at the next meeting

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 Sikuanı indigenous communities from freedom of movement. The EIA's video alleged abuses by RSPO Italian member in Colombia
Status	Box D – Complaints Legitimate
Decision /Justification	RSPO Secretariat to wait for the proposal from Ideas for Peace Foundation.

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

COMPLAINTS PANEL MEETING MINUTES

For Website

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	were made in a forum in London; please see link below. http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-peru-amazon-for-palm-oil-peruvian-indigenous-leader/5486126
Status	Box A. Complaints Received
Decision /Justification	Preliminary decision to be made after analysis by Secretariat

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	<p><i>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</i></p> <p><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.</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 C Panel Convened
Decision /Justification	RSPO Secretariat to wait for reply from Felda and monitor the implementation