

COMPLAINTS PANEL MEETING MINUTES

For Website

19 April 2017 | 3.30pm – 6.30pm | Meeting No. 4/2017

Meeting location: *RSPO Secretariat Office, 37th 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), Bambang Dwilaksono (First Resources), Marieke Leegwater (Solidaridad), Sabarinah Marzuky (Sime Darby), John Payne (Borneo Rhino Alliance), Priya Gopalan (UBS AG), Frasier Lanier (Citibank), Tom Mclaughlin (Woolworths), Lim Sian Choo (Bumitama), LanashTanda (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 22 March 2016 Complaints Panel Meeting
4. New Complaints
5. Reported cases
6. Monthly List of Complaints
7. Any Other Matters
8. Amnesty International report on Wilmar International Ltd.
9. Allegations against Genting Plantations of Illegal Land Acquisition Practices
10. Request to re-open the case: PT Gunta Samba Jaya

Group 1: 4.20pm- 4.50pm

1. Agropalma SA
2. PT Limpah Sejahtera (First Resources Ltd)
3. FELDA/Orang Dusun LahadDatu
4. Palma Tica SA
5. Hap Seng Plantations Holdings Bhd
6. Woolworths Ltd.
7. Coles Supermarket Ltd.

Group 2: 4.50pm – 5.30pm

1. PT Permata Hijau Pasaman (PHP) 1/ Wilmar International
2. Plantaciones de Pucallpa SAC
3. FELDA Global Venture
4. Extractora La Gloria SAS
5. PT Bumitama Gunajaya Agro / Bumitama
6. PT Bumi Sawit Kencana II (PT BSK II) / Communities of Pantap Village
7. PT Bumi Sawit Kencana (PT BSK) / Communities of Kapuk Village
8. PT Karunia Kencana Permai Sejati / Communities of Tangar Village
9. PT Mustika Sembuluh / Communities of Pondok Damar Village

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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/Golden Agri Resource (GAR)
4. PT Nabire Baru/Goodhope
5. Golden Veroleum Liberia (GVL)
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 Ltda

Agenda item

1. Opening Remarks by Chairperson

The meeting was opened by welcoming everyone. As the Chair was not available for the full meeting, the Secretariat took on the role of chairing the meeting as per the Chair's request.

2. Declaration of "No Conflict of Interest"

2 CP members had a conflict of interest in 1 of the cases being deliberated. They declared their interest and will abstain from taking part in the deliberation and decision in this 1 case.

3. Minutes of the meeting of 22 March 2017

The minutes of the complaints panel meeting were adopted unanimously.

4. New Complaints

i. PT Susantri Permai/Genting Plantation filed by Borneo Orangutan Survival Foundation (BOSF) on 31 March 2017

An official complaint was received by Complaints Desk on 31 March 2017.

BOSF had requested the RSPO to suspend the membership of PT Susantri Permai until a socialisation on the protection of endangered species to the workers is properly conducted.

Update:

31 March 2017

The company published their public statement in response to the Orangutan incident.

19 April 2017

Secretariat is to follow up with the Company for updates, in particular on the developments related to the criminal investigation on the killing of an orangutan in Central Kalimantan.

ii. Complaints filed by SCS Global Services (Certification Body) against ACOSOFOR.

The complainant's allegations are on two grounds, namely, the failure of payment by the company and the alleged act of forum shopping by the company when faced with possibilities of not being able to

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obtain RSPO Certification due to numerous non-compliances.

RSPO LATAM has contacted the company and requested for a chronology of events and an explanation of the company's decision to source out a new certification body.

Update:

12 April 2017

The Secretariat received the chronology of events from the Company. This has been shared with the Complainant for comments.

The Secretariat also had a meeting with ASI to get their insights on the case.

19 April 2017 (CP meeting)

Comments were received from the Complainants in response to the chronology shared by the Company. This case is still pending further clarification from ASI.

iii. Western Pacific Oil filed by MOI Foods USA Inc. on 17 March 2017

Western Palm Oils (WPO) claimed that they are purchasing MB shortening from MOI Foods. MOI Foods clarified that WPO is not their supplier.

The complainant has withdrawn their complaint 3 days after they submitted the complaint forms to the RSPO.

They reinstated the complaint 1 week after the withdrawal.

Updates:

19 April 2017

Secretariat has requested the complainant to provide more information and document. Pending for more information from the complainant.

iv. CPs Decision Regarding Submissions of New Planting Procedures (NPP) related to seven (7) subsidiaries of Goodhope Asia Holdings Ltd.

The NPP documents were submitted by Goodhope Asia Holdings Ltd.'s for the following proposed new developments:

1. PT Nabire Baru
2. PT Agrajaya Baktitama
3. PT Sariwana Adi Perkasa
4. PT Batu Mas Sejahtera
5. PT Sawit Makmur Sejahtera
6. PT Sinar Sawit Andalan
7. PT Sumber Hasil Prima

The notification of PT Nabire Baru's NPP on the RSPO website resulted in an official letter of complaints submitted by the Secretariat to the Complaints Panel. It also triggered joint objections from Environmental Investigation Agency (EIA), Forest Peoples' Programme (FPP), Greenpeace and PUSAKA, critiquing the poor quality of the HCV Assessment, amongst others.

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The Complaints Panel, within its mandate, has deliberated on this case on the basis of the i) RSPO Secretariat's letter; ii) official joint objections on PT Nabire Baru by EIA, FPP, Greenpeace and PUSAKA; iii) external independent review of HCV Assessments; iv) internal reviews of the NPP submissions; v) the fundamental objectives of the RSPO Complaints System¹; and vi) GA 12 Resolution 6(H)

Updates:

19 April 2017

CP decided to impose stop-work orders in relation to the above subsidiaries. Further recommendations were also made by the CP requiring the company to complete the LUCA and re-do its HCV Assessments. Secretariat to draft a letter and send it to the Complaints Panel for review.

v. PT Kartika Prima Cipta/GAR

RSPO has received a complaint from LinkAR Borneo against PT Kartika Prima Cipta related to land claims. It has several overlaps with an existing complaint of the Nanga Suhaid community. RSPO has also informed the Company of the new complaints and the Company has taken note of it but has not reverted back on the allegations. The Secretariat to follow up with both the Complainant and the Company to verify details.

Update:

19 April 2017

Pending further communication from the complainant and response from GAR on the update.

5. Reported Cases

a. PT Austindo Nusantara Jaya Agri (PT ANJA) filed by Indonesia Labour Union (SERBUNDO) & OPPUK on 6 January 2017

Allegation:

The company has breached RSPO P&C No. 6.6 (The employer respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively.)

The company requested RSPO to facilitate dialogue between Serbundo and the company.

Status: Box A. Complaints received.

Update:

3 April 2017

The company informed the RSPO that a meeting between the company and Serbundo will be arranged on 7 April 2017.

19 April 2017

There are 2 key issues; i) the request by the labour union for the company to reinstate 3 workers whose employment were terminated by the Company; and ii) non-interference in the activities of the labour union.

In relation to the termination and request for reinstatement, the case is now before the Industrial Relations Court. A mediation between the parties took place on 4 April 2017 and was facilitated by the local authorities. This was followed up with the second mediation on 4 April which recommended that

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the Company rehire the worker, even if it is not in their same/previous positions. Another mediation was planned for the 17 April but have yet to receive further updates from the parties.
With regards to the independent operation of the union in the concession, both parties have agreed to jointly organise a socialisation activity on how to improve productivity in the concession.

Secretariat to continue monitoring the bilateral negotiations.

6. Monthly List of Complaints (Status as of 31 March 2017)

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	2	0
(B) Complaint categorized	8	1
(C) Panel convened	2	0
(D) Complaint legitimate	6	0
(E) Reviewing response	5	0
(F) Action plan	6	1
(G) Case Closed for monitoring	6	2
(H) Case Closed	38	33
(I) Resubmission of complaint	0	0
(J) No case	0	5
(K) No response/ no action from member	0	0
(L) Termination	1	0
(M) panel decision disputed	0	0
(N) Non cooperation	0	0
(O) No consent on action plan	0	0
(P) Appeal	0	0
(Q) Not resolved	3	0
TOTAL	77	41
TOTAL OPEN CASES	27	1

On 31 March 2017, a total of 27 ongoing complaint cases were deliberated and 1 reported cases recorded.

7. Any other matters for the Complaints Panel:

7.1 Dates for the next Complaints Panel Meetings

- i. The upcoming CP meeting date: 31 May 2017

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7.2 June CP Meeting

- i. The June 2017 CP meeting will be held on 14th June 2017 at Central London
- i. The Secretariat has planned a 2 days meeting with the CP back to back with the EU RT. The meeting planned on 14 & 15 June is to focus on the following:
 - CP Meeting
 - Socialising the new (revamped) Complaints Procedures
 - Discussing the interpretive guidelines which will be drafted to support the new Complaints Procedures
 - Discussing the SOPs.

The Secretariat hopes that all CP members will be able to attend both days of the meeting.

19 April 2017 – Secretariat to send a formal invite to CP members next week.

7.3 Complaints System Revamp

- i. **21 February 2017** - The meeting on Complaints Procedure and Appeal has been conducted. The meeting was attended by representative members of the Complaints Panel.
- ii. The final document will be shared internally 2 weeks after the meeting and circulated back to the Complaints Panel for further review.
- iii. **22 February 2017** – The final version of the Complaints Procedures was shared with the CP. It will be presented to the Board of Governors for endorsement at their April 2017 meeting.
- iv. **19 April 2017** - The CP members officially endorsed the (Revised) Complaints Procedures. However, since the April BoG meeting is cancelled, the Secretariat will attempt to get it endorsed at the May 2017 meeting.

8. 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->

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[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>

Update:

31 March 2017 - CP's decision was delivered to Wilmar and they confirmed on 13 April that they will adhere to the conditions and submit the status reports accordingly.

3 April 2017 - A meeting was held with the Head of Sustainability of TSH Resources Berhad, the parent company of PT Sarana Prima Multi Niaga, in order to obtain updates from their end on the status of measures being put in place to address the allegations being made by AI in their report.

The company was asked to provide written updates on the status and measures (if any) taken to address the following allegations in the Amnesty International report, including to share related SOPs.

19 April 2017

Secretariat has discussed the issues with TSH, and asked them to provide an update on actions taken in addressing allegations in the Amnesty International report.

Secretariat to send a letter to TSH and request written updates within 2 weeks.

9. Allegations against Genting Plantations of Illegal Land Acquisition Practices

The Secretariat was informed that Genting Plantation has been adopting various illegal practices, including the use of temporary permits, which was prohibited (beyond 2 further renewals) in 2015. This information was brought to RSPO's attention by an entity which has yet to decide if they'll lodge an official complaint.

Update:

4 April 2017 – The company has provided more information to RSPO Secretariat.

19 April 2017 – Secretariat to continue monitoring the case.

10. Request for Re-opening 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 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:

19 April 2017 - Secretariat to seek for explanation and evidence from the company and give them 2 weeks to response.

If the evidence is not satisfactory, the Secretariat may continue with forensic investigation

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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 G- Closed for Monitoring
Decision /Justification	Secretariat to put on hold the letter until we receive further evidence of the actions by the Complainants.

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	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 have not carried out a HCV assessment before the development of the plantation.
Status	Box F – Action Plan
Decision /Justification	- Secretariat to wait for response from the company. - Secretariat to draft a referral letter to RaCP

Complaint 3	
Member Organization	FELDA (Federal Land development Authority) FELDA Ventures Bhd.
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (DesaBegahak)

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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.</p> <p>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 enclaved 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 F – Action Plan
Decision /Justification	Secretariat to follow up with the RSPO CEO and determine if the Secretariat should attempt to contact SLSD at present.

Complaint 4	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Palm Oil Processors and/or Traders
Country	Indonesia
Complainant	<p>S.H Gampo Alam, <i>Pucuk Adat Nagari Kapa</i> (indigenous leader of Nagari Kapa) as well as Head of <i>Kerapatan Adat Nagari Kapa</i> (KAN – a village/Nagari-level customary institution in Minangkabau which maintains and preserves the Minangkabau customs and culture).</p> <p>Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform)</p>
Date filed	30 October 2014
Nature of complaint	<ol style="list-style-type: none"> 1. Complainant seeks clarity of the extent of PT. PHP 1's nucleus estate in Nagari Kapa. 2. Complainant rejects PT. PHP 1's application to the National Land Agency for a Hak Guna Usaha (HGU) certificate over the customary (<i>ulayat</i>) land of Nagari Kapa. 3. Violation of RSPO Principles & Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas. 4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period
Status	Box F – Action Plan
Decision /Justification	Secretariat to organise special meeting to discuss the case further.

Complaint 5	
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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 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 E - Reviewing Response
Decision /Justification	To wait for the response from Daemeter before publishing the report on RSPO case tracker

Complaint 6	
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	<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 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	Secretariat to continue to find another reviewer and to follow up with FGV.

Complaint 7	
Member Organization	Extractor La Gloria SAS
Membership category	Grower

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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
Date filed	19 November 2015
Nature of complaint	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 (1.1, 2.1, 2.2, 2.3, 4.5, 5.2, 6.4, 6.13)
Status	Box E - Reviewing Response
Decision /Justification	Secretariat to wait for the legal opinion.

Complaint 8	
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"> 1) Destroying graves and planting trees surrounding the graves; 2) Dispute on plasma scheme mechanism; 3) Termination of labourers and the status of labourer i.e. are they casual or permanent? 4) Compensation not paid directly to the land owner; 5) Loss of land certification and using the land of migrants which is still under control of the owner; 6) Criminalisation of GustiGelombang, a former Company Public Relation officer and now the Head of Cooperative Body. <p>This case has been handled bilaterally since 2014. It was escalated to RSPO because police came to Sawit Watch's office to arrest GustiGelombang, who was in their office at that time.</p>
Status	Box G - Closed for Monitoring (for allegation no. 1, 3, 4, & 5) Box D – Complaint Legitimate (for plasma issue, cooperative issue & claim from 15 villagers of Sukajaya and Kinjil)
Decision /Justification	Secretariat to follow up with Sawit Watch and the Company.

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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 DesaPergulaan: <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for the return of land totaling 165.6 ha. 2. The status of the law suit filed by 5 of the residents which are 'out-of-time' (compensation paid in 1971). 3. The legality of the security drains 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 E – Reviewing Response
Decision /Justification	Secretariat to proceed with the meeting with Sawit Watch. Secretariat to also prepare a Briefing Note on the continuing and substantiated allegations and the range of actions that could be taken.

Complaint 10	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia, Africa
Complainant	Green Advocates
Date filed	3 October 2012
Nature of complaint	Violation of the RSPO Principles and Criteria and New Plantings Procedure by: <ol style="list-style-type: none"> 1) Not providing public notification for a 30 day period consistent with the New Planting Procedures, 2) By commencing land preparation for new planting and infrastructure development prior to the expiry of the minimum 30-days consultation period. 3) By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporating the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance

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	<p>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 landowners 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>Independent Field Verification completed from 2 – 13 April 2017. Decision pending completion of the verification report.</p>

Complaint 11	
Member Organization	PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Forest People Programme (FPP) and Transformasi untuk Keadilan (TUK) Indonesia
Date filed	14 October 2014
Nature of complaint	<p>Points raised :</p> <ol style="list-style-type: none"> 1. PT. KPC is in persistent violation of the RSPO P&C pertaining to HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people during the acquisition of the land. 2. The 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 in May 2014. 4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas. 5. The land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood. 6. GAR as the parent company of all 18 subsidiaries listed is acting in violation of the New Planting Procedures (NPP) by submitting information which it knows is false. No HGU exists in 16 of the 18 concessions where NPP was submitted.
Status	Box E - Reviewing Response
Decision /Justification	Secretariat to wait for updates from both parties on their meeting.

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

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Date filed	3 April 2015
Nature of complaint	Issues raised by AidEnvironment: <ul style="list-style-type: none"> a. 10,000 ha of planting without permit (IUP) b. Encroachment into the forest sanctuary c. IOI has cleared the land without submitting NPP.
Status	Box F – Action Plan.
Decision /Justification	The Complaints Panel will hold a separate meeting on 2 May 2017 to further deliberation on this case.

Complaint 13	
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 PoligrowLtd 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	Secretariat to follow up on feedback from the Company and NGOs.

Complaint 14	
Member Organization	Palma Tica SA
Membership category	Oil Palm Grower
Country	Costa Rica
Complainant	Paulo Hernan Picado Granados, Asociacion de Palmicultores del Sur (ASOPASUR)
Date filed	9 May 2016
Nature of complaint	A group of smallholders Asociación e Palmicultores del Sur (ASOPASUR) in Punta arena are complaining against Palma Tica, saying that they are not being paid fair prices by the company for their FFB. The farmers claim that there is no transparency or clarity in the way the prices are arrived at. Alleged breach of Criterion 1.1: Commitment to Transparency and Criterion 6.10: Growers and mills deal fairly and transparently with smallholder and other local businesses.
Status	Box C – Panel Convened
Decision /Justification	Secretariat to send a final email to the parties and if no response within a stipulated 2 weeks, to consider closing the case.

COMPLAINTS PANEL MEETING MINUTES

For Website

19 April 2017 | 3.30pm – 6.30pm | Meeting No. 4/2017

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

Complaint 15	
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 continue monitoring the case.

Complaint 16	
Member Organization	PT PP London Sumatra
Membership category	Growers
Country	Indonesia
Complainant	Rainforest Action Network (RAN), ILRF, OPPUK Indonesia
Date filed	9 June 2016 (reported case) to be formal on 11 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 ran.org/indofood .
Status	Box C – Panel Convened
Decision /Justification	Secretariat to wait for the complainant to revert with their confirmation and to consider initiating a verification exercise.

Complaint 17	
Member Organization	PT Nabire Baru
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Yayasan PUSAKA

COMPLAINTS PANEL MEETING MINUTES

For Website

19 April 2017 | 3.30pm – 6.30pm | Meeting No. 4/2017

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

Date filed	19 April 2016
Nature of complaint	Allegations: <ol style="list-style-type: none"> 1. Deforestation which causing severe flood in Village Sima 2. Irregularities including development without EIA 3. Land grabbing of the Indigenous people 4. Failure in following proper FPIC process 5. Excessive use of force and violence using of state security forces
Status	Box C – Panel Convened
Decision /Justification	Secretariat to follow up with the complainant and company. To continue discussion with CRU on conducting the initial assessment/verification.

Complaint 18	
Member Organization	PT Bumi Sawit Kencana II
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Pantap Village & NGO Progress
Date filed	27 June 2016
Nature of complaint	Allegations: <ul style="list-style-type: none"> - The company has yet give the compensation for 1.482,90 Ha (owned by 94 families) - The company has breached P&C No. 2.2; 6.2; 6.3; 6.4
Status	Box C – Panel Convened
Decision /Justification	Secretariat to wait for deadline given to the Complainant to produce the required information. If said information is not received then the case is to be dismissed due to lack of evidence

Complaint 19	
Member Organization	PT Bumi Sawit Kencana II
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	<ul style="list-style-type: none"> - Secretariat had received a feedback from the complainant. - Secretariat to update the company on the matter.

COMPLAINTS PANEL MEETING MINUTES

For Website

19 April 2017 | 3.30pm – 6.30pm | Meeting No. 4/2017

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

Complaint 20	
Member Organization	PT Karunia Kencana Permai Sejati II & III
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Tangar Village & NGO Progress
Date filed	19 July 2016
Nature of complaint	<ul style="list-style-type: none"> - The company has yet give the compensation on 1099 Ha land owned by Farmers Group Berkat Harapan and Lampung Tarung - The company has yet to provide plasma for the local community
Status	Box C – Panel Convened
Decision /Justification	Secretariat to wait for deadline given to the Complainant to produce the required information. If said information is not received then the case is to be dismissed due to lack of evidence.

Complaint 21	
Member Organization	PT Mustika Sembuluh
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Pondok Damar Village & NGO Progress
Date filed	18 July 2016
Nature of complaint	<ul style="list-style-type: none"> - Company must allocate 20% of the land for plasma. - To enclave the 6 hectares of the land owned by Village PondokDamar. - To enclave Kampung Padas. - To negotiate the land conflict. - To enhance the capacity of the community to be capable in developing the land. - To create working opportunity for the community. - Company to support the development of farming and fishery
Status	Box C – Panel Convened
Decision /Justification	Secretariat to wait for deadline given to the Complainant to produce the required information. If said information is not received then the case is to be dismissed due to lack of evidence

Complaint 22	
Member Organization	IOI Pelita / IOI
Membership category	Palm Oil Grower
Country	Malaysia
Complainant	Community of Long Teran Kanan

COMPLAINTS PANEL MEETING MINUTES

For Website

19 April 2017 | 3.30pm – 6.30pm | Meeting No. 4/2017

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

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	The Complaints Panel will hold a separate meeting on 2 May 2017 to further deliberation on this case.

Complaint 23	
Member Organization	Woolworth Ltd.
Membership category	Retailers
Country	Australia
Complainant	Palm Oil Investigation
Date filed	8 December 2016
Nature of complaint	<p>Allegation:</p> <ul style="list-style-type: none"> Woolworths' labelling on pack mentioned that the product contains either certified sustainable palm oil OR sustainable palm oil without any RSPO approved audits. Woolworths are using non RSPO approved FINANCIAL auditor Deloitte to audit the supply chain certification to back up the claims. As Woolworths 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 NOT contracted by Woolworths. It is alleged that Woolworths has breach the RSPO Communications and Claims Rules, RSPO Code of Conducts. <p>The case has been referred to the Communication and Claims (C&C) Standing Committee for technical analysis.</p>
Status	Box A. Complaint Received
Decision /Justification	Secretariat to continue monitoring the case.

Complaint 24	
Member Organization	Coles Supermarket Ltd.
Membership category	Retailers
Country	Australia
Complainant	Palm Oil Investigation
Date filed	8 December 2016

COMPLAINTS PANEL MEETING MINUTES

For Website

19 April 2017 | 3.30pm – 6.30pm | Meeting No. 4/2017

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

Nature of complaint	<p>Allegation:</p> <p>Coles are labelling on pack that the product contains either certified sustainable palm 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 A. Complaint Received
Decision /Justification	Secretariat to continue monitoring the case.