

## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

### GENERAL MEETING AGENDA

#### List of Complaint Panel members

Melizel Asuncion (Verite), Henry Barlow (Affiliate Member), Michelle Desilets (Orangutan Land Trust), Matthias Diemer (WWF Switzerland), Bambang Dwilaksono (First Resources), Marieke Leegwater (Solidaridad), Sabarinah Marzuki (Sime Darby), John Payne (Borneo Rhino Alliance), Nina Roth (UBS AG), Olivier Tichit (Sipef), Torben Venning (Borneo Child Aid), Tom Mclaughlin (Woolworths), Toushi Itoka (Sime Darby)

#### 3.30pm – 4.20pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 15 April 2015 Complaints Panel Meeting
4. New Reported Cases
5. Monthly Update: List of Complaints
6. Any other matter
7. Golden Veroleum Liberia

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

1. PT Ladang Sawit Mas (LSM) /Bumitama Agri Ltd
2. PT Nabatindo Karya Utama (NKU) / PT Andalan Sukses Makmur (ASMR) /Bumitama Agri Ltd
3. PT Hati Prima Agro - Bumitama a Agri Ltd (BGA)
4. Genting Plantation Bhd (GPB)
5. PT Limpah Sejahtera (First Resources Ltd)
6. PT Borneo Surya Mining Jaya (First Resources Ltd)
7. Orang Dusun Lahad Datu/ FELDA

#### Group 2: 4.50pm – 5.30pm

8. PT Sisirau/Ibris Palm Group
9. PT Permata Hijau Pasaman (PHP) 1 (Wilmar International)
10. Equatorial Palm Oil
11. Groupe CASINO/Ferrero

#### 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 WINA Nabati/ Wilmar
16. PT Barumun Agro Sentosa
17. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) - Ketapang

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26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

<p><b>Agenda item</b></p>
<p><b>1. Opening Remarks by Chairperson</b></p> <p>The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.</p>
<p><b>2. “No Conflict of Interest”</b></p> <p>All the members of the complaints panel declared that they have no conflict of interest for the complaint cases they were reviewing.</p>
<p><b>3. Minutes of the meeting of 15 April 2015</b></p> <p>The minutes of the meeting were adopted and confirmed by the members unanimously.</p>
<p><b>4. New Reported Cases</b></p> <p>The following are reported cases received by the RSPO Secretariat and have not yet been deliberated by the Complaints Panel.</p> <p><b>1. PT Kapuas Maju Jaya, PT Dwie Warna Karya, PT Susantri Permai (Genting Plantations Berhad) - Mitra Lingkungan Hidup Kalimantan Tengah &amp; Forest People Program (FPP) – received on 23 March 2015</b></p> <p>The plantation operation is ongoing even though the location permits or Ijin Lokasi and Izin Usaha Budidaya Perkebunan/ IUP was withdrawn. GPB issued a formal letter dated 25 March 2015, saying that “GPB took over the management of the three PTs only in January 2014. GPB has continued to pursue the renewal of the Ijin Lokasi and after that, they will proceed for the IUP and Penilaian Usaha Perkebunan/PUP to facilitate ISPO and RSPO certification”.</p> <p>Status: Box A</p> <p>Update: RSPO shared the letter to FPP on 30 April 2015, no response from the complainant so far. The case will be closed on 30 May 2015.</p> <p><b>2. PT Rimba Mujur Mahkota – Sawit Watch – received on 25 April 2015</b></p> <p>Sawit Watch sent a formal letter to PT RMM in North Sumatra, Indonesia to seek clarification regarding the freedom of involvement in labour unions, mutation, demotion, one-sided termination, eviction and intimidation against labour in general, as well as the termination and sealing of the house of Mr. Aronaso Gulo, one of the staff of PT RMM who has been active in Union Serbundo.</p> <p>PT RMM was alleged to breach the Indonesian National Law on Man Power, Number 13/2003 article 151 and 155 regarding the procedure of termination against an employee.</p> <p>Status: Box A</p> <p>Update: PT RMM had clarified this matter in a formal letter. RSPO is waiting for the response from Sawit Watch by 22 May 2015. Expecting to close the case on 22 June 2015.</p> <p><b>3. PT Tolan Tiga (Sipf Group) - Lembaga Pemuda Pemerhati Lingkungan Hidup (LPPLH) – Labusel – received on 25 April 2015</b></p> <p>There are 3 points in the allegations:</p> <ol style="list-style-type: none"> <li>1) LPPLH alleged that PT Tolan Tiga has a Land Dispute with Village Meranti, Kampung Rakyat, Labuhan Batu Selatan.</li> <li>2) PT Tolan Tiga developed the land boundary with 2 meters depth which is dangerous for the motorcycle riders.</li> <li>3) The absence of public schools located next to the company causing the staff's children to take long distance to reach school.</li> </ol>

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26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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Status: Box A

Update: Clarifications were made by Sipef on 30 April 2015. No response from the complainant so far. Expecting the case to close on 30 May 2015.

#### 4. WALHI/PT Indo Sawit Kekal Cargill – received on 6 April 2015

The NPP submission, listed a representative of WALHI during the public consultation. But WALHI have complained to RSPO saying that the said representative never represented WALHI at that time and that RSPO was negligent in allowing the publication of the NPP. WALHI says that they are not a RSPO member and by publishing their name in the NPP report, it implies that they are supporting the expansion of oil palm development. This is contrary to their official policy of not supporting oil palm expansion. WALHI is demanding an apology from RSPO.

Status: Box B

Update: CC met Cargill on 15 May 2015. They cannot trace the people involved in the case. RSPO to talk to Walhi and reach a satisfactory solution.

#### 5. PT Gunung Melayu (Asian Agri) – received on 2 March 2015

In Sumatera: Kelompok Tani/Farmer Group Ujung Masehi alleged that PT Gunung Melayu has taken over their land (68.5 hectares) without compensation in Asahan, North Sumatra. The Secretariat has received clarification from the member, PT Gunung Melayu.

Status: Box A

Update: Further investigation is needed. Response from community was received on 17 May 2015. Currently we are waiting for the second clarification from Asian Agri by the 28<sup>th</sup> of May 2015.

#### 6. PT Unggul Lestari (Musim Mas) – received on 23 January 2015

Kelompok Tani/ Community Group Bhakti Karya in Bukit Indah village, sub district Telaga Antang, District (Kabupaten) Kotawaringin Timur, Central Kalimantan Province, has made a complaint against PT Unggul Lestari. The complaint is about a land claim of 685 hectares. Kelompok and Bhakti Karya alleged that PT Unggul Lestari has taken their land and planted on it without their permission.

Update: We are waiting for the GPS coordinates from the complainant by 22 May 2015.

Status: Box A

#### 5. Monthly List of Complaints (Status as of 26 May 2015)

Categories :	Cases Closed		Cases Open
Case closed for monitoring (Box G):	11	Complaint received (Box A):	4
Case closed (Box H):	25	Complaint categorized (Box B):	1
Not resolved (Box Q):	2	Panel Convened (Box C):	2
		Complaint legitimate (Box D):	4
		Reviewing response (Box E):	1
		Action Plan (Box F):	3
		Appeal (Box P)	0

## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

		Non – Cooperation (Box N)	1
<b>Sub - total</b>	<b>38</b>		<b>16</b>
<b>Total: 54</b>			

At this meeting, a total of 17 ongoing and 6 new complaint cases were deliberated.

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

#### 6.1 Dates for the next CP Meetings

i. The upcoming CP meeting dates for the 2<sup>nd</sup> and 3<sup>rd</sup> Quarter of 2015 are as follows:

June	July	August	Sept
<b>18/06/2015</b>	<b>29/07/2015</b>	<b>19/08/2015</b>	<b>30/09/2015</b>

#### 6.2 General Information

- i. The minutes of the 15 April 2015 meeting have been published on the RSPO website.
- ii. An intern has joined the RSPO office in Jakarta on the 14<sup>th</sup> of April 2015.

#### 6.3 Complaints System Revamp

- i. ASI has been appointed to complete the Independent Appeal Mechanism of the RSPO Complaints System on 14 May 2015.

#### 6.4 Membership of Complaints Panel

- i. The briefing has been conducted for Toshi Itoka from Sime Darby.
- ii. We will continue with the recruitment exercise for the complaints panel.

### 7. Golden Veroleum Liberia

- i. The meeting on GVL which was supposed to be held on the 13 of April 2015 was postponed to a later date as there was no response received from the complainants.
- ii. Subsequently, a response was received from some of the NGO's on the 14<sup>th</sup> of May 2015.
- iii. A meeting has been set for the 4<sup>th</sup> of June 2015 at 3.30pm (Malaysian time).

## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

### DELIBERATION OF COMPLAINTS

Complaint 1	
Member Organization	PT Ladang Sawit Mas (LSM) (a subsidiary of Bumitama Agri Ltd.)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan IARI, Friends of Borneo
Date filed	8 April 2013
Nature of complaint	Complaint by Friends of Borneo that PT Ladang Sawit Mas is clearing orangutan habitat and is not complying with the RSPO guidelines.
Status	Box G – Closed for monitoring
Decision /Justification	The case is currently closed for monitoring. Secretariat to continue to monitor until final closure.

Complaint 2	
Member Organization	PT Nabatindo Karya Utama (PT NKU)/PT Andalan Sukses Makmur (PT ASMR) – (subsidiaries of Bumitama Agri Ltd)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Centre for Orangutan Protection (COP)/ HUTAN/ JATAN
Date filed	10 March 2013
Nature of complaint	The company is alleged to have breached Principle 5: Environmental responsibility and conservation of natural resources and biodiversity and Principle 7: Responsible development of new plantings, i.e. in the development of the land within the concession.
Status	Box G – Closed for monitoring
Decision /Justification	The case is currently closed for monitoring. Secretariat to continue to monitor until final closure.

Complaint 3	
Member Organization	PT Hati Prima Agro (PT HPA) (a subsidiary of Bumitama Agri Ltd)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Date filed	1 July 2012
Nature of complaint	Principle 2 RSPO P&C – Compliance with applicable laws and regulations. Operating a palm oil plantation without the requisite permits.
Status	Box H – Case Closed
Decision /Justification	The case is officially closed.

## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

Complaint 4	
Member Organization	Genting Plantation Bhd
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"> <li>1. Despite being a member of RSPO, GPB has not complied with the RSPO New Planting Procedures.</li> <li>2. Annual report clearly shows expansion in land area planted, but no NPP notification has been submitted to the RSPO during the period.</li> <li>3. No commitment to full certification on a time bound plan.</li> </ol>
Status	Box G – Closed for Monitoring
Decision /Justification	<p>The Secretariat shall continue to monitor the progress report and ultimately lead to closure at the end of the 12 months monitoring period ending in September 2015.</p> <p>The RSPO Secretariat will have to clarify whether work is being done while Genting Plantations is waiting for the renewal of the permits.</p>

Complaint 5	
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&amp;C 5.2 and P&amp;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	<p>Bilateral engagements are going on between YIARI and PT LS. Despite this, the CP will still have to resolve the violations done by the PT LS.</p> <p>The CP will wait another week to make sure the LUC Analysis is in order, otherwise firm action will be taken by the CP.</p>

Complaint 6	
Member Organization	PT Borneo Surya Mining Jaya (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower

## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

Country	Indonesia
Complainant	Environmental Investigation Agency (EIA), Aliansi Masyarakat Adat Nusantara (AMAN) and the community of Muara Tae
Date filed	16 October 2012
Nature of complaint	Violation of RSPO New Planting Procedures under Principle 7 of the RSPO Principles and Criteria. The Muara Tae community alleged that FR did not carry out proper FPIC procedure in acquiring their customary land area. There are concurrent claims by Muara Tae and Muara Ponak communities over the same land. Also, the HCV forest was not properly identified nor set aside for conservation.
Status	Box F – Action Plan
Decision /Justification	The Complaints Panel members will need to review the letter drafted by the Secretariat before the Complaints Coordinator sends it out to EIA. The deadline for reviewing the letter is on 29 <sup>th</sup> May 2015.

Complaint 7	
Member Organization	FELDA (Federal Land development Authority) FELDA Ventures Bhd.
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak)
Date filed	16 February 2015
Nature of complaint	According to the Enquiry National Hak Tanah document by SUHAKAM, the state government had given 1260 acres of land to the Dusun Begahak community in 1981. At the same time, the same land was alienated to FELDA for development.  The complainant raised the issue that FELDA has no right to develop their land and should return it to the community because the land originally belonged to the community. The complainant also stated that the cemetery area is being developed by FELDA.  Felda encaved 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 A – Complaint Received
Decision /Justification	The community and FELDA will meet and discuss to reach a settlement without any intervention by RSPO. A decision will be made by the Complaints Panel based on the outcome of the meeting.

Complaint 8	
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## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

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"> <li>1. Clearing of HCV land containing Orangutan habitats</li> <li>2. Failing to stop work after the discovery of Orangutans</li> <li>3. Breach of New Planting Procedures</li> </ol>
Status	Box N - Non Cooperation
Decision /Justification	The RSPO Secretariat will write a formal letter to PT Sisirau to ask them to submit a complete LUC Analysis documentation in order for the suspension to be lifted.

Complaint 9	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Palm Oil Processors and/or Traders
Country	Indonesia
Complainant	<p>S.H Gampo Alam, <i>Pucuak Adat Nagari Kapa</i> (indigenous leader of Nagari Kapa) as well as Head of <i>Kerapatan Adat Nagari Kapa</i> (KAN – a village/nagari-level customary institution in Minangkabau which maintains and preserves the Minangkabau customs and culture).</p> <p>Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform)</p>
Date filed	30 October 2014
Nature of complaint	<ol style="list-style-type: none"> <li>1. Complainant seeks clarity of the extent of PT. PHP 1's nucleus estate in Nagari Kapa.</li> <li>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.</li> <li>3. Violation of RSPO Principles &amp; Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas.</li> <li>4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period?</li> </ol>
Status	Box D – Complaint Legitimate
Decision /Justification	A letter will be drafted and circulated to the CP members before sending it to FPP. A date will be set for the meeting between RSPO, Wilmar and the community. The outcome will be shared with the Complaints Panel.

Complaint 10	
Member Organization	Equatorial Palm Oil PLC
Membership category	Oil Palm Grower
Country	Liberia

## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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Complainant	Sustainable Development Institute
Date filed	25 September 2013
Nature of complaint	<p>It is alleged that the company has cleared and planted on land that is the customary land of the community in New Cess, Grand Bassa County, Liberia; and is seeking to expand the plantation without the free, prior and informed consent of the communities.</p> <p>The community is also objecting to the company carrying out a re-survey of the existing concession area.</p> <p>The company is alleged to have breached Principle 2.2 &amp; 2.3 of FPIC and Principle 7: Responsible development of new plantings.</p> <p>No NPP notification posted to RSPO.</p>
Status	Box D – Complaint Legitimate
Decision /Justification	The RSPO Secretariat will write to the parties on the decision above and allow them to continue to negotiate. Subsequently, the case will be ‘closed for monitoring’.

Complaint 11	
Member Organization	Groupe CASINO
Membership category	Retailer
Country	France
Complainant	Ferrero
Date filed	16 April 2015
Nature of complaint	<p>The Ferrero Group is making a fresh complaint that CASINO:</p> <ol style="list-style-type: none"> <li>Has not done anything to show the French public that CSPO is an alternative to the conventional palm oil.</li> <li>Continues to have “<i>sans palm oil</i>” labels despite the change in legislation that makes it redundant.</li> <li>Has announced that it will replace palm oil in its food products.</li> <li>Associated palm oil with perceived harmful products like aspartame etc.</li> <li>Generally has violated the Code of Conduct by failing to endorse the objectives of the RSPO.</li> </ol>
Status	Box C – Complaints Panel Convened
Decision /Justification	<p>The RSPO Secretariat will circulate the documents regarding the previous complaint to the CP members and a time frame of 2 weeks will be given for the CP members to give their opinion about this case.</p> <p>Based on the CP members’ opinions, a letter will be drafted by the Secretariat and sent to Ferrero and Groupe Casino on the decision.</p>

Complaint 12	
Member Organization	PT London Sumatra (Lonsum)
Membership category	Oil Palm Grower

## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

Country	Indonesia
Complainant	Community of Desa Pergulaan via Sawit Watch
Date filed	7 April 2009
Nature of complaint	The following points were raised by the community of Desa Pergulaan: <ol style="list-style-type: none"> <li>1. Legality of the extension of the concession and demands for return of land totalling 165.6 ha.</li> <li>2. The status of the law suit filed by 5 of the residents which is 'out-of-time' (compensation paid in 1971).</li> <li>3. The legality of the security drain to prevent access.</li> <li>4. Prohibiting cattle herding in the plantation.</li> <li>5. The non-employment of residents of Desa Pergulaan in the plantation.</li> <li>6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised.</li> <li>7. No complaint letters have been addressed to Lonsum directly.</li> <li>8. Status of residents on the Police 'Wanted List'.</li> </ol>
Status	Box E – Reviewing Response
Decision /Justification	After the action plan is received, the Complaints Panel will be updated and the case will be closed for monitoring at the next meeting.

Complaint 13	
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"> <li>1. Green Advocates – 3 Oct 2012</li> <li>2. Forest People Programme – 26 July 2013</li> <li>3. Sustainable Development Institute/SesDev Liberia - 2 October 2013</li> <li>4. Joint statement by FPP, SAMFU, SDI and GA – 1 November 2013</li> <li>5. Kulu United Development Association (KUDA) - 14 November 2013</li> <li>6. Sustainable Development Institute(SDI) and Social Entrepreneurs for Sustainable Development (SesDev) Liberia – 21 November 2013</li> </ol>

## COMPLAINTS PANEL MEETING MINUTES

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	<p>7. Social Entrepreneurs for Sustainable Development (SeSDev) - 7th February 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 &amp; 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 C – Panel convened for Complaint 2 through 9</p>
Decision /Justification	<p>The letter sent by some of the complainants (NGO's) will be discussed on the 4<sup>th</sup> of June 2015.</p>

Complaint 14	
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&amp;C pertaining to HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people during the acquisition of the land.</p> <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>

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	<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> <p>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&amp;C.</p>
Status	Box D – Complaint Legitimate
Decision /Justification	The case will be closed for monitoring if the stated action plan is satisfactory to FPP and RSPO.

Complaint 15	
Member Organization	PT Wina Nabati Indonesia / Wilmar
Membership category	Oil Palm Traders
Country	Indonesia
Complainant	Friends of Borneo, Siesfund and Stanislaus Lhota
Date filed	6 February 2013
Nature of complaint	<p>In respect Principles and Criteria of the Roundtable on Sustainable Palm Oil (RSPO) in Kelurahan Kariangau, Kota Madya Balikpapan, East Kalimantan, where it is building a CPO processing unit.</p> <p>The company has reclaimed land and cleared mangrove swamps in the area to build a jetty in the Balikpapan Bay and it is deemed a sensitive area for biodiversity. The Complainants claim that the clearing of areas includes approximately 18-20 hectares of mangrove forest, which is classified as Kawasan Lindung, according to the local spatial plan (tata ruang kota madya). Besides the spatial plan, opening coastal mangroves violates several national laws: (1) Surat Keputusan Bersama Menteri Pertanian dan Menteri Kehutanan No. KB.550/264/Kpts/4/1984, which defines the zone of protected mangroves to be 200 m; (2) Surat Edaran No. 507/IV-BPHH/1990, which defines the protected green belt to be 200 m along the coast and 50 m along rivers; (3) Keputusan presiden No. 32 tahun 1990 tentang Pengelolaan Kawasan Lindung,</p>
Status	Box G – Closed for Monitoring
Decision /Justification	<p>The case is officially closed.</p> <p>A note and an annual impact assessment about this case will be placed on the website in the case tracker function.</p>

Complaint 16	
Member Organization	PT Barumun Agro Sentosa/ PT BAS (was PT First Mujur Plantation)

## COMPLAINTS PANEL MEETING MINUTES

26 May 2015 | 3.30pm – 6.00pm | Meeting No. 5/2015

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

Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Mr. Hepli Harahap (Gerakan Pemuda Untuk Keadilan Rakyat/GPUKR) on behalf of himself and Haji Soleh Hasibuan
Date filed	19 January 2015
Nature of complaint	<p>I. FPIC related issues (C2.3, C6.4, C7.6) Complainant alleged PT BAS has not compensated the land owned by Haji Soleh Hasibuan, 25 hectares in Village Labuhan Jurung/ Ujung Batu Julu. About 7700 rubber trees were planted on the land.</p> <p>II. Principle 2 Breach of Law No. 40/ 2007 on Perseroan Terbatas (PT/Corporate) and Law No. 47/2012 on Corporate Social and Environment Responsibility. Lack of Corporate Social Responsibility/CSR.</p> <p>III. Criteria 5.3 PT BAS has polluted Danau Meluak.</p>
Status	Box C – Complaints Panel Convened
Decision /Justification	A letter will be sent to PT BAS asking them to send an action plan. If the action plan is satisfactory, the case will be closed for monitoring.

Complaint 17	
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	Aid Environment
Date filed	3 April 2015
Nature of complaint	<p>Issues raised by Aidenvironment:</p> <ol style="list-style-type: none"> <li>10,000 ha of planting without permit (IOP)</li> <li>Encroachment into the forest sanctuary</li> <li>IOI has cleared the land without submitting NPP.</li> </ol>
Status	Box C – Complaints Panel Convened
Decision /Justification	IOI will have to complete their internal verification and submit their detailed response by the 14 <sup>th</sup> of June 2015. The CP will make a decision based on this detailed response.