

COMPLAINTS PANEL MEETING MINUTES

For Website

31 May 2017 | 3.30pm – 5.30pm | Meeting No. 5/2017

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), 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), Lanash Tanda (SEPA), Robert Kruger (RKG).

3.30pm – 4.20pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 19 April 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. 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 Lahad Datu
4. Palma Tica SA
5. Hap Seng Plantations Holdings Bhd
6. Woolworths Ltd.
7. Coles Supermarket Ltd.
8. PT Susantri Permai, PT Dwie Warna Karya, PT Kapuas Maju Jaya (Genting Plantation Berhad).
9. PT Susantri Permai/ Borneo Orangutan Survival Foundation (BOSF)

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

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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

Group 3: 5.30 – 6.00pm

1. PT London Sumatra (Lonsum) / Sawit Watch
2. PT PP London Sumatra (Lonsum)/RAN, OPPUK & ILRF
3. PT Kartika Prima Cipta/FPP
4. PT Kartika Prima Cipta/Link-Ar Borneo
5. PT Nabire Baru/Pusaka
6. Golden Veroleum Liberia (GVL)
7. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera / IOI group
8. IOI Pelita / Long Teran Kanan
9. Poligrow Colombia Ltda

Agenda item

1. Opening Remarks by Chairperson

Chairman of the Complaints Panel opened the meeting and welcoming everyone.

2. Declaration of “No Conflict of Interest”

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

3. Minutes of the meeting of 19 April 2017

The minutes of the complaints panel meeting were adopted unanimously.

4. New Complaints

i. PT Agro Muara Rupit, subsidiary of SIPEF filed by Edhy Wardhana (individual) on 17 May 2017

The complainant brought forward the issue of fraudulent land title to the RSPO. The complainant claimed that his land was fraudulently sold by his cousin to PT Agro Muara Rupit. The complainant claimed that this matter was brought forward to the company but the company did not entertain his complaint.

The complainant demand RSPO to review and hold the development the land.

Status: Box A. complaint received.

Updates:

17 May 2017 – Secretariat acknowledged the complaint and proceeds with the initial diagnosis.

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The complainant had approached National Land Agency Office in Musi Rawas District.

31 May 2017 - Secretariat is investigating the membership status of the company involved and will update CP on the matter at the next meeting

ii. Food Ingredients (EFKO Group), Filed by Ecological Organization Association/Public Council of Environmental Organization Association in Taman, Russia on 15 May 2017

On 28 February 2017, a court judgement decided to stop “Food Ingredients” business activities in Taman due to gross violation of environmental legislation which leads to stopping the work of piers, production, and all other related activities.

Hundreds of lawsuits are being prepared against EFKO from private citizens and organisation for using low quality palm oil in food production which led to severe damage to human health.

The complainant demand RSPO to terminate RSPO certification of EFKO and its affiliated companies and to check EFKO’s suppliers in regard to compliance with RSPO certification standards.

Status: Box A. Complaints received.

Updates:

EFKO’s RSPO membership was terminated on 16 Feb 2015

31 May 2017 – Secretariat is in a process of determining the membership status of the company and its subsidiaries and investigating the complaint.

iii. **Supply Chain** PT Rezeki Kencana (subsidiary of Julong Group) a supplier of Wilmar International Filed by Link-Ar Borneo on 30 April 2017

It is alleged that PT Rezeki Kencana, which is one of Wilmar’s suppliers has breached RSPO P&C by:

- i. developing the land owned by Serikat Tani Darat Jaya from Desa Kampung Baru without proper FPIC (land grabbing);
- ii. Criminalised and intimidate the local community;

Status: Box A. complaints received.

Updates:

12 May 2017 – A joint press conference was organised by Link-Ar Borneo, ELSAM (Institute for Policy Research and Advocacy), and Sawit Watch on the above matter.

31 May 2017 - Secretariat is in a process of determining the membership status of the company involved.

iv. Complaints filed by SCS Global Services (Certification Body) against ASOCOFOR.

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 obtain RSPO Certification due to numerous non-compliances.

RSPO LATAM has contacted the company and requested for a chronology of events and an explanation

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of the company's decision to source out a new certification body.

Status: Box A. Complaint received

Update:

19 April 2017 - Comments were received from the Complainants in response to the chronology shared by the Company. This case is still pending further clarification from ASI.

22 May 2017 - The Complainant has provided additional information as requested

31 May 2017 - Secretariat found that ASOCOFOR is a member of RSPO, but Organic Supply is not a member, and the audit is actually conducted under Organic Supply.

Technically, the main issue is about contractual violation and not linked to any of RSPO key document. Secretariat cannot process the case which is based on the contractual violation. It is suggested that both parties to get back to their national regulation.

CP agreed to deliver decision to dismiss the case.

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

Western Palm Oils 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 their forms to RSPO. They reinstated the complaint 1 week after the withdrawal.

Status: Box B. Complaint Categorized.

Updates:

19 April 2017 - Secretariat has requested the complainant to provide more information and document. Pending for more information from the complainant.

23 May 2017 - The Complainant provided further clarification and this was verified with ASI who had conducted a witness audit.

It was recently discovered that Organic Supply has not obtained RSPO membership. Further clarification was sought from ASI to determine why they had proceeded with certification audit for the second time by Control Union.

31 May 2017 – The Secretariat is still waiting for more information from the complainant.

vi. 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

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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.

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.

23 May 2017 - A letter adopting precautionary measures was issued by the CP on 28 April 2017 for the 7 concessions of Goodhope. It included time-bound stop work orders for all 7 concessions.

31 May 2017 - The Complaints Panel agree to allow the company continue build the mini mill only when all the environmental and legal requirements are already in place.

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:

31 May 2017

The labour Union - Serbundo, sent an email informing the update of the case:

- i. Regarding the worker issue, the management of PT ANJA Siais organised an internal mediation with one of the worker (Pak Pazarman) on 8 May 2017 and now he has been re-hired by the company and an agreement has been established between both parties.

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- ii. Regarding the non-interference activities of labour union in the concession, Serbundo informed that their union is now acknowledged by the company and that they now have a better communication with the management.

Serbundo has requested the RSPO to close the case.

Secretariat to officially close the case.

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

Status	Number of Complaints
(A) Complaint received	2
(B) Complaint categorized	9
(C) Panel convened	2
(D) Complaint legitimate	6
(E) Reviewing response	5
(F) Action plan	6
(G) Case Closed for monitoring	6
(H) Case Closed	38
(I) Resubmission of complaint	0
(J) No case	0
(K) No response/ no action from member	0
(L) Termination	1
(M) panel decision disputed	0
(N) Non cooperation	0
(O) No consent on action plan	0
(P) Appeal	1
(Q) Not resolved	3
TOTAL	78
TOTAL OPEN CASES	27

On 31 April 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: 14 June 2017 in Central London

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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.

31 May 2017 – Schedule of the meeting has been sent to the Complaints Panel. Secretariat is currently preparing the detail agenda and suggested topics for dialogue session, including the logistic matters.

Secretariat will send out all relevant docs by the end of next week, including the list of participant attending the dialogue.

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. The final document will be shared internally 2 weeks after the meeting and circulated back to the Complaints Panel for further review.
- ii. **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.
- iii. **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.
- iv. **23 May 2017** - A Decision Paper has been submitted to the BoG and the endorsement by the BoG is currently tabled for the June BoG meeting.

7.4 Membership of the Complaints Panel

1 May 2017 – Bambang Dwi Laksono informed the Chair of the CP and the Secretariat of his resignation as a member of the Panel, with immediate effect.

31 May 2017 – Secretariat to search for suitable replacement and would expand the search to other regions.

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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-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:

19 April 2017 (CP meeting) - 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.

31 May 2017 (CP meeting) - TSH Resource Berhad had just submitted their updates on 18 May 2017. The company is going through a transition as their sustainability head had left the company. The Secretariat will sit down with the new Head of Sustainability and will update CP at the next meeting.

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

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

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

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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.

31 May 2017 – Secretariat to ask Greenpeace whether they have additional information that can be share.

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 share the letter with Complaints Panel.

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 not to have

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	carried out an HCV assessment before the development of the plantation.
Status	Box F – Action Plan
Decision /Justification	Secretariat to continue monitoring the case

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)
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 prepare a letter to the Land Authority.

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>

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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 HakGuna Usaha (HGU) certificate over the customary (<i>ulayat</i>) land of Nagari Kapa. 3. Violation of RSPO Principles & Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas. 4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period
Status	Box P - Appeal
Decision /Justification	Secretariat to proceed with the Appeal Panel discussion.

Complaint 5	
Member Organization	Plantaciones de Pucallpa SAC
Membership category	Grower
Country	Peru
Complainant	Forest People Program (FPP)
Date filed	5 December 2015
Nature of complaint	<p>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.</p> <p>http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126</p>
Status	Box E - Reviewing Response
Decision /Justification	CP agreed with the recommendation given by the legal advisor to not publish the report.

Complaint 6	
Member Organization	FELDA Global Venture
Membership category	Grower
Country	Malaysia
Complainant	Article by The Wall Street Journal

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Date filed	26 July 2015
Nature of complaint	<p>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”. <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></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 F - Action Plan
Decision /Justification	Secretariat to share the action plan with the CP and to get reviewer as soon as possible

Complaint 7	
Member Organization	Extractora La Gloria SAS
Membership category	Grower
Country	Colombia
Complainant	Fredy Antonio Corrales, representative of the Colombian Association for Displaced Peoples’ Prospects (ASOCOL), Adelfo Segundo Rodríguez, representative of the Association of Returning Displaced Farmers (ASOCADAR), Senator Iván Cepeda, Senator Alberto Castilla, and Representative Alirio Uribe
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 outcome of the meeting on 13 June in London.

Complaint 8	
Member Organization	Bumitama Gunajaya Abadi/Bumitama
Membership category	Grower
Country	Indonesia

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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	<p>Box G - Closed for Monitoring (for allegation no. 1, 3, 4, & 5)</p> <p>Box D – Complaint Legitimate (for plasma issue, cooperative issue & claim from 15 villagers of Sukajaya and Kinjil)</p>
Decision /Justification	Secretariat to wait for the response and updates from Sawit Watch

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	<p>The following points were raised by the community of DesaPergulaan:</p> <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 DesaPergulaan in the plantation. 6. Failure by Lonsum to carry out Corporate Social Responsibility programs as

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	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 wait for more information on the court decisions.

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: 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 one or more High Conservation Values (HCVs), and (d) local peoples' land. 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). 5) Forcibly evicting the people from their lands (RSPO C7.5 and C7.6).
Status	Box G (Monitoring progress of action plan for Complaint 1 by Green Advocates) Box D – Panel has made a preliminary decision for Complaints 2 to 9.
Decision /Justification	Draft verification report shared with the parties to the complaints

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

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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 continue monitor the case

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> <ol 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	CP to wait for the written response from the Company on the CP's decision delivered on 26 May 2017.

Complaint 13	
Member Organization	Poligrow Colombia
Membership category	Oil Palm Grower
Country	Colombia

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Complainant	Environmental Investigation Agency
Date filed	13 August 2015
Nature of complaint	The Italian-owned Poligrow Ltd has prohibited the Jiw and Sikuni indigenous communities from freedom of movement. The EIA's video alleged abuses by RSPO's Italian member in Colombia
Status	Box D – Complaints Legitimate
Decision /Justification	Secretariat to wait for the result of meeting with the company on 13 June 2017 in London

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 localbusinesses.
Status	Box J - No Case
Decision /Justification	Since no response received from both parties, Secretariat to officially close the case

Complaint 15	
Member Organization	Hap Seng Plantations Holdings Bhd.
Membership category	Palm Oil Company
Country	Malaysia
Complainant	Sia Yi Chin of IahadDatu 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

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	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	To wait for the updates from the company on the result of High Court trial.

Complaint 16	
Member Organization	PT PP London Sumatra
Membership category	Growers
Country	Indonesia
Complainant	Rainforest Action Network (RAN), ILRF, OPPIK Indonesia
Date filed	9 June 2016 (reported case) to be formal on 11 October 2016
Nature of complaint	A report published by RAN, OPPIK, 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	The Secretariat to respond to the Complainants request on i) measures to be adopted to prevent any kind of reprisal against the workers, and ii) criteria to determine the selection of the independent labour expert

Complaint 17	
Member Organization	PT Nabire Baru
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Yayasan PUSAKA
Date filed	19 April 2016
Nature of complaint	<p>Allegations:</p> <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

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Status	Box C – Panel Convened
Decision /Justification	To proceed with the initial meeting with CRU upon final confirmation from the Community.

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: - 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 J – No Case
Decision /Justification	Secretariat to dismiss the case due to lack of evidence from the complainant.

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	Discussion deferred to the June 2017 meeting

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

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Nature of complaint	<ul style="list-style-type: none"> - The company has yet give the compensation on 1099 Ha land owned by Farmers Group BerkatHarapan and Lampung Tarung - The company has yet to provide plasma for the local community
Status	Box J – No Case
Decision /Justification	Secretariat to dismiss the case due to lack of evidence from the complainant.

Complaint 21	
Member Organization	PT Mustika Sembuluh
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of PondokDamar 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 J – No Case
Decision /Justification	Secretariat to dismiss the case due to lack of evidence from the complainant.

Complaint 22	
Member Organization	IOI Pelita / IOI
Membership category	Palm Oil Grower
Country	Malaysia
Complainant	Community of Long TeranKanan
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	Secretariat to wait for the response from the company.

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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 F. Action Plan
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
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</p>

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	<p>undergone official audits. The majority of these manufacturers are contracted by Coles.</p> <p>COLES CLAIM THAT</p> <p>All Coles brand food and drink products now contain RSPO certified palm oil from physical supply chains. This represents almost all of the palm oil used in Coles brand products. Non-food Coles brand products are made with RSPO certified palm oil from either physical supply chains or book and claim (Green Palm).</p> <p>AND</p> <p>Coles' brand food and drinks now use sustainable palm oil. More than 3,000 tonnes of palm oil used by Coles comes from a sustainable source. The conversion program for our non-food products is also underway and in May 2015, we launched Coles Hand Sanitisers with sustainable palm oil. The use of palm oil in Coles Brand non-food products has been offset with GreenPalm certificates while the conversion program take place.</p> <p>POI have been engaging with Coles on this issue often and for quite some time, however when we ask for their official audit certificates, they cease responding.</p>
Status	Box F. Action Plan
Decision /Justification	Secretariat to continue monitoring the case.

Complaint 25	
Member Organization	Genting Plantation Berhad (PT Susantri Permai, PT Kapuas Maju Jaya and PT Dwie Warna Karya)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	-
Date filed	18 December 2016
Nature of complaint	PT. Susantri Permai, PT. Kapuas Maju Jaya and PT. Dwie Warna Karya are illegally operating and planting palm in the area of Productive Forest. The three companies were alleged to break the Indonesian law specifically UU No. 41 Tahun 1999, UU No. 18 Tahun 2013, and UU No. 39 Tahun 2014. The 3 companies have not obtained forest land swap area or Forest Area Release Permit and Business Permit (HGU)
Status	Box A. Complaints received.
Decision /Justification	Secretariat to study the content of the Supreme Court Decision

Complaint 26

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Member Organization	PT Susantri Permai
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Borneo Orangutan Survival Foundation (BOSF)
Date filed	31 March 2017
Nature of complaint	<p>On 14 February 2017 a report published by US News and Indonesian's local News reported that an Orangutan killed in the concession of PT Susantri Permai / Genting Plantation.</p> <p>BOSF requested the RSPO to suspend the membership of PT Susantri Permai until a socialisation on the endangered species protection to the workers has been conducted.</p>
Status	Box C. Panel Convened
Decision /Justification	<ul style="list-style-type: none"> – Secretariat has shared the draft letter to the Complaints Panel for review – To wait for Complaints Panel's approval to send the letter

Complaint 27	
Member Organization	PT Kartika Prima Cipta
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Link-Ar Borneo
Date filed	18 December 2016
Nature of complaint	<p>Specific Findings:</p> <ol style="list-style-type: none"> 1. Land Claim by 1 community member of Nanga Suhaid, Mr. Saudi; 2. Land compensation claim by 1 community member of Nanga Suhaid, H. Kutai; 3. Water Pollution in the Kapuas river which affecting the fish farmers' business production; 2. Conflict between residents and Village Head of Tanjung regarding water quality; 3. Conflict between residents and Village head of Emperiang regarding the land acquisition process.
Status	Box C. Panel Convened
Decision /Justification	Secretariat to continue monitoring the case