

## COMPLAINTS PANEL MEETING MINUTES

*For Website*

30 June 2016 | 3.30pm – 5.30pm | Meeting No. 6/2016

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

### GENERAL MEETING AGENDA

#### List of Complaint Panel members

Melizel Asuncion (Verite), Henry Barlow (Affiliate Member), Michelle Desilets (Orangutan Land Trust), Matthias Diemer (WWF Switzerland), Bambang Dwilaksono (First Resources), Marieke Leegwater (Solidaridad), Sabarinah Marzuky (Sime Darby), John Payne (Borneo Rhino Alliance), Priya Gopalan (UBS AG), Frasier Lanier (Citibank), Tom McLaughlin (Woolworths), Lim Sian Choo (Bumitama), Lanash Tanda (SEPA).

#### 3.30pm – 4.20pm

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

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

1. Agropalma SA
2. PT Limpah Sejahtera (First Resources Ltd)
3. Orang Dusun Lahad Datu/ FELDA

#### Group 2: 4.50pm – 5.30pm

4. PT Sisirau/Ibris Palm Group
5. PT Permata Hijau Pasaman (PHP) 1 (Wilmar International)
6. Equatorial Palm Oil / KLK
7. Plantaciones de Pucallpa SAC
8. FELDA Global Venture
9. Extractora La Gloria SAS – Colombia
10. PT Bumitama Gunajaya Agro / Bumitama

#### Group 3: 5.30 – 6.00pm

11. PT London Sumatra (Lonsum)
12. Golden Veroleum Liberia (GVL)
13. PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
14. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang
15. Poligrow – Colombia

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Agenda item
<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>There was “no conflict of interest “as declared by the members of the Panel.</p>
<p><b>3. Minutes of the meeting of 7 June 2016</b></p> <p>The minutes of the meeting were adopted and confirmed by the members unanimously.</p>
<p><b>4. New Complaints</b></p> <p><b>i. <span style="background-color: red; color: white;">New</span> - Palma Tica SA in Costa Rica/ Compania Industrial Aceitera Coto 54 S. - 24 May 2016</b></p> <p>A group of smallholders Asociación e Palmicultores del Sur (ASOPASUR) in Punta raena are complaining against Palma Tica, saying that they are not being paid fair prices by the company for their FFB. The farmers claims 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. Currently, we are awaiting reply from the member. <b>Status:</b> Box A. Complaints received <b>Update:</b> Secretariat to move the case to Group 1</p> <p><b>ii. Delicia BV /IOI 12 Apr 2016</b></p> <p><i>“ Delicia is a customer of the IOI group (Loders Croklaan). We were informed by IOI on 25/03/2016 about their upcoming suspension by RSPO on 01/04/2016. We did not get any information from RSPO itself until the RSPO Gazette of 05/04/2016.</i></p> <p><i>The short notice of the suspension of the IOI group has a disproportionate effect on Delicia. There is too little time to switch to other suppliers. Other than that, alternative raw materials (CBE’s) have not been tested and tests take at least 6 months to provide reliable information on stability.</i></p> <p><i>This way of sanctioning IOI is not only effecting IOI, but also Delicia and Delicia’s customers. We consider this not acceptable, and ask you to evaluate the penalties in your system in such a way that only the offender is affected.”</i></p> <p><b>Status:</b> Box A – complaint case received <b>Update:</b> RSPO Secretariat has sent letter on 25 April 2016. The reply has been received, RSPO Secretariat to share the letter with the Complaints Panel and wait for their response.</p> <p><b>iii. Morning foods/RSPO 1 April 2016</b></p> <p>We have received a new complaint from this customer of IOI against the RSPO. Saying that suspension of IOI has disrupted their operations as their supply comes from IOI Loders Croklaan. They cannot find alternate suppliers. <i>‘We have done nothing wrong, but we are being penalised by the RSPO actions on this matter. We note that there has been no communication from the RSPO on this matter and no announcement of any sort on the</i></p>

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*RSPO website. The actions of the RSPO in this whole group suspension of IOI are not reasonable or proportionate. The lack of communication from the RSPO on this issue, and the almost immediate timescale of the IOI suspension, has given us no opportunity to react and source alternative material, or for the wider supply chain to adapt to the new situation. We would like this to be considered as a formal complaint against the RSPO.'*

**Status:** Box A – Complaint case received

**Update:** RSPO Secretariat has sent letter on 25 April 2016. Currently waiting for reply.

### 4. Reported Cases

The following are reported cases received by the RSPO Secretariat which have not yet been deliberated by the Complaints Panel.

i. **New** PT Bumi Sawit Sejahtera (PT BSS), SNA Group /IOI – filed by the community of Natai Kuini, West Kalimantan on 6 June 2016

The allegations were filed against two of PT BSS managers:

- The managers have produced false report on planting since January 2015. Even though the reports were issued the planting has not yet started until now.
- Land clearing by burning
- Planted on the HCS areas
- The maintenance of planted areas are not conducted properly and caused loss in the use of seeds and fertilizers.

Currently the community have blocked the roads within the concession including some company assets.

The community requested IOI to conduct audit and field verification to PT BSS concession and fired the two managers.

**Status:** Box A. Reported case received.

**Update:**

**6 June 2016** – RSPO Secretariat has sent the complaints to IOI for clarification, and since the allegations is filed against their staff, the secretariat suggested the company to solve the case bilaterally.

**7 June 2016** – IOI replied and said that they will investigate the case.

ii. **New** PT London Sumatra – filed by Rainforest Action Network (RAN), Indonesian Labour Rights Association OPPUK, and International Labour Rights Forums (ILRF) on 9 June 2016

A new report published by RAN, OPPUK, and ILRF titled, "[The Human Cost of Conflict Palm Oil: Indofood, PepsiCo's Hidden Link to Worker Exploitation in Indonesia.](#)" 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 Key findings include child labour, exposure to highly hazardous pesticides, payment below the minimum wage, long-term reliance on temporary workers to fill core jobs, and use of company-backed unions to deter independent labour union activity.

The full report available at [ran.org/indofood](http://ran.org/indofood)

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**Status:** Box A. Reported case received

**Update:**

**9 June 2016** – RSPO Secretariat has sent the information to PT Lonsum for clarification. Meeting with the company will take place on 27 June 2016 in RILO office Jakarta.

**27 June 2016** – Lonsum have already refined their policy on children activities within the plantation. RSPO secretariat has informed Lonsum to not to make any public statement on the case.

**30 June 2016** – RSPO Secretariat have a meeting with RAN, OPPUK, & ASI  
ASI informed that they will conduct investigation on 18-22 July. The investigation will be open for the stakeholders to join the audit as observers. At the same meeting, the complainant requested RSPO to conduct an independent investigation.

RSPO Secretariat recommends to wait for the result of ASI audit and then Panel will decide the next course of action.

### iii. **PT Nabire Baru / Goodhope – filed by Yayasan PUSAKA on 19 April 2016**

Allegations:

- i. Land grabbing of the indigenous people of Yerisiam.
- ii. Violence and involvement of Brimob (police mobile brigade)
- iii. Deforestation that causing the flood in Village Sima, the place of Yerisiam tribe.
- iv. The company has destroy the sacred place and Dusun Sagu (the source of main food of Yerisiam tribe).

The complainant requested RSPO to:

- Do the ground checking
- Request PT Nabire Baru to compensate and stop their activity, unless they got consent from Yerisiam.

**Status:** Box A. Reported case received.

**Update:**

Physical meeting with the company conducted on 17 of May 2016 – the company gave clarification for each allegation and also furnished complete evidence. RSPO Secretariat to arrange meeting with the complainant on 14 of July 2016.

### iv. **PT Bumi Pratama Khatulistiwa/Wilmar International – filed by Link-Ar Borneo on 3 March 2016**

It is alleged that PT BPK, has polluted the Malaya river by disposing empty fruit bunches that caused floods every rainy season. The company also does not provide any CSR program to the community of Malaya Village. The complainant demands the company to:

- Stop disposing empty fruit bunches into the river
- Perform regular and sustainable maintenance to Malaya River
- Provide CSR program to improve the infrastructure and other social needs
- To be transparent in the CSR financial management in accordance with Government Regulation No.47/2012.

**Status:** Box A – reported case received

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**Update:**

**14 June 2016** – RSPO Secretariat has sent reminder to the complainant, asking for a report on the progress of the case.

Currently waiting for feedback from the complainant.

v. **Supply chain case** **Musim Mas & Wilmar International – lodged by Walhi Jambi & Jaringan Masyarakat Gambut Jambi (JMG-J) on 15 February 2016**

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

**Status:** Box A – reported case received

**Update:** RSPO Secretariat has sent a formal letter to the complainant saying that we have limited authority to handle cases against a non-member of RSPO. We have done what we can and both Musim Mas and Wilmar had shown commitment to make sure that they do not breach any of the RSPO rules in their dealings with PT BBS.

RSPO Secretariat recommends to close the case.

vi. **Supply Chain case** - **PT Anugerah Energitama, supplier of Golden Agri Resources/GAR & PT Gawi Makmur Kalimantan/Wings Agro - filed by Centre for Orangutan Protection/COP on 14 March 2016**

GAR & PT Gawi Makmur Kalimantan, a subsidiary of Wingsagro, are the supply chain of PT Anugerah Energitama, a non-member of RSPO. COP found 13 Orangutans - 2 of them are babies, inside the concession of PT AE. Other endangered species like *Hylobates muelleri* and *Hornbills* were also found nearby the concession.

**Status:** Box A - Reported Case Received

**Update:**

**10 June 2016** – Wings Agro has sent a summary report on population survey and Orangutan conservation management in PT AE's Concession to the complainant (COP). The assessment was conducted by Borneo Orangutan Survival Foundation (BOSF). The result: i) there are 113 old nests, no new nests within the concession, but it was found in the customary forest; ii) from 628 trees identified, 42% provide the food source for Orangutan.

BOSF has gave their recommendations to the company: i) to set standard & procedure of Orangutan habitat management; ii) build safe corridor to connect the forests and conservation areas; iii) manage the conservation areas and river banks within the concession.

RSPO Secretariat to follow up on whether the recommendations have been implemented on the ground and recommends to close the case.

vii. **Hap Seng Plantations Holdings Bhd, complaint filed by Sia Yi Chin of Lahad Datu Sabah on 11 November 2015**

The complainant is claiming that Hap Seng Plantations Holdings Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah. He says that he is the beneficial owner of the said land and the

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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 B. Complaint categorised

**Update:** RSPO Secretariat to wait for the court's decision.

iii. **PT Swadaya Multi Prakarsa (Batu Daya Village, Simpang Dua, Ketapang, West Kalimantan, Indonesia) a subsidiary of First Resources – lodged by Link-Ar Borneo on 11 May 2015.**

The allegations are :

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

**Status:** Box F. Action Plan

**Update:**

**13 June 2016** - The complainant sent formal letter saying that the company had shown good intention in response to the case: i) resolve all the plasma issue; ii) agreed to involve the community in monitoring the HCV area; iii) agreed to conduct negotiations based on FPIC principle. The complainant requested RSPO to close the case.

RSPO Secretariat to draft the closure letter and send it to both parties upon Complaints Panel's approval.

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

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	2	2
(B) Complaint categorized	0	0
(C) Panel convened	0	0
(D) Complaint legitimate	9	0
(E) Reviewing response	3	0
(F) Action plan	5	2
(G) Case Closed for monitoring	7	2
(H) Case Closed	32	28
(I) Resubmission of complaint	0	0
(J) No case	0	5
(K) No response/ no action from member	0	0
(L) Termination	0	0

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(M) panel decision disputed	0	0
(N) Non cooperation	1	0
(O) No consent on action plan	0	0
(P) Appeal	1	0
(Q) Not resolved	3	0
<b>TOTAL</b>	<b>63</b>	<b>39</b>
<b>TOTAL OPEN CASES</b>	<b>20</b>	<b>4</b>

On 1 May 2016, a total of 19 ongoing complaint cases were deliberated and 3 reported cases were recorded.

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

#### 6.1 Dates for the next Complaints Panel Meetings

- i. The suggested of the upcoming CP meeting dates for 2016 are as follows:

May	June	July	Aug	Sept	Oct	Nov	Dec
18/05*	7/06**	25/07	22/08	20/09	20/10	07/11***	19/12

\*) 18 May CP meeting has been postpone to 7<sup>th</sup> of June; subsequently, the 15<sup>th</sup> June CP meeting was shifted to 30<sup>th</sup> June.

\*\*) It is confirmed that The RT 14 will be held on 7 - 10 November 2016 in Shangri-La Hotel, Bangkok. Secretariat will advise the time and venue after the details formally announced.

#### 6.2 General Information

- i. The minutes of the 7 June 2016 CP meeting will be published on the RSPO website on 1 July 2016.

#### 6.3 Complaints System Revamp

- i. The public consultation period for Integrated Complaints System (ICS) and Independent Appeals Mechanism (IAM) has ended on 30 June 2016. RSPO Secretariat to compile all responses and feedback and send it to the consultant for further processing.

#### 6.4 Membership of Complaints Panel

- i. RSPO Secretariat to find social NGO from Latin America to join the Complaints Panel.

### 7. Golden Veroleum Liberia

- i. During the meeting, of 4<sup>th</sup> June 2015, it was decided that the 'Butaw incident' will be treated as a separate issue from the main complaint.
- ii. A meeting took place on 5 August 2015, and the next meeting was scheduled on 24<sup>th</sup> August 2015.
- iii. The Panel stressed the need to reach a balanced decision to address all the issues leading to an amicable solution to multiple issues.
- iv. The Impacts Team has sent out emails to stakeholders on the meeting in Liberia in September 2015 on

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the establishment of a pilot initiative for a National Advisory Committee on Oil Palm in Liberia.

- v. On 26<sup>th</sup> September 2015, the Impacts Team presented the decision of the Complaints Panel to the stakeholders in Monrovia, Liberia.
- vi. On 26 October 2015, GVL sent their response to the decision of the CP dated 19 September 2015.
- vii. On 16 November, the Complaints Panel decided that the ‘stop work order’ may be lifted after GVL renegotiate the FPIC from the communities in Butaw.
- viii. 8 December 2015, GVL asked for a lifting of the Stop Work Order, as they claimed it was at the request of the community. The RSPO Secretariat to draft the letter and circulate it to the Complaints Panel members for review.
- ix. The letter was sent to GVL on 21 Dec 2015 and conditions for the lifting of the “stop work order’ were specified in it.
- x. We are waiting for the response from the complainants.
- xi. The Meeting took place on 11 April 2016 but information still pending from GVL and the NGO. Next meeting scheduled for 19 May 2016.
- xii. On 6 June Secretariat received unofficial information from GVL that the people who were arrested following the May riot in Butaw have been released. Secretariat to wait for formal confirmation.

### 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	To abide by our preliminary decision and maintain the complaint as closed for monitoring until we get clarification from the Para State land office.

Complaint 2	
Member Organization	PT Limpah Sejahtera (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower



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Country	Indonesia
Complainant	Yayasan International Animal Rescue Indonesia (YIARI)
Date filed	1 May 2010
Nature of complaint	Violation of RSPO P&C 5.2 and P&C 7.3. The company is alleged to have breached: Principle 5: Environmental responsibility and conservation of natural resources and biodiversity Principle 7: Responsible development of new plantings. The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before development of the plantation.
Status	Box F – Action Plan
Decision /Justification	To request the company to do peer review. Secretariat to prepare the letter and circulate to the CP before sending it out.

Complaint 3	
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 encloved 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 F – Action Plan
Decision /Justification	To wait for the map from the Land & Survey Department before we proceed to make any further decision.

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Complaint 4	
Member Organization	PT Sisirau/Ibris Palm Group
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Sumatran Orangutan Society (SOS)
Date filed	29 October 2012
Nature of complaint	<ol style="list-style-type: none"> <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	To wait for the company to send their feedback to the letter

Complaint 5	
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"> <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	RSPO Secretariat to follow up with the Trust Fund Committee and get their decision. RSPO secretariat to draft the letter and circulate to the CP before sending it out.

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Complaint 6	
Member Organization	Equatorial Palm Oil PLC
Membership category	Oil Palm Grower
Country	Liberia
Complainant	Sustainable Development Institute
Date filed	25 September 2013
Nature of complaint	<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 G – Closed for monitoring
Decision /Justification	To wait for the final progress report before closing the case.

Complaint 7	
Member Organization	Plantaciones de Pucallpa SAC
Membership category	Grower
Country	Peru
Complainant	Forest People Program (FPP)
Date filed	5 December 2016
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><a href="http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126">http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126</a></p>
Status	Box E. Reviewing Response
Decision /Justification	RSPO Secretariat to proceed to make efforts to understand the issues better by getting all documents translated.

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Complaint 8	
Member Organization	FELDA
Membership category	Grower
Country	Malaysia
Complainant	Article by The Wall Street Journal
Date filed	26 July 2015
Nature of complaint	<p><b><i>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</i></b>  <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 wait for the company to submit the action plan.

Complaint 9	
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	To wait for the meeting in Guatemala and scrutinise the response from the complainants before we proceed to the final decision.

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Complaint 10	
Member Organization	Bumitama Gunajaya Abadi/Bumitama
Membership category	Grower
Country	Indonesia
Complainant	Sawit Watch
Date filed	13 November 2016
Nature of complaint	<p>The allegations are:</p> <ol style="list-style-type: none"> <li>1) Destroying graves and planting trees surrounding the graves;</li> <li>2) Dispute on plasma scheme mechanism;</li> <li>3) Termination of labourers and the status of labourer i.e. are they casual or permanent?</li> <li>4) Compensation not paid directly to the land owner;</li> <li>5) Loss of land certification and using the land of migrants which is still under control of the owner;</li> <li>6) Criminalisation of Gusti Gelombang, a former Company Public Relation officer and now the Head of Cooperative Body.</li> </ol> <p>This case has been handled bilaterally since 2014. It was escalated to RSPO because police came to Sawit Watch's office to arrest Gusti Gelombang, who was in their office at that time</p>
Status	Box D. Complaint Legitimate
Decision /Justification	To close the case for monitoring and continue with bilateral negotiations.

Complaint 11	
Member Organization	PT London Sumatra (Lonsum)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Community of Desa Pergulaan via Sawit Watch
Date filed	7 April 2009
Nature of complaint	<p>The following points were raised by the community of Desa Pergulaan:</p> <ol style="list-style-type: none"> <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> </ol>

## COMPLAINTS PANEL MEETING MINUTES

*For Website*

30 June 2016 | 3.30pm – 5.30pm | Meeting No. 6/2016

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

	<p>6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised.</p> <p>7. No complaint letters have been addressed to Lonsum directly.</p> <p>8. Status of residents on the Police ‘Wanted List’.</p>
Status	Box E – Reviewing Response
Decision /Justification	To wait for the community to send the documents to the government and wait for their decision.

Complaint 12	
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	<p>Violation of the RSPO Principles and Criteria and New Plantings Procedure by:</p> <ol style="list-style-type: none"> <li>1) Not providing public notification for a 30 day period consistent with the New Planting Procedures,</li> <li>2) By commencing land preparation for new planting and infrastructure development prior to the expiry of the minimum 30-days consultation period.</li> <li>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.</li> <li>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).</li> <li>5) Forcibly evicting the people from their lands (RSPO C7.5 and C7.6).</li> </ol>
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	Any decision to close for monitoring will only be made after confirmation of the facts.

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Complaint 13	
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"> <li>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.</li> <li>2. Land was acquired without a land tenure study and participatory mapping.</li> <li>3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was on May 2014.</li> <li>4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas.</li> <li>5. Land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood.</li> <li>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.</li> </ol>
Status	Box E. Reviewing Response
Decision /Justification	Secretariat to wait for the results of legal review from the consultant and the meeting between FPP and GAR.

Complaint 14	
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"> <li>a. 10,000 ha of planting without permit (IUP)</li> <li>b. Encroachment into the forest sanctuary</li> <li>c. IOI has cleared the land without submitting NPP.</li> </ol>
Status	Box N – Non Cooperation.

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Decision /Justification	Complaints Panel decided on the conditional lifting of the suspension RSPO Secretariat to draft the letter and memo to the BoG and circulate to the Complaints Panel for review
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Complaint 15	
Member Organization	Poligrow Colombia
Membership category	Oil Palm Grower
Country	Colombia
Complainant	Environmental Investigation Agency
Date filed	13 August 2015
Nature of complaint	The Italian-owned Poligrow Ltd, has prohibited the Jiw and 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	To wait for the result of the independent investigations before making any decision.