

## COMPLAINTS PANEL MEETING MINUTES

*For Website*

18 June 2018 | 3.30-6.00pm | Meeting No. 6/2018

Meeting location: *Jakarta Conference Room, RSPO 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), Priya Gopalan (UBS AG), Frazier Lanier (Citibank), Lim Sian Choo (Bumitama), Lanash Tanda (SEPA), Robert Kruger (RKG), Samantha Bramley (Standard Chartered), Suzanne Hall (San Diego Zoo)

#### 3.30pm-4.15pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of 25 May and 31 May 2018 during the CP Meeting
4. Updates from the Board of Governors
5. Addressing issue of quora
6. New Complaints:-
  - a) Wilmar v Centre for Orang Utan Protection;
  - b) First Resources v Link Ar Borneo;
  - c) Musim Mas v Centre for Orang Utan Protection;
  - d) Sinar Mas v Centre for Orang Utan Protection; and
  - e) PT. AMP Plantation (Wilmar)
  - f) Wilmar v Link-Ar Borneo
7. Incident reports from the Public Domain
  - a) Aceydesa (Honduras);
8. Complaints Case Statistics
9. Any other matters: -
  - a) Dates for Complaints Panel meetings;
  - b) Expansion of the Complaints Panel;
  - c) Complaints website revamp;
  - d) Meeting with the DSF Advisory Group;
  - e) Updates on HCVRN
  - f) Updates on Discussion with ASI
  - g) Endorsement of the Cost Guidelines for Certification Bodies, and
  - h) Documentation and Communication

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10. Amnesty International report on Wilmar - a media enquiry by Sydney Morning Herald.
11. Request for Re-opening the case of PT Gunta Samba Jaya/PT SIMP.
12. Research Report, "Palming Off Responsibility: Labour rights violations in the Indonesian palm oil sector", by SOMO and CNV International (Pt Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam – Wilmar).
13. Commitment of Financial Institutions
14. Complaints for deliberation: -

### **Group 1: 4.15pm-4.45pm**

- i. FELDA vs Orang Dusun Lahad Datu (Desa Begahak) (Robin Balud)
  - ii. Agropalma SA vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
  - iii. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
  - iv. Coles Supermarket Ltd vs Palm Oil Investigation
  - v. PT. Pusaka Agro Lestari (PT.PAL - Noble Plantation) vs EIA and Greenpeace
  - vi. PT. Prima Mitra Jaya Mandiri (PT. PMM - MP Evans) vs Serbundo
  - vii. PT. Agro Indomas (Goodhope) vs Mr. Ravindran Veerasamy.
  - viii. PT. Susantri Permai, PT Dwie Warna Karya, PT Kapuas Maju Jaya (Genting Plantation Berhad) vs Commission IV of Indonesia's House of Representative
  - ix. PT. Susantri Permai (Genting Plantation Berhad) vs Borneo Orangutan Survival Foundation (BOSF)
  - x. PT. Limpah Sejahtera (First Resources) vs Yayasan Indonesian Animal Rescue International
  - xi. PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK
  - xii. PT. Minamas Gemilang (Sime Darby) vs Oky Wardianto
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- i. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh

### **Group 2: 4.45pm-5.15pm**

- i. PT. Permata Hijau Pasaman (PHP - Wilmar International) vs Gampo Alam
- ii. Extractora La Gloria SAS vs ASOCOL, ASOCADAR
- iii. PT. Bumitama Gunajaya Agro (BGB- Bumitama) vs Sawit Watch
- iv. PT. Hati Prima Agro (HPA- Bumitama) vs Sawit Watch
- v. PT. Bumi Sawit Kencana II (BSK- Wilmar International Ltd.) vs Village Kapuk
- vi. Palmas Del Espino SA vs FREDEIALBA
- vii. PT Agro Muara Rupit
- viii. Western Pacific Oil vs MOI Foods USA Inc
- ix. FELDA Global Venture Holding Berhad vs Chain Reaction Research
- x. FELDA Global Venture vs Article by The Wall Street Journal

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- xi. PT. Sarana Esa Cita (Musim Mas) vs M. Ali Napiah
- xii. Aceites S.A vs Association of Palm Growers of the Irrigation District of Marialabaja
- xiii. PT Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo
- xiv. Wilmar vs Link-Ar Borneo
- xv. PT Perkebunan Nusantara VI vs PT REKI
- xvi. PT Ivo Mas Tunggal vs LBH Sakai Riau

### **Group 3: 5.15pm-5.50pm**

- i. PT. London Sumatra (Lonsum) vs Sawit Watch
- ii. PT. London Sumatra (Lonsum) vs RAN, Oppuk, ILRF
- iii. PT. Kartika Prima Cipta (GAR) vs FPP and TUK Indonesia
- iv. PT. Kartika Prima Cipta (GAR) vs Link-Ar Borneo
- v. Poligrow vs Environmental Investigation Agency
- vi. PT. Nabire Baru (Goodhope) vs Yayasan PUSAKA
- vii. Goodhope Asia Holdings Ltd vs FPP, Greenpeace, EIA and PUSAKA
- viii. PT. Hari Sawit Jaya (PT Inti Indo Sawit Subur) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (FSPMI)
- ix. PT. Nubika Jaya (Permata Group) vs Masyarakat Peduli Lingkungan Hidup (MPLH)
- x. PT. Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) (Ketapang) vs Aid Environment
- xi. IOI Pelita vs Community of Long Teran Kanan

### **Agenda item**

#### **1. Opening Remarks by Chairperson**

CCP welcomes everyone.

#### **2. Declaration of "No Conflict of Interest"**

MA reaffirmed COI.

#### **3. Minutes of the meeting of 24 January 2018**

Minutes of the 25 May and 31 May 2018 CP Meetings are adopted.

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### 4. Updates from the Board of Governors

BT informed that the BoG acknowledges the good work of the CP and they would like to see ideas on moving forward better and more efficiently. While the BoG appreciates getting updates of past performance on complaints, they have requested that the CP lets them know how the BoG can assist in ensuring that the Complaints process is more efficient and complaints are resolved in a timely manner.

### 5. Addressing issue of quora

A 50% quora is required for general CP discussions.

### 6. New Complaints

#### New Complaints

#### a) Wilmar International

Complainant: COP

Complaint received: 23 March 2018

#### 18 June 2018 (CP Meeting)

Complaint has been rejected. No breach of Key Documents. Parties to the Complaints have been notified.

#### b) PT. Swadaya Mukti Perkasa (PT. SMP), subsidiary of First Resources

Complainant: Link -Ar Borneo

Complaint Received: 9 May 2018

#### 18 June 2018 (CP Meeting)

Initial diagnosis to be endorsed by CP.

#### c) Musim Mas

Complainant: COP

Complaint Received: 9 May 2018

#### 18 June 2018 (CP Meeting)

Initial diagnosis completed and decision to be delivered.

#### d) Sinar Mas

Complainant: COP

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Complaint Received: 9 May 2018

### 18 June 2018 (CP Meeting)

Initial diagnosis completed and decision to be delivered.

#### e) PT. AMP Plantation (Wilmar);

Complainant: Represented by a Lawyer, on behalf of the communities (requested for confidentiality)

### 18 June 2018 (CP Meeting)

Initial diagnosis to be completed.

#### g) Wilmar International

Complainant: Link-Ar Borneo

Complaint received: 30 January 2018

18 June 2018

Initial Diagnosis to be completed.

## 7. Incident Report from the Public Domain

### a) Aceydesa (Honduras)

Major unrest is brewing in Honduras post the elections. There were a series of reports in the foreign press relating to the land around Baja Aguan area, at a concession owned by one of RSPO's certified members, Aceydesa. The allegations are related to land grabbing, social and FPIC related issues amongst the Garifuna indigenous community. Since it's a certified unit, our certification team has already contacted the CB, Control Union, who is supposed to initiate a re-audit. This was initially scheduled for the 8<sup>th</sup> December 2017 but given the current unrest, they have postponed it to this year. We are on standby and have received a media query from a Swiss press source and we have given our usual response. This matter is on high alert.

### 25 May 2018 (CP Meeting)

Secretariat received the final report on 11 June 2018. It is currently being reviewed by the Head of Certification to determine if all issues have been adequately addressed by the Certification Body.

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8. Complaints Case Statistic.										
	January 2018	February 2018	March 2018	April 2018						
Complaints received	3	1	1	-						
Status	Initial Diagnosis	Initial Diagnosis	Case closed and referred to certification for follow up.	-						
Certified	2	0		-						
Country	3 Indonesia	1 Indonesia	1 Indonesia	-						
Typed of Allegations	<ul style="list-style-type: none"> <li>Plasma Scheme</li> <li>FPIC/Lack of Transparency</li> <li>Land clearance/no compensation to community/no proper permit.</li> </ul>	<ul style="list-style-type: none"> <li>Buying illegal FBB</li> </ul>	Orang utan shooting							
	May 2018									
Complaints received	5									
Status	Initial Diagnosis									
Certified										
Country	Indonesia									
Typed of Allegations										
<b>Country</b>	<b>Indonesia</b>	<b>Malaysi</b>	<b>Liberi</b>	<b>Columbi</b>	<b>Australi</b>	<b>PN</b>	<b>Brazi</b>	<b>Per</b>	<b>U</b>	<b>Total</b>
Open cases	33	4	1	3	1	1	1	1	1	45

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<p><b>9. Any other matters for the Complaints Panel:</b></p> <p><b>9.1 Dates for the next Complaints Panel Meeting.</b> The upcoming CP meeting date: <b>25 July 2018</b></p>
<p><b>9.2 Expansion of the Complaints Panel</b> Secretariat to contact IGC members on joining the Complaints Panel.</p>
<p><b>9.3 Complaints System Revamp</b> Secretariat is working with the developers on revamping the website.</p>
<p><b>9.4 Meeting with DSF Advisory Group</b> Draft bilateral engagement guidelines drafted and has been shared with the CP. Currently compiling comments from CP for internal review before sharing with DSF AG.</p>
<p><b>9.5 Updates on HCVRN</b> A meeting with the HCVRN Management Committee will be held on 19 - 20 June 2019.</p>
<p><b>9.6 Updates on discussion with ASI</b> A meeting between the CP and ASI will be held on 27 June 2018.</p>
<p><b>9.7 Endorsement of the Cost Guidelines for Certification Bodies</b> To be endorsed post the CP meeting in Paris.</p>
<p><b>9.8 Documentation and Communication</b> CP members will be given RSPO email IDs to maintain confidentiality and ensure effective communication and documentation.</p>
<p><b>10. Amnesty International's Investigation report on Wilmar International</b> "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;</p>

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- 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>

**30 November 2016** – Musim Mas response on the issue: <http://www.musimmas.com/news/general-news/2016/musim-mas-responds-to-labour-risks-in-the-palm-oil-industry>

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Complaints Panel is following up with Wilmar International and TSH.

### Update:

#### 18 June 2018 (CP Meeting)

A meeting was held with Wilmar International on 28 May 2018 to discuss follow up on the allegations. Wilmar has requested that the proposed verification be postponed until they have completed their discussions with Amnesty International.

THS has updated that they have now commissioned a new verification. Report and updated action plan pending. It will be shared once it is completed.

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

Greenpeace, upon releasing their investigative report, **Dirty Bankers**, which exposes HSBC's 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. The case remains unresolved after



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Indofood CEO Mark Wakeford informed RSPO that “[Indofood does] not have any shareholding in PT Gunta Samba Jaya and it is not part of the IndoAgri or SIMP Group.”

Greenpeace claim that their analysis of the company deeds and corporate structures revealed considerable overlap between PT GSJ and its parent companies, and other Salim Group businesses.

In light of this evidence they are formally requesting that the Complaints Panel re-examine the case against PT Gunta Samba Jaya / PT SIMP.

**Update:**

**18 June 2018 (CP Meeting)**

The Secretariat has received the 2<sup>nd</sup> quote. Awaiting endorsement from the Financial Director.

**12. Research Report “Palming Off Responsibility: Labour Rights violation in Indonesia palm oil sector by SOMO and CNV International (PT Aneka Inti Persada – Sime Darby and PT Murini Sam Sam – Wilmar International)**

SOMO/CNV International published their report on labour violations at PT Murini Sam Sam and PT Aneka Inti Persada. The following violations were noted in the report:

PT Murini Sam Sam

- Temporary workers and contract issues
- Wages and overwork
- Child labour
- Health and safety
- Gender equality – mainly hired as plantation maintenance workers and as such employed on a seasonal basis. Day workers are denied their 3 months of paid maternity leave.
- Freedom of association

PT Aneka Inti Persada:

- Temporary workers and contract issues
- Wages and workload
- Child labour
- Health and safety

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- Gender equality
- Freedom of association

**Update:**

**18 June 2018 (CP Meeting)**

WN updated that one compliance audit has been completed. The Secretariat is waiting for update from ASI on the second audit.

**13. Involvement of Financial Institutions.**

**There were discussions:-**

1. For financial institutions to encourage other banks to become RSPO members.
2. To encourage banks to examine their commercial banking relationship with other banks to promote sustainability.

**18 June 2018 (CP Meeting)**

PG updated that there were good feedbacks at the FITF webinar. It was reiterated that the key point is to involve local banks.

### DELIBERATION OF COMPLAINTS

#### Group 1

<b>Complaint 1.1.</b>	
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

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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 encaved 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	<a href="#">No update on appeal to SLSD. .</a>

<b>Complaint 1.2.</b>	
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	<a href="#">Secretariat to have a Skype meeting with the Company in July.</a>

<b>Complaint 1.3.</b>	
Member Organization	Hap Seng Plantations Holdings Bhd.
Membership category	Palm Oil Company
Country	Malaysia
Complainant	Sia Yi Chin of Lahad Datu Sabah
Date filed	11 November 2015
Nature of complaint	The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah.

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	<p>He says that he is the beneficial owner of the said land and the land office in Kota Kinabalu has confirmed that the said land is still in his name as beneficial owner.</p> <p>He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015</p>
Status	Box D – Complaint Legitimate
Decision /Justification	<a href="#">Secretariat to follow up with the Company.</a>

<b>Complaint 1.4.</b>	
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 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 Coles non-food products is also underway and in May 2015, Coles 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>

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Status	Box F. Action Plan
Decision /Justification	<a href="#">Secretariat to proceed to have a Skype meeting with the company on 19 June 2018.</a>

<b>Complaint 1.5.</b>	
Member Organization	PT. Pusaka Agro Lestari.
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	EIA and Greenpeace
Date filed	20 June 2017
Nature of complaint	<ol style="list-style-type: none"> <li>1. Potential risk on Clearance a large areas of Primary Forest in Papua;</li> <li>2. Official Complaint against one of HCV Assessors – Nyoto Susanto.</li> </ol>
Status	Box A. Complaint received.
Decision /Justification	<a href="#">Secretariat has received a response from the expert and its being reviewed by the Secretariat.</a>

<b>Complaint 1.6.</b>	
Member Organization	PT. Prima Mitrajaya Mandiri.
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Serbundo (Serikat Buruh Perkebunan Indonesia).
Date filed	26 September 2017.
Nature of complaint	Promote the status of the contract worker to become permanent worker, especially those who have been working in permanent basis work.
Status	Box A. Complaint received.
Decision /Justification	<a href="#">To proceed with a meeting with both parties after Eid.</a>

<b>Complaint 1.7.</b>	
Member Organization	PT. Agro Indomas
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Mr. Ravindran Veerasamy.
Date filed	8 June 2017.
Nature of complaint	Terminations of employment contract without severance pay

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Status	Box B. Complaint Categorised.
Decision /Justification	<a href="#">There is no response since the decision letter was delivered.</a>

<b>Complaint 1.8.</b>	
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 Categorised.
Decision /Justification	<a href="#">CP to deliver a decision.</a>

<b>Complaint 1.9.</b>	
Member Organization	PT Susantri Permai (Genting)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Borneo Orangutan Survival Foundation (BOSF)
Date filed	31 March 2017
Nature of complaint	On 14 February 2017, a report published by US News and Indonesian's local News reported that an Orangutan was killed in the concession of PT Susantri Permai / Genting Plantation.  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.
Status	Box C. Panel Convened
Decision /Justification	<a href="#">Secretariat to review the orang utan report and with the company on the status of the workers.</a>

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<b>Complaint 1.10.</b>	
Member Organization	PT Limpah Sejahtera (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan International Animal Rescue Indonesia (YIARI)
Date filed	1 May 2010
Nature of complaint	Violation of RSPO P&C 5.2 and P&C 7.3. The company is alleged to have breached: Principle 5: Environmental responsibility and conservation of natural resources and biodiversity Principle 7: Responsible development of new plantings. The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before the development of the plantation.
Status	Box F – Action Plan
Decision /Justification	<a href="#">Secretariat to follow up with the Company on meeting its 2<sup>nd</sup> milestone.</a>

<b>Complaint 1.11.</b>	
Member Organization	PT Mitra Austal Sejahtera (Sime Darby subsidiary)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Transformasi untuk Keadilan (TuK)
Date filed	31 October 2012 (under DSF) Transferred from DSF to the CP on 9 June 2017
Nature of complaint	It is alleged that the company is breaching the RSPO P&C: Principle 1 on Transparency,  Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills. The issues filed by the complainant are:  <ol style="list-style-type: none"> <li>1. Lack of Transparency on land status and partnership agreements</li> <li>2. Lack of compliance to our customary land rights</li> <li>3. The absence of (documented) compensation</li> <li>4. Lack of compliance to local regulation.</li> </ol>
Status	Box D. Complaint Legitimate

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Decision /Justification	Secretariat to send TUK an email and set a date for the meeting.
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<b>Complaint 1.12.</b>	
Member Organization	PT Minamas Gemilang (Sime Darby subsidiary)
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Mr. Oky Wardianto
Date filed	19 November 2017
Nature of complaint	<p>The Complainant is an individual, Mr Oky Wardianto and the allegations are with regards to non-payment of salary to the Complainant in his position as Director and Commissioner. Secretariat to complete the Initial Diagnosis.</p> <p><b>21 December 2017 (CP Meeting)</b> Initial diagnosis has been completed and we will be sending it to the CPs. The Complainant alleges that he has not been paid his salary as the Director and Commissioner since 2010. On the basis of the allegations, there are potential breaches of the P&amp;C.</p>
Status	Box C. Panel Convened
Decision /Justification	Secretariat to have a meeting with a labour lawyer before CP delivers decision.

<b>Complaint 1.13</b>	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh
Date filed	2 October 2012
Nature of complaint	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> <li>i) has not provided public notification for a 30 day period consistent with the New Planting Procedures,</li> <li>ii) By commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period</li> <li>iii) By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 &amp; 7.4) including the</li> </ul>



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	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 iv) clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6
Status	Box C. Panel Convened.
Decision /Justification	To issue the Company a show cause for possible non-compliance of CP decision delivered in 2018. Appeal is pending.

### Group 2

<b>Complaint 2.1.</b>	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	S.H Gampo Alam, <i>Pucuk Adat Nagari Kapa</i> (indigenous leader of Nagari Kapa) as well as Head of <i>Kerapatan Adat Nagari Kapa</i> (KAN – a village/Nagari-level customary institution in Minangkabau which maintains and preserves the Minangkabau customs and culture). Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform)
Date filed	30 October 2014
Nature of complaint	1. Complainant seeks clarity of the extent of PT. PHP 1's nucleus estate in Nagari Kapa. 2. Complainant rejects PT. PHP 1's application to the National Land Agency for a 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 follow up with all parties to proceed with implementation.

<b>Complaint 2.2.</b>	
Member Organization	Extractor La Gloria SAS

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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 F – Action Plan
Decision /Justification	<a href="#">Secretariat to follow up with the Company for the revised action plan.</a>

<b>Complaint 2.3.</b>	
Member Organization	Bumitama Gunajaya Abadi (Bumitama).
Membership category	Grower
Country	Indonesia
Complainant	Sawit Watch
Date filed	13 November 2015
Nature of complaint	<p>The allegations are:</p> <ol style="list-style-type: none"> <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 G - Closed for Monitoring (for allegation no. 1, 3, 4, & 5)

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	Box D – Complaint Legitimate (for plasma issue, cooperative issue & claim from 15 villagers of Sukajaya and Kinjil)
Decision /Justification	Follow up action to be discussed further.

<b>Complaint 2.4.</b>	
Member Organization	PT Hati Prima Agro
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Sawit Watch
Date filed	13 October 2017
Nature of complaint	A complaint was initially lodged in 2012 on allegations related to land matters. It was dismissed in April 2015 when Bumitama said that they were planning to divest the property and no longer had management control. However, in this request for reopening of the complaint, Sawit Watch has made allegations that although Bumitama claimed to have divested the property they continued to have management control. Further, in July 2016 Bumitama had repurchased the concession unit. Thus, the request for reopening is on the basis that Bumitama allegedly made deceptive claims before the Complaints Panel. The Complainants further claim that Bumitama had not submitted NPP despite the land clearance.
Status	Box C – Panel Convened
Decision /Justification	Follow up action to be discussed further.

<b>Complaint 2.5.</b>	
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	Secretariat to follow up with the Company for the documents to proceed with investigation.

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<b>Complaint 2.6.</b>	
Member Organization	Palmas Del Espino SA
Membership category	Palm Oil Grower
Country	Peru
Complainant	FREDEIALBA
Date filed	4 July 2017
Nature of complaint	<ul style="list-style-type: none"> <li>a. The company and their group member developing the plantation without proper NPP process;</li> <li>b. Developing plantation without informing the local communities;</li> <li>c. The company has failed to comply with national law on the forest conversion;</li> <li>d. Mistreatment of employees including arbitrary dismissal;</li> <li>e. New plantings established without EIA and HCV assessment.</li> </ul>
Status	Box A. Complaint received
Decision /Justification	<a href="#">No updates pending Peru Constitutional Court decision.</a>

<b>Complaint 2.7.</b>	
Member Organization	PT Agro Muara Rupit
Membership category	Grower
Country	Indonesia
Complainant	Edhy Wardhana
Date filed	17 May 2017
Nature of complaint	The complainant claimed that his land was fraudulently sold by his cousin to PT Agro Muara Rupit. The complainant demand RSPO to review and hold the development the land.
Status	Box A. Complaint received
Decision /Justification	<a href="#">CP to deliver a decision.</a>

<b>Complaint 2.8.</b>	
Member Organization	Western Pacific Oil
Membership category	Supply Chain Associate

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Country	USA
Complainant	MOI Foods USA Inc
Date filed	17 March 2017
Nature of complaint	Western Pacific Oils claimed that they are purchasing MB shortening from MOI Foods. MOI Foods clarified that WPO is not their supplier.
Status	Box A. Complaint received
Decision /Justification	<a href="#">Complaint has been dismissed and decision delivered.</a>

### Complaint 2.9.

Member Organization	Felda Global Venture Holding Berhad
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Chain Reaction
Date filed	19 April 2017
Nature of complaint	There was a report issued by Chain Reaction which reported the fact that FGV in their Kalimantan concession had cleared 1600 Ha peat forest. On 25 <sup>th</sup> April 2017 Secretariat had a meeting with FGV and they claimed that they only planted on less than 100 Ha of shallow peat.
Status	Box A. Complaint received
Decision /Justification	<a href="#">Secretariat to complete review of information.</a>

### Complaint 2.10.

Member Organization	FELDA Global Venture
Membership category	Grower
Country	Malaysia
Complainant	Article by The Wall Street Journal
Date filed	26 July 2015
Nature of complaint	<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>

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	The issues including human trafficking, general poor labour conditions, Use of labour contractors, to exploit illegal immigrants from Bangladesh and Myanmar; Withholding of passports; Poor health care; Pay below minimum wages; Non-payment of wages; Bonded labourers.
Status	Box F - Action Plan
Decision /Justification	<a href="#">Secretariat to share draft verification report with FGV for factual verification.</a>

<b>Complaint 2.11.</b>	
Member Organization	Sarana Esa Cita (Musim Mas)
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	M. Ali Napihah
Date filed	6 October 2017
Nature of complaint	The complainant stated that the company has operated on his land without compensation.
Status	Box C. Panel Convened
Decision /Justification	<a href="#">CP to deliver a decision.</a>

<b>Complaint 2.12.</b>	
Member Organization	Aceites S.A
Membership category	Palm Oil Grower
Country	Maria la Baja, Columbia
Complainant	Confidential
Date filed	11 August 2017
Nature of complaint	One of ACEITES mills is allegedly purchasing its FFB from an operation run by Mrs. Alva Yiseth Villamizar Navas in the Maria la Baja area since May 2016. Alva Navas is allegedly collecting FFB from palm growers who accepted her offer of paying them below the market price, without invoices and also offered to harvest the fruit for them. Further, she also made several trucks available to transport the FFB from the field to the collection site. It is also alleged that she buys fruits from anyone, regardless of their ownership. Due to this, people started stealing fruit in the area, because she purchases fruit regardless of its origin, collecting the fruit without any type of sanitary control and with staff hired outside the rules laid down by the Ministry of Labor. The vehicles that collect the fruit do so during the night, a time when restrictions apply on mobility imposed by the City Hall. The FFB has been transferred to the mills located in the department of Magdalena, belonging to Aceites S.A and Palma Aceites.

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Status	Box C. Panel Convened
Decision /Justification	<a href="#">Secretariat to follow up with the Complainants.</a>

<b>Complaint 2.13.</b>	
Member Organization	PT Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo
Membership category	
Country	West Kalimantan, Indonesia
Complainant	Link-Ar Borneo
Date filed	21 January 2018
Nature of complaint	<p>Allegations:</p> <ul style="list-style-type: none"> <li>• Lack of transparency on the Plasma Scheme.</li> <li>• Locations: Tapang Tingang Village dan Kiungkang Village, Sanggau, West Kalimantan.</li> </ul>
Status	Box C. Panel Convened
Decision /Justification	<a href="#">Complaint formally accepted. Secretariat to contact the parties.</a>

<b>Complaint 2.14.</b>	
Member Organization	PT Perkebunan Nusantara VI
Membership category	
Country	Indonesia
Complainant	PT REKI
Date filed	16 April 2018
Nature of complaint	<p>Allegation:</p> <p>The complainant claims that PT. PN VI has bought illegal FFB from the communities. The complainant informed that the communities have planted palm oil plantations on their concession area and sold FFB to members of RSPO (PT. PN VI). The complainant has provided the evidence for these allegations.</p>
Status	
Decision /Justification	<a href="#">Complaint formally accepted. Secretariat to contact the parties.</a>

<b>Complaint 2.15.</b>	
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Member Organization	PT. Ivo Mas Tunggal
Membership category	
Country	Riau, Indonesia
Complainant	LBH Sakai Riau
Date filed	12 April 2018
Nature of complaint	Allegations: <ul style="list-style-type: none"> <li>• Land clearing outside HGU;</li> <li>• Operated on community's land without compensation (±6,505.42 Ha);</li> <li>• The company has operated without an appropriate permit</li> </ul>
Status	Box C. Panel Convened
Decision /Justification	<a href="#">Complaint formally accepted. Secretariat to contact the parties.</a>

### Group 3

<b>Complaint 3.1.</b>	
Member Organization	PT London Sumatra (Lonsum)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Community of Desa Pergulaan via Sawit Watch
Date filed	7 April 2009
Nature of complaint	The following points were raised by the community of Desa Pergulaan: <ol style="list-style-type: none"> <li>1. Legality of the extension of the concession and demands for the return of land totalling 165.6 ha.</li> <li>2. The status of the law suit filed by 5 of the residents which are 'out-of-time' (compensation paid in 1971).</li> <li>3. The legality of the security drains 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	<a href="#">Secretariat to set a meeting with the Complainants.</a>



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<b>Complaint 3.2.</b>	
Member Organization	PT PP London Sumatra/IndoAgri
Membership category	Growers
Country	Indonesia
Complainant	Rainforest Action Network (RAN), ILRF, OPPIK Indonesia
Date filed	12 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 <a href="http://ran.org/indofood">ran.org/indofood</a> .
Status	Box C – Panel Convened
Decision /Justification	<a href="#">Secretariat to follow up on the draft verification report.</a>

<b>Complaint 3.3.</b>	
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	Points raised : 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

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Decision /Justification	<a href="#">Secretariat to follow up with the Company.</a>
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<b>Complaint 3.4.</b>	
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"> <li>1. Land Claim by 1 community member of Nanga Suhaid, Mr. Saudi;</li> <li>2. Land compensation claim by 1 community member of Nanga Suhaid, H. Kutai;</li> <li>3. Water Pollution in the Kapuas river which is affecting the fish farmers' business production;</li> <li>2. Conflict between residents and Village Head of Tanjung regarding water quality;</li> <li>3. Conflict between residents and Village head of Emperiang regarding the land acquisition process.</li> </ol>
Status	Box C. Panel Convened
Decision /Justification	<a href="#">Secretariat to follow up with the Complainants.</a>

<b>Complaint 3.5.</b>	
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 Sikuani 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	<a href="#">Secretariat to follow up with the Company on the revised Action Plan.</a>

<b>Complaint 3.6.</b>	
Member Organization	PT Nabire Baru
Membership category	Palm Oil Grower
Country	Indonesia

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Complainant	Yayasan PUSAKA
Date filed	19 April 2016
Nature of complaint	Allegations: <ol style="list-style-type: none"> <li>1. Deforestation which causing severe flood in Village Sima</li> <li>2. Irregularities including development without EIA</li> <li>3. Land grabbing of the Indigenous people</li> <li>4. Failure in following proper FPIC process</li> <li>5. Excessive use of force and violence using of state security forces</li> </ol>
Status	Box D – Complaint Legitimate
Decision /Justification	<a href="#">Secretariat to follow up with the complainant on decision to proceed with mediation.</a>

<b>Complaint 3.7.</b>	
Member Organization	Goodhope Asia Holdings
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	RSPO Secretariat
Date filed	19 April 2017
Nature of complaint	FPP and the other NGOs sent a complaint to the BoG on the fact that Goodhope had insisted that their NPP be posted for public consultation despite the Secretariat's finding that the HCV Assessment was not satisfactory. The complainants had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).
Status	Box F. Action Plan
Decision /Justification	<a href="#">Secretariat to proceed with the legal review and to have a meeting with the community/cooperatives.</a>

<b>Complaint 3.8.</b>	
Member Organization	PT Hari Sawit Jaya
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Konsulat cabang Federasi Serikat Pekerja metal Indonesia ( FSPMI) Selabuhanbatu Raya
Date filed	25 September 2017
Nature of complaint	The allegations are:

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	<ul style="list-style-type: none"> <li>a. the worker force to bring wife and children as helper/ gerdang to help the worker to reach the target as a harvester;</li> <li>b. impositions of penalties on the worker. This matter was queried by the worker, but the management failed to give satisfactory explanations;</li> <li>c. The absent machine for the workers was broken, it has impact on the payroll;</li> <li>d. Bonus deductions;</li> <li>e. Discrimination of the casual workers;</li> </ul>
Status	Box C. Panel Convened
Decision /Justification	<a href="#">CP to deliver decision.</a>

<b>Complaint 3.9.</b>	
Member Organization	PT Nubika Jaya
Membership category	Supply chain and mill
Country	Indonesia
Complainant	Masyarakat Peduli Lingkungan Hidup (MPLH)
Date filed	3 October 2017
Nature of complaint	The complainant informed that the company has dumped waste into rivers. During rainy seasons, the river overflowed and inundated residents' houses. The complainant stated the company have failed to implement the agreement from 2015.
Status	Box C. Panel Convened
Decision /Justification	<a href="#">CP to deliver decision.</a>

<b>Complaint 3.10.</b>	
Member Organization	PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) – Ketapang
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	AidEnvironment
Date filed	3 April 2015
Nature of complaint	<p>Issues raised by AidEnvironment:</p> <ul style="list-style-type: none"> <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> </ul>

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Status	Box F – Action Plan.
Decision /Justification	<a href="#">CP to discuss the report and deliver decision.</a>

<b>Complaint 3.11.</b>	
Member Organization	IOI Pelita / IOI
Membership category	Palm Oil Grower
Country	Malaysia
Complainant	Community of Long Teran Kanan
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	<a href="#">Secretariat to ask Grassroots to choose a role, either to remain as a Complainant or enter into a financial contract with IOI as advisor.</a>