

## COMPLAINTS PANEL MEETING MINUTES

29 July 2015 | 3.30pm – 6.00pm | Meeting No. 7/2015

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

### GENERAL MEETING AGENDA

#### List of Complaint Panel members

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

#### 3.30pm – 4.20pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 18 June 2015 Complaints Panel Meeting
4. New reported cases
5. Monthly Update: List of Complaints
6. List of Complaint and Reported cases
7. Any other matters
8. Golden Veroleum Liberia

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

1. PT Ladang Sawit Mas (LSM) /Bumitama Agri Ltd
2. PT Nabatindo Karya Utama (NKU) / PT Andalan Sukses Makmur (ASMR) /Bumitama Agri Ltd
3. Genting Plantation Bhd (GPB)
4. PT Limpah Sejahtera (First Resources Ltd)
5. PT Borneo Surya Mining Jaya (First Resources Ltd)
6. Orang Dusun Lahad Datu/ FELDA
7. PT Sawit Mandiri Lestari/ PT Sawit Sumbermas Sarana (PT SML/PT SSS)

#### Group 2: 4.50pm – 5.30pm

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

#### Group 3: 5.30 – 6.00pm

13. PT London Sumatra (Lonsum)
14. Golden Veroleum Liberia (GVL)
15. PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
16. PT WINA Nabati Indonesia/ Wilmar

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17. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit  
Sejahtera (IOI Group) - Ketapang

<p><b>Agenda item</b></p>
<p><b>1. Opening Remarks by Chairperson</b></p> <p>The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.</p>
<p><b>2. “No Conflict of Interest”</b></p> <p>All the members of the complaints panel declared that they have no conflict of interest for the complaint cases they were reviewing.</p>
<p><b>3. Minutes of the meeting of 29 July 2015</b></p> <p>The minutes of the meeting were adopted and confirmed by the members unanimously.</p>
<p><b>4. New Reported Cases</b></p> <p>The following are reported cases received by the RSPO Secretariat and have not yet been deliberated by the Complaints Panel.</p> <p><b>1. PT Austindo Nusantara Jaya/PT Permata Putera Mandiri/PT Putera Manunggal Perkasa - 10 June 2015</b></p> <p>The Greenomics report of July 2014 speaks about HCS land clearance by PT ANJ in Papua. On 10<sup>th</sup> June 2015, we received fresh evidence that the FPIC process might have been flawed i.e. they might have paid very low compensation rates, have not paid the full compensation to some parties and also possibly have cleared HCS land. Status: Box A Update:</p> <ul style="list-style-type: none"> <li>- Secretariat had a physical meeting with ANJ on 10<sup>th</sup> July 2015 with in RILO Jakarta. Formal clarification had been made.</li> <li>- Secretariat had sent complaint form to the community representative of West Papua but no official complaint lodged by any party until now.</li> <li>- This shall remain as a reported case until further development.</li> </ul> <p><b>2. PT PT Harapan Hibrida Kalbar, Lipat Gunting Estate (Manis Mata, District Ketapang, West Kalimantan, Indonesia) a subsidiary of PT Union Sampoerna Triputra Persada – lodge by Padma Indonesia on 26 May 2015.</b></p> <p>Human Rights Commission (Komnas HAM) and Indonesia Ombudsman (Ombudsman Republik Indonesia) are also been involved. Based on the letter from Komnas HAM to Head of District Ketapang dated 10 September 2014, it states that there is wide spread land grabbing of about 1588 hectares that is owned by 330 families (Kepala Keluarga/KK). While letter from Ombudsman Republik Indonesia Perwakilan Kalimantan Barat to Head of District Ketapang dated 10 March 2014, revealed that the complaint is related to the absence of implementation of planting under Kredit Koperasi Primer Anggota (KKPA) scheme since 2006 until now. Status: Box A RSPO Secretariat sent email to PT HHK on 8 June 2015 to seek their clarifications on :</p>

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- a. The actions that PT HHK has done and action plan to comply with the recommendations from Komnas HAM, based on letter from Komnas HAM to PT Harapan Hibrida Kalbar dated 14 January 2015;
- b. The actions that PT HHK has done and action plan to comply with the mediation, facilitated by Ombudsman Republik Indonesia, in Hotel Aston, Ketapang on 7 May 2015.

**Update:**

PT HHK has replied via email (on the deadline, 23 June 2015) said that they will issue formal statement on this matter.

The complainant has not replied back to RSPO since the formal letter was sent.

**3. 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 :

- i. land clearing and plantation activities without IUP;
- ii. land clearing by burning;
- iii. land claim by community of Batu Daya including the plasma;
- iv. lack of FPIC.

Status: Box B

Update: the dialogue between First Resources and Link-Ar continues had been conducted in Pontianak on 15 June 2015. Link-Ar is prepared to continue engaging with FR to develop amicable solutions. FR has taken on board suggestions made by Link-Ar and both parties made requests for further information to facilitate settlement.

First Resource is going to have a meeting in August 2015 in Pontianak.

It was suggested not list this as a complaint. It would be better to wait for the results of the upcoming meeting.

To keep this as a reported case and monitor the progress of the update.

**4. PT. Unggul Lestari (Musim Mas) – received on 23 January 2015**

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

Status: Box A

Update: letter on case closure had been sent to Musim Mas and the complainant.

No reply has been received from the parties thus far. If no further documents are received, the case can be considered for closure at the next CP Meeting.

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### 5. Monthly List of Complaints (Status as of 1 August 2015)

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	0	2
(B) Complaint categorized	0	1
(C) Panel convened	2	0
(D) Complaint legitimate	6	0
(E) Reviewing response	2	0
(F) Action plan	4	0
(G) Case Closed for monitoring	12	0
(H) Case Closed	24	20
(I) Resubmission of complaint	0	0
(J) No case	0	1
(K) No response/ no action from member	0	0
(L) Termination	0	0
(M) panel decision disputed	0	0
(N) Non cooperation	1	0
(O) No consent on action plan	0	0
(P) Appeal	0	0
(Q) Not resolved	2	0
<b>TOTAL</b>	<b>53</b>	<b>26</b>
<b>TOTAL OPEN CASES</b>	<b>15</b>	<b>6</b>

At this meeting, a total of 15 ongoing complaint cases were deliberated and 6 new reported cases were recorded.

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

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

- i. The upcoming CP meeting dates for the 3<sup>rd</sup> and 4<sup>th</sup> Quarter of 2015 are as follows:

July	August	Sept	Oct	Nov	Dec
29/07/2015	19/08/2015	30/09/2015	21/10/2015	16/11/2015*	17/12/2015

- ii. \* It was agreed to have a 'physical meeting', one day prior to the RT on **16 November 2015** at 3:00 pm (Bangkok time).

#### 6.2 General Information

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- i. The minutes of the 18 June 2015 meeting have been published on the RSPO website.
- ii. The search for a new intern in RSPO Malaysia is still continuing.
- iii. The new DSF Manager has already selected and will come on board 1 st September 2015, to be based in Jakarta. The DSF Manager will attend a one week orientation in Kuala Lumpur.

### 6.3 Complaints System Revamp

- i. The Expert Discussion on the Independent Appeal Mechanism (IAM) was held on 8 July 2015 in Jakarta.
- ii. Stakeholders meeting will be held on 8-9 September 2015 in Kuala Lumpur together o back with the Internal Workshop on RSPO Integrated Complaints System.

### 6.4 Membership of Complaints Panel

- i. Toushi Itoka has decided not to continue her role as a Complaints Panel member.

### 7. FELDA Global Ventures – Article by Wall Street Journal 26 July 2015

- i. Wall Street Journal published an article migrant worker abuses in the Malaysian oil palm plantation industry on 26 July 2015.
- ii. On 29 July 2015, 12 NGOs urged the RSPO to conduct a transparent investigation into Wall Street Journal's findings of forced labour, human trafficking, and other human and labour rights violations especially on RSPO member FELDA's plantations.
- iii. RSPO Secretariat will conduct an independent assessment to investigate the report on labour condition on all RSPO members. Malaysia would be the first country, where the assessment would be done.

### 8. Golden Veroleum Liberia

- iv. 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.
- v. Secretariat to prepare a detailed reply (letter) to the complainants for each of the alleged complaint.
- vi. Next meeting has been fixed on early August 2015.
- vii. The Impacts Team will visit Liberia in September 2015; looking at the possibility of setting up the National Advisory Committee on Oil Palm in Liberia.

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### DELIBERATION OF COMPLAINTS

Complaint 1	
Member Organization	PT Ladang Sawit Mas (LSM) (a subsidiary of BumitamaAgri Ltd.)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan IARI, Friends of Borneo
Date filed	8 April 2013
Nature of complaint	Complaint by Friends of Borneo that PT Ladang Sawit Mas is clearing orangutan habitat and is not complying with the RSPO guidelines.
Status	Box G – Closed for monitoring
Decision /Justification	Monitoring period for PT Ladang Sawit Mas has ended. This case is now fully closed.

Complaint 2	
Member Organization	PT Nabatindo Karya Utama (PT NKU)/PT Andalan Sukses Makmur (PT ASMR) – (subsidiaries of Bumitama Agri Ltd)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Centre for Orangutan Protection (COP)/ HUTAN/ JATAN
Date filed	10 March 2013
Nature of complaint	The company is alleged to have breached Principle 5: Environmental responsibility and conservation of natural resources and biodiversity and Principle 7: Responsible development of new plantings, i.e. in the development of the land within the concession.
Status	Box G – Closed for monitoring
Decision /Justification	The case is currently closed for monitoring. The RSPO Secretariat to continue to monitor until final closure. Complaints Coordinator Indonesia to initiate dialogue with the parties towards closing the case at the end of the 12 month period.

Complaint 3	
Member Organization	Genting Plantation Bhd (GPB)
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Borneo Rhino Alliance (BORA)
Date filed	27 February 2013
Nature of complaint	1. Despite being a member of RSPO, GPB has not complied with the RSPO New Planting Procedures.

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	<p>2. Annual report clearly shows expansion in land area planted, but no NPP notification has been submitted to the RSPO during the period.</p> <p>3. No commitment to full certification on a time bound plan.</p>
Status	Box G – Closed for Monitoring
Decision /Justification	GPB has replied to BORA’s queries on the progress report. The Secretariat is waiting for BORA’s reply. GPB has also confirmed that they have renewed 2 of the Ijin Lokasi and no work has been done pending the renewal of the Ijin; in reply to recent reports claiming that they are operating without the necessary permit as required under Indonesian law. The RSPO Secretariat to continue to monitor until closure

Complaint 4	
Member Organization	PT Limpah Sejahtera (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan International Animal Rescue Indonesia (YIARI)
Date filed	1 May 2010
Nature of complaint	<p>Violation of RSPO P&amp;C 5.2 and P&amp;C 7.3.</p> <p>The company is alleged to have breached:</p> <p>Principle 5: Environmental responsibility and conservation of natural resources and biodiversity</p> <p>Principle 7: Responsible development of new plantings.</p> <p>The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before development of the plantation.</p>
Status	Box F – Action Plan
Decision /Justification	<ul style="list-style-type: none"> <li>- RSPO will arrange a stakeholders meeting with IARI and FR to discuss the orang-utan habitat restoration action plan, based on a proposal from IARI.</li> <li>- After action plan is agreed, case can be closed for monitoring</li> </ul>

Complaint 5	
Member Organization	PT Borneo Surya Mining Jaya (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA), Aliansi Masyarakat Adat Nusantara (AMAN) and the community of Muara Tae
Date filed	16 October 2012
Nature of complaint	Violation of RSPO’s New Planting Procedures under Principle 7 of the RSPO Principles and Criteria.

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	The Muara Tae community alleged that FR did not carry out proper FPIC procedure in acquiring their customary land area. There are concurrent claims by Muara Tae and Muara Ponak communities over the same land. Also, the HCV forest was not properly identified nor set aside for conservation.
Status	Box F – Action Plan
Decision /Justification	Await EIA to send the action plan proposal RSPO Secretariat will send the formal letter to FR underlining the social HCV issue.

Complaint 6	
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	<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 A – Complaint Received
Decision /Justification	The Panel agreed to wait for the minutes of the FELDA internal meeting. The RSPO will allow the company to discuss with the Sabah State Land Office on how to resolve the case.

Complaint 7	
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	1. Clearing of HCV land containing Orangutan habitats



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	2. Failing to stop work after the discovery of Orangutans 3. Breach of New Planting Procedures
Status	Box N - Non Cooperation
Decision /Justification	The Complaint Panel agreed to wait for full documentation before lifting the suspension. The company will also await the legal opinion report from Malaysia and Indonesia on the legality of submitting <i>shape files to the RSPO</i> . To await the files from Ibris Palm..

Complaint 8	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Palm Oil Processors and/or Traders
Country	Indonesia
Complainant	S.H Gampo Alam, <i>Pucuak Adat Nagari Kapa</i> (indigenous leader of Nagari Kapa) as well as Head of <i>Kerapatan Adat Nagari Kapa</i> (KAN – a village/nagari-level customary institution in Minangkabau which maintains and preserves the Minangkabau customs and culture). 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 Hak Guna Usaha (HGU) certificate over the customary ( <i>ulayat</i> ) land of Nagari Kapa. 3. Violation of RSPO Principles & Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas. 4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period?
Status	Box D – Complaint Legitimate
Decision /Justification	- Further investigation need to be conducted by independent parties with regards to the substance of the complaint and police report against the complainant. - The investigation will be reference point to reply to FPP and as justification for CP to make further decisions. - Closing will have to be postponed until the facts are established

Complaint 9	
Member Organization	Equatorial Palm Oil PLC
Membership category	Oil Palm Grower
Country	Liberia
Complainant	Sustainable Development Institute
Date filed	25 September 2013

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Nature of complaint	<p>It is alleged that the company has cleared and planted on land that is the customary land of the community in New Cess, Grand Bassa County, Liberia; and is seeking to expand the plantation without the free, prior and informed consent of the communities.</p> <p>The community is also objecting to the company carrying out a re-survey of the existing concession area.</p> <p>The company is alleged to have breached Principle 2.2 &amp; 2.3 of FPIC and Principle 7: Responsible development of new plantings.</p> <p>No NPP notification posted to RSPO.</p>
Status	Box D – Complaint Legitimate
Decision /Justification	<p>Await for the minutes and reports of the meeting with the communities and then close for monitoring.</p> <p>RSPO secretariat to monitor the implementation for 12 months as agreed before closure.</p>

Complaint 10	
Member Organization	Groupe CASINO
Membership category	Retailer
Country	France
Complainant	Ferrero
Date filed	16 April 2015
Nature of complaint	<p>The Ferrero Group is making a fresh complaint that CASINO:</p> <ol style="list-style-type: none"> <li>Has not done anything to show the French public that CSPO is an alternative to the conventional palm oil.</li> <li>Continues to have “<i>sans palm oil</i>” labels despite the change in legislation that makes it redundant.</li> <li>Has announced that it will replace palm oil in its food products.</li> <li>Associated palm oil with perceived harmful products like aspartame etc.</li> <li>Generally has violated the Code of Conduct by failing to endorse the objectives of the RSPO.</li> </ol>
Status	Box C- Complaints Panel Convened
Decision /Justification	Wait for further information on the resolution to revise the Code of Conduct from the Board and advise Ferrero accordingly.

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	The following points were raised by the community of Desa Pergulaan:

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	<ol style="list-style-type: none"> <li>1. Legality of the extension of the concession and demands for return of land totalling 165.6 ha.</li> <li>2. The status of the law suit filed by 5 of the residents which is 'out-of-time' (compensation paid in 1971).</li> <li>3. The legality of the security drain to prevent access.</li> <li>4. Prohibiting cattle herding in the plantation.</li> <li>5. The non-employment of residents of Desa Pergulaan in the plantation.</li> <li>6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised.</li> <li>7. No complaint letters have been addressed to Lonsum directly.</li> <li>8. Status of residents on the Police 'Wanted List'.</li> </ol>
Status	Box D – Complaint Legitimate
Decision /Justification	Waiting for the information on the preparation stage of social assessment from Lonsum. RSPO Secretariat to continue to monitor.

Complaint 12	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia, Africa
Complainant	Local communities in towns and villages identified within the proposed Golden Veroleum project, which according to the Environmental and Social Impact Assessment (ESIA) covers about thirty three thousand hectares (33,000 ha) of land located in Greenville, Butaw and Kpanyan Districts of Sinoe County, Republic of Liberia encompassing several towns and villages, including: Plusunnie, Pynes Town, Kilo Town, Dejila, Solo Village, Bukrah, Saklaboh, Bloh, Pluoh, Farley town, Soweh, Jaryenneh, Tuoh, Teah Town, Klay Tow, Butaw Compound, Otis Village. Represented by Alfred Brownell of Green Advocates (GA), Kulu United Development Association (KUDA), Save My Future Foundation (SAMFU), Forest People Programme (FPP), Social Entrepreneurs for Sustainable Development (SesDev).
Date filed	<ol style="list-style-type: none"> <li>1. Green Advocates – 3 Oct 2012</li> <li>2. Forest People Programme – 26 July 2013</li> <li>3. Sustainable Development Institute/SesDev Liberia - 2 October 2013</li> <li>4. Joint statement by FPP, SAMFU, SDI and GA – 1 November 2013</li> <li>5. Kulu United Development Association (KUDA) - 14 November 2013</li> <li>6. Sustainable Development Institute(SDI) and Social Entrepreneurs for Sustainable Development(SesDev) Liberia – 21 November 2013</li> <li>7. Social Entrepreneurs for Sustainable Development (SeSDev) - 7th February 2014</li> <li>8. On behalf of KUDA by Green Advocates - 17th February 2014</li> <li>9. Green Advocates on behalf of the GBlebo clan - 7th March 2014</li> </ol>

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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 land owners 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 Complaint 2 to 9.
Decision /Justification	A meeting will be held in early August to discuss the final decision. The update will be added after the meeting.

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	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. 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 on May 2014. 4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas. 5. Land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood.

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	<p>6. GAR as the parent company of all 18 subsidiaries listed is acting in violation of the New Planting Procedures (NPP) by submitting information which it knows is false. No HGU exists in 16 of the 18 concessions where NPP was submitted.</p> <p>7. The assessors who have endorsed GAR's HCV assessment, ESIA's and social engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&amp;C.</p>
Status	Box D – Complaint Legitimate
Decision /Justification	To wait for the outcome of the meeting with GAR. The case will be closed for monitoring if the stated action plan is satisfactory to FPP and RSPO.

<b>Complaint 14</b>	
Member Organization	PT Wina Nabati Indonesia /Wilmar
Membership category	Oil Palm Traders
Country	Indonesia
Complainant	Friends of Borneo, Siesfund and Stanislaus Lhota
Date filed	6 February 2013
Nature of complaint	<p>In respect Principles and Criteria of the Roundtable on Sustainable Palm Oil (RSPO) in Kelurahan Kariangau, Kota Madya Balikpapan, East Kalimantan, where it is building a CPO processing unit.</p> <p>The company has reclaimed land and cleared mangrove swamps in the area to build a jetty in the Balikpapan Bay and it is deemed a sensitive area for biodiversity. The Complainants claim that the clearing of areas includes approximately 18-20 hectares of mangrove forest, which is classified as Kawasan Lindung, according to the local spatial plan (tata ruang kota madya). Besides the spatial plan, opening coastal mangroves violates several national laws: (1) Surat Keputusan Bersama Menteri Pertanian dan Menteri Kehutanan No. KB.550/264/Kpts/4/1984, which defines the zone of protected mangroves to be 200 m; (2) Surat Edaran No. 507/IV-BPHH/1990, which defines the protected green belt to be 200 m along the coast and 50 m along rivers; (3) Keputusan presiden No. 32 tahun 1990 tentang Pengelolaan Kawasan Lindung,</p>
Status	Box G – Closed for Monitoring
Decision /Justification	RSPO Secretariat to confirm on the hectarage of the High Conservation Forest that has been converted by Wilmar and clarify it with the complainants.

## COMPLAINTS PANEL MEETING MINUTES

29 July 2015 | 3.30pm – 6.00pm | Meeting No. 7/2015

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

Complaint 15	
Member Organization	PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Aid Environment
Date filed	3 April 2015
Nature of complaint	Issues raised by Aid environment: <ul style="list-style-type: none"> <li>a. 10,000 ha of planting without permit (IOP)</li> <li>b. Encroachment into the forest sanctuary</li> <li>c. IOI has cleared the land without submitting NPP.</li> </ul>
Status	Box C – ComplaintsPanel Convened
Decision /Justification	The company will be given 14 days to respond, if there is no update from the company, RSPO will give suspension.

Complaint 16	
Member Organisation	PT Sawit Mandiri Lestari /PT Sawit Sumbermas Sarana ( PTSSS)
Membership category	Oil Palm Grower
Country	Indonesia, Lamandau, Central Kalimantan
Complainant	Environmental Investigation Agency (EIA) and Jaringan Pemantau Independen Kehutanan Kalimantan Tengah (JPIK Kalteng)
Date filed	5 June 2015
Nature of complaint	Category : FPIC related issues (C2.3, C6.4) The <a href="#">Greenomics report</a> of June 2015 says, PT SSS continues to actively clear forested peatland including orang-utan habitat. Following the <a href="#">NPP of PT SSS</a> for public comment on 12 March 2015, the allegation from EIA is major flaws of HCV assessment and SEIA conducted by PT. Sonokeling, which covered: <ol style="list-style-type: none"> <li>1. Consultations with communities did not take place as described in NPP documents and affected communities did not participate in the HCV assessment and SEIA;</li> <li>2. HCV assessment is technically flawed;</li> <li>3. No FPIC process in place;</li> <li>4. the AMDAL process was not carried out in accordance to the law;</li> <li>5. PT SMP has not yet obtained permits that are a prerequisite to land clearing.</li> </ol>
Status	Box F – Action Plan
Decision /Justification	To allow the parties to implement the MoU signed in Jakarta, 8 June 2015

## COMPLAINTS PANEL MEETING MINUTES

29 July 2015 | 3.30pm – 6.00pm | Meeting No. 7/2015

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

Complaints 17	
Member Organisation	PT Nubika Jaya / Permata Hijau Group
Membership category	Oil Palm Growers
Country	Indonesia, Labuhanbatu Selatan, North Sumatra
Complainant	NGO Masyarakat Peduli Lingkungan Hidup Labusel (MPLH Labusel)
Date filed	9 June 2015
Nature of complaint	<p>Category : river pollution (C4.3, C4.4, C5.1, C5.3)</p> <p>Allegations :</p> <p>PT Nubika Jaya (oil palm mill) has polluted the river, Aek Baba. Community cannot use the river for bathing and washing.</p> <p>In May 2012, some of fish breeder found thousands of fish died in the dike located in Hamlet Karang Sari, Village Sisumut, along Aek Baba. Flood contaminated with waste also occurred in the same village in 2012.</p>
Status	(C) Panel Convened
Decision /Justification	RSPO is planning to have stakeholders meeting in early August 2015