

COMPLAINTS PANEL MEETING MINUTES

For Website

25 July 2016 | 3.30pm – 5.30pm | Meeting No. 7/2016

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 30 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
4. Palma Tica SA

Group 2: 4.50pm – 5.30pm

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

Group 3: 5.30 – 6.00pm

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

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Agenda item
<p>1. Opening Remarks by Chairperson</p> <p>The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.</p>
<p>2. “No Conflict of Interest”</p> <p>One member declared his/her conflict of interest in one of the cases being deliberated.</p>
<p>3. Minutes of the meeting of 30 June 2016</p> <p>The minutes of the meeting were adopted and confirmed by the members unanimously.</p>
<p>4. [New] Complaints</p> <p>i. Delicia BV /IOI 12 Apr 2016</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>Status: Box A – complaint case received</p> <p>Update:</p> <p>Secretariat to close the case due to lack of response from the complainant.</p> <p>ii. Morning foods/RSPO 1 April 2016</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.</p> <p><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 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.’</i></p> <p>Status: Box A – Complaint case received</p> <p>Update:</p> <p>Secretariat to close the case due to lack of response from the complainant.</p>

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4. Reported Cases

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

i. PT Bumi Sawit Kencana/Wilmar International – filed by the Farmer Group of Pantap Village on 27 July 2016

It is alleged that the company:

- Has not given compensation for 1.482,90 Ha land 0.33 Ha land (owned by Mr. Simamora) which should have been enclaved.
- Has not developed plasma for the local community.
- The waste from the mills flows into the river during rainy season and causing floods.
- CSR as promised has not been implemented in 2016.

Status: Box A – reported case received.

Update:

19 July 2016 - RSPO Secretariat had a conference call with the complainant. RSPO to convey the results of the meeting and seek clarification from the company.

Meeting with the company will be held on 27 July 2016.

ii. PT Mustika Sembuluh/Wilmar International – filed by the Farmers Group of Pondok Damar on 18 July 2016

It is alleged that the mill has polluted the Sei Sampit river (P&C 5.3).

Status: Box A – Reported case received

Update:

Secretariat acknowledged the receipt of the complaints and is reviewing the documents sent by the complainant.

iii. PT Karunia Kencana Permai Sejati (PT KKPS II & KKPS III) /Wilmar International – filed by the community of Desa Tangar on 19 July 2016

It is alleged that the company:

- has not given compensation on 1.099 Ha land to the Farmers Group of Berkat Harapan and Lampung Tarung
- The company has not developed plasma for the local community.

Status: Box A – reported case received

Update:

Secretariat acknowledged the receipt of the complaints and is reviewing the documents sent by the complainant.

iv. 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 managers of PT BSS :

- The managers issued false report on planting since January 2015. Even though the reports were issued, the planting has not started until now.
- Land clearing by burning
- Planted on the HCS areas

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- The maintenance of the planted areas are not conducted properly and caused loss in the use of seeds and fertilizers.

Currently the community have blockaded the roads within the concession including some company assets. The community requested IOI to conduct an audit and field verification of PT BSS concession and to dismiss the two managers.

Status: Box A. Reported case received.

Update:

25 July 2016 – Secretariat to clarify the burning incident with the complainant.

v. 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 by 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

Status: Box A. Reported case received

Update:

25 July 2016 – Secretariat to involve ASI in the meetings and discussion with the stakeholders and keep them updated on the development in the cases.

vi. PT Nabire Baru / Goodhope – filed by Yayasan PUSAKA on 19 April 2016

Allegations:

- Land grabbing from the indigenous people of Yerisiam.
- Violence and involvement of Brimob (police mobile brigade)
- Deforestation that is causing floods in Village Sima, the home viillage of the Yerisiam tribe.
- The company has destroyed sacred places and Dusun Sagu (the source of main food of Yerisiam tribe).

The complainant requested RSPO to:

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

Status: Box A. Reported case received.

Update:

A meeting with the company was 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.

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vii. 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 in 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 G - Reported Case - Closed for Monitoring

Update:

18 July 2016 – GAR sent update on the case: as recommended by Borneo Orangutan Survival Foundation (BOSF), PT AE to preserve the size of its conservation area as well as riparian zone, conserve forest corridors and develop a SOP and plan for orangutan habitat conservation. PT AE would sign an MOU with BOSF at the end of June 2016 on the orangutan conservation project.

Secretariat to issue closure letter.

viii. 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

Update:

13 July 2016 – the Complainant shared the minutes of the bilateral meeting conducted with company on 30 June 2016. Both parties agreed to conduct ground verification related to the waste management, Corporate Social Responsibility (CSR) program, FPIC, and complaint mechanism at the estate level.

ix. 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 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:

No further update has been received from the complainant or Hap Seng on the matter, reminders have been sent.

Case coming up for mention on 1 August 2016

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

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	0	2
(B) Complaint categorized	1	2
(C) Panel convened	1	0
(D) Complaint legitimate	6	0
(E) Reviewing response	4	1
(F) Action plan	5	3
(G) Case Closed for monitoring	7	1
(H) Case Closed	34	30
(I) Resubmission of complaint	0	0
(J) No case	0	5
(K) No response/ no action from member	0	0
(L) Termination	0	0
(M) panel decision disputed	0	0
(N) Non cooperation	2	0
(O) No consent on action plan	0	0
(P) Appeal	0	0
(Q) Not resolved	3	0
TOTAL	63	44
TOTAL OPEN CASES	19	8

On 1 July 2016, a total of 19 ongoing complaint cases were deliberated and 8 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 7th of June; subsequently, the 15th June CP meeting was shifted to 30th June.

**) It is confirmed that The RT 14 will be held on 7 - 11 November 2016 in Shangri-La Hotel, Bangkok. Secretariat will advise the time and venue after the details formally announced.

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6.2 General Information

- i. The minutes of the 30 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.
 - On the 3rd week of July, Secretariat will finalise all the inputs and comments received.
 - On the 1st week of August, the documents will be submitted to ASI
 - On the 30th of September, the final version of both documents is expected to be ready.

6.4 Membership of Complaints Panel

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

7. Golden Veroleum Liberia

- i. During the meeting, of 4th 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 24th 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 the establishment of a pilot initiative for a National Advisory Committee on Oil Palm in Liberia.
- v. On 26th 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.

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DELIBERATION OF COMPLAINTS

Complaint 1	
Member Organization	Agropalma SA
Membership category	Oil Palm Grower
Country	Brazil
Complainant	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
Date filed	13 August 2015
Nature of complaint	That Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria
Status	Box G- Closed for Monitoring
Decision /Justification	Secretariat to send the revised letter to the complainant on the Complaints Panel's decision.

Complaint 2	
Member Organization	PT Limpah Sejahtera (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan International Animal Rescue Indonesia (YIARI)
Date filed	1 May 2010
Nature of complaint	Violation of RSPO P&C 5.2 and P&C 7.3. The company is alleged to have breached: Principle 5: Environmental responsibility and conservation of natural resources and biodiversity Principle 7: Responsible development of new plantings. The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before development of the plantation.
Status	Box F – Action Plan
Decision /Justification	Secretariat to send the letter to PT Limpah Sejahtera on the Complaints Panel's decision

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)

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Date filed	16 February 2015
Nature of complaint	<p>According to the Enquiry National Hak Tanah document by SUHAKAM, the state government had given 1260 acres of land to the Dusun Begahak community in 1981. At the same time, the same land was alienated to FELDA for development.</p> <p>The complainant raised the issue that FELDA has no right to develop their land and should return it to the community because the land originally belonged to the community. The complainant also stated that the cemetery area is being developed by FELDA.</p> <p>Felda enclaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land.</p> <p>A police report has been made by the community and that is the source of the complaint.</p>
Status	Box F – Action Plan
Decision /Justification	To wait for completion of the mapping exercise.

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"> 1. Clearing of HCV land containing Orangutan habitats 2. Failing to stop work after the discovery of Orangutans 3. Breach of New Planting Procedures
Status	Box N - Non Cooperation
Decision /Justification	<p>To wait for the company to send their feedback to the letter.</p> <p>If the company fails to meet deadline, then termination will be recommended to the Board</p> <p>Secretariat to prepare the letter to Board of Governors.</p>

Complaint 5	
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>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

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	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	<ol style="list-style-type: none"> 1. Complainant seeks clarity of the extent of PT. PHP 1's nucleus estate in Nagari Kapa. 2. Complainant rejects PT. PHP 1's application to the National Land Agency for a 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 F – Action Plan
Decision /Justification	RSPO Secretariat to wait for the Trust Fund Committee's decision.

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 & 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 close upon satisfactory response from the complainant.

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Complaint 7	
Member Organization	Plantaciones de Pucallpa SAC
Membership category	Grower
Country	Peru
Complainant	Forest People Program (FPP)
Date filed	5 December 2015
Nature of complaint	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. http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126
Status	Box E. Reviewing Response
Decision /Justification	RSPO Secretariat to wait for the meetings to conclude before making any decision.

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	<i>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</i> <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> 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	The Action plan have been accepted by all parties. Secretariat to check with the technical team before making any decision

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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	Secretariat to consult with the RSPO Office in Ecuador before proceeding to the final decision.

Complaint 10	
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"> 1) Destroying graves and planting trees surrounding the graves; 2) Dispute on plasma scheme mechanism; 3) Termination of labourers and the status of labourer i.e. are they casual or permanent? 4) Compensation not paid directly to the land owner; 5) Loss of land certification and using the land of migrants which is still under control of the owner; 6) Criminalisation of Gusti Gelombang, a former Company Public Relation officer and now the Head of Cooperative Body. <p>This case has been handled bilaterally since 2014. It was escalated to RSPO because police came to Sawit Watch's office to arrest Gusti Gelombang, who was in their office at that time</p>

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Status	Box D. Complaint Legitimate
Decision /Justification	RSPO Secretariat to arrange meeting with Sawit Watch explaining the issues and decision of the CP to put some of the issues as closed for monitoring (BOX G).

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: <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for return of land totalling 165.6 ha. 2. The status of the law suit filed by 5 of the residents which is 'out-of-time' (compensation paid in 1971). 3. The legality of the security drain to prevent access. 4. Prohibiting cattle herding in the plantation. 5. The non-employment of residents of Desa Pergulaan in the plantation. 6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised. 7. No complaint letters have been addressed to Lonsum directly. 8. Status of residents on the Police 'Wanted List'.
Status	Box E – Reviewing Response
Decision /Justification	To wait for the community and the government on the update of the mediation. RSPO Secretariat to follow up with Sawit Watch

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	Violation of the RSPO Principles and Criteria and New Plantings Procedure by: <ol style="list-style-type: none"> 1) Not providing public notification for a 30 day period consistent with the New Planting Procedures,

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	<p>2) By commencing land preparation for new planting and infrastructure development prior to the expiry of the minimum 30-days consultation period.</p> <p>3) By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporating the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land.</p> <p>4) Grabbing lands without respecting local customary rights and without the free, prior and informed consent (FPIC) of the customary land owners as represented through representative organizations of their choice (RSPO C2.2, C2.3, C7.5 and C7.6).</p> <p>5) Forcibly evicting the people from their lands (RSPO C7.5 and C7.6).</p>
Status	<p>Box G (Monitoring progress of action plan for Complaint 1 by Green Advocates)</p> <p>Box D – Panel has made a preliminary decision for Complaints 2 to 9.</p>
Decision /Justification	To wait for the response from the stakeholders Secretariat to set up meeting with them.

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"> 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. 6. GAR as the parent company of all 18 subsidiaries listed is acting in violation of the New Planting Procedures (NPP) by submitting information which it knows is false. No HGU exists in 16 of the 18 concessions where NPP was submitted.
Status	Box E. Reviewing Response
Decision /Justification	To wait for the draft legal opinion and outcome of the FPP – GAR meeting

COMPLAINTS PANEL MEETING MINUTES

For Website

25 July 2016 | 3.30pm – 5.30pm | Meeting No. 7/2016

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

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	Issues raised by AidEnvironment: <ul style="list-style-type: none"> a. 10,000 ha of planting without permit (IUP) b. Encroachment into the forest sanctuary c. IOI has cleared the land without submitting NPP.
Status	Box N – Non Cooperation.
Decision /Justification	RSPO Secretariat to wait for the decision from the Board of Governors.

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	Secretariat to share the results of the independent verification, once it is done before making a decision

Complaint 16	
Member Organization	Palma Tica SA
Membership category	Oil Palm Grower
Country	Costa Rica
Complainant	Paulo Hernan Picado Granados, Asociacion de Palmicultores del Sur (ASOPASUR)
Date filed	9 May 2016
Nature of complaint	A group of smallholders Asociación e Palmicultores del Sur (ASOPASUR) in Punta arena are complaining against Palma Tica, saying that they are not being paid fair

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	<p>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.</p> <p>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.</p>
Status	Box B – Complaint categorised
Decision /Justification	Current exchange of documents needs to be completed before we proceed to preliminary decision.