

COMPLAINTS PANEL MEETING MINUTES

For Website

24 August 2017 | 3.30pm – 5.30pm | Meeting No. 8/2017

Meeting location: *RSPO Secretariat Office, 37th floor Menara UOA, Kuala Lumpur - Malaysia*

GENERAL MEETING AGENDA

List of Complaint Panel members

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

3.30pm – 4.20pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 25 July 2016 Complaints Panel Meeting
4. New Complaints
5. Monthly List of Complaints
6. Any Other Matters
7. Amnesty International report on Wilmar International Ltd.
8. Request to re-open the case: PT Gunta Samba Jaya
9. Research Report “Palming off Responsibility: Labour Rights Violations in the Indonesian Palm Oil Sector” by SOMO and CNV.

Group 1: 4.20pm- 4.50pm

1. Agropalma SA
2. PT Limpah Sejahtera (First Resources Ltd)
3. FELDA/Orang Dusun Lahad Datu
4. Hap Seng Plantations Holdings Bhd
5. Woolworths Ltd.
6. Coles Supermarket Ltd.
7. PT Susantri Permai, PT Dwie Warna Karya, PT Kapuas Maju Jaya (Genting Plantation Berhad).
8. PT Susantri Permai/ Borneo Orangutan Survival Foundation (BOSF)

Group 2: 4.50pm – 5.30pm

1. PT Permata Hijau Pasaman (PHP) 1/ Wilmar International
2. Plantaciones de Pucallpa SAC
3. FELDA Global Venture
4. Extractora La Gloria SAS
5. PT Bumitama Gunajaya Agro / Bumitama
6. PT Bumi Sawit Kencana (PT BSK) / Communities of Kapuk Village

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Group 3: 5.30 – 6.00pm

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

Agenda item

1. Opening Remarks by Chairperson

Chairman of the Complaints Panel opened the meeting and welcomed all.

2. Discussion on the engagement with the Certification Bodies

The Complaints Panel had a discussion on specific issues related to the engagement with the Certification Body.

Decision:

- Secretariat to compile the issues and discussion points and raise this at the meeting with ASI in September.
- Secretariat to provide regular updates on the work of the Assurance Task Force

3. Declaration of “No Conflict of Interest”

Three CP members declared their conflict of interest in relation to specific complaints being deliberated upon.

4. Minutes of the meeting of 25 July 2017

The minutes of the complaints panel meeting were adopted unanimously.

5. New Complaints

- i. ACEITES S.A / Association of Palm Growers of the Irrigation District of Maria la Baja (Asopalma 1 & 2), filed on 11 August 2017

It is alleged that one of Aceites’s mill purchasing FFB from operation in the Maria la Baja which collecting

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FFB from palm grower who pay below the market price, without invoices and from anyone regardless its origin. The FFB was collected without sanitary control and with staff hired outside the regulation of the Ministry of Labour.

It is alleged that the vehicle collecting the FFB during the night, a time with restrictions on mobility imposed by the City Hall. The FFB transferred to Aceites S.A and Palma Aceite located in the Department of Magdalena.

Status: Initial Diagnosis

Update:

18 August 2017 – Secretariat has sent an email to the complainant to seek for further clarification.

24 August 2017 – Secretariat to wait for response from the complainant.

ii. PT Pusaka Agro Lestari / Noble Plantation filed by EIA and Greenpeace

It is alleged that PT Pusaka Agro Lestari, a subsidiary of Noble Plantation has cleared large areas of primary forest in Papua.

EIA together with Greenpeace demands for a Stop Work Order through the Complaints System.

A complaint also filed to HCVRN regarding one of HCV assessors.

Status: Box C. Panel Convened.

Updates:

24 August 2017 - Secretariat to draft letter responding to the queries raised by the Company.

iii. PT Prima Mitra Mandiri, a subsidiary of M.P Evans, filed by Indonesia Labour Union (Serbundo) on 20 April 2017

It is alleged that the company has breached National Labour Regulation by extending workers' contract and terminated 7 of them as they refused to sign a new contract.

The complainant demanded the company to:

- Re-employed 7 workers who have been terminated;
- To promote the status of all contract workers to be permanent workers;
- To pay the wage of workers during the period when they are not allowed to work.

Status: Box B. Complaint Categorised

Update:

27 April 2017 – Serbundo informed that there would be forced eviction for the workers staying in the concession on 28 April 2017.

Secretariat contacted the company and forward the complaint.

28 April 2017 – Serbundo informed that the eviction was cancelled.

9 May 2017 – the company has responded to the complaint:

The workers terminated as they refuse to sign the new contract. They have been given the contract as they been doing a seasonal job and cannot be recruited in a permanent basis.

The workers were being requested to leave the concession as they are no longer working for the company. There was no intimidation during the process.

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20 May 2017 – Serbundo sent their response saying that all 7 workers have been working for 1.5 – 2.5 years and extending their contract is breaching the National Labour Laws. The Labour Office has sent an official letter of recommendation requesting the company to rehire 5 workers and pay their wages during the period when they are not allowed to work, but this recommendation was refused by the company.

15 August 2017 – Secretariat had a meeting with the company and requested them to provide more evidence.

24 August 2017 – Secretariat to wait for more information from both parties by 31 August 2017.

iv. Palmas del Espino S.A – Grupo Palmas, Peru, filed by FREDEIALBA on 4 July 2017

Allegations:

- The company and their group member developing the plantation without proper NPP process;
- Developing plantation without informing the local communities;
- The company has failed to comply with national law on the forest conversion.
- Mistreatment of employees including arbitrary dismissal.
- New plantings established without EIA and HCV assessment.

Status: Box B. Complaint categorised

Updates:

24 August 2017 (CP meeting)

Secretariat to follow up with the company whether they have started the new development with a proper EIA and FPIC process. The Secretariat to also request for the HCV assessment.

v. PT Agro Indomas, subsidiary of Goodhope Asia Holdings Ltd. filed by an Individual on 8 June 2017

The Complainant worked at PT Agro Indomas in Indonesia since 1999. In mid-June 2002 new management of PT Agro Indomas dismissed over 1200 workers and transferred them and their families back to Jaya, Kalimantan. When the Complainant (as the manager then) objected to this move and requested 2 weeks to address the root cause of the employees strike, the management had told him off. His employment was subsequently terminated 3 – 4 months later. The Complainant had filed a wrongful dismissal case. The Supreme Court of Indonesia found in favour of the complainant, awarding him payment of compensation (USD645,590 and travel claim USD4906.60) in December 2005. Since then Goodhope has failed to implement the court order. The complainant has also failed in his numerous attempts to have the award executed by the courts in Indonesia.

Goodhope has been notified and awaiting their response.

Status: Box B. Complaint Categorised

Updates:

24 August 2017 - Secretariat to request more evidence from the complainant.

Secretariat to also follow up with the Company on the following:

- Administrative High Court judgement

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- On why the Company is not implementing the Supreme Court decision.

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

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

Status: Box A. complaint categorised.

Updates:

25 July 2017 - Secretariat to write to the company and inform them on the complaint.

24 August 2017 – The Secretariat to follow up with the Complainants for additional documents as evidence to support the allegations. The Secretariat to also wait for response from the Company. The deadline given is 4 September 2017.

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

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

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

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

Status: Box B. Complaints categorised.

Updates:

EFKO’s RSPO membership was terminated on 16 Feb 2015.

24 August 2017 – Secretariat to wait for more information from the Certification Team.

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

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

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

The complainant also demands Wilmar to reveal their data on supplier companies in Indonesia and to stop buying from PT Rezeki Kencana.

Status: Box A. complaints received.

Updates:

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24 August 2017 – The company had explained that the complaint was not formally lodged to them, thus they do not have any jurisdiction to approach the complainant. Secretariat to officially close the case.

ix. Complaints filed by SCS Global Services (Certification Body) against ASOCOFOR filed on 19 April 2017.

The complainant's allegations are on two grounds, namely, the failure of payment by the company and the alleged act of forum shopping by the company when faced with possibilities of not being able to obtain RSPO Certification due to numerous non-compliances.

RSPO LATAM has contacted the company and requested for a chronology of events and an explanation of the company's decision to source out a new certification body.

Status: Box A. Complaint categorised.

Update:

25 August 2017 – Secretariat to wait for response from the complainant until the end of August. If there is no response received, Secretariat to proceed to close the case.

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

Western Palm Oils claimed that they are purchasing MB shortening from MOI Foods. MOI Foods clarified that WPO is not their supplier.

The complainant has withdrawn their complaint 3 days after they submitted their forms to RSPO. They reinstated the complaint 1 week after the withdrawal.

Status: Box B. Complaint Categorised.

Updates:

24 August 2017 – Secretariat to wait for response from the company until the end of August.

xi. PT Temila Agro Abadi, a subsidiary of Felda Global Venture Holding Berhad, a report issued by Chain Reaction on 19 April 2017

There was a report issued by Chain Reaction which informed the fact of FGV in Kalimantan's concession had cleared 1600 Ha peat forest.

Status: Box B. Complaint categorised

Update:

24 August 2017 – Secretariat to request for the report by the independent 3rd party commissioned by the Company. Following review of said report, the CP to initiate on-site investigation. Secretariat to proceed with the planned meeting with FGV in mid-September.

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

Status	Number of Complaints
(A) Complaint received	2
(B) Complaint categorized	9
(C) Panel convened	1
(D) Complaint legitimate	6
(E) Reviewing response	4
(F) Action plan	7
(G) Case Closed for monitoring	4
(H) Case Closed	41
(I) Resubmission of complaint	0
(J) No case	7
(K) No response/ no action from member	0
(L) Termination	1
(M) panel decision disputed	0
(N) Non Cooperation	0
(O) No consent on action plan	0
(P) Appeal	1
(Q) Not resolved	3
TOTAL	86
TOTAL OPEN CASES	36

On 31 July 2017, a total of 36 ongoing complaint cases were deliberated.

7. Any other matters for the Complaints Panel:

6.1 Dates for the next Complaints Panel Meetings

- i. The upcoming CP meeting date: **26 September 2017**
- ii. The complaints Panel meeting for case discussion in November is scheduled on 21st November 2017.

6.2 Complaints System Revamp

- i. The meeting to discuss final draft of the Guidelines with the Complaints Panel will be on 7 of September 2017.

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6.3 Membership of the Complaints Panel

- i. Lim Sian Choo is appointed as the Co-Chair of the Complaints Panel.

8. Amnesty International's Investigation report on Wilmar International

"Amnesty International interviewed 120 workers working on palm plantations owned by two Wilmar subsidiaries and three Wilmar suppliers in Kalimantan and Sumatra in Indonesia. The investigation exposed a wide range of abuses including:

- i. Women forced to work long hours under the threat of having their pay cut, paid below minimum wage and kept in insecure employment without pensions or health insurance;
 - ii. Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation;
 - iii. Workers suffering severe injuries from paraquat, an acutely toxic chemical banned in the EU and by Wilmar itself;
 - iv. Workers being made to work outdoors without adequate safety;
 - v. Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks".
- **29 November 2016** – Press release from Wilmar was published. The internal actions and assessment report are available at this link :<http://www.wilmar-international.com/sustainability/wp-content/uploads/2016/11/Internal-Assessment-Report-on-Human-and-Labour-Rights-Issues-in-North-Sumatra.pdf>
 - RSPO Secretariat public statement on the issue: <http://www.rspo.org/news-and-events/news/rspo-response-to-amnesty-international-report-the-great-palm-oil-scandal-labour-abuses-behind-big-brand-names>

Update:

24 August 2017 – Secretariat to monitor implementation of the plans by both companies for the next 6 months.

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

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

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

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

Update:

24 August 2017 – Secretariat to review the information submitted by the complainant and seek legal opinion.

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8 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
- Gender equality
- Freedom of association

Update:

24 August 2017 – It is highlighted that the case has not been officially filed as a complaint. Secretariat to discuss the issue further with the Certification Team.

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	CP to continue monitoring the progress

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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 the development of the plantation.
Status	Box F – Action Plan
Decision /Justification	Secretariat to wait for the result of review from the compensation unit

Complaint 3	
Member Organization	FELDA (Federal Land Development Authority) FELDA Ventures Bhd.
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak)
Date filed	16 February 2015
Nature of complaint	According to the Enquiry National Hak Tanah document by SUHAKAM, the state government had given 1260 acres of land to the Dusun Begahak community in 1981. At the same time, the same land was alienated to FELDA for development. The complainant raised the issue that FELDA has no right to develop their land and should return it to the community because the land originally belonged to the community. The complainant also stated that the cemetery area is being developed by FELDA. Felda encaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land. A police report has been made by the community and that is the source of the complaint.
Status	Box F – Action Plan
Decision /Justification	Secretariat to follow up on the appointment date with the Sabah Land and Survey Department

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Complaint 4	
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 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 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	Appeals Panel is continuing its deliberation.

Complaint 5	
Member Organization	Plantaciones de Pucallpa SAC
Membership category	Grower
Country	Peru
Complainant	Forest People Program (FPP)
Date filed	5 December 2015
Nature of complaint	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-

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	amazon-for-palm-oil-peruvian-indigenous-leader/5486126
Status	Box E – Reviewing Response
Decision /Justification	Decision delivered.

Complaint 6	
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	<p>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</p> <p><i>The palm-oil plantations of Malaysia have become magnets for refugees from Bangladesh and Myanmar. Many have complained of onerous working conditions and few legal protections. (Syed Zain Al-Mahmood/The Wall Street Journal.)</i></p> <p>The issues including human trafficking, general poor labour conditions, Use of labour contractors, to exploit illegal immigrants from Bangladesh and Myanmar; Withholding of passports; Poor health care; Pay below minimum wages; Non-payment of wages; Bonded labourers.</p>
Status	Box F - Action Plan
Decision /Justification	<ol style="list-style-type: none"> 1) CP to wait for the report of the Review of FGV Action Plan; 2) Secretariat to work with the Technical department to develop a formula for identifying the number of units for verification; 3) Secretariat to start identifying a team of experts for the verification exercise.

Complaint 7	
Member Organization	Extractora La Gloria SAS
Membership category	Grower
Country	Colombia
Complainant	Fredy Antonio Corrales, representative of the Colombian Association for Displaced Peoples’ Prospects (ASOCOL), Adelfo Segundo Rodríguez, representative of the Association of Returning Displaced Farmers (ASOCADAR), Senator Iván Cepeda, Senator Alberto Castilla, and Representative Alirio Uribe
Date filed	19 November 2015

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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	Secretariat to inform the company to submit quarterly reports

Complaint 8	
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>
Status	Box G - Closed for Monitoring (for allegation no. 1, 3, 4, & 5) Box D – Complaint Legitimate (for plasma issue, cooperative issue & claim from 15 villagers of Sukajaya and Kinjil)
Decision /Justification	Secretariat to send a letter to Sawit Watch for updates on the matter and to adhere to the timeline set.

Complaint 9

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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 DesaPergulaan: <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for the return of land totaling 165.6 ha. 2. The status of the law suit filed by 5 of the residents which are 'out-of-time' (compensation paid in 1971). 3. The legality of the security drains to prevent access. 4. Prohibiting cattle herding in the plantation. 5. The non-employment of residents of DesaPergulaan in the plantation. 6. Failure by Lonsum to carry out Corporate Social Responsibility programs as 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	CP decided that the Secretariat should follow up with Sawit Watch for an update. SW should also be given a new deadline and failure to meet the deadline may result in the CP to consider further action against SW.

Complaint 10	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia, Africa
Complainant	Green Advocates
Date filed	3 October 2012
Nature of complaint	Violation of the RSPO Principles and Criteria and New Plantings Procedure by: <ol style="list-style-type: none"> 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

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	<p>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 landowners 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	Investigation completed

Complaint 11	
Member Organization	PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Forest People Programme (FPP) and Transformasi untuk Keadilan (TUK) Indonesia
Date filed	14 October 2014
Nature of complaint	<p>Points raised :</p> <ol style="list-style-type: none"> 1. PT. KPC is in persistent violation of the RSPO P&C pertaining to HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people during the acquisition of the land. 2. The land was acquired without a land tenure study and participatory mapping. 3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was in May 2014. 4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas. 5. The land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood. 6. GAR as the parent company of all 18 subsidiaries listed is acting in violation of the New Planting Procedures (NPP) by submitting information which it knows is false. No HGU exists in 16 of the 18 concessions where NPP was submitted.
Status	Box E - Reviewing Response
Decision /Justification	Secretariat to wait for the Company to revert with clarification which has been sought on the basis of the due diligence report/legal review conducted on the related concession units.

Complaint 12	
Member Organization	PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit

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	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: a. 10,000 ha of planting without permit (IUP). b. Encroachment into the forest sanctuary. c. IOI has cleared the land without submitting NPP.
Status	Box F – Action Plan.
Decision /Justification	To await for IOI's update on proposed actions related to the CP's recommendations on the item related to staff management.

Complaint 13	
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 Sikuanı 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	CP to wait for the Action Plan from the Company.

Complaint 14	
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. He says that he is the beneficial owner of the said land and the land office in Kota

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	Kinabalu has confirmed that the said land is still in his name as beneficial owner. He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015
Status	Box D – Complaint Legitimate
Decision /Justification	Secretariat to wait for updates from the company

Complaint 15	
Member Organization	PT PP London Sumatra/IndoAgri
Membership category	Growers
Country	Indonesia
Complainant	Rainforest Action Network (RAN), ILRF, OPPIK Indonesia
Date filed	11 October 2016
Nature of complaint	A report published by RAN, OPPIK, and ILRF titled, " <u><i>The Human Cost of Conflict Palm Oil: Indofood, PepsiCo's Hidden Link to Worker Exploitation in Indonesia.</i></u> " The report reveals the findings of field investigations and worker interviews completed on two palm oil plantations owned and operated RSPO member and Indofood subsidiary PT London Sumatra. The full report available at ran.org/indofood .
Status	Box C – Panel Convened
Decision /Justification	1) Secretariat to follow up with RAN/OPPIK/ILRF 2) Secretariat to review the audit reports to determine the measures adopted to close the NCs by the Company.

Complaint 16	
Member Organization	PT Nabire Baru
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Yayasan PUSAKA
Date filed	19 April 2016
Nature of complaint	Allegations: <ol style="list-style-type: none"> 1. Deforestation which causing severe flood in Village Sima 2. Irregularities including development without EIA 3. Land grabbing of the Indigenous people 4. Failure in following proper FPIC process 5. Excessive use of force and violence using of state security forces

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Status	Box D – Complaint Legitimate
Decision /Justification	CP agree to allow the company continues the development of the mini mill Secretariat to appoint an expert to conduct the on-site visit

Complaint 17	
Member Organization	PT Bumi Sawit Kencana II
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Pantap Village & NGO Progress
Date filed	27 June 2016
Nature of complaint	Allegations: - The company has yet give the compensation for 1.482,90 Ha (owned by 94 families) - The company has breached P&C No. 2.2; 6.2; 6.3; 6.4
Status	Box J – No Case
Decision /Justification	Secretariat send the draft of the closure letter to the Complaints Panel for review

Complaint 18	
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 wait for the company to provide more evidence

Complaint 19	
Member Organization	PT Karunia Kencana Permai Sejati II & III
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Tangar Village & NGO Progress
Date filed	19 July 2016

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Nature of complaint	<ul style="list-style-type: none"> - The company has yet give the compensation on 1099 Ha land owned by Farmers Group BerkatHarapan and Lampung Tarung - The company has yet to provide plasma for the local community
Status	Box J – No Case
Decision /Justification	Secretariat send the draft of the closure letter to the Complaints Panel for review

Complaint 20	
Member Organization	PT Mustika Sembuluh
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Pondok Damar Village & NGO Progress
Date filed	18 July 2016
Nature of complaint	<ul style="list-style-type: none"> - Company must allocate 20% of the land for plasma. - To enclave the 6 hectares of the land owned by Village Pondok Damar. - To enclave Kampung Padas. - To negotiate the land conflict. - To enhance the capacity of the community to be capable in developing the land. - To create working opportunity for the community. - Company to support the development of farming and fishery
Status	Box J – No Case
Decision /Justification	Secretariat send the draft of the closure letter to the Complaints Panel for review

Complaint 21	
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	Secretariat to wait for the action plan from IOI

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Complaint 22	
Member Organization	Woolworth Ltd.
Membership category	Retailers
Country	Australia
Complainant	Palm Oil Investigation
Date filed	8 December 2016
Nature of complaint	<p>Allegation:</p> <ul style="list-style-type: none"> Woolworths' labelling on pack mentioned that the product contains either certified sustainable palm oil OR sustainable palm oil without any RSPO approved audits. Woolworths are using non RSPO approved FINANCIAL auditor Deloitte to audit the supply chain certification to back up the claims. As Woolworths use close to 1,000 contract manufacturers (not all of which are using palm), it would be impossible for all these certification claims to be correct as there are only around 100 certified manufacturers in Australia that have undergone official audits. The majority of these manufacturers are NOT contracted by Woolworths. It is alleged that Woolworths has breach the RSPO Communications and Claims Rules, RSPO Code of Conducts. <p>The case has been referred to the Communication and Claims (C&C) Standing Committee for technical analysis.</p>
Status	Box F. Action Plan
Decision /Justification	The corrective action has been fully conducted. Secretariat to officially close the case.

Complaint 23	
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</p>

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	<p>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 our non-food products is also underway and in May 2015, we launched Coles Hand Sanitisers with sustainable palm oil. The use of palm oil in Coles Brand non-food products has been offset with GreenPalm certificates while the conversion program take place.</p> <p>POI have been engaging with Coles on this issue often and for quite some time, however when we ask for their official audit certificates, they cease responding.</p>
Status	Box F. Action Plan
Decision /Justification	Secretariat to continue monitoring the case and follow up with Coles for their Progress Report.

Complaint 24	
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	Secretariat to request the company to submit more information and clarification.

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Complaint 25	
Member Organization	PT Susantri Permai
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	Borneo Orangutan Survival Foundation (BOSF)
Date filed	31 March 2017
Nature of complaint	On 14 February 2017, a report published by US News and Indonesian's local News reported that an Orangutan killed in the concession of PT Susantri Permai / Genting Plantation. 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	Secretariat to send the letters on conflict of interest and request for additional information, accordingly.

Complaint 26	
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	Specific Findings: <ol style="list-style-type: none"> 1. Land Claim by 1 community member of Nanga Suhaid, Mr. Saudi; 2. Land compensation claim by 1 community member of Nanga Suhaid, H. Kutai; 3. Water Pollution in the Kapuas river which affecting the fish farmers' business production; 2. Conflict between residents and Village Head of Tanjung regarding water quality; 3. Conflict between residents and Village head of Emperiang regarding the land acquisition process.
Status	Box C. Panel Convened
Decision /Justification	Secretariat to follow up with the company on the progress.

Complaint 27	
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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 D. Complaint Legitimate
Decision /Justification	Secretariat to deliver CP's decision granting their request to proceed with the construction of the mini mill at Nabire Baru. Secretariat to verify the need for the mini mill through a stakeholder meeting with the Communities.

Complaint 28	
Member Organization	PT Mitra Austal Sejahtera
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"> 1. Lack of Transparency on land status and partnership agreements 2. Lack of compliance to our customary land rights 3. The absence of (documented) compensation 4. Lack of compliance to local regulation.
Status	Box D. Complaint Legitimate
Decision /Justification	Secretariat to seek legal advice on the proposed plan of action by the CP. A letter is to be drafted and shared with the CP for review.

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	Secretariat to also follow up with the Complainants/TUK on the allegations in their letter.
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