

COMPLAINTS PANEL MEETING MINUTES

For Website

20 September 2016 | 3.30pm – 5.30pm | Meeting No. 9/2016

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 22 August 2016 Complaints Panel Meeting
4. New Complaints
5. New reported cases
6. Monthly Update: List of Complaints and Reported cases
7. Golden Veroleum Liberia
8. Sale of concessions/subsidiaries with complaints by members

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
5. Hap Seng Plantations Holdings Bhd

Group 2: 4.50pm – 5.30pm

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

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 Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang
17. 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>None of the CP members’ declared his/her new “conflict of interest” in the cases being deliberated.</p>
<p>3. Minutes of the meeting of 25 July 2016</p> <p>The minutes of the meeting were adopted and confirmed by the members unanimously.</p>
<p>4. Reported Cases</p> <p>The following are reported cases received by the RSPO Secretariat, which have not been deliberated by the Complaints Panel.</p> <p>i. New PT Bumi Sawit Kencana II/Wilmar International Ltd. – filed by the community of Kapuk Village on 22 July 2016</p> <p>Community of Kapuk Village demanded the company to give compensation on 78 Ha of land owned by the Farmers Group.</p> <p>Status: Box B – Reported case categorized.</p> <p>ii. PT Bumi Sawit Kencana/Wilmar International – filed by the Farmer Group of Pantap Village on 27 July 2016</p> <p>It is alleged that the company:</p> <ul style="list-style-type: none"> - Has not paid compensation for 1.482,90 Ha land of which 0. 33 Ha land (owned by Mr. Simamora) should have been enclaved. - Has not developed plasma for the local community. - The waste from the mills flows into the river during rainy season, causing floods. - CSR as promised has not been implemented in 2016. <p>Status: Box B – complaint categorised</p> <p>iii. PT Mustika Sembuluh/Wilmar International – filed by the Farmers Group of Pondok Damar on 18 July 2016</p> <p>It is alleged that the mill has polluted the Sei Sampit river (P&C 5.3).</p> <p>Status: Box B – complaint categorised</p> <p>iv. PT Karunia Kencana Permai Sejati (PT KKPS II & KKPS III) /Wilmar International – filed by the community of Desa Tangar on 19 July 2016</p> <p>It is alleged that the company:</p> <ul style="list-style-type: none"> - has not paid 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. <p>Status: Box B – complaint categorised</p> <p>Update for reported cases a - d:</p>

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26 August 2016 – Secretariat sent a formal letter to all complainants, requesting more documents and evidence.

31 August 2016 – a conference call meeting NGO Progress was held. Apparently, the complainant NGO is not affiliated with Walhi. It is affiliated with an organization called Indonesia Centre for Conflict and Investment (ICCI) based in Yogyakarta which aims to develop database on natural resource conflicts in Indonesia. NGO Progress is not "a campaigner" but more like to monitor and to investigate cases in Central Kalimantan. RSPO Secretariat has sent an email to the company on the update.

1 September 2016 – Wilmar provided a response in which they conveyed unwillingness to meet with the mediating organization unless it was clear that there was a basis for the complaint under the RSPO.

2 September 2016 – one complainant (for PT BSK II/Pantap village) has sent their reply attaching the necessary evidences.

20 September 2016 – Secretariat to check all the documents sent by the complainant and wait for other complainants to give feedback.

v. 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
- 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's concession and to dismiss the two managers.

Status: Box A. Reported case received.

Update:

22 August 2016 – i) Secretariat to follow up with both the complainant and the company; ii) Secretariat to ensure the IOI's independent verification conducted by the independent assessor will included the Natai Kuini's area. Secretariat to share the report with CP, once it is done.

vi. 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.

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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 is available at ran.org/indofood

Status: Box A. Reported case received

Update:

5 September 2016 – ASI has issued a public report on the case. The report available at <http://www.accreditation-services.com/resources/document-library/download-info/asi-rspo-sai-pc-compliance-indonesia-2016>

9 September 2016 - Complainants issued press release as the response against ASI report, titled “*New Report Finds Global Food Giants PepsiCo, Indofood Linked to Poverty Wages, Worker Exploitation and Discrimination*”.

20 September 2016 – RSPO Secretariat to arrange a meeting with Indofood for further clarification.

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

Allegations:

- i. Land grabbing from the indigenous people of Yerisiam.
- ii. Violence and involvement of Brimob (police mobile brigade)
- iii. Deforestation that is causing floods in Village Sima, the home village of the Yerisiam tribe.
- iv. 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:

16 August 2016 – A stakeholders meeting was held in RRO Indonesia Office. Both parties agreed to do the ground checking on the 4th week of September 2016. RSPO will attend the joint verification as an observer.

20 September 2016 – Secretariat to seek clarification on issues related to PT Nabire Baru’s NPP with Technical Department.

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 that the company :

- 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

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- To be transparent in the CSR financial management in accordance with Government Regulation No.47/2012.

Status: Box A – reported case received

Update:

30 August 2016 - the company sent an update to RSPO. A meeting was held between both parties on 26 August 2016. A work plan has been made on the following activities:

- Ground checking to PT BPK mill to check the waste management.
- Ground checking to PT BPK estates to monitor the state maintenance, complaints system, CSR and waste management.
- To implement FPIC principles by doing meetings with local community and survey.

20 September 2016 - Secretariat to close the case for monitoring

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

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	0	1
(B) Complaint categorized	1	6
(C) Panel convened	1	0
(D) Complaint legitimate	6	0
(E) Reviewing response	5	0
(F) Action plan	4	2
(G) Case Closed for monitoring	7	1
(H) Case Closed	35	31
(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	64	46

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TOTAL OPEN CASES	19	9
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On 1 September 2016, a total of 19 ongoing complaint cases were deliberated and 9 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:

Aug	Sept	Oct	Nov	Dec
22/08	20/09	20/10	07/11***	19/12

***) It is confirmed that The RT 14 will be held on 7 - 11 November 2016 in Shangri-La Hotel, Bangkok. Complaints Panel meeting is scheduled to be held on 7 November 2016 at 02:30 – 06:00 pm

6.2 General Information

i. The minutes of the 22 August 2016 CP meeting was published on the RSPO website on 23 August 2016.

6.3 Complaints System Revamp

i. Internal meeting for the Secretariat and the consultant was conducted on 14 September in RSPO KL to finalize inputs and comments received on ICS and IAM documents. RSPO Secretariat to wait for the final document from the consultant and share the document with the Complaints Panel prior to upload it on the website for Public Consultation.

6.4 Membership of Complaints Panel

i. RSPO Secretariat to find a social NGO from Latin America to join the Complaints Panel. One Palm Oil Company based in Latin America, AGROCARIBE, has expressed an interest. Secretariat to inform more details on the matter to Complaints Panel at the next meeting.

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

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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.
- xiii. On 5 August, the Secretariat received information that the stakeholders meeting was not successful due to communication problems. A set of questions have been sent to all the complainant NGOs for their views and opinions on the development in the case.
- xiv. The next meeting for GVL between Secretariat and Complaints Panel members will be arranged in the 4th week of September.

8. Sale of Concessions/subsidiaries with complaints by members

We have had the following members selling their subsidiaries instead of resolving the complaints:

- i. PT Asiatic Inti Persada/Wilmar**
Sold to the Ganda Group (non- RSPO members); we lost control over the complaint.
- ii. PT Sawit Sumber Sarana/Sawit Mandiri Lestari**
The company is sold with the reason that there is a delay to fulfil the legal/permit requirement so that the company cannot achieve the targets.
- iii. PT Mitra Austral Sejahtera/Sime Darby**
They are considering selling based on the fact that it is not profitable.
- iv. Plantaciones de Pucallpa**
They are planning to sell as advertisements have appeared in Malaysia and Indonesia.

The complaint is pending resolution.

The RSPO Code of Conduct for members :

“5. Breaches of this Code

5.1 *Members will seek to resolve grievances directly with other member organisations in a timely fashion, and will not make unsubstantiated allegations of breaches against other members.*

5.2 *Breaches of this Code, or the by-laws and statutes of the RSPO may lead to exclusion from the organisation.*

5.3 *Prior to taking public action in cases of unresolved allegations of breaches of this Code, members will report breaches to the Executive Board, which will deal with the alleged breaches in accordance with the RSPO Grievance Procedure.*

5.4 *Executive Board Members who are found, after due inquiry, to have breached the Code, will be replaced.*

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What RSPO can do to prevent non-compliant members from selling to non-RSPO members certifiable units where there are severe RSPO Compliance problems?

22 August 2016

Although suspension of certification may not have a great impact on smaller companies who are less advanced in their progress on certification, it could have a significant effect on larger companies. I suggest that in cases where companies dispose of non-compliant units, in addition to possible suspension of the disposing company, we also consider introducing a Note of Reprimand or Note of Censure, to be publicized on the website. This may also be relevant for other misdemeanours which may not merit suspension but certainly merit a public “rap over the knuckles”.

Next Step:

Secretariat to discuss internally with the Technical Team and inform the updates at the next meeting.

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	Case remain status quo until the Secretariat receive a decision from the Brazilian courts and authorities.

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.

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	<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	Secretariat to send a formal letter to First Resources upon approval from the Complaint Panel

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

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	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	RSPO to share the letter of BPN to the Complaints Panel and the Board. RSPO Secretariat to get a decision from the Complaints Panel

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 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 F – Action Plan
Decision /Justification	To wait for contract signing process by all parties. Secretariat to prepare stakeholders meeting once the signing process is done.

Complaint 6	
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 & 2.3 of FPIC and Principle 7: Responsible development of new plantings.</p> <p>No NPP notification posted to RSPO.</p>
Status	Box H – Case Closed
Decision /Justification	The case is to be closed.

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	<p>Plantaciones de Pucallpa SAC has been accused of human rights violation by the Shipibo community of Santa Clara de Uchunya. In so doing, Plantaciones de Pucallpa has been alleged to have breached the Principles and Criteria of the RSPO on land acquisition and the conservation of forest. These allegations were made in a forum in London; please see link below.</p> <p>http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126</p>
Status	Box E. Reviewing Response
Decision /Justification	To sanction the company only after a meeting with them to explain the non-compliance

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</i>

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	<p><i>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></p> <p>The issues including human trafficking, general poor labour conditions, Use of labour contractors, to exploit illegal immigrants from Bangladesh and Myanmar; Withholding of passports; Poor health care; Pay below minimum wages; Non-payment of wages; Bonded labourers.</p>
Status	Box F. Action Plan
Decision /Justification	Secretariat to give 30 days deadline for the company to send the revised action plan and clarifications.

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 draft the final decision letter for the company and send it to the Complaints Panel for review.

Complaint 10	
Member Organization	Bumitama Gunajaya Abadi/Bumitama
Membership category	Grower
Country	Indonesia
Complainant	Sawit Watch
Date filed	13 November 2015
Nature of complaint	The allegations are:

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	<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 D. Complaint Legitimate
Decision /Justification	Secretariat to wait for response from Sawit Watch.

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

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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: 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 Complaints 2 to 9.
Decision /Justification	To continue to monitor the developments and engagement with stakeholders

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.

COMPLAINTS PANEL MEETING MINUTES

For Website

20 September 2016 | 3.30pm – 5.30pm | Meeting No. 9/2016

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

	<p>3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was on May 2014.</p> <p>4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas.</p> <p>5. Land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood.</p> <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>
Status	Box E. Reviewing Response
Decision /Justification	To wait for the feedback from FPP on the legal review.

Complaint 14	
Member Organization	PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	AidEnvironment
Date filed	3 April 2015
Nature of complaint	<p>Issues raised by AidEnvironment:</p> <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 F – Action Plan.
Decision /Justification	Secretariat to wait for the report of the Ground Verification

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 Sikuaní indigenous communities from freedom of movement. The EIA's video alleged abuses by RSPO's Italian member in Colombia
Status	Box D – Complaints Legitimate

COMPLAINTS PANEL MEETING MINUTES

For Website

20 September 2016 | 3.30pm – 5.30pm | Meeting No. 9/2016

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

Decision /Justification	RSPO Secretariat to wait for the independent verification report
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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 prices by the company for their FFB. The farmers claims that there is no transparency or clarity in the way the prices are arrived at. Alleged breach of Criterion 1.1: Commitment to Transparency and Criterion 6.10: Growers and mills deal fairly and transparently with smallholder and other local businesses.
Status	Box B – Complaint categorised
Decision /Justification	Secretariat to discuss this matter further with RSPO officer based in Latin America. RSPO to check with the company if their mechanism have been implemented well on the ground

Complaint 17	
Member Organization	Hap Seng Plantations Holdings Bhd.
Membership category	Palm Oil Company
Country	Malaysia
Complainant	Sia Yi Chin of Iahad 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 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	Wait for the case to progress through courts before the CP makes any decision.