

COMPLAINTS PANEL MEETING MINUTES

For Website

27 February 2019 | 6.00 - 9.00 pm | Meeting No. 01/2019

Meeting location: Jakarta Conference Room, RSPO Kuala Lumpur - Malaysia

<p>List of Complaints Panel Member</p>	<table border="1"> <tr> <td data-bbox="379 533 906 846"> <ol style="list-style-type: none"> 1. Henry Barlow (Affiliate Member) 2. Michelle Desillet (Orangutan Land Trust) 3. Matthias Diemer (WWF Switzerland) 4. Marieke Leegwater (Solidaridad) 5. Melizel Asuncion (Verite) 6. Frazer Lanier (Citibank) </td> <td data-bbox="914 533 1439 846"> <ol style="list-style-type: none"> 7. Lim Sian Choo (Bumitama) 8. Lanash Thanda (SEPA) 9. Robert Kruger (RKG) 10. Samantha Bramley (Standard Chartered) 11. Suzanne Hall (San Diego Zoo) </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Affiliate Member) 2. Michelle Desillet (Orangutan Land Trust) 3. Matthias Diemer (WWF Switzerland) 4. Marieke Leegwater (Solidaridad) 5. Melizel Asuncion (Verite) 6. Frazer Lanier (Citibank) 	<ol style="list-style-type: none"> 7. Lim Sian Choo (Bumitama) 8. Lanash Thanda (SEPA) 9. Robert Kruger (RKG) 10. Samantha Bramley (Standard Chartered) 11. Suzanne Hall (San Diego Zoo)
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<p>Agenda</p>	<p><u>General Agenda: 6.00 pm -6.30 pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. Declaration of Conflict of Interest 3. To confirm and adopt the minutes of 23 January 2019 during the CP Meeting 4. New Allegations:- <ol style="list-style-type: none"> a. RSPO/2018/07/RB - PT PHP/AMP Plantation (Wilmar); b. RSPO/2018/22/RB - PT SMART Tbk (Golden Agri Resources) c. RSPO/2019/01/PR - PT Perkebunan Nusantara III d. RSPO/2019/02/PR - PT Agri Plus (Bumitama Agri Ltd) 5. Incident reports from the Public Domain:- <ol style="list-style-type: none"> a. Greenpeace Report -"Dying for a Cookie" on shadow companies 6. Complaints Case Statistics. 7. Any other matters:- <ol style="list-style-type: none"> a. Dates for Complaints Panel meetings in 2019; b. Expansion of the Complaints Panel; c. Follow up on the progress of the DSF procedures and its ancillary documents; d. Collaboration with the Investigation and Monitoring Unit (IMU) 8. Amnesty International report on Wilmar International - a media enquiry by Sydney Morning Herald. 9. Request for Re-opening the case of PT Gunta Samba Jaya/PT SIMP. 10. Research Report, "Palming Off Responsibility: Labour rights violations in the Indonesian palm oil sector, by SOMO and CNV International (Pt Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam – Wilmar). 11. Commitment of Financial Institutions 12. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership. 		

13. Complaints for deliberation:-

Group 1: 6.30pm – 7.15pm

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak) (Robin Balud)
2. Agropalma SA vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
3. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
4. PT. Pusaka Agro Lestari (PT.PAL - Noble Plantation) vs RSPO Secretariat
5. PT. Prima Mitra Jaya Mandiri (PT. PMM - MP Evans) vs Serbundo
6. PT. Susantri Permai, PT Dwie Warna Karya, PT Kapuas Maju Jaya (Genting Plantation Berhad) vs Commission IV of Indonesia’s House of Representative
7. PT. Limpah Sejahtera (First Resources) vs Yayasan Indonesian Animal Rescue International
8. PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK
9. PT. Minamas Gemilang (Sime Darby) vs Oky Wardianto
10. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh
11. PT Harapan Sawit lestari (Cargill) vs LinKar Borneo
12. AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)
13. HSA Group (Pacific Inter Link, Pacific Oils & Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace
14. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace.

Group 2: 7.15pm – 8.15pm

1. Extractora La Gloria SAS vs ASOCOL, ASOCADAR
2. PT. Bumitama Gunajaya Agro (BGB- Bumitama) vs Sawit Watch
3. PT. Hati Prima Agro (HPA- Bumitama) vs Sawit Watch
4. PT. Bumi Sawit Kencana II (BSK- Wilmar International Ltd.) vs Village Kapuk
5. Palmas Del Espino SA vs FREDEIALBA
6. FELDA Global Venture Holding Berhad vs Article by Chain Reaction Research
7. FELDA Global Venture vs Article by The Wall Street Journal
8. PT. Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo
9. PT Perkebunan Nusantara VI vs PT REKI
10. GAR (GVL) vs FPP, SESDEV, SDI
11. Golden Agri Resources vs FPP
12. Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom
13. Presco PLC Nigeria (SIAT SA) vs Oria-Abraka Community

Group 3: 8.15pm – 9.00pm

1. PT. London Sumatra (Lonsum) vs Sawit Watch
2. PT. London Sumatra (Lonsum) vs RAN, Oppuk, ILRF
3. PT. Kartika Prima Cipta (GAR) vs FPP and TUK Indonesia
4. PT. Kartika Prima Cipta (GAR) vs Link-Ar Borneo
5. Poligrow vs Video by Environmental Investigation Agency
6. PT. Nabire Baru (Goodhope) vs Yayasan PUSAKA
7. Goodhope Asia Holdings Ltd vs RSPO Secretariat
8. IOI Pelita (IOI Group) vs Community of Long Teran Kanan
9. Primatama Mulia Jaya v Masyarakat Adat Luhak Saparampek Simpang Tigo
10. PT Agro Andalan (PT Dharma Satya Nusantara) v Link-Ar Borneo
11. PT Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
12. PT Kapuas Maju Jaya (Genting Plantation Bhd) vs Kelompok Tani Penghijauan Tingang Menteng

DETAILS OF THE AGENDA:

No.	Agenda
1.0	Opening Remarks from Chairperson Opening speech by LSC as Co-chair.
2.0	Declaration of “No Conflict of Interest” No new declaration of Conflict of Interest.
3.0	To confirm and adopt the minutes of 23 January 2019 during the Complaints Panel Meeting. Minutes of 23 January 2019 CP meeting adopted.
4.0 New allegation submitted	
	<p>a. RSPO/2018/07/RB - PT. PHP/AMP Plantation (Wilmar) Complainant: Representation by Lawyer on behalf local community (request for confidentiality) Complaint received: 20th August 2018 Allegation:</p> <ul style="list-style-type: none"> ● dispute regarding plasma cooperation with local community <p>Update:-</p> <ul style="list-style-type: none"> ● The Secretariat is in process to obtain POA from lawyer ● As per the latest communication with the Complainant on 12 February 2019, the Complainant has already obtained the POA and will send to the Secretariat. <p>27 February 2019 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. POA was obtained from the lawyer of the Complainant and the initial diagnosis is in progress. <p>b. RSPO/2018/22/RB - PT SMART Tbk (Golden Agri Resources) Complainant: Masyarakat Dusun I/II/III Belongkut Complaint received: 18 October 2018 Allegations:-</p> <ul style="list-style-type: none"> ● The termination of employment by PT Smart Tbk Kebun Adi Pati without severance payment. <p>Update:-</p> <ul style="list-style-type: none"> ● The Initial Diagnosis in process ● The Secretariat is in the process of obtaining further clarification from the Complainant regarding the allegations.

27 February 2019 (CP Meeting):-

1. **Awaiting further clarifications from the Complainants.**

c. RSPO/2019/01/PR - PT Perkebunan Nusantara III

Complainant: Pimpinan Cabang Federasi Serikat Pekerja Metal Indonesia
Complaint received: 18 January 2019

Update:-

- **Initial Diagnosis in progress**

27 February (CP Meeting):-

1. **Initial diagnosis is in progress.**

d. RSPO/2019/02/PR - PT Agri Plus (Bumitama Agri Ltd)

Complainant: Link-AR Borneo
Complainant received: 25 January 2019

Update:-

- **Initial Diagnosis in progress**

27 February 2019 (CP Meeting):-

1. **Initial diagnosis is in progress.**

5.0 Incident Report from the Public Domain

1. Greenpeace Report - “Dying for a Cookie”

Greenpeace released a report on 13 November 2018 on Bumitama’s alleged connection to numerous concessions in Indonesia which are allegedly proceeding with development without the required permits or in breach of RSPO rules. This includes Bumitama’s alleged involvement in shadow companies.

Update:-

- **Under monitoring by IMU.**

27 February (CP Meeting):-

1. **Seeking for further clarifications by 14 days.**

6.0 Complaints Cases Statistics

Total Cases in 2018:

	Jan-2018	Feb-2018	Mar-2018	Apr-2018
Complaints received	2	0	1	4
Status	Closed (1) Open (1)	-	Closed (1)	Open (4)
Certified	-	-	-	-
Country	Indonesia (2)	-	Indonesia (1)	Indonesia (4)
Case Category	-Plasma (1) -FPIC (1)	-	-HCV	-HCV (1) -Legality (1) -Plasma (2)

	May-2018	June-2018	July-2018	Aug-2018
Complaints received	4	0	1	3
Status	Closed (3) Open (1)	-	Open (1)	Open (3)
Certified	-	-	-	-
Country	Indonesia (4)	-	Indonesia (1)	Indonesia (2) Singapore (1)
Case Category	-FPIC (2) -HCV (2)	-	-FPIC (1)	-Breach of Code of Conduct (2) -Minimum Wage (1)

	Sept-2018	Oct-2018	Nov-2018	Dec-2018
Complaints received	2	6	0	0
Status	Open (2)	Open (6)	-	-
Certified	-	-	-	-
Country	Indonesia (1) Nigeria (1)	Indonesia (3) Liberia (1) Nigeria (1) Others (1)	-	-
Case Category	-Occupational Hazard (1) -FPIC (1)	-Breach of Code of Conduct (2) -FPIC (2) -Compensation (1) -Wage (1)	-	-

Total Active Cases by Country and Year:-

Country	Active Cases
Indonesia	29
Malaysia	5
Colombia	2
Nigeria	2
Singapore	1
Peru	1
Brazil	1
Liberia	2
Others*	1
TOTAL	44

Year	Active Cases
2009	1
2010	2
2011	0
2012	3
2013	0
2014	1
2015	6
2016	5
2017	8
2018	18
TOTAL	44

*Others: Pending group membership determination

7.0 Any other matters

a. Dates for Complaints Panel Meetings in 2019:

23 January 2019 (CP Meeting):

- **Proposed dates for 2019 CP meetings:**
- 23 January 2019
- 27 February 2019
- 27 March 2019
- 24 April 2019
- 29 May 2019
- 26 June 2019 (TBC)
- 24 July 2019
- 28 August 2019
- 25 September 2019
- 23 October 2019
- 27 November 2019 (TBC)
- 18 December 2019

27 February 2019 (CP Meeting):-

1. Physical meeting dates scheduled either in April or May if the plans to hold the meeting in June 2019 back to back with the European Sustainable Palm Oil Dialogue (SPOD) does not work out.

b. Expansion of Complaints Panel

27 February 2019 (CP Meeting):

1. Membership of new application is in progress.

c. Follow up on the progress of the DSF procedures and its ancillary documents.

27 February 2019 (CP Meeting):

1. The DSF documents and ToR for advisers have been finalised and forwarded to Senior Management to be presented to the BOG for endorsement.

d. Collaboration with the Investigation and Monitoring Unit

27 February 2019 (CP Meeting):

1. The collaboration is continuing as per the SOP

8.0 Media Inquiry: Amnesty International Investigation report on Wilmar International – Sydney Morning Herald on 28 November 2016

"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:

- a. 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;
- b. Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation;
- c. Workers suffering severe injuries from paraquat, an acutely toxic chemical banned by the EU and by Wilmar itself;
- d. Workers being made to work outdoors without adequate safety;
- e. Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks".

27 February 2019 (CP Meeting):

1. **The meeting with ASI to be rescheduled to March.**

9.0 Request for reopening of case: PT Gunta Samba Jaya / PT SIMP

Greenpeace, upon releasing their investigative report, Dirty Bankers, which exposes HSBC's role in funding palm oil companies linked to environmental and human rights abuses followed up with RSPO on the PT Gunta Samba Jaya and Indofood/PT SIMP filed in 2013. The case remains unresolved after Indofood CEO Mark Wakeford informed RSPO that "[Indofood does] not have any shareholding in PT Gunta Samba Jaya and it is not part of the IndoAgri or SIMP Group."

Greenpeace claims 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.

27 February 2019 (CP Meeting):-

1. **To proceed with the CP's decision.**

10.0 Research Report, "Palming Off Responsibility: Labour rights violations in the Indonesian Palm Oil Sector, by SMO and CNV International (PT Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam - Wilmar)

13 June 2017 – SOMO/CNV International published their report on labour violations at PT Murini Sam Sam and PT Aneka Inti Persada. The report was also forwarded to RSPO.

The following violations were noted in the report:

1. 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
2. PT Aneka Inti Persada:
- Temporary workers and contract issues
 - Wages and workload
 - Child labour
 - Health and safety
 - Gender equality
 - Freedom of association

27 February 2019 (CP Meeting):-

1. **The meeting with ASI to be rescheduled to March.**

11.0 Commitment Financial Institution

update from 23 January (CP Meeting):

- a memo from Secretariat

27 February 2019 (CP Meeting):-

1. **Secretariat is working on a memo**

12.0 GA Resolution

Update:

- **Adoption of Resolution GA15-6d:** Discouraging RSPO members subject to complaints from avoiding their obligations by divestment or withdrawing their membership.

27 February 2019 (CP Meeting):-

1. **The TOR has been finalised and Secretariat to proceed with implementation.**

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak) (Robin Balud)	
Date Filed	16 February 2015
Respondent	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak)
Nature of Complaint	<p>According to the Enquiry National Hak Tanah Malaysia document, 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	(D) Investigation / deliberation
Decision / Justification	Awaiting updates from FELDA.

Complaint 1.2 Agropalma S.A. vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa

Date Filed	13 August 2015
Respondent	Agropalma SA
Membership Category	Oil Palm Grower
Country	Brazil
Complainant	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa.
Complaint description	That Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.
Status	(D) Investigation / deliberation
Decision / Justification	Secretariat scheduled calls with both Parties. Secretariat to schedule a call with the CB and thereafter, revert with a briefing note for CP's consideration.

Complaint 1.3 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin

Date Filed	11 November 2015
Respondent	Hap Seng Plantations Holdings Bhd
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Sia Yi Chin of Lahad Datu, Sabah
Complaint description	<p>The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah.</p> <p>He says that he is the beneficial owner of the said land and the land office in Kota Kinabalu has confirmed that the said land is still in his name as beneficial owner.</p> <p>He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015</p>
Status	(D) Investigation / deliberation
Decision / Justification	Complaint adjourned.

Complaint 1.4 PT. Pusaka Agro Lestari (PT. PAL - Noble Plantation) vs RSPO Secretariat

Date Filed	20 June 2017
Respondent	PT Pusaka Agro Lestari
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat
Complaint description	<ul style="list-style-type: none"> ● Potential risk on Clearance a large areas of Primary Forest in Papua; ● Official Complaint against one of HCV Assessors – Nyoto Susanto.
Status	(D) Investigation / deliberation
Decision / Justification	<p>A request was submitted by the Respondent in relation to the lifting of the Stop Work Order. CP to consider next course of action.</p> <p>This case is to be transferred to IMU for monitoring.</p>

Complaint 1.5 PT Prima Mitra Jaya Mandiri (PT. PMM - MP Evans) vs Serbundo	
Date Filed	20 April 2017
Respondent	PT. Prima Mitra Jaya Mandiri (PT PMM)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Serbundo (Serikat Buruh Perkebunan Indonesia)
Complaint description	<p>Allegations: The company has breached National Labour Regulation by extending the workers' contract and terminate 7 of them as they refuse to sign a new contract.</p> <p>Demands from Serbundo:</p> <ol style="list-style-type: none"> 1. Request the Company instead of extended temporary employment agreement, make them as permanent workers, some of them have worked more than 1,5 years; 2. Rehire 7 workers and promote the status to become permanent, especially those who have been working on permanent basis work ie: Permanent/ Harvester.
Status	(D) Investigation / deliberation
Decision / Justification	Briefing Note to be revised incorporating CP's comments and recommendations.

Complaint 1.6 Genting Plantation Berhad (PT. Susantri Permai, PT. Kapuas Maju Jaya and PT. Dwie Warna Karya) vs Commission IV of Indonesia’s House of Representative

Date Filed	18 December 2016														
Respondent	Genting Plantation Berhad (PT Susantri Permai, PT Kapuas Maju Jaya and PT Dwie Warna Karya)														
Membership Category	Oil Palm Grower														
Country	Central Kalimantan, Indonesia														
Complainant	<i>Confidential</i>														
Complaint description	<p>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).</p> <table border="1" data-bbox="419 1055 1417 2000"> <thead> <tr> <th></th> <th>Landscape planning (RTRWP) 2003</th> <th>Decision Letter (SK) 529/Minister of Forestry – II/2012</th> </tr> </thead> <tbody> <tr> <td>PT Dwie Warna Karya</td> <td> Production Forest (HP): 1.481 ha. Residence & other utilization Area (KPPL): 11.019 ha. </td> <td> Production Forest (HP): 4.372 ha. Production Conversion Forest (HPK): 7.350 ha. Areas for other utilization (APL): 766 ha. Hydrosphere: 12 ha </td> </tr> <tr> <td>PT. Kapuas Maju Jaya</td> <td>Production Development area: 17.500 ha.</td> <td> Production Forest (HP): 11.644 ha. Production Conversion Forest (HPK): 5.856 ha. </td> </tr> <tr> <td>PT. Dwie Warna Karya</td> <td> Production Forest (HP): 6.791 ha. Limited Production Forest (HPT): 5.287 ha </td> <td> Production Forest (HP): 3.760 ha. Production Conversion Forest (HPK): 9.402 ha. </td> </tr> </tbody> </table>				Landscape planning (RTRWP) 2003	Decision Letter (SK) 529/Minister of Forestry – II/2012	PT Dwie Warna Karya	Production Forest (HP): 1.481 ha. Residence & other utilization Area (KPPL): 11.019 ha.	Production Forest (HP): 4.372 ha. Production Conversion Forest (HPK): 7.350 ha. Areas for other utilization (APL): 766 ha. Hydrosphere: 12 ha	PT. Kapuas Maju Jaya	Production Development area: 17.500 ha.	Production Forest (HP): 11.644 ha. Production Conversion Forest (HPK): 5.856 ha.	PT. Dwie Warna Karya	Production Forest (HP): 6.791 ha. Limited Production Forest (HPT): 5.287 ha	Production Forest (HP): 3.760 ha. Production Conversion Forest (HPK): 9.402 ha.
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Status	(E) Investigation Closed			
Decision / Justification	Decision was delivered on 6/2/19.			

1.7 PT Limpah Sejahtera (First Resources) vs Yayasan Indonesian Animal Rescue International

Date Filed	1 May 2010
Respondent	PT Limpah Sejahtera / First Ressources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan Indonesian Animal Rescue International
Complaint description	<p>Violation of P&C 5.2 and P&C 7.3 - No HCV carried out and damaging habitats. The company is alleged to have destroyed Orangutan habitats and did not carry out a HCV assessment before the development of the plantation.</p> <p>On the 18th October 2009, International Animal Rescue (IAR) rescued two orangutans from the PT Limpah Sejahtera palm oil plantation in West Kalimantan, Indonesia, on the request of plantation workers. This plantation is owned by PT Borneo Ketapang Permai, a subsidiary of RSPO member First Resources Limited, who this grievance is against.</p> <p>IAR was originally contacted by plantation workers to rescue two baby orangutans from the PT Limpah Sejahtera plantation. On arrival at the plantation on the 18th October, we were informed by a worker that another baby had disappeared and all adult orangutans captured had been killed and eaten. We were able to rescue two juvenile orangutans, who, despite obvious signs of mistreatment and neglect, are doing well and currently awaiting release at our rescue facility in Ketapang, West Kalimantan. We were also informed that orangutan sightings were occurring frequently at the plantation and that at least 10 more orangutans were living in the area. We are afraid that, by now, these orangutans have been killed and/or eaten.</p>
Status	(D) Investigation / deliberation
Decision / Justification	CP's decision to be delivered.

1.8 PT Mitra Austral Sejahtera (Sime Darby) vs NGO TuK

Date Filed	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
Respondent	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Transformasi untuk Keadilan (TuK)
Complaint description	<p>The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :</p> <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 regulations <p>In acting so they are alleged to have breached RSPO Principles and Criteria specifically on:</p> <p>Principle 1 on Transparency,</p> <p>Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.</p>
Status	(D) Investigation / deliberation
Decision / Justification	Legal review in progress.

Complaint 1.9 PT Minamas Gemilang (Sime Darby) vs Oky Wardianto

Date Filed	19 November 2017
Respondent	PT Minamas Gemilang (Sime Darby)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Mr. Oky Wardianto
Complaint description	The Complainant is an individual, Mr Oky Wardianto and the allegations are with regards to non-payment of salary to the Complainant in his position as Director and Commissioner.
Status	(D) Investigation / deliberation
Decision / Justification	A meeting scheduled with Respondent on 5 March 2019

Complaint 1.10 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh

Date Filed	2 October 2012
Respondent	Golden Veroleum Liberia (GVL)
Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh
Complaint description	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> a. has not provided public notification for a 30 day period consistent with the New Planting Procedures; b. commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; c. By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 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; d. Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6
Status	(D) Investigation / deliberation
Decision / Justification	CP awaiting full data from GVL before deliberating on next course of action.

Complaint 1.11 PT Harapan Sawit lestari (Cargill) vs LinKar Borneo



Date Filed	25 May 2018
Respondent	PT Harapan Sawit Lestari (Cargill)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Link-Ar Borneo
Complaint description	PT Harapan Sawit Lestari allegedly commenced the re-planting activities without proper consent from the local community of Asam Besar in West Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	Received the response from the Respondent and is being translated.

Complaint 1.12 AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)



Date Filed	30 April 2018
Respondent	AMP Plantation (Wilmar)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Represented by lawyer on behalf of KUD Dasra
Complaint description	Dispute regarding plasma cooperation with KUD Dasra.
Status	(D) Investigation / deliberation
Decision / Justification	Wilmar to provide their comments.



1.13 HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace

Date Filed	15 October 2018
Respondent	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
Membership Category	Oil Palm Grower
Country	Malaysia / Cayman Island
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	Breach of Code of Conduct - violation of the RSPO Group Membership rules. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.
Status	(C) CP constituted
Decision / Justification	The Respondent has submitted its group membership application to RSPO and is currently under consideration.



Complaint 1.14 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace	
Date Filed	15 October 2018
Respondent	Pacific Inter-Link (Papuan Concessions)
Membership Category	Oil Palm Grower
Country	Malaysia / Cayman Island
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	Violation of the RSPO Code of Conduct because of their alleged involvement in the control/ownership and operational development of four palm oil plantation companies in Papua.
Status	(C) CP constituted
Decision / Justification	Respondents' submissions received and shared with the Complainants for response.

GROUP 2

Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR	
Date Filed	19 November 2015
Respondent	Extractora de la Gloria SAS
Membership Category	Oil Palm 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
Complaint description	<p>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:</p> <ul style="list-style-type: none"> ● Principle 1.1. Given that it does not provide clear and sufficient information regarding the Business Group. ● Principle 2.1. The Business Group has not declared itself to Colombian authorities and the crops were planted without an Environmental Management Plan for the Forest Reserve, which goes against national business and environmental regulations. ● Principle 2.2. Property ownership claims in the areas where Extractora La Gloria grows the majority of its crops have been called into question at national and international judicial bodies. Farming communities have demanded the formalization of their customary land rights, which were violently denied by paramilitary groups. ● Principle 2.3. Business operations have not recognized the rights of farmers who are also displacement victims, in contravention of businesses’ duty to guarantee free, prior and informed consent regarding land use. ● Principle 4.4. While installing and processing palm crops, Extractora La Gloria affected the Caño Alonso Forest Reserve Buffer Zone and the Singararé, El Carmen and Simaña streams. ● Principle 5.2. The company has not avoided damaging the Caño Alonso Forest Reserve Buffer Zone, a specially protected habitat such as installing palm crops over the Reserve’s environmental buffer zone. ● Principle 6.4. The company has neglected the claimants, despite the fact that they have been the most affected by its business activities. The company has also refused to create negotiation platforms. ● Principle 6.13. The company has benefited from grave human rights violations of vulnerable farmers, who were also forcefully displaced by illegal armed actors. The company has not publicly rejected the threats and intimidations against the claimants. It even requested that the Constitutional Court lift the cautionary measures protecting the victims.



Status	(D) Investigation / deliberation
Decision / Justification	Secretariat will be writing to the appropriate land agencies to confirm status/title of the disputed land.

Complaint 2.2 Bumitama Gunajaya Abadi (BGB- Bumitama) vs Sawit Watch

Date Filed	13 November 2015
Respondent	PT Bumitama Gunajaya Abadi
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<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.
Status	(E) Investigation Closed
Decision / Justification	Received the analysis from the expert. Secretariat to finalise the Briefing Note for CP's deliberation.

Complaint 2.3 PT Hati Prima Agro (HPA- Bumitama) vs Sawit Watch

Date Filed	13 October 2017
Respondent	PT Hati Prima Agro (Bumitama)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<p>A complaint was initially lodged in 2012 on allegations related to land matters. It was dismissed in April 2015 when Bumitama said that they were planning to divest the property and no longer had management control. However, in this request for reopening of the complaint, the complainant (Sawit Watch, EIA, and Greenpeace) has made allegations that although Bumitama claimed to have divested the property they continued to have management control. Further, in July 2016 Bumitama had repurchased the concession unit.</p> <p>Thus, the request for reopening is on the basis that Bumitama allegedly made deceptive claims before the Complaints Panel. The Complainants further claim that Bumitama had not submitted NPP despite the land clearance.</p>
Status	(D) Investigation / deliberation
Decision / Justification	Received the legal report from legal consultant and to be sent to both parties for factual verification.

Complaint 2.4 PT Bumi Sawit Kencana II (BSK-Wilmar International Ltd.) vs Village Kapuk	
Date Filed	22 July 2016
Respondent	PT Bumi Sawit Kencana II (Wilmar International Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Community of Village Kapuk & NGO Progress
Complaint description	Community of Kapuk Village demand the company to give the compensation on 78 Ha land owned by the Farmers Group.
Status	(E) Investigation Closed
Decision / Justification	To issue the decision letter.



Complaint 2.5 Palmas Del Espino SA. vs FREDEIALBA	
Date Filed	4 July 2017
Respondent	Palmas Del Espino SA
Membership Category	Oil Palm Grower
Country	Peru
Complainant	FREDEIALBA
Complaint description	<p>Allegations:-</p> <ul style="list-style-type: none"> • 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	(D) Investigation / deliberation
Decision / Justification	Complaint is status quo, pending Constitutional Court decision.



Complaint 2.6 Felda Global Venture Holding Berhad vs Article by Chain Reaction Research	
Date Filed	19 April 2017
Respondent	Felda Global Venture Holding Berhad
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Chain Reaction
Complaint description	<p>There was a report issued by Chain Reaction which reported the fact that FGV in their Kalimantan concession had cleared 1600 Ha peat forest. On 25th April 2017 Secretariat had a meeting with FGV and they claimed that they only planted on less than 100 Ha of shallow peat. We had requested them to give an update.</p> <p>The update on an independent audit done by Aksenta showed that there was no deforestation. At the moment, we are still waiting for written clarification from FGV and their further actions.</p>
Status	(D) Investigation / deliberation
Decision / Justification	Decision letter pending.



Complaint 2.7 FELDA Global Venture vs Article by The Wall Street Journal	
Date Filed	26 July 2016
Respondent	FELDA
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Article by The wall street Journal
Complaint description	<p>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</p> <p>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.</p> <p>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	(F) CP decision
Decision / Justification	Timeline for appeal ends 28.2.2019. Action Plan due 28.2.2019. FGV submitted a request for extension of time to submit their Action Plan. FGV’s request under consideration by the CP.

Complaint 2.8 PT. Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo	
Date Filed	21 January 2018
Respondent	PT. Surya Agro Palma (Genting Plantation)
Membership Category	Oil Palm Grower
Country	West Kalimantan, Indonesia
Complainant	Link-Ar Borneo
Complaint description	<p>Allegations:</p> <ul style="list-style-type: none"> • Lack of transparency on the Plasma Scheme. • Locations: Tapang Tingang Village dan Kiungkang Village, Sanggau, West Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	Briefing Note furnished to the CP and CP in deliberation.

Complaint 2.9 PT. Perkebunan Nusantara VI vs PT REKI

Date Filed	16 April 2018
Respondent	PT Perkebunan Nusantara VI
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	PT REKI
Complaint description	Allegation:- The complainant claims that PT. PN VI has bought illegal FFB from the communities. The complainant informed that the communities have planted palm oil plantations on their concession area and sold FFB to members of RSPO (PT. PN VI). The complainant has provided the evidence for these allegations.
Status	(D) Investigation / deliberation
Decision / Justification	Deliberation on decision ongoing.

Complaint 2.10 Golden Veroleum Liberia vs Forest Peoples Programme (FPP), SESDEV, SDI	
Date Filed	22 August 2018
Respondent	Golden Agri Resources (Golden Veroleum Liberia)
Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Forest Peoples Programme (FPP), SESDEV, SDI
Complaint description	<p>The Complainants allege that Golden Veroleum Liberia is a majority-owned subsidiary of Golden Agri-Resources (GAR). Both, until recently, were members of the RSPO. The Complaints Panel has recently upheld a complaint, and rejected an appeal by GVL, on GVL’s violation of the RSPO P&C particularly with respect to land acquisition and Free, Prior and Informed Consent (P&C 2.2 and 2.3). Recently, GVL announced it was temporarily withdrawing its membership of RSPO. It is further alleged that GAR’s Sustainability Manager, Agus Purnomo, a member of RSPO’s Board of Governors, upheld this decision in a public statement. According to the Complainants this appears to us to be a bad faith decision by both GVL and its majority owner GAR and to be contrary to the interests of RSPO and the credibility of its certification system. Meanwhile, on the ground in Liberia, there is evidence that GVL continues to act in defiance of the RSPO Complaints Panel and to develop its mill site and land clearance despite being repeatedly asked to desist by the Complaints Panel and the Liberian Civil Society Organization Oil Palm Working Group (CSO-OPWG) of which SDI and SESDev are part.</p>
Status	(C) CP constituted
Decision / Justification	Decision delivered.



Complaint 2.11 Golden Agri Resources vs Forest Peoples Programme (FPP)	
Date Filed	22 August 2018
Respondent	Golden Agri Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme (FPP) and Tuk- Indonesia
Complaint description	GAR's shadow companies are actively clearing lands.
Status	(C) CP constituted
Decision / Justification	Terms of Reference for the legal due diligence to be revised based on comments from both Parties.

Complaint 2.12 Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom

Date Filed	17 September 2018
Respondent	Presco PLC Nigeria (SIAT SA)
Membership Category	Oil Palm Grower
Country	Nigeria
Complainant	Indigenous People of Oruarivie-Abraka Kingdom
Complaint description	for the past five years, PRESCO, in conjunction with the Edo State Government, through its Ministry of Agriculture and Natural Resources; the Police in Benin City, Edo State; and the Nigeria Army’s 4th Brigade (also located in Benin City, Edo State), has been forcefully encroaching into ancestral and customarily owned indigenous farm lands, including Oruarivie-Abraka ancestral farm lands, situated in Delta State (a neighbouring State to Edo State, where PRESCO’s Head Office is located), and forcefully evicting local farmers from these ancestral and customarily owned indigenous farm lands measuring approximately three thousand hectares (well beyond the Edo State boundaries), and forcefully and illegally grabbing same for its palm oil plantation expansionist activities.
Status	(C) CP constituted
Decision / Justification	Complainants’ submissions received and shared with Respondent for comments. Respondent expected to respond by 19 March 2019.



Complaint 2.13 Presco PLC Nigeria (SIAT SA) vs Oria-Abraka Community	
Date Filed	16 October 2018
Respondent	Presco PLC Nigeria (SIAT SA)
Membership Category	Oil Palm Grower
Country	Nigeria
Complainant	Oria-Abraka Community
Complaint description	Infringement of customary rights of the local community.
Status	(C) CP constituted
Decision / Justification	CP’s directive communicated to Parties. Parties to proceed with mediation as elected. However, Parties are directed to submit updates to the CP, and if resolution is not achieved in 6 months, CP reserves the right to continue investigations into the Complaint.

GROUP 3

Complaint 3.1 PT PP London Sumatera (Lonsum) vs Sawit Watch	
Date Filed	7 April 2009
Respondent	PT PP London Sumatera/Indofood Agri Ltd
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Community of Desa Pergulaan via Sawit Watch
Nature of Complaint	<p>Points raised:-</p> <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for return of the land of 165.6 ha. 2. The lawsuit filed by 5 of the residents is 'out-of-time' (compensation paid in 1971). 3. Security drain to prevent access. 4. Prohibiting cattle herding in the plantation. 5. Residents of Desa Pergulaan not employed in the plantation. 6. Lonsum did not carry out CSR programmes as promised. 7. No complaint letters have been addressed to Lonsum directly. 8. Residents on 'Wanted People List'.
Status	(D) Investigation / deliberation
Decision / Justification	To decision to be communicated.

Complaint 3.2 PT. London Sumatera (Lonsum) vs RAN, OPPUK, ILRF	
Date Filed	9 June 2016 (Reported Case); 12 October 2016 (Formal Complaint)
Respondent	PT PP London Sumatera/Indofood Agri Ltd
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Oppuk, Rainforest Action Network (RAN) and International Labour Rights Forum (ILRF)
Complaint description	A report published by RAN, OPPUK, and ILRF titled, <i>“The Human Cost of Conflict Palm Oil: Indofood, PepsiCo’s Hidden Link to Worker Exploitation in Indonesia.”</i> 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	(F) CP decision
Decision / Justification	CP’s decision to be finalised and communicated to Parties.

Complaint 3.3 PT Kartika Prima Cipta (GAR) vs FPP & TUK Indonesia

Date Filed	14 October 2014
Respondent	Golden Agri Resources (GAR) – PT Kartika Prima Cipta (KPC)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Forest People Programme (FPP) and (Transformasi untuk Keadilan) TUK Indonesia
Complaint description	<p><u>Points raised:-</u></p> <ol style="list-style-type: none"> 1. PT KPC is in persistent violation of the RSPO P&C pertaining 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 in the process of land take over. 2. Land takeover was done without land tenure study and participatory mapping. 3. Late HCV assessment which was done by IPB, final consultation was on May 2014. 4. Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). 5. Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. 6. GAR as the parent company of all 18 subsidiaries listed in acting in violation of the New Planting Procedure (NPP) by submitting information which is known as false. No HGU in 16 of 18 NPP. 7. The assessors which have endorsed GAR’s HCV assessment, ESIA’s and social engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&C.
Status	(D) Investigation / deliberation
Decision / Justification	Pending review of HCV report.

Complaint 3.4 PT Kartika Prima Cipta (GAR) vs Link-Ar Borneo	
Date Filed	17 February 2017
Respondent	Golden Agri Resources (GAR) – PT Kartika Prima Cipta (KPC)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Link-Ar Borneo
Complaint description	<p>Specific Findings:-</p> <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 is affecting the fish farmers' business production; 4. Conflict between residents and Village Head of Tanjung regarding water quality; 5. Conflict between residents and Village head of Emperiang regarding the land acquisition process. <p>The NGO demand the company to:-</p> <ol style="list-style-type: none"> 1. Renegotiate the land acquisition with the community; 2. be transparent in the plasma management; 3. Conduct the water quality improvement, particularly in the Batang Suhaid river, Rindit river, and Mantan river. 4. Improve salary and working conditions of casual workers; 5. Provide information such as EIA, Cadastral map, local map expansion plan, and water quality test result.
Status	(F) CP decision
Decision / Justification	Pending drafting of decision letter.



Complaint 3.5 Poligrow vs Video by Environmental Investigation Agency	
Date Filed	13 August 2015
Respondent	Poligrow Colombia
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	Environmental Investigation Agency
Complaint description	EIA’s video, “Between Water and Oil Palm,” is a collaboration with Colombian group La Comisión Intereclesial de Justicia y Paz (Justicia y Paz) and has documented how investments have come at the expense of indigenous rights in Mapiripán, Meta, Colombia. One company, the Italian-owned Poligrow Ltd, has prohibited the Jiw and Sikuni indigenous communities from using traditional hunting and fishing lands, and prevented access to a culturally revered site, Las Toninas—a lake considered sacred and home to pink dolphins. The Jiw report that no free, prior, or informed consultation has taken place regarding Poligrow’s operations and that the company’s expansion limits their right to freedom of movement. The video above alleged abuses by RSPO Italian member in Colombia.
Status	(D) Investigation / deliberation
Decision / Justification	Company expected to respond in April 2019.

Complaint 3.6 PT Nabire Baru (Goodhope) vs Yayasan Pusaka	
Date Filed	19 April 2016
Respondent	PT Nabire Baru
Membership Category	Oil Palm Grower
Country	Papua, Indonesia
Complainant	Yayasan PUSAKA
Complaint description	<p>Allegations:-</p> <ol style="list-style-type: none"> 1. Deforestation; 2. Irregularities including development without EIA; 3. Sima Village within PT Nabire Baru concession are suffered from severe flooding; 4. Failure in following proper FPIC process; 5. Excessive use of force including using of state security forces; <p>The complainant requested RSPO to:</p> <ul style="list-style-type: none"> ● Do the ground checking ● Request PT Nabire Baru to compensate and stop their activity, unless they got consent from Yerisiem.
Status	(E) Investigation Closed
Decision / Justification	The decision has been delivered on 31 January. The complaint resolved by bilateral engagement and not entitled to appeal under CAP.

Complaint 3.7 Goodhope Asia Holdings vs RSPO Secretariat

Date Filed	19 April 2017
Respondent	Goodhope Asia Holdings
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
Complaint description	Note: FPP and the other NGOs also 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. They had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).
Status	(D) Investigation / deliberation
Decision / Justification	Goodhope Asia has submitted a request to construct mills in Ketapang and Sintang. CP to proceed with deliberation following receipt of additional information from the Respondent.

Complaint 3.8 IOI Pelita (IOI Group) vs Community of Long Teran Kanan

Date Filed	10 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
Respondent	IOI Pelita (IOI Group)
Membership Category	Oil Palm Grower
Country	Sarawak, Malaysia
Complainant	Community of Long Teran Kanan
Complaint description	Infringement of P&C No.2.2 – the right to land use disputed
Status	(D) Investigation / deliberation
Decision / Justification	CP’s directive communicated to IOI.

Complaint 3.9 PT Primatama Mulia Jaya v Masyarakat Adat Luhak	
Date Filed	12 July 2018
Respondent	PT Primatama Mulia Jaya [subsidiary of Wilmar International]
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Masyarakat Adat Luhak Saparampek Simpang Tigo and Forest People Programme (FPP)
Complaint description	The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
Status	(D) Investigation / deliberation
Decision / Justification	The documents are in the process of being reviewed.



Complaint 3.10 PT Agro Andalan (PT Dharma Satya Nusantara) v Link-Ar Borneo

Date Filed	7 September 2018
Respondent	PT Agro Andalan (PT Dharma Satya Nusantara)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Link-Ar Borneo
Complaint description	Labourer died due to pesticides poisoning.
Status	(C) CP constituted
Decision / Justification	Pending Briefing note for CP’s deliberation.

Complaint 3.11 PT Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang

Date Filed	30 August 2018
Respondent	PT Agro Lestari Mandiri (Sinar Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
Complaint description	PT Agro Lestari Mandiri allegedly terminated workers in violation of the Indonesian Employment Law.
Status	(C) CP constituted
Decision / Justification	Both parties are offered the option of proceeding with mediation via the Dispute Settlement Facility (DSF).

3.12 PT Kapuas Maju Jaya (Genting Plantation Bhd) vs Kelompok Tani Penghijauan Tingang Menteng

Date Filed	12 October 2018
Respondent	PT Kapuas Maju Jaya (Genting Plantation Bhd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Kelompok Tani Penghijauan Tingang Menteng
Complaint description	Operation on community land with a coverage of approximately 150 Ha, hence causing destruction of a total of 124,500 rattan trees on the community's rattan plantation without any compensation paid.
Status	(C) CP constituted
Decision / Justification	The case is currently in mediation stage facilitated by the local government.