

# COMPLAINTS PANEL

## MINUTES OF MEETING

For Website

29 July 2020 | 6.00pm - 8.15pm | Meeting No. 07/2020

Meeting location: *Jakarta Conference Room, RSPO Kuala Lumpur - Malaysia & via Zoom Link*

<p><b>List of Complaints Panel Member</b></p>	<table border="1"> <tr> <td data-bbox="373 640 906 987"> <ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( LSC - Co Chair)</li> <li>3. Michelle Desilets (MD)</li> <li>4. Matthias Diemer (MDM)</li> <li>5. Marieke Leegwater (ML)</li> <li>6. Lanash Thanda (LT)</li> <li>7. Suzanne Hall (SH)</li> </ol> </td> <td data-bbox="906 640 1437 987"> <ol style="list-style-type: none"> <li>8. Peter van der Werf (PVDW)</li> <li>9. José den Toom (JDT)</li> <li>10. Robert Kruger (RK)</li> <li>11. Ian Hay (IH)</li> <li>12. Priya Gopalan (PG)</li> <li>13. Fakri Karim (FK)</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( LSC - Co Chair)</li> <li>3. Michelle Desilets (MD)</li> <li>4. Matthias Diemer (MDM)</li> <li>5. Marieke Leegwater (ML)</li> <li>6. Lanash Thanda (LT)</li> <li>7. Suzanne Hall (SH)</li> </ol>	<ol style="list-style-type: none"> <li>8. Peter van der Werf (PVDW)</li> <li>9. José den Toom (JDT)</li> <li>10. Robert Kruger (RK)</li> <li>11. Ian Hay (IH)</li> <li>12. Priya Gopalan (PG)</li> <li>13. Fakri Karim (FK)</li> </ol>
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<p><b>Agenda</b></p>	<p><b><u>General Agenda: 6.00pm to 7.05pm</u></b></p> <ol style="list-style-type: none"> <li>1. Opening Remarks by Chairperson</li> <li>2. Declaration of Conflict of Interest</li> <li>3. To confirm and adopt the minutes of <b>24 June 2020</b> during the CP Meeting</li> <li>4. New Allegations:-             <ol style="list-style-type: none"> <li>4.1 RSPO/2020/01/IR - Kwantas Corporation Berhad</li> <li>4.2 RSPO/2020/08/DPM - PT Pangkatan Indonesia subsidiary of MP. Evans Group</li> <li>4.3 RSPO/2020/09/DPM - PT Socfin Indonesia</li> <li>4.4 RSPO/2020/10/SW - PT Victorindo Alam Lestari (Permata Hijau Group)</li> <li>4.5 RSPO/2020/11/HN - Agroaciete S.A.</li> <li>4.6 RSPO/2020/12/DPM - First Resources Limited (PT Wahana Prima Sejati)</li> </ol> </li> <li>5. Complaints Case Statistics.</li> <li>6. Complaints Panel meeting Dates             <ol style="list-style-type: none"> <li>6.1 Dates for CP monthly meetings in 2020</li> <li>6.2 Dates for CP Physical Meetings</li> <li>6.3 Expansion of the Complaints Panel</li> </ol> </li> <li>7. Collaboration with the Investigation &amp; Monitoring Unit (IMU)             <ol style="list-style-type: none"> <li>7.1 FGV</li> <li>7.2 Poligrow</li> </ol> </li> </ol>		



	<ul style="list-style-type: none"> <li>8. Dispute Settlement Facility (DSF)</li>   <li>9. 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).</li>   <li>10. Commitment of Financial Institutions.</li>   <li>11. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.</li>   <li>12. Any Other Matters</li> </ul>
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13. Complaints for deliberation:-

**Group 1: 7.05pm to 7.30pm**

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
2. Agropalma S.A 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) - subsidiary of Noble Plantation vs RSPO Secretariat
5. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
6. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
7. PT. Harapan Sawit Lestari (PT. HSL) - subsidiary of Cargill vs Link-AR Borneo
8. AMP Plantation a subsidiary of Wilmar vs KUD Dasra (represented by lawyer)
9. 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
10. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
11. PT. Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)
12. Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.) vs *requested for confidentiality*
13. PT Buana Wira Lestari vs *requested for confidentiality*
14. PT Permata Hijau Sawit Kebun Papaso - (subsidiary of Permata Hijau Group) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (KC FSPMI)

**Group 2: 7.30pm to 7.50pm**

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
3. FELDA Global Ventures Holding Berhad (FGV) vs RSPO Secretariat (on the basis of an article by Chain Reaction Research)
4. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
5. Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*
6. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
7. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
8. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
9. Presco Plc vs Ovre Eku Community
10. PT Musim Mas Holding Pte Ltd vs *requested for confidentiality*
11. Palmaceite S.A. vs *requested for confidentiality*

**Group 3: 7.50pm to 8.15pm**

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Goodhope Asia Holdings Ltd vs RSPO Secretariat
3. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
4. Primatama Mulia Jaya vs Masyarakat Adat Luhak Saparampek Simpang Tigo
5. PT. Agro Lestari Mandiri (PT. ALM) - subsidiary of Sinarmas vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
6. PT. SMART Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut
7. Oleaginosas Del Peru S.A. (OLPESA) vs *requested for confidentiality*
8. PT. PHP/AMP Plantation (subsidiary of Wilmar) vs Represented by Lawyer on behalf local community
9. Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad) vs Mr Sauddin Che Lamin
10. Norpalm Ghana Limited vs Landowners of Ewusiejoe
11. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
12. PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung
13. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*



**DETAILS OF THE AGENDA:**

No.	Agenda
1.	Opening Remarks from Chairperson  Opening speech by CCP.
2.	Declaration of “No Conflict of Interest”  No further conflict of interest declared at this time of the meeting.
3.	To confirm and adopt the minutes of <b>24 June 2020</b> during the Complaints Panel Meeting.  Minutes of <b>24 June 2020</b> adopted unanimously.

**4. New allegation submitted**

<b>4.1</b>	<table border="1"> <tr> <td><b>RSPO/2020/01/IR</b></td> <td><b>Kwantas Corporation Berhad</b></td> </tr> <tr> <td>Complainant</td> <td>Boustead Emastulin Sdn Bhd (subsidiary of Boustead Plantations Berhad)</td> </tr> <tr> <td>Complaint received</td> <td>9 January 2020</td> </tr> <tr> <td>Location</td> <td>Lahad Datu, Sabah</td> </tr> <tr> <td>Allegations</td> <td> <ul style="list-style-type: none"> <li>Invasion of Boustead Plantations Berhad’s main access road by Kwantas Corporation Berhad.</li> </ul> </td> </tr> </table> <p><b>Discussion from 29 July 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>The Notice of Rejection was forwarded to parties on 8 July 2020.</b></li> <li><b>This Complaint will be removed from the agenda moving forward.</b></li> </ol>	<b>RSPO/2020/01/IR</b>	<b>Kwantas Corporation Berhad</b>	Complainant	Boustead Emastulin Sdn Bhd (subsidiary of Boustead Plantations Berhad)	Complaint received	9 January 2020	Location	Lahad Datu, Sabah	Allegations	<ul style="list-style-type: none"> <li>Invasion of Boustead Plantations Berhad’s main access road by Kwantas Corporation Berhad.</li> </ul>
<b>RSPO/2020/01/IR</b>	<b>Kwantas Corporation Berhad</b>										
Complainant	Boustead Emastulin Sdn Bhd (subsidiary of Boustead Plantations Berhad)										
Complaint received	9 January 2020										
Location	Lahad Datu, Sabah										
Allegations	<ul style="list-style-type: none"> <li>Invasion of Boustead Plantations Berhad’s main access road by Kwantas Corporation Berhad.</li> </ul>										

**4.2**

<b>4.2</b>	<table border="1"> <tr> <td><b>RSPO/2020/08/DPM</b></td> <td><b>PT Pangkatan Indonesia subsidiary of MP.Evans Group</b></td> </tr> <tr> <td>Complainant</td> <td>KOSP-LSM FSPMI dan TIPAN</td> </tr> <tr> <td>Complaint received</td> <td>4 June 2020</td> </tr> <tr> <td>Location</td> <td>Indonesia</td> </tr> <tr> <td>Allegations</td> <td> <ul style="list-style-type: none"> <li>Termination of employment without severance and other related compensation;</li> <li>No written employment agreement for daily casual workers;</li> <li>No National Healthcare Insurance (BPJS Kesehatan) and Employee Social Security (BPJS Ketenagakerjaan) for daily casual workers;</li> <li>No bonus and extra benefits/rice allowance as stipulated in the CBA for daily casual workers;</li> <li>No payslip for daily casual workers;</li> </ul> </td> </tr> </table>	<b>RSPO/2020/08/DPM</b>	<b>PT Pangkatan Indonesia subsidiary of MP.Evans Group</b>	Complainant	KOSP-LSM FSPMI dan TIPAN	Complaint received	4 June 2020	Location	Indonesia	Allegations	<ul style="list-style-type: none"> <li>Termination of employment without severance and other related compensation;</li> <li>No written employment agreement for daily casual workers;</li> <li>No National Healthcare Insurance (BPJS Kesehatan) and Employee Social Security (BPJS Ketenagakerjaan) for daily casual workers;</li> <li>No bonus and extra benefits/rice allowance as stipulated in the CBA for daily casual workers;</li> <li>No payslip for daily casual workers;</li> </ul>
<b>RSPO/2020/08/DPM</b>	<b>PT Pangkatan Indonesia subsidiary of MP.Evans Group</b>										
Complainant	KOSP-LSM FSPMI dan TIPAN										
Complaint received	4 June 2020										
Location	Indonesia										
Allegations	<ul style="list-style-type: none"> <li>Termination of employment without severance and other related compensation;</li> <li>No written employment agreement for daily casual workers;</li> <li>No National Healthcare Insurance (BPJS Kesehatan) and Employee Social Security (BPJS Ketenagakerjaan) for daily casual workers;</li> <li>No bonus and extra benefits/rice allowance as stipulated in the CBA for daily casual workers;</li> <li>No payslip for daily casual workers;</li> </ul>										

	<ul style="list-style-type: none"> <li>• Insufficient Religious Festive Allowance for daily casual workers;</li> <li>• No PPE provided.</li> </ul>
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**Discussion from 29 July 2020 (CP Meeting):-**

- 1. Initial Diagnosis in progress.**

**4.3**

<b>RSPO/2020/09/DPM</b>	<b>PT Socfin Indonesia</b>
Complainant	Yulian Kamahendra
Complaint received	9 June 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>• The Respondent is using proprietary software without the creator’s consent.</li> </ul>

**Discussion from 29 July 2020 (CP Meeting):-**

- 1. The Complaint is formally rejected.**
- 2. The Notice of Rejection was sent to the parties on 18 June 2020.**
- 3. This Complaint will be removed from the agenda moving forward.**

**4.4**

<b>RSPO/2020/10/SW</b>	<b>PT Victorindo Alam Lestari (Permata Hijau Group)</b>
Complainant	KC FSPMI
Complaint received	17 June 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>• Daily casual workers are not registered to the BPJS Kesehatan (BPJS Healthcare) or BPJS Ketenagakerjaan (BPJS Employment Security);</li> </ul>



	<ul style="list-style-type: none"> <li>● The Respondent does not provide a decent and good health care facilities for workers in the Company area;</li> <li>● The Respondent does not ensure worker’s rights to associate as union management or members;</li> <li>● Workers working in the core work are employed under a definite time employment agreement (PKWT) scheme instead of indefinite time employment agreement (PKWTT) or furnished with appointment letters without prior written indefinite time employment agreement (PKWTT);</li> <li>● Daily casual workers are not provided with a written employment agreement;</li> <li>● The Respondent does not fully pay overtime wages;</li> <li>● Company Regulations have not yet been approved by the local manpower office;</li> <li>● The Respondent has employed some of the workers as daily casual workers for more than 3 (three) years;</li> <li>● The Respondent does not ensure legal certainty for workers in the event of expiration or termination of employment relationship due to death, redundancy, pension and resignation.</li> </ul>
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**Discussion from 29 July 2020 (CP Meeting):-**

- 1. The Secretariat is in the midst of reviewing the new allegations recently provided by the complainant which are to be added to the Initial Diagnosis and is waiting for the Complainant to furnish the Secretariat with the PoA for 150 individuals of this Complaint.**

4.5

<b>RSPO/2020/11/HN</b>	<b>Agroacete, S.A.</b>
Complainant	<i>requested confidentiality</i>
Complaint received	6 July 2020
Location	Guatemala
Allegations	<ul style="list-style-type: none"> <li>● The Complainant alleges that the Respondent has destroyed the biodiversity of the Manchón Guamuchal nature reserve, a coastal-marine wetland, located along the Pacific coast of Guatemala in the San Marcos and Retalhuleu department;</li> <li>● The Respondent allegedly discharged immense quantities of toxic chemicals and hazardous waste which affected the local marine species, the mangrove's ecosystem and the local community.</li> </ul>



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**Discussion from 29 July 2020 (CP Meeting):-**

- 1. The Initial Diagnosis is in progress.**

**4.6**

<b>RSPO/2020/12/DPM</b>	<b>First Resources Limited (PT Wahana Prima Sejati)</b>
Complainant	<i>requested for confidentiality</i>
Complaint received	14 July 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> <li>• Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction;</li> <li>• Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and</li> <li>• Development of a jetty, which includes reclamation of the sea floor as long as 590 meters.</li> </ul>

**Discussion from 29 July 2020 (CP Meeting):-**

- 1. Initial Diagnosis in progress.**

**5. Complaints Cases Statistics**

**Total Cases in 2018:**

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

	Sept-2018	Oct-2018	Nov-2018	Dec-2018
<b>Complaints received</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>0</b>
<b>Status</b>	Open (1) Closed (1)	Open (2) Closed (4)	-	-
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (1) Nigeria (1)	Indonesia (3) Nigeria (1) Liberia (1) Others (1)	-	-
<b>Case Category</b>	-Occupational Hazard (1) -FPIC (1)	-Breach of Code of Conduct (2) -FPIC (2) -Compensation (1) -Wage (1)	-	-

**Total Cases in 2019:**

	Jan-2019	Feb-2019	Mar-2019	Apr-2019
<b>Complaints received</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>4</b>
<b>Status</b>	Open (0) Closed (2)	Rejected (1)	Open (1) Rejected (1) Closed (1)	Open (2) Rejected (1) Closed (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (2)	Malaysia(1)	Indonesia (1) Peru (2)	Indonesia (3) Nigeria (1)
<b>Case Category</b>	-Occupational Hazard (1) -FPIC (1)	- FPIC (1)	-Deforestation (3) - FPIC (2)	-Occupational Hazard (1) -No Festive Holidays (3) - Infringement of copyright (1)

	May 2019	Jun 2019	July 2019	Aug 2019
<b>Complaints received</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>
<b>Status</b>	Open (1) Closed (1)	Open (2) Closed (1)	Open (0) Closed (1)	Open (1)
<b>Certified</b>	-		-	
<b>Country</b>	Indonesia (1) Malaysia (1)	Indonesia (1) Guatemala (1) Nigeria (1)	Indonesia (1)	Malaysia(1)
<b>Case Category</b>	- Wages (1) -No Festive Holidays (1) -conservation area for water (1)	-Workers unjustifiably dismissed (1) - Social Benefits (1) -Customary rights (1)	-Customary rights (1)	Terminated based on mental health discrimination (1)

	Sept-2019	Oct-2019	Nov-2019	Dec-2019
<b>Complaints received</b>	0	3	0	1
<b>Status</b>	-	Open (2) Closed (1)	-	Rejected (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	-	Indonesia (1) Ghana (1) Nigeria (1)	-	Sierra Leone (1)
<b>Case Category</b>	-	Breach of Code of Conduct (1) Compensation (1) Pollution (1)	-	Others - Employment

**Total Cases in 2020**

	Jan-2020	Feb-2020	Mar-2020	Apr-2020
<b>Complaints received</b>	2	1	3	1
<b>Status</b>	Open (1) Rejected (1)	Open (1)	Open (3)	Open (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Malaysia (1) Indonesia (1)	Indonesia (1)	Indonesia (2) Colombia (1)	Honduras (1)
<b>Case Category</b>	-Invasion of main access road (1) -Wage, safety (1)	- Land fires - River Pollution - Planting onPeat	- Illegal permit (1) - convicted for Bribery (1) - Water Pollution(2) - Breached CoC (1)	



	May 2020	Jun 2020	Jul 2020	Aug 2020
<b>Complaints received</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>-</b>
<b>Status</b>	-	Open (2) Rejected (1)	Open (2)	-
<b>Certified</b>			-	-
<b>Country</b>	-	Indonesia (3)	Guatemala (1) Indonesia (1)	-
<b>Case Category</b>	-	-Workers unjustifiably dismissed (1) -Social Benefits(2) -Infringement of copyright (1) - no adequate health,housing facilities (1)	- River Pollution (2) - Deforestation(1) -endangered wildlife (1) -Breach of P&C (1)	-

**Total Active Cases by Country and Year (as of 22.07.2020)**

Country	Active Cases	Year	Active Cases
Indonesia	25		
Malaysia	4	2009	0
Colombia	2	2010	1
Nigeria	2	2011	0
Singapore	0	2012	1
Peru	1	2013	0
Brazil	1	2014	1
Liberia	1	2015	4
Guatemala	2	2016	0
Ghana	1	2017	5



	<table border="1"> <tr> <td>Sierra Leone</td> <td>0</td> </tr> <tr> <td>Cayman Island</td> <td>1</td> </tr> <tr> <td>Honduras</td> <td>1</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>41</b></td> </tr> </table>	Sierra Leone	0	Cayman Island	1	Honduras	1	<b>TOTAL</b>	<b>41</b>		<table border="1"> <tr> <td><b>2018</b></td> <td><b>10</b></td> </tr> <tr> <td><b>2019</b></td> <td><b>9</b></td> </tr> <tr> <td><b>2020</b></td> <td><b>10</b></td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>41</b></td> </tr> </table>	<b>2018</b>	<b>10</b>	<b>2019</b>	<b>9</b>	<b>2020</b>	<b>10</b>	<b>TOTAL</b>	<b>41</b>
Sierra Leone	0																		
Cayman Island	1																		
Honduras	1																		
<b>TOTAL</b>	<b>41</b>																		
<b>2018</b>	<b>10</b>																		
<b>2019</b>	<b>9</b>																		
<b>2020</b>	<b>10</b>																		
<b>TOTAL</b>	<b>41</b>																		

**6. Complaints Panel Meeting Dates**

**6.1 Dates for Complaints Panel monthly meetings**

Discussion from 29 July 2020 (CP Meeting):-

- No further changes to dates fixed thus far.

**6.2 Dates for Complaints Panel Physical Meetings in 2020**

Discussion from 29 July 2020 (CP Meeting):-

- No dates were fixed for the next CP Physical Meeting.

**6.3 Expansion of Complaints Panel**

Discussion from 29 July 2020 (CP Meeting):-

- The BoG has endorsed the appointment of two new CP members. However, only one CP member is able to come on board at this juncture.



<b>7.</b>	<b>Collaboration with the Investigation &amp; Monitoring Unit (IMU)</b>
<b>7.1</b>	<p><b>FGV :-</b></p> <p>Discussion from 29 July 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The IMU is currently looking at all points raised by the CP members namely:-             <ol style="list-style-type: none"> <li>i) the status and the housing accommodation in accordance to the submitted action plan; and</li> <li>ii) the directives that remain unresolved and if the timeline submitted by FGV addresses all of them.</li> </ol> </li> </ol>
<b>7.2</b>	<p><b>Poligrow Colombia SAS:</b></p> <p>Discussion from 29 July 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. Status quo and still waiting for the initial audit report which is due at the end of 2020.</li> <li>2. IMU will follow up with the CB to obtain the necessary updates on the progress of the audit.</li> </ol>
<b>8.</b>	<b>Dispute Settlement Facility (DSF)</b>
	<p>Discussion from 29 July 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>1. The Secretariat and the DSF Consultant had interviewed candidates for mediators from Indonesia and will soon proceed to shortlist the candidates.</li> </ol>





<p><b>9.</b></p>	<p><b>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)</b></p> <p>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.</p> <p>The following violations were noted in the report:</p> <ol style="list-style-type: none"> <li>1. PT Murini Sam Sam             <ul style="list-style-type: none"> <li>● Temporary workers and contract issues</li> <li>● Wages and overwork</li> <li>● Child labour</li> <li>● Health and safety</li> <li>● 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.</li> <li>● Freedom of association</li> </ul> </li> <li>2. PT Aneka Inti Persada:             <ul style="list-style-type: none"> <li>● Temporary workers and contract issues</li> <li>● Wages and workload</li> <li>● Child labour</li> <li>● Health and safety</li> <li>● Gender equality</li> <li>● Freedom of association</li> </ul> </li> </ol> <p><b>Discussion from 29 July 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. Pending the endorsement of remaining CP members on the next steps for this matter.</li> </ol>
<p><b>10.</b></p>	<p><b>Commitments of Financial Institution(s)</b></p>
	<p><b>Discussion from 29 July 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. The O &amp; E department informed the Secretariat that they have looked into the possibility of reaching out to the Central Bank for the strengthening of financing requirements to the palm oil industry that include RSPO certification but at this time it is not the priority engagement they are pursuing.</li> <li>2. The CP however will pursue internal discussions on this matter.</li> </ol>

**11. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership**

Discussion from 29 July 2020 (CP Meeting):-

1. The Secretariat has compiled the list of queries and input, which are currently being discussed at the Task Force level.
2. An updated draft will be going through a public consultation in mid August.

**12. Any Other Matters**

Discussion from 29 July 2020 (CP Meeting):-

a) **ASC - CP Meeting**

1. The CP agreed to proceed with an ad-hoc CP meeting on 11.08.2020 to discuss the points for deliberation at the upcoming ASC-CP meeting.

b) **No Palm Claim by KRAFT**

1. The CP members agreed that the matter should be at present, be dealt with by way of engagement between the Secretariat and the member to seek clarification and explore the possibility of an amicable resolution to the matter.
2. The Secretariat is to keep parties updated on the progress of the engagement.
3. The CP and Senior Management of the Secretariat will decide on the next course of action upon considering the outcome of the engagement process.

**COMPLAINTS FOR DELIBERATION:**

**GROUP 1**

<b>Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)</b>	
<b>Case Reference</b>	PreCAP/2015/05/PR
<b>Date Filed</b>	16 February 2015
<b>Respondent</b>	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
<b>Nature of Complaint</b>	<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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending outcome of the appeal before the Sabah Lands and Surveys Department.</b>

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

<b>Case Reference</b>	PreCAP/2015/23/PR
<b>Date Filed</b>	13 August 2015
<b>Respondent</b>	Agropalma SA
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Brazil
<b>Complainant</b>	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa.
<b>Complaint description</b>	Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Complaint adjourned. Pending outcome of the Court's process.</b>

### Complaint 1.3 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin

<b>Case Reference</b>	PreCAP/2015/36/PR
<b>Date Filed</b>	24 November 2015
<b>Respondent</b>	Hap Seng Plantations Holdings Bhd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Sia Yi Chin of Lahad Datu, Sabah
<b>Complaint description</b>	<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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Complaint adjourned. Pending outcome of the Court's process.</b>

<b>Complaint 1.4 PT. Pusaka Agro Lestari (PT. PAL - Noble Plantation) vs RSPO Secretariat</b>	
<b>Case Reference</b>	PreCAP/2017/13/IR
<b>Date Filed</b>	20 June 2017
<b>Respondent</b>	PT Pusaka Agro Lestari
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Potential risk on Clearance a large areas of Primary Forest in Papua;</li> <li>● Official Complaint against one of HCV Assessors – Nyoto Susanto.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has circulated two draft letters to the Complaints Panel for their perusal and comments on the next step.</b></li> </ol>

<b>Complaint 1.5 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK</b>	
<b>Case Reference</b>	PreCAP/2012/06/PR
<b>Date Filed</b>	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
<b>Respondent</b>	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Transformasi untuk Keadilan (TuK)
<b>Complaint description</b>	<p>The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :</p> <ol style="list-style-type: none"> <li>1. Lack of Transparency on land status and partnership agreements</li> <li>2. Lack of compliance to our customary land rights</li> <li>3. The absence of (documented) compensation</li> <li>4. Lack of compliance to local regulations</li> </ol> <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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat is in the midst of preparing a formal response to the Complainant on their concerns/issues raised to be vetted and endorsed by the CP.</b></li> </ol>



<b>Complaint 1.6 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh</b>	
<b>Case Reference</b>	PreCAP/2012/09/PR
<b>Date Filed</b>	3 October 2012
<b>Respondent</b>	Golden Veroleum Liberia (GVL)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Liberia
<b>Complainant</b>	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
<b>Complaint description</b>	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> <li>a. has not provided public notification for a 30 day period consistent with the New Planting Procedures;</li> <li>b. commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period;</li> <li>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 &amp; 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;</li> <li>d. Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&amp;C 2.2, 2.3, 7.5 and 7.6).</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The interim Briefing Note is still in the process of being drafted.</b>





<b>Complaint 1.7 PT. Harapan Sawit Lestari (Cargill) vs Link-AR Borneo</b>	
<b>Case Reference</b>	RSPO/2018/11/SW
<b>Date Filed</b>	25 May 2018
<b>Respondent</b>	PT Harapan Sawit Lestari (Cargill)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Link-AR Borneo
<b>Complaint description</b>	PT Harapan Sawit Lestari allegedly commenced the re-planting activities without proper consent from the local community of Asam Besar in West Kalimantan.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note has been finalised and is undergoing peer review.</b>

<b>Complaint 1.8 AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)</b>	
<b>Case Reference</b>	RSPO/2018/06/SW
<b>Date Filed</b>	30 April 2018
<b>Respondent</b>	AMP Plantation (subsidiary of Wilmar)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Represented by lawyer on behalf of KUD Dasra
<b>Complaint description</b>	Dispute regarding plasma cooperation with KUD Dasra.
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<b>1. Pending expiry of appeal period on 21.08.2020.</b>

**Complaint 1.9 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**

<b>Case Reference</b>	RSPO/2018/18/RB
<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Cayman Island
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	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.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The draft decision letter has been furnished to the Membership Unit and is under review to ensure the due diligence reflected in the draft decision is accurate.</b></li> <li>2. <b>The Secretariat will send the draft decision letter to the CP for endorsement in due course upon approval from the Membership Unit</b></li> </ol>



<b>Complaint 1.10 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) &amp; Greenpeace</b>	
<b>Case Reference</b>	RSPO/2018/19/RB
<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	Pacific Inter-Link (Papuan Concessions)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	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.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has written to both parties with a directive from the CP on the issue of confidentiality and for parties to cooperate so as to enable progress in the Complaint.</b></li> <li>2. <b>Pending response from parties on the directive made by the CP.</b></li> </ol>

**Complaint 1.11 PT Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)**

<b>Case Reference</b>	RSPO/2019/04/IR
<b>Date Filed</b>	12 March 2019
<b>Respondent</b>	PT Berkat Sawit Sejati (subsidiary of Musim Mas)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Hutan Kita Institute (HaKI)(Indonesia)
<b>Complaint description</b>	Allegations : 1. indicated using the area of Dangku Wildlife Reserve (SM) approximately 2,600 Ha and production forest area (HP) of approximately 3,200 Ha.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The BioDiversity Unit has confirmed that the land clearance in this case is outside the mandate of RSPO because the land clearance was before 2005 and by a non RSPO member.</b></li> <li><b>CP deliberations ongoing before delivery of decision.</b></li> </ol>

**Complaint 1.12 Nacional Agro Industrial, S.A. (subsidiary of KH Regional Group Inc.) vs requested for confidentiality**

<b>Case Reference</b>	RSPO/2019/14/PR
<b>Date Filed</b>	8 June 2019
<b>Respondent</b>	Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Guatemala
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<p>Allegations :</p> <ol style="list-style-type: none"> <li>1. Unjustifiably dismissed 50 workers.</li> <li>2. Naisa violates the code of ethical conduct through their contractor companies, 1) Hidrogen y oxigeno,SA. (2) Labores y Servicios, SA, (3) Sevicious Agrícolas del Peten, SA.</li> </ol>
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Decision delivered to both parties on 09.07.2020 with an appeal period until 07.10.2020.</b></li> </ol>

<b>Complaint 1.13 PT Buana Wira Lestari vs <i>requested for confidentiality</i></b>	
<b>Case Reference</b>	RSPO/2019/21/SW
<b>Date Filed</b>	29 October 2019
<b>Respondent</b>	PT Buana Wira Lestari
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. The Respondent planted oil palm trees outside the HGU and planted oil palm trees at the edge of the river which resulted in damage to the watershed.</li> <li>2. The Respondent is polluting the river water and also the surrounding community settlement caused by the liquid waste from the palm oil mills.</li> <li>3. The Respondent never watered the road traversed by its FFB and CPO transport trucks which affected the health of the community of two villages due to dust pollution.</li> <li>4. The Respondent mill's chimney emits black smoke and causes air pollution.</li> <li>5. The Respondent did not provide proper social assistance to the local community.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat sent numerous reminders to the Complainant on 30.04.2020, 18.05.2020, 8.06.2020, 17.06.2020 to 19.06.2020 by way of various methods of communication but there has been no response from the Complainant.</b></li> <li>2. <b>The Secretariat had issued a warning letter to the Complainant on 23.07.2020 with the deadline to fulfill the directives from the CP by 30.07.2020.</b></li> <li>3. <b>Pending response from the Complainant.</b></li> </ol>

Complaint 1.14 PT Permata Hijau Sawit Kebun Papasa vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (KC FSPMI) - (Indonesia)	
Case Reference	RSPO/2020/02/DPM
Date Filed	14 January 2020
Respondent	PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (KC FSPMI)
Complaint description	<ol style="list-style-type: none"> <li>1. The workers were not issued payslips;</li> <li>2. No adequate health facilities and no adequate housing facilities provided for the workers;</li> <li>3. The workers were not given the freedom to join the unions;</li> <li>4. Workers are imposed working hours that are not in accordance with the provisions;</li> <li>5. Contract workers were employed for the main job;</li> <li>6. Daily Casual workers are not provided with statutory rights;</li> <li>7. Workers are not provided with PPE;</li> <li>8. Workers are not provided with religious festivity allowance;</li> <li>9. The Respondent does not have the company regulations as required by law.</li> </ol>
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has furnished the draft decision letter to the CP members for their review.</b></li> </ol>



**GROUP 2**

<b>Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR</b>	
<b>Case Reference</b>	PreCAP/2015/35/PR
<b>Date Filed</b>	19 November 2015
<b>Respondent</b>	Extractora de la Gloria SAS
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	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
<b>Complaint description</b>	<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"> <li>● Principle 1.1. Given that is does not provide clear and sufficient information regarding the Business Group.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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</li> </ul>

	Constitutional Court lift the cautionary measures protecting the victims.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat together with the LatAm Director had a call with the Respondent on 10.07.2020 seeking clarification on the legal proceedings pertaining to this Complaint.</li> <li>2. The Secretariat has requested the Respondent to furnish additional documents for the purposes of enabling the Secretariat to complete the Briefing Note. Pending receipt of documents from the Respondent.</li> <li>3. The Respondent has furnished the Secretariat the Court's decision letter which is 800 pages. The Secretariat is in the midst of reviewing the decision for translation.</li> </ol>

<b>Complaint 2.2 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch</b>	
<b>Case Reference</b>	RSPO/2017/06/SW
<b>Date Filed</b>	13 October 2017
<b>Respondent</b>	PT Hati Prima Agro (subsidiary of Bumitama)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Sawit Watch
<b>Complaint description</b>	<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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat is in the midst of finalising the chronology of the case.</li> </ol>

<b>Complaint 2.3 Felda Global Ventures Holding Berhad vs RSPO Secretariat</b>	
<b>Case Reference</b>	PreCAP/2017/07/IR
<b>Date Filed</b>	19 April 2017
<b>Respondent</b>	Felda Global Ventures Holding Berhad
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat (on the basis of Article by Chain Reaction Research)
<b>Complaint description</b>	<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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Respondent has responded to the directions of the CP and confirmed that they will amend the scope of the soil survey to comply with the CP's directive.</b></li> </ol>



<b>Complaint 2.4 Golden Agri Resources vs Forest Peoples Programme (FPP) &amp; TuK</b>	
<b>Case Reference</b>	RSPO/2018/14/IR
<b>Date Filed</b>	22 August 2018
<b>Respondent</b>	Golden Agri Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme (FPP) and Tuk- Indonesia
<b>Complaint description</b>	GAR's shadow companies are actively clearing lands.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The legal review will resume and is expected to complete in August 2020.</b>

### Complaint 2.5 Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*

<b>Case Reference</b>	RSPO/2018/17/PR
<b>Date Filed</b>	17 September 2018
<b>Respondent</b>	Presco PLC Nigeria (SIAT SA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	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.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Both parties have written to the Secretariat requesting for an extension of 3 months to proceed with the private mediation in light of the current situation of COVID-19.</li> <li>2. The CP has agreed for the request of an extension.</li> </ol>

<b>Complaint 2.6 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT</b>	
<b>Case Reference</b>	RSPO/2019/07/IR
<b>Date Filed</b>	10 April 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatera, Indonesia
<b>Complainant</b>	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Lack of adequate health and safety equipment;</li> <li>2. Worker died due to lack of safety equipment; and</li> <li>3. No festive holidays for temporary workers.</li> </ol>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note is completed and is going through the process of peer review.</b></li> </ol>

<b>Complaint 2.7 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality</b>	
Case Reference	RSPO/2019/11/IR
Date Filed	23 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ol style="list-style-type: none"> <li>1. Temporary workers contract and wages issues</li> <li>2. Intimidation of workers</li> </ol>
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note is completed and is going through the process of peer review.</b></li> </ol>

<b>Complaint 2.8 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)</b>	
Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ol style="list-style-type: none"> <li>1. Alleged fraud of wages for 7 workers,</li> <li>2. No festive holidays and bonus for temporary workers</li> </ol>
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note is completed and is going through the process of peer review.</b></li> </ol>

<b>Complaint 2.9 Presco Plc vs Ovre Eku Community</b>	
<b>Case Reference</b>	RSPO/2019/19/PR
<b>Date Filed</b>	28 October 2019
<b>Respondent</b>	Presco Plc
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	Ovre Eku Community
<b>Complaint description</b>	Invasion forcible entry to Ovre-Eku Land by Presco Plc.
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat had received an appeal from the Complainant on 16.07.2020 however it was incomplete.</li> <li>2. The Secretariat has since written to the Complainant for further information in order to complete the Notice of Appeal.</li> <li>3. The Secretariat has also sent the Complainant a reminder on 23.07.2020 to complete the Notice of Appeal by 06.08.2020.</li> <li>4. Pending response from the Complainant.</li> </ol>



<b>Complaint 2.10 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/03/DPM
<b>Date Filed</b>	11 February 2020
<b>Respondent</b>	PT Musim Mas Holding Pte Ltd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Land fires occurred in the conservation area within the PT MusimMas HGU covering an area of 12 hectares;</li> <li>2. Damaging the river by damming the river flow;</li> <li>3. Community owned plantation and public cemetery are not enclaved;</li> <li>4. Planting on peatland and in protected areas of river banks.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Bilateral Engagement process was unsuccessful. The Secretariat will proceed with investigation.</b>

<b>Complaint 2.11 Palmaceite S.A vs requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2020/05/HN
<b>Date Filed</b>	24 March 2020
<b>Respondent</b>	Palmaceite S.A.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	The Respondent has allegedly failed to fulfill the agreement with the Complainant to implement and monitor the operations of the Complainant's plantation which led to the collapse of the production within the plantation.
<b>Status</b>	(D) Investigation / deliberation



<b>Decision / Justification</b>	<ol style="list-style-type: none"><li>1. The formal acceptance of Complaint has been communicated to both parties to the Complaint.</li><li>2. The Respondent has provided their response and the same has been furnished to the Complainant.</li></ol>
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**GROUP 3**

<b>Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme &amp; TuK</b>	
<b>Case Reference</b>	PreCAP/2014/03/IR
<b>Date Filed</b>	13 October 2014
<b>Respondent</b>	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia – Kapuas Hulu, West Kalimantan
<b>Complainant</b>	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
<b>Complaint description</b>	<p><b><u>Points raised:-</u></b></p> <ol style="list-style-type: none"> <li>1. PT KPC is in persistent violation of the RSPO P&amp;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.</li> <li>2. Land takeover was done without land tenure study and participatory mapping.</li> <li>3. Late HCV assessment which was done by IPB, final consultation was in May 2014.</li> <li>4. Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%).</li> <li>5. Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood.</li> <li>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.</li> <li>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&amp;C.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending internal review and discussion of all issues.</b>

<b>Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat</b>	
<b>Case Reference</b>	PreCAP/2017/06/SW
<b>Date Filed</b>	19 April 2017
<b>Respondent</b>	Goodhope Asia Holdings
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
<b>Complaint description</b>	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).
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Secretariat is awaiting the Compensation Panel's final decision on the Final Compensation Liability (FCL) for the Ketapang Region.</b>



<b>Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan</b>	
<b>Case Reference</b>	PreCAP/2010/01/PR
<b>Date Filed</b>	15 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
<b>Respondent</b>	IOI Pelita (IOI Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Sarawak, Malaysia
<b>Complainant</b>	Community of Long Teran Kanan
<b>Complaint description</b>	Infringement of P&C No.2.2 – the right to land use disputed
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Resolution Plan has resumed and the Respondent aims to conclude the 2nd phase by the end of September 2020.</b>

<b>Complaint 3.4 PT. Primatama Mulia Jaya v Masyarakat Adat Luhak</b>	
<b>Case Reference</b>	RSPO/2018/12/SW
<b>Date Filed</b>	12 July 2018
<b>Respondent</b>	PT Primatama Mulia Jaya (subsidiary of Wilmar International)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Masyarakat Adat Luhak Saparampek Simpang Tigo
<b>Complaint description</b>	The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat issued a warning to the Complainant on 25.07.2020 with the deadline to fulfill the directives from the CP by 03.08.2020.</b></li> <li>2. <b>Pending response from the Complainant.</b></li> </ol>

<b>Complaint 3.5 PT. Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang</b>	
<b>Case Reference</b>	RSPO/2018/15/SW
<b>Date Filed</b>	30 August 2018
<b>Respondent</b>	PT Agro Lestari Mandiri (a subsidiary of Golden Agri-Resources Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
<b>Complaint description</b>	PT Agro Lestari Mandiri allegedly terminated workers in violation of the Indonesian Employment Law.
<b>Status</b>	(D) Investigation / deliberation

<b>Decision / Justification</b>	<p><b>1. The Secretariat has obtained a full quorum on a decision for the Complaint and the draft of the decision letter has been sent to the CP members for their endorsement.</b></p>
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<b>Complaint 3.6 PT Smart Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut</b>	
<b>Case Reference</b>	RSPO/2018/22/SW
<b>Date Filed</b>	18 October 2018
<b>Respondent</b>	PT Smart Tbk - subsidiary of Golden Agri Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Masyarakat Dusun I/II/III Belongkut
<b>Complaint description</b>	<p>The termination of employment by PT Smart Tbk Kebun Adi Pati without severance payment.</p> <p>PT Smart Tbk Kebun Adi Pati never conducted Corporate Social Responsibility (CSR) on the matter(s) regarding the environment.</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<p><b>1. The Briefing Note is finalised and under the peer review process.</b></p>

### Complaint 3.7 Oleaginosas Del Peru S.A (OLPESA) vs requested for confidentiality

Case Reference	RSPO/2019/05/PR
Date Filed	22 March 2019
Respondent	Oleaginosas Del Peru S.A. (OLPESA)
Membership Category	Oil Palm Grower
Country	Peru
Complainant	<i>requested for confidentiality</i>
Complaint description	<ol style="list-style-type: none"> <li>1. Sourcing FFB from unsustainable origin.</li> <li>2. Failure to conduct SIA.</li> </ol>
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has furnished all the documents from the Respondent to the Complainant.</b></li> <li>2. <b>Pending a response from the Complainant on the Respondent's documents.</b></li> </ol>

### Complaint 3.8 PT. PHP/AMP Plantation (subsidiary of Wilmar ) vs Represented by Lawyer on behalf of Local Community

Case Reference	RSPO/2018/07/SW
Date Filed	20 August 2018
Respondent	PT. PHP/AMP Plantation (subsidiary of Wilmar)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Represented by Lawyer on behalf of local community
Complaint description	Dispute regarding plasma cooperation with local community
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note is being finalised.</b></li> </ol>



<b>Complaint 3.9 Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad) vs Mr Sauddin Che Lamin</b>	
<b>Case Reference</b>	RSPO/2019/18/IR
<b>Date Filed</b>	12 August 2019
<b>Respondent</b>	Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Mr Sauddin Che Lamin
<b>Complaint description</b>	Complainant was terminated on 2 July 2019 via letter without salary for 3 consecutive months based on mental health discrimination.
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<b>1. Pending expiry of appeal period on 14 September 2020.</b>

### Complaint 3.10 Norpalm Ghana Limited vs Landowners of Ewusiejoe

<b>Case Reference</b>	RSPO/2019/20/PR
<b>Date Filed</b>	29 October 2019
<b>Respondent</b>	Norpalm Ghana Limited
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Ghana
<b>Complainant</b>	Landowners of Ewusiejoe
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Non Transparency to landowners of Ewusiejoe.</li> <li>2. No minutes provided after meeting with Norpalm management.</li> <li>3. No information to Landowners on the arrival of the Inspectorate team from RSPO to enable them to participate and express their concerns.</li> <li>4. No information to Landowners on the demarcation made by Norpalm Ghana Ltd and no documents provided to the Complainant.</li> <li>5. Payments of monies to Landowners have not been fully made.</li> </ol>
<b>Status</b>	(F) Decision Delivered
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The decision is delivered to both parties with an appeal period expiring on 10.08.2020.</b></li> </ol>

**Complaint 3.11 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation**

<b>Case Reference</b>	RSPO/2020/04/IR
<b>Date Filed</b>	2 March 2020
<b>Respondent</b>	Golden Agri Resource (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme & Elk Hills Foundation
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law;</li> <li>2. The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat is in the midst of compiling and reviewing all the documents.</b></li> <li>2. <b>The Secretariat is in the midst of finalising the ToR and to identify a legal consultant.</b></li> </ol>

**Complaint 3.12 PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung (Indonesia)**

<b>Case Reference</b>	RSPO/2020/06/DPM
<b>Date Filed</b>	30 March 2020
<b>Respondent</b>	PT Gersindo Minang Plantation subsidiary of Wilmar Group
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Buyung
<b>Complaint description</b>	1. Untreated liquid waste or palm oil mill effluent (POME) is directly discharged to a river stream.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note has been furnished to the CP members for deliberation.</b>

<b>Complaint 3.13 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality - (Honduras)</b>	
<b>Case Reference</b>	RSPO/2020/07/LSL
<b>Date Filed</b>	6 April 2020
<b>Respondent</b>	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Honduras
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<p>Modification of property deeds to remove areas identified by the government as environmental protection zone;</p> <p>Employees not paid minimum wage; not provided with equipment; and not given workers' benefits;</p> <p>Non-compliance with labour laws;</p> <p>Threatening of workers to suppress information from auditors;</p> <p>Bribing workers and government agencies;</p> <p>Manipulation of scale systems; Falsification of data;</p> <p>Operating without an environmental license.</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has requested the CB to conduct a special audit.</b></li> <li>2. <b>Further information was requested by the CB and the Secretariat will write to the Complainant requesting for further information so as to enable the special audit to be conducted accordingly.</b></li> <li>3. <b>The Secretariat has received a formal response with supporting documents by the Respondent and is in the midst of reviewing it.</b></li> </ol>