

COMPLAINTS PANEL

MINUTES OF MEETING

For Website

25 September 2019 | 6.00 - 8.00pm | Meeting No. 09/2019

Meeting location: *Jakarta Conference Room, RSPO Kuala Lumpur - Malaysia & Via Webex*

<p>List of Complaints Panel Member</p>	<table border="1"> <tr> <td data-bbox="373 640 906 947"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (LSC - Co Chair) 3. Michelle Desilets (MD) 4. Matthias Diemer (MDM) 5. Marieke Leegwater (ML) 6. Lanash Thanda (LT) 7. Robert Kruger (RK) </td> <td data-bbox="906 640 1436 947"> <ol style="list-style-type: none"> 8. Samantha Bramley (SB) 9. Suzanne Hall (SH) 10. Frazer Lanier (FL) 11. Peter van der Werf (PVDW) 12. José den Toom (JDT) 13. Pieter Van Dessel (PVD) </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (LSC - Co Chair) 3. Michelle Desilets (MD) 4. Matthias Diemer (MDM) 5. Marieke Leegwater (ML) 6. Lanash Thanda (LT) 7. Robert Kruger (RK) 	<ol style="list-style-type: none"> 8. Samantha Bramley (SB) 9. Suzanne Hall (SH) 10. Frazer Lanier (FL) 11. Peter van der Werf (PVDW) 12. José den Toom (JDT) 13. Pieter Van Dessel (PVD)
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<p>Agenda</p>	<p style="text-align: center;"><u>General Agenda: 6.00 pm -6.10pm</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 28 August 2019 during the CP Meeting 4. New Allegations:- <ol style="list-style-type: none"> a. RSPO/2018/07/SW - PT. PHP/AMP Plantation (subsidiary of Wilmar) b. RSPO/2019/17/SW - PT Socfin Indonesia (subsidiary of Socfin SA) c. RSPO/2019/18/IR - Boustead Rimba Nilai Sdn Bhd (subsidiary of Boustead Plantation Berhad) 5. Complaints Statistics. 6. Any other matters:- <ol style="list-style-type: none"> a. Dates for Complaints Panel meetings in 2019/2020; b. Expansion of the Complaints Panel; c. Collaboration with the Investigation & Monitoring Unit (IMU); d. DSF Updates; 7. Amnesty International report on Wilmar International - a media enquiry by Sydney Morning Herald. 		



8. 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).
9. Commitment of Financial Institutions.
10. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.

11. Complaints for deliberation:-

Group 1: 6.10pm - 7.10pm

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. Prima Mitra Jaya Mandiri (PT. PMJM) - subsidiary of MP Evans vs Serbundo
6. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
7. PT. Minamas Gemilang - subsidiary of Sime Darby vs Oky Wardianto
8. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
9. PT. Harapan Sawit Lestari (PT. HSL) - subsidiary of Cargill vs Link-AR Borneo
10. AMP Plantation a subsidiary of Wilmar vs KUD Dasra (represented by lawyer)
11. 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
12. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
13. PT. Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)
14. Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.) vs Consejo Nacional de Desplazados de Guatemala - CONDEG

Group 2: 7.15pm - 7.35pm

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Bumitama Gunajaya Agro (PT. BGA) - subsidiary of Bumitama vs Sawit Watch
3. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
4. Palmas Del Espino S.A. vs FREDEIALBA
5. FELDA Global Ventures Holding Berhad (FGV) vs RSPO Secretariat (on the basis of an article by Chain Reaction Research)
6. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
7. Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom
8. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
9. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
10. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
11. PT. Bilah Platindo (MP Evans) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
12. PRESCO PLC (a subsidiary of SIAT SA) vs Delta Agricultural Stakeholders Farmers Union

Group 3: 7.40pm - 8.00pm

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Poligrow vs Video by Environmental Investigation Agency (EIA)
3. Goodhope Asia Holdings Ltd vs RSPO Secretariat
4. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
5. Primatama Mulia Jaya vs Masyarakat Adat Luhak Saparampek Simpang Tigo
6. PT. Agro Lestari Mandiri (PT. ALM) - subsidiary of Sinarmas vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
7. PT. Perkebunan Nusantara III (PT. PN) vs Pimpinan Cabang Federasi Serikat Pekerja Metal Indonesia
8. PT. SMART Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut
9. Oleaginosas Del Peru S.A. (OLPESA) vs Community of Santa Clara de Uchunya
10. PT. Smart Tbk (subsidiary of GAR) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia.
11. Unico Desa Palm Oil Mill (IOI Corporation Berhad) vs Leap Spiral on behalf of Kampung Sri Ganda



DETAILS OF THE AGENDA:

No.	Agenda
1.0	Opening Remarks from Chairperson Opening speech by CCP.
2.0	Declaration of “No Conflict of Interest” No conflict of interest declared
3.0	To confirm and adopt the minutes of 28 August 2019 during the Complaints Panel Meeting. Minutes of 28 August 2019 adopted unanimously.

4.0 New allegation submitted

a. RSPO/2018/07/SW PT. PHP/AMP Plantation (subsidiary of Wilmar)

Complainant :- Represented by Lawyer of the local community
 Complaint received :- 20th August 2018
 Allegation :- Dispute regarding plasma cooperation with local community

25 September 2019 (CP Meeting):-

- 1. Initial Diagnosis has been accepted.**

b. RSPO/2019/17/SW PT Socfin Indonesia (subsidiary of Socfin SA)

Complainant :- Lembaga Swadaya Masyarakat Team Investigation Penyelamat Asset Negara Republik Indonesia (LSM.TIPAN-RI)
 Complaint received :- 26 July 2019
 Location :- Indonesia
 Allegations :- PT Socfin Indonesia used the land of 13 community members of Desa Negeri Lama Seberang without their express consent for the PT Socfin Indonesia water pipeline which is approximately 900 meters in length. The water pipeline extends from the Bilah River to the PT Socfin Indonesia palm oil mill.

25 September 2019 (CP Meeting):-

- 1. Initial Diagnosis has been accepted.**

c. RSPO/2019/18/IR Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad)

Complainant :- Mr Sauddin Che Lamin
 Complaint received :- 12 August 2019
 Location :- Malaysia
 Allegations :- Complainant was terminated on 2 July 2019 by way of letter and without salary for 3 consecutive months based on mental discrimination.

25 September 2019 (CP Meeting):-

- 1. Initial Diagnosis has been accepted.**



5.0 Complaints Cases Statistics

Total Cases in 2018:

	Jan-2018	Feb-2018	Mar-2018	Apr-2018
Complaints received	2	0	1	4
Status	Open (1) Closed (1)	-	Closed (1)	Open (2) Closed (2)
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	Open (1) Closed (3)	-	Open (1)	Open (2) Closed (1)
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 (1) Closed (1)	Open (2) Closed (4)	-	-
Certified	-	-	-	-
Country	Indonesia (1) Nigeria (1)	Indonesia (3) Nigeria (1) Liberia (1) Others (1)	-	-
Case Category	-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
Complaints received	2	1	3	4
Status	Open (1) Closed (1)	Rejected (1)	Open (2) Rejected (1)	Open (3) Rejected (1)
Certified	-	-	-	-
Country	Indonesia (2)	Malaysia(1)	Indonesia (1) Peru (2)	Indonesia (3) Nigeria (1)
Case Category	-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
Complaints received	2	3	1	1
Status	Open (2)	Open (3)	Open (1)	Open (1)
Certified	-		-	
Country	Indonesia (1) Malaysia (1)	Indonesia (1) Guatemala (1) Nigeria (1)	Indonesia (1)	Malaysia(1)
Case Category	- 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)

Total Active Cases by Country and Year:- (as of 20.09.2019):-

Country	Active Cases	Year	Active Cases
Indonesia	24	2009	0
Malaysia	6	2010	1
Colombia	2	2011	0
Nigeria	2	2012	1
Singapore	0	2013	0
Peru	2	2014	1
Brazil	1	2015	6
Liberia	1	2016	0
Guatemala	1	2017	8
Others*	1	2018	10
TOTAL	40	2019	13
		TOTAL	40

*Others: Pending group membership determination.

25 September 2019 (CP Meeting):-

1. The working paper on the increase in labour related Complaints was discussed during the recent physical meeting in Jakarta with ASI.
2. A further discussion with ASI is scheduled at the next CP physical meeting.

6.0 Any other matters

a. Dates for Complaints Panel Physical Meeting in 2019:

25 September 2019 (CP Meeting):-

1. All CP members are required to confirm their attendance for the upcoming CP Physical Meeting by the end of the month for the Secretariat's further action.
2. The details of the next CP Physical meeting are as follows:-

2nd CP PHYSICAL MEETING FOR 2019

DATES: 2nd & 3rd NOVEMBER 2019

TIME: a) 2.00 p.m. to 5.00 p.m (Bangkok Time) on the 2nd of November; and
b) 9.00 a.m. to 4.30 p.m. (Bangkok Time) on the 3rd of November.

VENUE: Marriott Marquis Bangkok Queen's Park Thailand

b. Expansion of Complaints Panel

25 September 2019 (CP Meeting):-

1. The Secretariat will be approaching identified individuals during the RT 17 to explore the possibility of having them apply to join the Complaints Panel.

c. Collaboration with the Investigation and Monitoring Unit

25 September 2019 (CP Meeting):-

1. The Investigation and Monitoring Unit will continue providing updates to the Complaints Panel. The next meeting is scheduled to take place before RT17.

d. DSF Updates:

25 September 2019 (CP Meeting):-

- 1. The reconstituted Group of Advisors have been reconstituted and there will be a physical meeting on the 5th of November 2019 during the RT in Bangkok and the Secretariat will be inviting the co-chairs of the CP to join the meeting.**

7.0 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 were 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".

25 September 2019 (CP Meeting):-

- 1. The Secretariat is in the midst of preparing the Briefing Note.**

8.0 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

25 September 2019 (CP Meeting):

1. **A meeting between the Complaints Desk and the Head of Certification Unit has been fixed for 26.09.10 to discuss the ASI audit.**



9.0 Commitments of Financial Institution(s)

25 September 2019 (CP Meeting):-

1. The RSPO Senior Management is requested to reach out to Central Banks in certain countries and explore the strengthening of financing requirements to the palm oil industry that include RSPO certification.

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

25 September 2019 (CP Meeting):-

1. The Secretariat is in the process of scheduling a meeting with the Task Force while waiting for the finalisation of the legal review by the independent legal expert.

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/Robin Balud)
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 encaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land.</p> <p>A police report has been made by the community and that is the source of the complaint.</p>
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Secretariat has received an email from the Sabah Lands and Surveys Department (SLSD) stating that they are looking into the submissions from both parties on the appeal and that they anticipate to have the ruling out before the end of this year.</p>

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	<ol style="list-style-type: none"> 1. Status quo. 2. This matter is pending the outcome of the Court process.

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	<ol style="list-style-type: none"> The Secretariat wrote to the Respondent on 23.09.2019 requesting for the outcome of the court's hearing on the 19.09.2019 and the Secretariat is still waiting for a response.



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	1. Pending RaCP process.

Complaint 1.5 PT. Prima Mitra Jaya Mandiri (PT PMJM - MP Evans) vs Serbundo	
Date Filed	20 April 2017
Respondent	PT. Prima Mitra Jaya Mandiri (PT PMJM)
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	(F) Complaints Panel Decision
Decision / Justification	1. This matter is being deliberated by the Appeals Panel.

Complaint 1.6 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	<ol style="list-style-type: none"> 1. The Secretariat to furnish the Respondent’s response to the legal reviewer and to have him finalise the legal review. 2. The legal reviewer is to also take into consideration a Supreme Court’s decision on the status of certain documents in finalising the legal review.

Complaint 1.7 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	<ol style="list-style-type: none"> 1. Pending expiry of the appeals period by 25.09.2019. 2. Both parties did not submit an appeal before the expiry date (i.e 25.09.2019).

Complaint 1.8 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	<ol style="list-style-type: none"> 1. The Secretariat to issue an email to the Complainant(s) in the Tarjuwon area and the Respondent regarding the shortlisted candidates for the engagement of an independent facilitator for the implementation of the CP's decision. 2. The Secretariat to prepare a further briefing note for the CP's clarification.



Complaint 1.9 PT. Harapan Sawit Lestari (Cargill) vs Link-AR 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	<ol style="list-style-type: none"> The Secretariat is now seeking the CP’s directive before the CB can proceed with the special audit.



Complaint 1.10 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	1. The Briefing Note is in progress.



Complaint 1.11 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	1. The Briefing Note is in progress.



Complaint 1.12 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	1. The Briefing Note is in progress.

Complaint 1.13 PT Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)

Date Filed	12 March 2019
Respondent	PT Berkat Sawit Sejati (subsidiary of Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Hutan Kita Institute (HaKI)(Indonesia)
Complaint description	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.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is reviewing the supporting documents and information submitted.

Complaint 1.14 Nacional Agro Industrial, S.A. (subsidiary of KH Regional Group Inc.) vs Consejo Nacional de Desplazados de Guatemala - CONDEG -(Guatemala)

Date Filed	8 June 2019
Respondent	Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.)
Membership Category	Oil Palm Grower
Country	Guatemala
Complainant	Consejo Nacional de Desplazados de Guatemala - CONDEG
Complaint description	<p>Allegations :</p> <ol style="list-style-type: none"> 1. Unjustifiably dismissed 50 workers. 2. Naisa violates the code of ethical conduct through their contractor companies, 1) Hidrogen y oxigeno,SA. (2) Labores y Servicios, SA, (3) Sevicious Agricolas del Peten, SA.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has received a formal response from the Respondent and the Secretariat is reviewing the document.

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	1. The Briefing Note is pending finalisation.

Complaint 2.2 PT. Bumitama Gunajaya Abadi (PT.BGA - 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	(F) Complaints Panel Decision
Decision / Justification	<ol style="list-style-type: none"> 1. The decision letter is pending completion.

Complaint 2.3 PT. Hati Prima Agro (PT.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	(F) Complaints Panel Decision
Decision / Justification	<p>1. The draft of the legal opinion has been circulated for factual verification to both parties and both parties are to make factual verifications if any by 03.10.2019.</p>



Complaint 2.4 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	<p>1. This Complaint is status quo and is pending the decision of the Constitutional Court.</p>



Complaint 2.5 Felda Global Ventures Holding Berhad vs RSPO Secretariat	
Date Filed	19 April 2017
Respondent	Felda Global Ventures Holding Berhad
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat (on the basis of Article by Chain Reaction Research)
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	1. The Briefing Note is in progress.

Complaint 2.6 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK

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	1. Selection of independent legal reviewer is in progress.

Complaint 2.7 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	1. A mediation session proceeded on 13.09.2019 and the Secretariat is currently waiting for an update from the Respondent.

Complaint 2.8 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT

Date Filed	10 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
Complaint description	<ol style="list-style-type: none"> 1. Lack of adequate health and safety equipment; 2. Worker died due to lack of safety equipment; and 3. No festive holidays for temporary workers.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is reviewing the supporting documents and information submitted.

Complaint 2.9 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality

Date Filed	29 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"> 1. Temporary workers contract and wages issues 2. Intimidation of workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is reviewing the supporting documents and information submitted.

Complaint 2.10 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)

Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ol style="list-style-type: none"> 1. Alleged fraud of wages for 7 workers, 2. No festive holidays and bonus for temporary workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is reviewing the supporting documents and information submitted.

Complaint 2.11 PT Bilah Platindo (subsidiary of MP Evans) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI) - (Indonesia)

Date Filed	24 June 2019
Respondent	PT Bilah Platindo (subsidiary of MP Evans)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ol style="list-style-type: none"> 2 daily workers died due to an accident happened on 23 February 2018. Victims were not registered with Indonesia’s social insurance scheme and were not covered during the accident.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> The Secretariat has sought the CP’s directive on this matter as whether to issue a warning letter to both parties if they do not furnish the documents within the stipulated time frame. This matter has been referred to the head of certification unit as this is a certified unit.



Complaint 2.12 Presco PLC Nigeria (SIAT SA) vs Delta Agricultural Stakeholders Farmers Union - Nigeria	
Date Filed	24 June 2019
Respondent	Presco PLC Nigeria (SIAT SA)
Membership Category	Oil Palm Grower
Country	Nigeria
Complainant	Delta Agricultural Stakeholders Farmers Union
Complaint description	There have been major unlawful invasion and forceful takeover of local farm lands by the Respondent.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> The Secretariat to hold a discussion with its colleagues from Africa on identifying the validity of the Complaint.

GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
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 Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
Complaint description	<p>Points raised:-</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 in 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	1. Pending review of Respondent’s documents.



Complaint 3.2 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	<ol style="list-style-type: none"> Briefing Note has been completed and submitted to the Secretariat’s Latin America Director for review before submission to the Complaints Panel.

Complaint 3.3 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	<ol style="list-style-type: none"> 1. The Stop Work Order for the Ketapang area is lifted. 2. Pending the RaCP process.



Complaint 3.4 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	<ol style="list-style-type: none"> 1. The Respondent is now moving into the second phase of the Resolution Plan. 2. Pending further updates from the Respondent.



Complaint 3.5 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	1. The CB is currently in the process of a Special Audit.

Complaint 3.6 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	1. Briefing Note is in progress.

Complaint 3.7 PT. Perkebunan Nusantara III vs Pemimpinan Cabang Federasi Serikat Pekerja Metal Indonesia	
Date Filed	18 January 2019
Respondent	PT Perkebunan Nusantara III
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Pemimpinan Cabang Federasi Serikat Pekerja Metal Indonesia
Complaint description	Minimum wage Wage withholding/Deduction Occupational Hazard, Unsafe working conditions, exposure to chemicals.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat to proceed with a Briefing Note based on the findings of the Special Audit Report.

Complaint 3.8 PT Smart Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut	
Date Filed	18 October 2018
Respondent	PT Smart Tbk - subsidiary of Golden Agri Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Masyarakat Dusun I/II/III Belongkut
Complaint description	The termination of employment by PT Smart Tbk Kebun Adi Pati without severance payment
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Secretariat to issue a letter of warning to the Complainant due to the Complainant's failure to furnish the requested documents within the stipulated time frame.



Complaint 3.9 Oleaginosas Del Peru S.A (OLPESA) vs Community of Santa Clara de Uchunya	
Date Filed	22 March 2019
Respondent	Oleaginosas Del Peru S.A. (OLPESA)
Membership Category	Oil Palm Grower
Country	Peru
Complainant	Community of Santa Clara de Uchunya
Complaint description	<ol style="list-style-type: none"> 1. Sourcing FFB from unsustainable origin. 2. Failure to conduct SIA.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat to proceed to have this matter monitored under IMU while the Complaint proceeds in accordance with the Complaints and Appeals Procedure.

Complaint 3.10 PT Smart Tbk (subsidiary of GAR) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia

Date Filed	22 April 2019
Respondent	PT Smart Tbk (subsidiary of GAR)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia
Complainant	Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia.
Complaint description	Discrimination and violation against women workers, wages and no holidays given to women workers
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is reviewing the supporting documents and information submitted.

Complaint 3.11 Unico Desa Palm Oil Mill (subsidiary of IOI Corporation Berhad) vs Leap Spiral on behalf of Kampung Sri Ganda

Date Filed	6 May 2019
Respondent	Unico Desa Palm Oil Mill (IOI Corporation Berhad)
Membership Category	Oil Palm Grower
Country	Lahad Datu, Sabah, Malaysia
Complainant	Leap Spiral on behalf of Kampung Sri Ganda
Complaint description	Alleged utilisation of an area demarcated as a conservation area to address water issues in the village
Status	(D) Investigation / deliberation
Decision / Justification	1. Briefing Note is in progress.