



## COMPLAINTS PANEL MINUTES OF MEETING for Website

Date: 31 January @ 5.00pm - 7.00pm

Meeting : via Zoom

MEMBERS OF THE COMPLAINTS PANEL	
	<ol style="list-style-type: none"><li>1. Henry Barlow (Chair - CCP)</li><li>2. Lim Sian Choo ( Co Chair)</li><li>3. Michelle Desilets</li><li>4. Marieke Leegwater</li><li>5. Lanash Thanda</li><li>6. Robert Kruger</li><li>7. Florentine van den Eerenbeemt</li><li>8. Laszlo Mathe</li><li>9. Priya Gopalan</li><li>10. Carl Dagenhart</li><li>11. Kartika Dewi</li><li>12. Irene Aycinena Abascal</li><li>13. Miguel Tejada Iraizoz</li></ol>
GENERAL AGENDA	
	<ol style="list-style-type: none"><li>1. Opening Remarks by Chairperson</li><li>2. RSPO Antitrust Guidelines</li><li>3. Declaration of Conflict of Interest</li><li>4. To confirm and adopt the minutes of <b>29 November 2023</b> CP Meeting</li><li>5. New Allegations</li><li>6. Complaints Case Statistics</li><li>7. Complaints Panel Meeting Dates<ol style="list-style-type: none"><li>7.1 Dates for CP Monthly Meetings</li><li>7.2 Dates for CP Physical Meetings</li><li>7.3 Expansion of the Complaints Panel</li></ol></li><li>8. Post Complaints Monitoring</li></ol>



	<ol style="list-style-type: none"> <li>9. Dispute Settlement Facility (DSF)</li> <li>10. Commitment of Financial Institutions.</li> <li>11. 1st Internal Voluntary Review of the Complaints and Appeals Procedures</li> <li>12. ASC-CP Joint Meeting</li> <li>13. Complaints for deliberation</li> </ol>
	<b>Group 1 - COMPLAINTS FOR DELIBERATION</b>
	<ol style="list-style-type: none"> <li>1. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) &amp; Greenpeace</li> <li>2. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs Requested for Confidentiality</li> <li>3. Papaso Estate &amp; PT Damai Nusa Sekawan - Sosa &amp; Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs Requested for Confidentiality</li> <li>4. Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs Requested for Confidentiality</li> <li>5. PT. Sari Dumai Sejati (a subsidiary of AAA Oils and Fats Pte Ltd (APICAL Group) vs Mr. Hidayat Rasyid</li> <li>6. PT. Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc) vs Requested for Confidentiality</li> <li>7. PT Grahadura Leidong Prima (a subsidiary of PT. Bakrie Sumatera Plantations TBK) vs Requested for Confidentiality</li> </ol>
	<b>Group 2 - COMPLAINTS FOR DELIBERATION</b>
	<ol style="list-style-type: none"> <li>1. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI</li> <li>2. PT. Perkebunan Nusantara IV (PERSERO) vs Requested for Confidentiality</li> <li>3. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)</li> <li>4. PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam &amp; Sawit Watch</li> <li>5. PT. Perkebunan Nusantara V (PERSERO) vs Requested for Confidentiality</li> <li>6. PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd) vs Requested for Confidentiality</li> </ol>



### Group 3 - COMPLAINTS FOR DELIBERATION

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
3. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs Requested for Confidentiality
4. First Resources Limited vs Requested for Confidentiality
5. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs Requested for Confidentiality
6. Grasas Y Derivados S.A. Gradesa S.A vs Requested for Confidentiality
7. Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A) vs Requested for Confidentiality
8. PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited) vs Requested for Confidentiality
9. Energy & Palma S.A. ( subsidiary of La Fabril Group) vs Requested for Confidentiality



## DETAILS OF THE AGENDA:

No.	Agenda										
1.	<b>Opening Remarks from Chairperson</b> Opening speech by CCP.										
2.	<b>RSPO Antitrust Guidelines</b> RSPO Antitrust Guidelines were read to the CP.										
3.	<b>Declaration of “No Conflict of Interest”</b> A new CP member declared Conflict of Interest.										
4.	<b>To confirm and adopt the minutes of 29 November 2023 during the Complaints Panel Meeting</b> Minutes of 29 November 2023 were adopted unanimously.										
5.	<b>New allegation submitted</b>										
5.1	<table border="1" data-bbox="231 1164 1428 1624"> <tbody> <tr> <td data-bbox="231 1164 529 1236">RSPO/2024/01/LSL</td> <td data-bbox="529 1164 1428 1236">PT Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc)</td> </tr> <tr> <td data-bbox="231 1236 529 1308">Complainant</td> <td data-bbox="529 1236 1428 1308">Requested for confidentiality</td> </tr> <tr> <td data-bbox="231 1308 529 1379">Complaint received</td> <td data-bbox="529 1308 1428 1379">8 January 2024</td> </tr> <tr> <td data-bbox="231 1379 529 1451">Location</td> <td data-bbox="529 1379 1428 1451">Kalimantan Timur, Indonesia</td> </tr> <tr> <td data-bbox="231 1451 529 1624">Allegations</td> <td data-bbox="529 1451 1428 1624"> <ul style="list-style-type: none"> <li>The allegation is pertaining to the plasma allocation with the ratio of 80:20 based on the plasma agreement.</li> <li>The affected parties have not received the 20% share of the revenue generated from the plasma land since 2010 till date.</li> </ul> </td> </tr> </tbody> </table> <p data-bbox="231 1691 630 1736"><b>Discussion on 31 January 2024:-</b></p> <ol style="list-style-type: none"> <li data-bbox="279 1758 758 1803">1. The Initial Diagnosis is in progress.</li> </ol>	RSPO/2024/01/LSL	PT Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc)	Complainant	Requested for confidentiality	Complaint received	8 January 2024	Location	Kalimantan Timur, Indonesia	Allegations	<ul style="list-style-type: none"> <li>The allegation is pertaining to the plasma allocation with the ratio of 80:20 based on the plasma agreement.</li> <li>The affected parties have not received the 20% share of the revenue generated from the plasma land since 2010 till date.</li> </ul>
RSPO/2024/01/LSL	PT Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc)										
Complainant	Requested for confidentiality										
Complaint received	8 January 2024										
Location	Kalimantan Timur, Indonesia										
Allegations	<ul style="list-style-type: none"> <li>The allegation is pertaining to the plasma allocation with the ratio of 80:20 based on the plasma agreement.</li> <li>The affected parties have not received the 20% share of the revenue generated from the plasma land since 2010 till date.</li> </ul>										



## 6. Complaints Cases Statistics

Total cases in 2024

Month	Complaints received	Country	Open	Closed	Rejected	Withdrawn
January	1	Indonesia	1	0	0	0

Total Active Cases by Country and Year (as of 27.01.2023)

Country	Active Cases	Year	Active Cases
Indonesia	18	2014	1
Colombia	1	2018	1
Honduras	1	2019	3
Guatemala	1	2020	2
Ecuador	2	2021	5
		2022	4
		2023	6
		2024	1
<b>TOTAL</b>	<b>23</b>	<b>TOTAL</b>	<b>23</b>

## 7. Complaints Panel

### 7.1 Dates for Complaints Panel monthly meetings

Discussion on 31 January 2024:-

- The dates for the next 6 months from July 2024 to December 2024 have been proposed.

### 7.2 Dates for Complaints Panel Physical Meetings

Discussion on 31 January 2024:-

- The 1st Quarterly CP meeting has been proposed for 20 March 2024 (virtually) from 4.00pm to 7.00pm (MYT).



<b>7.3</b>	<b>Expansion of Complaints Panel</b>
	<p>Discussion on 31 January 2024:-</p> <ol style="list-style-type: none"> <li>1. CP selection interview scheduled for 16.02.2024</li> </ol>
<b>8.</b>	<b>Post Complaint's Monitoring</b>
<b>8.1</b>	<b>FELDA Global Venture - (Article by The Wall Street Journal)</b>
	<p>Discussion on 31 January 2024:-</p> <ol style="list-style-type: none"> <li>1. Pending receipt of a further document from the Respondent.</li> </ol>
<b>8.2</b>	<b>Extractor de la Gloria SAS</b>
	<p>Discussion on 31 January 2024:-</p> <ol style="list-style-type: none"> <li>1. The Secretariat is in the midst of reviewing the information received on 30 January 2024 from the Respondent.</li> </ol>
<b>8.3</b>	<b>Golden Veroleum Liberia (GVL)</b>
	<p>Discussion on 31 January 2024:-</p> <ol style="list-style-type: none"> <li>1. CP's directive issued on 22.01.2024. Parties have responded with their comments.</li> <li>2. The Secretariat is to compile the comments and furnish the same to the CP for further deliberations.</li> </ol>
<b>9.</b>	<b>Dispute Settlement Facility (DSF)</b>
	<p>Discussion on 31 January 2024:-</p> <ol style="list-style-type: none"> <li>1. The minutes of the DSF Physical meeting dated 19.11.2023 was furnished to all attendees.</li> <li>2. The Secretariat has received 10 applications from interested mediators to sit on the panel of DSF Mediators and is currently in the midst of reviewing the submitted CVs.</li> </ol>



<b>10.</b>	<b>Commitments of Financial Institution(s)</b>
	<p>Discussion on 31 January 2024:-</p> <ol style="list-style-type: none"><li>1. No further updates at this juncture.</li></ol>
<b>11.</b>	<b>1st Internal Voluntary Review of the Complaints and Appeals Procedures</b>
	<p>Discussion on 31 January 2024:-</p> <ol style="list-style-type: none"><li>1. Comments from stakeholders on the Report on Findings furnished to Independent Consultant.</li><li>2. Pending receipt of draft Report on Recommendations from Independent Consultant and the scheduling of the next Steering Group meeting.</li></ol>
<b>12.</b>	<b>ASC - CP JOINT MEETING</b>
	<p>Discussion on 31 January 2024:-</p> <ol style="list-style-type: none"><li>1. The Secretariat is to schedule a virtual meeting between the Co-Chairs of the ASC and the Co-Chairs of the CP tentatively on 16.02.2024.</li></ol>



## COMPLAINTS FOR DELIBERATION:-

### GROUP 1

<b>Complaint 1.1 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>	Processors and / or Traders
<b>Country</b>	Indonesia
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Status</b>	Appeals Submitted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>A notice of Appeal was lodged by the Complainants on 10 January 2024.</b></li> <li><b>The Secretariat shall process the Appeal in accordance with the Complaints and Appeals Procedures 2017.</b></li> </ol>

<b>Complaint 1.2 PT Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/07/SW
<b>Date Filed</b>	19 March 2021
<b>Respondent</b>	PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>The Respondent did not pay the full land compensation to the six (6) individuals;</li> <li>The Respondent unilaterally marking up the cost of plasma development and</li> </ul>





	<p>did not refer to the relevant regulations in deciding the cost of plasma development;</p> <ul style="list-style-type: none"> <li>• The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and</li> <li>• The Respondent did not provide the complete map along with its coordinates for the land that has been handed over by the six (6) individuals.</li> </ul>
<b>Status</b>	Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The CP's deliberations have concluded and the draft decision letter is in the midst of preparation.</b>

<b>Complaint 1.3 Papaso Estate &amp; PT Damai Nusa Sekawan - Soso &amp; Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/05/SW
<b>Date Filed</b>	19 March 2021
<b>Respondent</b>	Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• Complainant alleged that the Respondent prohibits the workers to conduct union activities (protest with regards to the Omnibus Law);</li> <li>• Complainant alleged that the Respondent has conducted a unilateral termination of employment for the 2 (two) PT Permata Hijau Sawit workers; and</li> <li>• Complainant alleged that the Respondent did not socialize the Company Regulations (<i>Peraturan Perusahaan</i>) to the workers in PT Damai Nusa Sekawan.</li> </ul>
<b>Status</b>	Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Decision delivered. Pending expiry of appeals period.</b>



<b>Complaint 1.4 Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2022/13/MAM
<b>Date Filed</b>	21 October 2022
<b>Respondent</b>	Reforestadora de Palmas del Peten S.A. (a subsidiary of SEAHOLM CORP)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Guatemala
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● The Complainant alleged that the Respondent violates the fundamental and labour rights of employees, because there are bad work conditions, unjustified dismissals, mistreatment, and false and unfounded suspicions;</li> <li>● The Respondent uses retaliation against farm workers and human rights defenders;</li> <li>● The Respondent uses the figure of the blacklist to designate employees who will not be rehired;</li> <li>● The Respondent uses organic fertilizer that generates pestilent odour and flies affecting communities.</li> </ul>
<b>Status</b>	Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Decision delivered. Pending expiry of appeals period.</b>



<b>Complaint 1.5 PT. Sari Dumai Sejati ( a subsidiary of AAA Oil and Fats Pte Ltd (APICAL Group) vs Mr. Hidayat Rasyid</b>	
<b>Case Reference</b>	RSPO/2023/12/RR
<b>Date Filed</b>	03 August 2023
<b>Respondent</b>	PT. Sari Dumai Sejati (a subsidiary of AAA Oils and Fats Pte Ltd (APICAL Group)
<b>Membership Category</b>	Processors and / or Traders
<b>Country</b>	Indonesia
<b>Complainant</b>	Mr. Hidayat Rasyid
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Complainant is a representative of a community, and the Respondent is a Crude Palm Oil producer.</li> <li>• Allegations are with regards to unsustainable operations at the Respondent’s plant, causing severe air and noise pollution, disrupting and affecting the daily lives of the community.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat received the Respondent’s 2nd response on 26.01.2024 with the complete enclosures for the same furnished on 30.01.2024.</li> <li>2. The Secretariat is in the midst of reviewing the Respondent’s 2nd response.</li> </ol>

<b>Complaint 1.6 PT Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2023/14/HN
<b>Date Filed</b>	14 November 2023
<b>Respondent</b>	PT Cipta Davia Mandiri (a subsidiary of R.E.A. Holdings Plc)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia



<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>The Complainant alleges that the Respondent's plasma allocation and development is not in accordance with the MoU or agreement between the Respondent and the community of Kelinjau Ulu Village.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>Pending receipt of a formal response to the allegations from the Respondent.</li> </ol>

**Complaint 1.7 PT Grahadura Leidong Prima (a subsidiary of PT Bakrie Sumatera Plantations TBK) vs Requested for confidentiality**

<b>Case Reference</b>	RSPO/2023/15/HH
<b>Date Filed</b>	23 November 2023
<b>Respondent</b>	PT Grahadura Leidong Prima (a subsidiary of PT Bakrie Sumatera Plantations TBK)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>The Complainant alleges that the Respondent has yet to fulfil the commitment to allocate plasma land to the community.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>Pending receipt of a formal response to the allegations from the Respondent.</li> <li>Pending response from the Respondent as to whether they would consider resolving the dispute by way of DSF mediation or Bilateral Engagement process.</li> </ol>



## GROUP 2

<b>Complaint 2.1 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>	Indonesia
<b>Complainant</b>	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Lack of adequate health and safety equipment;</li> <li>● Worker died due to lack of safety equipment; and</li> <li>● No festive holidays for temporary workers.</li> </ul>
<b>Status</b>	Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Decision delivered. Pending expiry of appeals period.</b>

<b>Complaint 2.2 PT Perkebunan Nusantara IV (PERSERO) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2019/11/IR
<b>Date Filed</b>	23 April 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Temporary workers contract and wages issues;</li> <li>● Intimidation of workers</li> </ul>



<b>Status</b>	Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Decision delivered. Pending expiry of appeals period.</b>

<b>Complaint 2.3 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)</b>	
<b>Case Reference</b>	RSPO/2019/12/IR
<b>Date Filed</b>	6 May 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• Alleged fraud of wages for 7 workers,</li> <li>• No festive holidays and bonus for temporary workers</li> </ul>
<b>Status</b>	Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Decision delivered. Pending expiry of appeals period.</b>



**Complaint 2.4 PT Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd) vs Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch**

<b>Case Reference</b>	RSPO/2021/12/CRP
<b>Date Filed</b>	08 November 2021
<b>Respondent</b>	PT. Ramajaya Pramukti (subsidiary of Golden Agri Resources Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Lembaga Adat Kenegerian Petapahan (Ninik Mamak Kenegerian Petapahan), Bahtera Alam & Sawit Watch
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● that the Respondent conducted land expansion to about 167 hectares into the Imbo Putui Customary Forest;</li> <li>● that the Respondent's used their operational truck passing through the Customary Forest and disturbing the community with the noise and dust pollution, disturbing the growth of trees along the road, cutting off animal paths (bear, deer, pangolin, snake, monitor lizard, monkey), and cutting off water paths;</li> <li>● that the Respondent's action of planting oil palm up to the riverbank, even in the middle of the river (the company changed the waterway, then planted oil palm on the former river that was stockpiled);</li> <li>● that the Respondent is not taking the responsibility for the social, economic, and ecological damage that occurred in the Imbo Putui Customary Forest and Petapahan Village;</li> <li>● that the Respondent changed the natural shape of the rivers and made them straight;</li> <li>● that the Respondent is destroying the downstream river ecosystem in the Imbo Putui customary forest with fertilizers and pesticides; and</li> <li>● that the Respondent claimed the Imbo Putui Customary Forest as their conservation area (HCV).</li> </ul>
<b>Status</b>	Decision delivered with period to appeal (60 WD)
<b>Decision / Justification</b>	<b>1. Decision delivered. Pending expiry of appeals period.</b>



## Complaint 2.5 PT. Perkebunan Nusantara V (PERSERO) vs Requested for confidentiality

<b>Case Reference</b>	RSPO/2022/03/CRP
<b>Date Filed</b>	04 March 2022
<b>Respondent</b>	PT. Perkebunan Nusantara V (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• The Respondent is alleged of illegally controlling some of the KKPA (Primary Member Cooperative Credit) objects, as well as violating the KKPA agreement.</li> <li>• The Respondent is alleged of embezzling funds and fraud in the development of oil palm plantations.</li> <li>• The Respondent is alleged of violating the agreement related to the sale of the farmers' fruits which should have been disbursed to the Complainant to be distributed to its members and illegal bailout funds.</li> </ul>
<b>Status</b>	Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Briefing Note has been furnished to the CP members for their perusal.</b></li> </ol>





Complaint 2.6 PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd) vs Requested for confidentiality	
Case Reference	RSPO/2023/04/RH
Date Filed	10 April 2023
Respondent	PT. Bumitama Gunajaya Agro (subsidiary of Bumitama Agri Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Requested for confidentiality
Complaint Description	<ul style="list-style-type: none"> <li>• The Respondent is alleged to have conducted land clearing outside of the boundaries of their <i>Hak Guna Usaha</i> (HGU) land into the affected individuals' land for the purpose of the development of a palm oil plantation.</li> <li>• The Respondent is alleged to have filed a police report against the affected individuals which led to them obtaining the status as suspects by the police force, as a result of the individuals protesting against the Respondent's alleged land clearing activities.</li> </ul>
Status	Investigation / Deliberation (Bilateral Engagement process)
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>The parties are in the final stages of the Bilateral Engagement process which is due to end on 9 February 2024 unless extended.</b></li> </ol>



## GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
<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> <ul style="list-style-type: none"> <li>● 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>● Land takeover was done without land tenure study and participatory mapping.</li> <li>● Late HCV assessment which was done by IPB, final consultation was in May 2014.</li> <li>● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%).</li> <li>● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood.</li> <li>● 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>● 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> </ul>
<b>Status</b>	(D) Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has furnished the Briefing Notes for Phase 3 (Plasma Smallholder) and Phase 5 (FPIC) for the CP's perusal.</b></li> <li>2. <b>The Briefing Note for Phase 4 (HCV Assessments) is still under the peer review process.</b></li> </ol>



<b>Complaint 3.2 Golden Agri Resources (GAR) vs Forest Peoples Programme &amp; Elk Hills Foundation</b>	
<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>	<ul style="list-style-type: none"> <li>• The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law;</li> <li>• The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<b>1. The independent investigation by the Independent Consultant is still ongoing.</b>

<b>Complaint 3.3 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs Requested for confidentiality</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>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• Modification of property deeds to remove areas identified by the government as environmental protection zone;</li> <li>• Employees not paid minimum wage; not provided with equipment; and not</li> </ul>



	<p>given workers' benefits;</p> <ul style="list-style-type: none"> <li>● Non-compliance with labour laws;</li> <li>● Threatening of workers to suppress information from auditors;</li> <li>● Bribing workers and government agencies;</li> <li>● Manipulation of scale systems; Falsification of data;</li> <li>● Operating without an environmental license.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<p><b>1. The Secretariat is in the midst of drafting the decision letter for the perusal of the CP members.</b></p>

<b>Complaint 3.4 First Resources Limited vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/04/EN
<b>Date Filed</b>	8 March 2021
<b>Respondent</b>	First Resources Limited
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● The Respondent allegedly has ownership, control and influence over a company called Fangiono Agro Plantation (FAP) Agri, a non-RSPO member who was not declared in the Respondent's RSPO Group Membership.</li> <li>● The Respondent also allegedly has ownership, control and influence of an Indonesian company, Ciliandry Anky Abadi (CAA) who is a subsidiary of a British Virgin Islands registered company by the name of Sima Capital. This company too was not declared to be a part of the Respondent's RSPO Group Membership.</li> <li>● The Respondent, via FAP or by FAP's 11 subsidiaries have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, river pollution, and unilateral layoffs of workers.</li> <li>● The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution.</li> <li>● The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.</li> </ul>



<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The CP has directed the Secretariat to identify a new Independent Consultant. The Secretariat has furnished the profile of the new Consultant for the CP's consideration.</li> <li>2. The Secretariat received an email from the Complainants on 29 January 2024 requesting for the CP to accept further allegations against the Respondent.</li> </ol>

<b>Complaint 3.5 PT Inecda (a subsidiary of S&amp;G Biofuel Pte. Ltd) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2021/06/SW
<b>Date Filed</b>	19 March 2021
<b>Respondent</b>	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>• Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community;</li> <li>• Respondent did not develop the plasma plantations for the community; and</li> <li>• Respondent did not have an internal grievance mechanism that the stakeholders can access</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The parties have agreed to engage in social dialogue between the parties, to attempt to reach an amicable resolution.</li> <li>2. The CP has agreed to grant a period of 60 working days for the parties to engage in social dialogue, which will be facilitated by the Secretariat, starting from 22 January 2024 until 22 April 2024.</li> </ol>



<b>Complaint 3.6 Grasas Y Derivados S.A. Gradesa S.A. vs Requested for confidentiality Adjudured</b>	
<b>Case Reference</b>	RSPO/2022/14/MAM
<b>Date Filed</b>	03 November 2022
<b>Respondent</b>	Grasas Y Derivados S.A. Gradesa S.A.
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Prosecution of union workers in order to lay off them and weaken the union.</li> <li>● Infringement of constitutional rights, because the company is affecting the right of union association.</li> <li>● Dismissals of labour contracts without a fair cause.</li> </ul>
<b>Status</b>	Investigation / Deliberation - (Adjourned)
<b>Decision / Justification</b>	<p><b>1. This Complaint is still adjourned pending the outcome of the proceedings before the Ministry of Labour.</b></p>

<b>Complaint 3.7 Energy &amp; Palma S.A. ( subsidiary of HOLDING LA FABRIL S.A) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2023/01/MAM
<b>Date Filed</b>	05 January 2023
<b>Respondent</b>	Energy & Palma S.A. (a subsidiary of HOLDING LA FABRIL S.A)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Ecuador
<b>Complainant</b>	Requested for confidentiality



<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Allegations made against the Respondent are in relation to the modification of property deeds to remove areas identified by the government as community lands and environmental protection zones.</li> <li>● Lawsuit against community owners to intimidate the local people.</li> <li>● Company's activities have a negative impact on the natural environment and lead to degradation and deforestation.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has finalised the ToR and will put out the Call for Expression of Interest for the independent investigation.</b></li> </ol>

<b>Complaint 3.8 PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2022/17/LSL
<b>Date Filed</b>	26 December 2022
<b>Respondent</b>	PT. Bumi Pratama Khatulistiwa ( subsidiary of Wilmar International Limited)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Pertaining to labour related issues such as wages, no optimal health services and safety, (BPJS) is not registered, unilateral termination, the rights of the workers are not honoured, intimidation and expanded job scopes of workers (harvesters)</li> <li>● It is further alleged that the workers who have been working for a period of more than 5 years are not converted to permanent workers, instead their working days were reduced,</li> <li>● The Respondent is allegedly not transparent in determining Lembaga Kerjasama (LKS) bipartite and the amount of FFB delivered to the factory/mill.</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The latest surveillance audit report was furnished to the Complainant for a response.</b></li> <li>2. <b>The Complainant provided a response and the Secretariat has since reviewed the same.</b></li> <li>3. <b>The Secretariat is currently in the midst of seeking a directive from the CP on the proposed way forward.</b></li> </ol>



<b>Complaint 3.9 Energy &amp; Palma S.A. ( subsidiary of La Fabril Group) vs Requested for confidentiality</b>	
<b>Case Reference</b>	RSPO/2023/09/MAM
<b>Date Filed</b>	16 May 2023
<b>Respondent</b>	Energy & Palma S.A. ( subsidiary of La Fabril Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Ecuador
<b>Complainant</b>	Requested for confidentiality
<b>Complaint Description</b>	<ul style="list-style-type: none"> <li>● Decrease of the number of workers in a union due to actions of the Respondent.</li> <li>● Preventing the Union from conducting its activity.</li> <li>● Wrongful dismissal or termination of employment.</li> <li>● Bad working conditions.</li> <li>● No supply of work equipment ( such as tools).</li> </ul>
<b>Status</b>	Investigation / Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat is in the midst of reviewing the information presented by the Complainant.</b></li> </ol>