

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 23 June 2021@ 5.00pm - 8.00pm (Meeting No. 06/2021)

Meeting location: *via Zoom Link*

<p>List of Complaints Panel Member</p>	<table border="1"> <tr> <td data-bbox="376 528 906 799"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Matthias Diemer 5. Marieke Leegwater </td> <td data-bbox="912 528 1439 799"> <ol style="list-style-type: none"> 6. Lanash Thanda 7. Peter van der Werf 8. José den Toom 9. Robert Kruger 10. Priya Gopalan </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (Co Chair) 3. Michelle Desilets 4. Matthias Diemer 5. Marieke Leegwater 	<ol style="list-style-type: none"> 6. Lanash Thanda 7. Peter van der Werf 8. José den Toom 9. Robert Kruger 10. Priya Gopalan
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<p>Agenda</p>	<p><u>General Agenda:- 5.00pm to 6.15pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. RSPO Antitrust Guidelines 3. Declaration of Conflict of Interest 4. To confirm and adopt the minutes of 25 May 2021 during the CP Meeting 5. New Allegations:- <ol style="list-style-type: none"> 5.1 RSPO/2021/05/SW - Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group) 5.2 RSPO/2021/06/SW - PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) 5.3 RSPO/2021/09/EN - PT. Cipta Usaha Sejati (Subsidiary of Pasifik Agro Sentosa) 6. Complaints Case Statistics. 7. Complaints Panel meeting Dates <ol style="list-style-type: none"> 7.1 Dates for CP monthly meetings in 2021 7.2 Dates for CP Physical Meetings 7.3 Expansion of the Complaints Panel 8. Collaboration with the Investigation & Monitoring Unit (IMU) 		

	<ul style="list-style-type: none"> 8.1 FELDA Global Venture - (Article by The Wall Street Journal) 8.2 PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research) 8.3 Poligrow Colombia SAS 8.4 PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group) 9. Dispute Settlement Facility (DSF) 10. Commitment of Financial Institutions. 11. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership. 12. Any Other Matters
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13. Complaints for deliberation:-

Group 1:- 6.15pm to 7.05pm

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
2. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
3. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
4. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
5. 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
6. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
7. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
8. PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace & FPP
9. PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited) vs *requested for confidentiality*

Group 2:- 7.05pm to 7.45pm

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
3. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
4. Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*
5. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
6. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
7. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
8. PT Musim Mas Holding Pte Ltd vs *requested for confidentiality*
9. Palmaceite S.A. vs *requested for confidentiality*
10. Agroaceite S.A. vs *requested for confidentiality*
11. Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI
12. PT Agro Kati Lama - subsidiary of SIPEF group vs *requested for confidentiality*
13. PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.) vs Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.

Group 3:- 7.45pm to 8.00pm

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. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
5. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
6. Benso Oil Palm Plantation (subsidiary of Wilmar International Limited) vs Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
7. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
8. PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan
9. Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Daabon Group) vs Puerto Wilches Section Sintrainagro Deputy Director's Office
10. First Resources Limited vs *requested for confidentiality*



DETAILS OF THE AGENDA:

No.	Agenda
1.	<p>Opening Remarks from Chairperson</p> <p>Opening speech by Co-Chair.</p>
2.	<p>RSPO Antitrust Guidelines</p> <p>RSPO Antitrust Guidelines were read to the Complaints Panel.</p>
3.	<p>Declaration of “No Conflict of Interest”</p> <p>No further conflict of interest declared at this time of the meeting.</p>
4.	<p>To confirm and adopt the minutes of 25 May 2021 during the Complaints Panel Meeting.</p> <p>Minutes of 25 May 2021 adopted unanimously.</p>

5. New allegation submitted

5.1

RSPO/2021/05/SW	Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group)
Complainant	<i>requested for confidentiality</i>
Complaint received	19 March 2021
Location	Indonesia
Allegations	<ul style="list-style-type: none"> ● Complainant alleged that the Respondent prohibits the workers to conduct union activities (protest with regards to the Omnibus Law); ● Complainant alleged that the Respondent has conducted a unilateral termination of employment for the 2 (two) PT Permata Hijau Sawit workers; and ● Complainant alleged that the Respondent did not socialize the Company Regulations (<i>Peraturan Perusahaan</i>) to the workers in PT Damai Nusa Sekawan.

Discussion from 23 June 2021 (CP Meeting):-

- 1. The Complaints Desk has sent the ID to the CP for perusal.**
- 2. Pending for the CP's endorsement.**

5.2

RSPO/2021/06/SW	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
Complainant	<i>requested for confidentiality</i>
Complaint received	19 March 2021
Location	Indonesia
Allegations	<ul style="list-style-type: none"> • Respondent is operating in the area own by the Luak Talang Parit Community without obtaining prior consent from the community; • Respondent did not develop the plasma plantations for the community; and • Respondent did not have an internal grievance mechanism that the stakeholders can access.

Discussion from 23 June 2021 (CP Meeting):-

1. **The Complaints Desk had sent an email informing the CP that the Complainant had confirmed to drop the requests for confidentiality.**
2. **The Complaints Desk has received endorsement from 5 CP members. Pending endorsement from 1 more CP member to reach a quorum to proceed.**

5.3

RSPO/2021/09/EN	PT. Cipta Usaha Sejati (Subsidiary of Pasifik Agro Sentosa)
Complainant	Petrus Suwito (Binua Tingkajok Kalimantan) representing - Isak Aloka and Simon P. Liunesi
Complaint received	11 May 2021
Location	Indonesia
Allegations	<ul style="list-style-type: none"> • Embezzlement of severance pay by the Company's head of administration.

Discussion from 23 June 2021 (CP Meeting):-

1. **The Secretariat will furnish the Complaints Panel with a revised initial diagnosis after the completion of ID review by the Complaints Panel.**

6. Complaints Cases Statistics

Total Cases in 2021

	Jan-2021	Feb-2021	Mar-2021	Apr-2021
Complaints received	2	1	5	0
Status	Open (2)	Open (0) Closed (1)	Open (4) Rejected (1)	-
Country	Indonesia (2)	Switzerland (1)	Indonesia (4) Malaysia (1)	-
Case Category	-Operating without having a HGU -Labour Issues	-“no palm oil” claim	-prohibits the workers to conduct union activities -FPIC -HCV and HCS area -Labour abuse	-

	May 2021	Jun 2021	Jul 2021	Aug 2021
Complaints received	1	-	-	-
Status	Open (1)	-	-	-
Country	Indonesia (1)	-	-	-
Case Category	-Embezzlement of severance pay	-	-	-

Total Active Cases by Country and Year (as of 16.06.2021)

Country	Active Cases	Year	Active Cases
Indonesia	22	2010	1
Malaysia	4	2012	1
Colombia	3	2014	1
Nigeria	1	2015	3
Liberia	1	2017	3
Guatemala	1	2018	4
Ghana	1	2019	3
Cayman Island	1	2020	12
Honduras	1	2021	7
TOTAL	35	TOTAL	35

7. Complaints Panel Meeting Dates

7.1 Dates for Complaints Panel monthly meetings

Discussion from 23 June 2021 (CP Meeting):-

1. No further updates on the timing and scheduling of the monthly CP meeting.

7.2 Dates for Complaints Panel Physical Meetings in 2020

Discussion from 23 June 2021 (CP Meeting):-

1. The 2nd CP Quarterly Meeting has been scheduled on 6 July 2021 @ 3.30pm to 6.30pm (MYT).

7.3 Expansion of Complaints Panel

Discussion from 23 June 2021 (CP Meeting):-

1. The Complaints Desk will schedule a meeting between the selection committee and candidate.

8. Collaboration with the Investigation & Monitoring Unit (IMU)	
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 23 June 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The CB has submitted the updated report and pending final submission of the audit report.
8.2	
8.2	<p>PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research)</p> <p>Discussion from 23 June 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Pending response from the GHG unit within the Secretariat.
8.3	
8.3	<p>Poligrow Colombia SAS</p> <p>Discussion from 23 June 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Status quo.
8.4	
8.4	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 23 June 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Complaints Desk has received a request for a time extension from the Complainant to furnish response/comments on the implementation of bilateral engagement. The due date for the Complainant to provide responses/comments is 25 June 2021.
9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 23 June 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The webinar on Building Sustainable Stakeholder Relationships in DSF mediation was completed on 18.06.2021.

10. Commitments of Financial Institution(s)

Discussion from 23 June 2021 (CP Meeting):-

1. The FI data group is in discussion together and in the process of working together with RSPO in getting the shared responsibility.

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

Discussion from 23 June 2021 (CP Meeting):-

1. This matter is status quo.

13. Any Other Matters

ASC-CP MEETING

Discussion from 23 June 2021 (CP Meeting):-

1. The Complaints Desk had circulated the ASC-CP MoM to the CP members.

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)	
Case Reference	PreCAP/2015/05/PR
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	<ul style="list-style-type: none"> • 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. • 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. • 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. • A police report has been made by the community and that is the source of the complaint.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending response and update from the Respondent in respect to the status of appeal case before the Sabah Land and Survey Department (SLSD). 2. The Complaints Desk has sent a follow up email to the Respondent on 04.06.2021 and 17.06.2021.

Complaint 1.2 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin	
Case Reference	PreCAP/2015/36/PR
Date Filed	24 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	<ul style="list-style-type: none"> • The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah. • He says that he is the beneficial owner of the said land and the land office in Kota Kinabalu has confirmed that the said land is still in his name as beneficial owner. • He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015.
Status	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	<ol style="list-style-type: none"> 1. Pending expiry of appeals period on 15.07.2021.

Complaint 1.3 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK	
Case Reference	PreCAP/2012/06/PR
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	<ul style="list-style-type: none"> ● The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without : <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; ● In acting so they are alleged to have breached RSPO Principles and Criteria specifically on: <ol style="list-style-type: none"> 1. Principle 1 on Transparency, 2. Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Complaints Desk will send the CP's directive letter out to the Parties.

Complaint 1.4 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh	
Case Reference	PreCAP/2012/09/PR
Date Filed	3 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"> • has not provided public notification for a 30 day period consistent with the New Planting Procedures; • commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; • 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; • 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	1. Briefing Note in progress.

Complaint 1.5 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	
Case Reference	RSPO/2018/18/RB
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	Cayman Island
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> 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	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> CP members agreed to keep the investigation of the Complaints (HSA Group Membership and Papuan Companies related cases) separately.

Complaint 1.6 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/19/RB
Date Filed	15 October 2018
Respondent	Pacific Inter-Link (Papuan Concessions)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> • 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	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending for a complete investigation report.

Complaint 1.7 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2020/12/EN
Date Filed	14 July 2020
Respondent	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction; • Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and • Development of a jetty, which includes reclamation of the sea floor as long as 590 meters
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaints Desk has uploaded the advertisement on the website and has requested the Communication team to distribute the information onto social media.

Complaint 1.8 PT Nabire Baru and PT Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace and Forest Peoples Programme	
Case Reference	RSPO/2020/17/SW
Date Filed	18 September 2020
Respondent	PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Awasmiffee, Greenpeace & FPP
Complaint description	<ul style="list-style-type: none"> The Complaint was lodged as a result of the comments that have been given by the Complainant during the Respondent's NPP consultation period have not been resolved. The allegations as below: "that the Respondent withheld two important documents which should have been made available to stakeholders under the RSPO principle on transparency. The documents are the original draft of the 2011 HCV assessment and the Respondent's legal review commissioned by the RSPO Secretariat."
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The CP requested the Complaints Desk and the relevant unit within the Secretariat that handles NPP to check whether in the latest HCV assessment report made any references to the 2011 HCV report.

Complaint 1.9 PT Mitra Karya Sentosa (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2021/07/SW
Date Filed	19 March 2021
Respondent	PT. Mitra Karya Sentosa (a subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	requested for confidentiality
Complaint description	<ul style="list-style-type: none"> • The Respondent did not pay the full land compensation to the six (6) individuals; • The Respondent unilaterally marking up the cost of plasma development and did not refer to the relevant regulations in deciding the cost of plasma development; • The Respondent did not pay the land compensation for the land identified as HCV and HCS area; and • 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.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The CP notes the Bilateral Engagement process and requested the Complaints Desk to explain to both Parties to take the necessary steps to avoid the activities that can jeopardize the BE process.

GROUP 2

Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR	
Case Reference	PreCAP/2015/35/PR
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 the 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	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Pending expiry of appeal period on 24.08.2021.

Complaint 2.2 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch	
Case Reference	RSPO/2017/06/SW
Date Filed	13 October 2017
Respondent	PT Hati Prima Agro (subsidiary of Bumitama)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<ul style="list-style-type: none"> • 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. • 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.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note together with the chronology has been sent to the CP's perusal.



Complaint 2.3 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK	
Case Reference	RSPO/2018/14/IR
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	<ul style="list-style-type: none"> • GAR's shadow companies are actively clearing lands.
Status	(D) Investigation / deliberation
Decision / Justification	1. Pending upcoming investigation report.

Complaint 2.4 Presco PLC Nigeria (SIAT SA) vs requested for confidentiality	
Case Reference	RSPO/2018/17/PR
Date Filed	17 September 2018
Respondent	Presco PLC Nigeria (SIAT SA)
Membership Category	Oil Palm Grower
Country	Nigeria
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> 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	(D) Investigation / deliberation
Decision / Justification	1. Pending response from the Respondent.

Complaint 2.5 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT	
Case Reference	RSPO/2019/07/IR
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	<ul style="list-style-type: none"> ● Lack of adequate health and safety equipment; ● Worker died due to lack of safety equipment; and ● No festive holidays for temporary workers.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaints Desk has scheduled another meeting with ASI on 28.06.2021 with regards to the timeline for the audit.

Complaint 2.6 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality	
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	<ul style="list-style-type: none"> • Temporary workers contract and wages issues; • Intimidation of workers
Status	(D) Investigation/Deliberation
Decision / Justification	<p>1. The Complaints Desk has scheduled another meeting with ASI on 28.06.2021 with regards to the timeline for the audit.</p>

Complaint 2.7 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)	
Case Reference	RSPO/2019/12/IR
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	<ul style="list-style-type: none"> • Alleged fraud of wages for 7 workers, • No festive holidays and bonus for temporary workers
Status	(D) Investigation/Deliberation
Decision / Justification	<p>1. The Complaints Desk has scheduled another meeting with ASI on 28.06.2021 with regards to the timeline for the audit.</p>

Complaint 2.8 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality	
Case Reference	RSPO/2020/03/EN
Date Filed	11 February 2020
Respondent	PT Musim Mas Holding Pte Ltd
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Land fires occurred in the conservation area within the PT MusimMas HGU covering an area of 12 hectares; ● Damaging the river by damming the river flow; ● Community owned plantation and public cemetery are not enclaved; ● Planting on peatland and in protected areas of river banks.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note is still in progress.

Complaint 2.9 Palmaceite S.A vs requested for confidentiality	
Case Reference	RSPO/2020/05/HN
Date Filed	24 March 2020
Respondent	Palmaceite S.A.
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> 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.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Briefing Note had been furnished to the CP on 17.06.2021 and the Complaints Desk will provide the opportunity for the CP to discuss and deliberate on this Complaint in the meeting. The Complaints Desk briefed the CP on the summary of the Briefing Note. The Complaints Panel deliberated and delivered the decision. The Complaints Desk is to summarise the deliberation/decision for CP's reference.

Complaint 2.10 Agroaceite S.A. vs requested for confidentiality	
Case Reference	RSPO/2020/11/HN
Date Filed	6 July 2020
Respondent	Agroaceite, S.A.
Membership Category	Oil Palm Grower
Country	Guatemala
Complainant	<i>requested for confidentiality</i>
Complaint Description	<ul style="list-style-type: none"> • 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; • 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.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The CP endorsed for the CB to conduct further investigation and the same has been communicated to the CB on 03.06.2021. 2. The above has been updated to both parties to the Complaint on 04.06.2021. 3. Pending Report from the CB on the matter above.

Complaint 2.11 Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI	
Case Reference	RSPO/2020/13/EN
Date Filed	5 August 2020
Respondent	Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	KC FSPMI
Complaint Description	<ul style="list-style-type: none"> ● Unauthorised Company Regulations; ● Flat rate overtime premium; ● Copy of the Collective Bargaining Agreement is not furnished to the workers; ● Workers working night shift is not provided with extra food; ● Inadequate and unsanitary worker’s housing; ● Daily casual workers are not provided with a written employment agreement; ● Daily casual workers are not provided with Employment security (BPJS Ketenagakerjaan) cards; ● Complicated healthcare insurance (BPJS Kesehatan) and paid sick day processes; ● Unfair dismissal/termination for unjustified reason such as participating in union activities; ● Limitation of worker’s right to organize outside the established independent/non-affiliated trade union.
Status	(D) Investigation/Deliberation
Decision / Justification	1. The draft decision letter is in progress.

Complaint 2.12 PT Agro Kati Lama (subsidiary of SIPEF group) vs requested for confidentiality	
Case Reference	RSPO/2021/01/EN
Date Filed	22 January 2021
Respondent	PT Agro Kati Lama (subsidiary of SIPEF group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint Description	<ul style="list-style-type: none"> • The daily casual workers are paid below the minimum wage set out by the Musi Rawas District Government; • The daily casual workers are not protected and no remedy available for work accidents; • The daily casual workers are not equipped with personal protection equipment [PPE] and are not equipped with working tools; • The daily casual workers did not receive festive allowance in accordance with the regulation; • The daily casual workers, who are hired through the third party, do not get a pay slip. The amount written in the payment receipt is without formal stamp and without the name of the party who rendered the payment.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaints Desk has shared the mediator appointment agreement with the mediators. 2. Pending the signed agreement with the timeline and mediation process plan.

Complaint 2.13 PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd) vs Tim Advokasi DPPKNPI - (adjourned)	
Case Reference	RSPO/2021/02/SW
Date Filed	27 January 2021
Respondent	PT Agrowiratama (a subsidiary of Musim Mas Holdings Pte. Ltd.)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Tim Advokasi Dewan Pengurus Pusat Komite Nasional Pemuda Indonesia (DPP KNPI) on behalf of 4 Datuak (Batuah, Bonsu, Sati, and Malenggang) of customary community in Muara Kiawai, Pasaman Barat.
Complaint Description	<ul style="list-style-type: none"> ● Operating in the protected forest area without having a license from the Ministry of Forestry; ● Operating without having a HGU; and ● Did not develop plasma plantations for the community as agreed
Status	(D) Investigation/Deliberation - (adjourned)
Decision / Justification	1. This case is adjourned. Pending outcome of the court's decision.

GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
Case Reference	PreCAP/2014/03/IR
Date Filed	13 October 2014
Respondent	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
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><u>Points raised:-</u></p> <ul style="list-style-type: none"> ● 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. ● Land takeover was done without land tenure study and participatory mapping. ● Late HCV assessment which was done by IPB, final consultation was in May 2014. ● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). ● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. ● 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. ● 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. The Briefing Note is pending the ongoing process of peer review within the Complaints Desk.

Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat	
Case Reference	PreCAP/2017/06/SW
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	<ul style="list-style-type: none"> 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"> The draft directive letter has been sent to the CP and pending endorsement from CP members.

Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan	
Case Reference	PreCAP/2010/01/PR
Date Filed	15 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	<ul style="list-style-type: none"> • 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 Complaints Desk had a meeting with representatives of the Respondent. 2. The Respondent have also forwarded to the Complaints Desk some supporting documents. They are currently being reviewed by the Complaints Desk

Complaint 3.4 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation	
Case Reference	RSPO/2020/04/IR
Date Filed	2 March 2020
Respondent	Golden Agri Resource (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme & Elk Hills Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law; • The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	1. Pending the upcoming of the investigation.

Complaint 3.5 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality	
Case Reference	RSPO/2020/07/LSL
Date Filed	6 April 2020
Respondent	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
Membership Category	Oil Palm Grower
Country	Honduras
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Modification of property deeds to remove areas identified by the government as environmental protection zone; ● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits; ● Non-compliance with labour laws; ● Threatening of workers to suppress information from auditors; ● Bribing workers and government agencies; ● Manipulation of scale systems; Falsification of data; ● Operating without an environmental license.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaints Desk has sought clarification from the CB regarding the special audit report and pending response from the CB.

Complaint 3.6 Benso Oil Palm Plantations (subsidiary of Wilmar International Limited) vs Mrs Joseph Yankey & Mr Solomon Asante-Sefa	
Case Reference	RSPO/2020/15/LSL
Date Filed	25 August 2020
Respondent	Benso Oil Palm Plantation (subsidiary of Wilmar International Limited)
Membership Category	Oil Palm Grower
Country	Ghana
Complainant	Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
Complaint description	<ul style="list-style-type: none"> ● The Respondent has acquired land to develop oil palm in Ghana; ● The Respondent has destroyed farmers' rubber plantation; ● The Respondent is not willing to pay for the damages caused to the rubber farmers; ● The Respondent is still cutting down rubber farms to plant oil palm; ● The remaining uncultivated lands have been taken over for the Respondent's project; ● The Respondent has shown no interest in resolving these issues despite several Complaints made to the Respondent by the Complainants.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaints Desk has received the settlement agreement by both parties. 2. The Complaints Desk will be writing to parties to seek clarification with regards to the settlement agreement.

Complaint 3.7 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality

Case Reference	RSPO/2020/19/IR
Date Filed	5 October 2020
Respondent	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Unilateral pay cut by the Respondent ● Poor living conditions for the labourers ● Intimidation of workers ● Forced labour ● Lack of transparent grievance system
Status	(D) Investigation / deliberation
Decision / Justification	1. Briefing Note is in progress.

Complaint 3.8 PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan	
Case Reference	RSPO/2020/20/SW
Date Filed	12 November 2020
Respondent	PT Nubika Jaya (subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	LSM-Baris Labuhanbatu Selatan
Complaint description	<ul style="list-style-type: none"> ● No Domestic Wastewater Treatment Plant; ● The Oleochemical equalization pool was not built with concrete; ● Sludge from the Oleochemical Wastewater Treatment Plant has never been transported to a designated waste processing agency. ● Dispose of liquid waste without permit; ● Inconsistency on the volume of Hazardous Waste transported to a designated waste processing agency; ● A sparring equipment has yet installed at the Wastewater Treatment Plant; ● No certified Wastewater Treatment Operational Responsible and Water Pollution Control Officer onsite; ● Processing fresh fruit bunches from non-RSPO certified plantations.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Bilateral Engagement period has ended and both parties did not reach an agreement. 2. The Complaints Desk has forwarded the Respondent's formal response to the Complainant. 3. Pending feedback from the Complainant.

Complaint 3.9 Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Subsidiary of Daabon Group) - (Adjourned)	
Case Reference	RSPO/2020/16/LSL
Date Filed	10 September 2020
Respondent	Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group)
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	Puerto Wilches Section Sintrainagro Deputy Director’s Office
Complaint description	<ul style="list-style-type: none"> ● Non-compliance with labour rights/laws; ● Anti-union practices; and ● Employees not provided sufficient protection equipment.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaint is adjourned pending the outcome of the claims lodged before the Ministry of Labour.

Complaint 3.10 First Resources Limited vs requested for confidentiality	
Case Reference	RSPO/2021/04/EN
Date Filed	8 March 2021
Respondent	First Resources Limited
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • 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. • 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. • 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. • The Respondent, via CAA, have violated the RSPO Principles and Criteria by deforestation, peatland degradation, using lands for plantation without FPIC, and river pollution • The Respondent is violating its NDPE Commitments, the RSPO Principle and Criteria, the RSPO Code of Conduct, and RSPO membership rules.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. Two CP members agreed for the Complaints Desk to follow up with the membership unit. Pending approval from other CP members, endorsement will be sent via email.</p>