

COMPLAINTS PANEL MINUTES OF MEETING

for Website

Date: 29 September 2021 @ 5.00pm - 8.05pm (Meeting No. 09/2021)

Meeting location: *via Zoom Link*

<p>List of Complaints Panel Member</p>	<table border="1"> <tr> <td data-bbox="375 528 906 797"> <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="914 528 1439 797"> <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 style="text-align: center;"><u>General Agenda:-5.00pm to 6.10pm</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 August 2021 during the CP Meeting 5. New Allegations:- <ol style="list-style-type: none"> 5.1 RSPO/2021/10/LSL - PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited) 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 		

	<p>8. Post Complaints Monitoring</p> <p style="padding-left: 40px;">8.1 FELDA Global Venture - (Article by The Wall Street Journal)</p> <p style="padding-left: 40px;">8.2 PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research)</p> <p style="padding-left: 40px;">8.3 Poligrow Colombia SAS</p> <p style="padding-left: 40px;">8.4 PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>9. Dispute Settlement Facility (DSF)</p> <p>10. Commitment of Financial Institutions.</p> <p>11. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.</p> <p>12. Any Other Matters</p>
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13. Complaints for deliberation:-

Group 1:- 7.15pm to 8.05pm

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

Group 2:- 6.10pm to 6.25pm

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. PT Agro Kati Lama - subsidiary of SIPEF group vs *requested for confidentiality*
12. 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.
13. PT. Cipta Usaha Sejati (Subsidiary of Pasifik Agro Sentosa) vs Petrus Suwito (Binua Tingkarak Kalimantan) representing - Isak Aloka and Simon P. Liunesi

Group 3:- 6.25pm to 7.15pm

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Goodhope Asia Holdings Ltd vs RSPO Secretariat
3. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
4. 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*
11. PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs *requested for confidentiality*
12. PT SMART TBK (Golden Agri Resources Ltd) vs *requested for confidentiality*

DETAILS OF THE AGENDA:

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

5. New allegation submitted

5.1

RSPO/2021/10/LSL	PT. Nabatindo Karya Utama (subsidiary of Bumitama Agri Limited)
Complainant	requested for confidentiality
Complaint received	1 July 2021
Location	Indonesia
Allegations	<ul style="list-style-type: none"> Allocation of plasma land for Tumbang Koling Village was not fulfilled.

Discussion from 29 September 2021 (CP Meeting):-

- The CP has endorsed the Initial Diagnosis and the Complaints Desk is to attend with the necessary.**

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	0	2	0
Status	Open (1)	-	Open (2)	-
Country	Indonesia (1)	-	Indonesia (2)	-
Case Category	-Embezzlement of severance pay	-	-Plasma land transferred to the alleged illegal production forest area -Allocation of plasma land not fulfilled	-

Total Active Cases by Country and Year (as of 24.09.2021)

Country	Active Cases	Year	Active Cases
Indonesia	23	2010	1
Malaysia	3	2012	1
Colombia	3	2014	1
Nigeria	1	2015	2
Liberia	1	2017	3
Guatemala	1	2018	4
Ghana	1	2019	3
Cayman Island	1	2020	11
Honduras	1	2021	9
TOTAL	35	TOTAL	35

7. Complaints Panel Meeting Dates

7.1 Dates for Complaints Panel monthly meetings

	<p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> CP members have no comments to the dates proposed for the CP meetings from January 2022 to June 2022.
7.2	Dates for Complaints Panel Physical Meetings in 2020
	<p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> The CP asked to have a placeholder for every quarter and then prior to the month of the Quarterly meeting, <ol style="list-style-type: none"> if the CP need to go ahead with the meeting, is there enough content that requires discussion, or to push to the next quarterly meeting where the CP will have time to look into the issue.
7.3	Expansion of Complaints Panel
	<p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> The Co-Chairs and two representatives of the CP have agreed for the proposed date on 6/10/2021 at 2pm Jakarta time (3pm MYT) to have a discussion session with the candidate for the CP.
8.	Post Complaints Monitoring
8.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> Pending further directions from the CP.
8.2	<p>PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research)</p> <p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> Pending final deliberation by the CP

8.3	<p>Poligrow Colombia SAS</p> <p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. Status quo. The progress of the implementation of the Respondent’s action plans and management plans shall be recorded in the next surveillance audit report. 2. Pending the surveillance audit.
8.4	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The CP directs the Secretariat to request further clarification from the Respondent.
9. Dispute Settlement Facility (DSF)	
	<p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Complaints Desk is in the midst of scheduling a DSF Advisory Group online meeting, tentatively in October 2021.
10. Commitments of Financial Institution(s)	
	<p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. No further updates.
11. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership	
	<p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The proposals from the Resolution 6d TF had been presented to the Board of Governors on 27.09.2021 during the Board meeting. One of the Board members had some queries to the Resolution, and the Resolution will only be passed after the queries were



	<p>addressed.</p>
13. Any Other Matters	
	<p>ASC-CP MEETING</p> <p>Discussion from 29 September 2021 (CP Meeting):-</p> <ol style="list-style-type: none">1. No further updates.

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. The Respondent has furnished the Appeal decision letter by Sabah Lands and Surveys Department (SLSD) to the Complaints Desk on 17 September 2021. The same has been furnished to the Complainant. 2. The Complaints Desk will proceed to draft a Briefing Note and compile all the relevant information for the CP’s deliberation.

Complaint 1.2 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 Briefing Note is finalised.

Complaint 1.3 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. Pending Briefing Note on updates provided by the Consultant.

Complaint 1.4 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"> Supplementary documents and evidence from the Complainant and the Respondent has been requested. The due date from the Complainant will be on 08.10.2021.

Complaint 1.5 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. Supplementary documents and evidence from the Complainant and the Respondent has been requested. The due date from the Complainant will be on 08.10.2021.

Complaint 1.6 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	1. The report is finalised and both parties have furnished their feedback.

Complaint 1.7 PT Nabire Baru and PT Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd) vs Awasmifee, 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	Awasmifee, 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 Secretariat has furnished the Respondent's legal review to the CP and has noted on the CP request to send the breakdown of the legal review to the CP.

Complaint 1.8 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. Pending completion of the Bilateral Engagement process that will be due on the 25.10.2021.

Complaint 1.9 Papaso Estate & PT Damai Nusa Sekawan - Soso & Bukit Udang Estate (a subsidiary of Permata Hijau Group) vs requested for confidentiality	
Case Reference	RSPO/2021/05/SW
Date Filed	19 March 2021
Respondent	Papaso Estate & PT Damai Nusa Sekawan - Sosa & Bukit Udang Estate (a subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	requested for confidentiality
Complaint description	<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.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is in the midst of translating the feedback received from the Parties.

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	(H) Appeals Submitted
Decision / Justification	<ol style="list-style-type: none"> The Appeals Panel has been formally appointed on 21 September 2021. The 1st meeting of the Appeals Panel has been scheduled on 06 October 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	<ol style="list-style-type: none"> The decision letter is finalised and under peer review process.

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 investigation.

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	<ol style="list-style-type: none"> Engagement of both parties through internal structure is in progress. Both parties are keen to reach an amicable resolution through this engagement.

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 Secretariat recently received correspondence from the Complainant stating that they intend to withdraw the Complaint as parties have reached an amicable resolution. 2. The documents are currently being reviewed to see if parties have reached an amicable resolution for all matters.

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	<ol style="list-style-type: none"> 1. The Secretariat recently received correspondence from the Complainant stating that they intend to withdraw the Complaint as parties have reached an amicable resolution. 2. The documents are currently being reviewed to see if parties have reached an amicable resolution for all matters.

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	<ol style="list-style-type: none"> 1. The Secretariat recently received correspondence from the Complainant stating that they intend to withdraw the Complaint as parties have reached an amicable resolution. 2. The documents are currently being reviewed to see if parties have reached an amicable resolution for all matters.

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	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	1. Pending expiry of appeal period on 30 November 2021.

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	(G) Decision delivered with period to appeal (60 WD)
Decision / Justification	<ol style="list-style-type: none"> The deadline of the appeal submission will be on 12 November 2021.

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 CB has furnished the investigation report (additional investigation) on 11 September 2021 and the same has been furnished to both parties. 2. The Complaints Desk is preparing the Briefing Note for the CP's deliberation. The Briefing Note is currently under peer review.

Complaint 2.11 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	1. The mediation process agreement is to be signed by both parties.

Complaint 2.12 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. Adjourned. Pending update of the Court process.

Complaint 2.13 PT Cipta Usaha Sejati (subsidiary of Pasifik Agro Sentosa) vs Petrus Suwito (Binua Tinkakok Kalimantan) representing - Isak Aloka and Simon P.Luinesi

Case Reference	RSPO/2021/09/EN
Date Filed	11 May 2021
Respondent	PT. Cipta Usaha Sejati (Subsidiary of Pasifik Agro Sentosa)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Petrus Suwito (Binua Tingkarak Kalimantan) representing - Isak Aloka and Simon P. Luinesi
Complaint Description	<ul style="list-style-type: none"> • Embezzlement of severance payment of two retired workers by the Respondent's Head of Administration.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending response from the Complainant regarding the withdrawal of the mandate by the affected (retired) workers.

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 Secretariat is in the midst of finalising the Phase 3 Briefing Notes.

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 Complaints Desk is waiting for an update from the Compensation Unit with regards to the Concept Note.

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	1. Pending report from Complaints Desk and deliberation by the CP.

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 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 CP has made a directive to bring this matter up to the ASI and the Secretariat will liaise with the ASI on this matter.

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. Upon perusing the available information, one (1) of the affected farmers is not in the original list of Complainants submitted before the RSPO. This case would not be processed further. 2. The legal proceedings for the other affected farmer is in progress and the next hearing is expected in mid October 2021.

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. Pending endorsement of the letter by the CP.

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 Complainant had informed the Secretariat that a mutual agreement had been reached with the Respondent and was satisfied with the given evidence that the Respondent had obtained all of the necessary permits and license. Therefore, the Complainant wishes to withdraw the Complaint. 2. The Secretariat is in the midst of translating the mutual agreement before it can be shared to the CP.

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	<ol style="list-style-type: none"> 1. The CP directs the Complaints Desk to request supplementary evidence to establish proof of relationship between the Companies from the Complainant.

Complaint 3.11 PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/06/SW
Date Filed	19 March 2021
Respondent	PT Inecda (a subsidiary of S&G Biofuel Pte. Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<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
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of translating the feedback received from Parties before it can be shared to the CP.

Complaint 3.12 PT SMART TBK (a subsidiary of Golden Agri Resources Ltd) vs requested for confidentiality	
Case Reference	RSPO/2021/11/HN
Date Filed	11 July 2021
Respondent	PT SMART TBK (subsidiary of Golden Agri Resources Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Supply CPO & FFB from unsustainable sources. • The Respondent supplies FFB and CPO from PT Kapuasindo Palm Industri (a subsidiary of Kencana Group), a non-RSPO member, which has a series of conflicts with the local community and violations to the RSPO standards.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The formal acceptance of the Complaint has been communicated to both parties. 2. The Respondent furnished their response to the allegation on 16.09.2021 and the Complaints Desk received the Complainant's comments to the Respondent's response on 28.09.2021. 3. Both documents have been furnished to the CP. 4. The Complaints Desk shall request for further clarification/confirmation from both parties.