

TERMS OF REFERENCE

Independent Investigation of the Complaint against

PT Grahadura Leidong Prima (a subsidiary of PT Bakrie Sumatera Plantations Tbk)

1. Background

PT Grahadura Leidong Prima, a subsidiary of PT Bakrie Sumatera Plantations Tbk (hereinafter referred to as "the Respondent") is an RSPO member and must comply with the requirements of the RSPO Key Documents. On 23rd November 2023, a community represented by the Head of a Farmer Group (hereinafter referred to as "the Complainant") lodged a complaint against the Respondent alleging that the Respondent has yet to fulfil its commitment to facilitate the development of plasma plantation for the community. The Complainant further alleged that:

- a) the Respondent never followed up on an agreement to facilitate the development of plasma plantation for the community; and
- b) the Respondent did not provide any information on the completion or implementation of the development of plasma plantation and conservation partnership.

To verify the above allegations, pursuant to section 7.1.4 of the RSPO Complaints and Appeals Procedures 2017, the independent Complaints Panel has directed the RSPO Secretariat to engage an Independent Investigator/Expert to conduct an independent investigation.

2. Objectives

The objectives of the independent investigation are to:

- a) investigate and verify the allegations listed under item (I) above and gather evidence for analysis; and
- b) to prepare a report setting out the investigation's findings with a conclusion and recommendations (where applicable) for the independent Complaints Panel's consideration.

3. Methodology

The primary methodology for this independent investigation is an on-site review and desk research to meet the above-mentioned objectives.

The independent investigation will ensure that: -

- a) the evidence gathered from both the Complainant and Respondent as well as any other information from relevant stakeholder(s) and relevant publicly available information on each of the allegations raised are reviewed; and
- b) an analysis of the evidence and information gathered pertaining to the allegations raised and an evaluation of the Respondent's compliance with the applicable laws and RSPO Key Documents are undertaken.

4. Expected outcomes

The expected outcome of this exercise is a report from the Independent Investigator/Expert addressing all the elements listed under the objectives. The report is to be submitted in both English and Bahasa Indonesia languages.

5. Terms of Engagement

The terms of engagement are as follows:

- a. The Independent Investigator/Expert shall at all times adhere to the highest level of professionalism during the investigation process. This includes: -
 - i. Adherence to the schedule and deadlines;
 - ii. Carrying out an independent investigation in an impartial and objective manner during the process;
 - iii. Ensuring all findings and analysis are supported with evidence gathered;
 - iv. Timely reporting to the Grievance Unit within the RSPO Secretariat; and
 - v. Maintaining the confidentiality of all information and supporting documents received and reviewed throughout this exercise.

- b. RSPO Secretariat will: -
 - i. Share all relevant information pertaining to the complaint including but not limited to the RSPO Key Documents and supporting documents relied on in the course of this complaint; and
 - ii. Facilitate meetings to clarify instructions and directions as applicable.

6. Independent Investigator/Expert

The Independent Investigator/Expert should meet the following minimum criteria: -

1. Proven track record in performing a similar study in the palm oil sector and/or agriculture industry;
2. Fluent in English and Bahasa Indonesia - both written and spoken;
3. Does not have a conflict of interest with the Respondent (PT Grahadura Leidong Prima) and its parent company (PT Bakrie Sumatera Plantations Tbk), the Complainant, entities or individuals listed in the complaint, and members of the RSPO Secretariat;
4. Is able to demonstrate sufficient knowledge in interpreting the RSPO Key Documents;
5. Has knowledge of Indonesian law on customary rights and plasma plantation development requirements in Indonesia; and
6. Able to carry out an independent analysis of the data captured to meet the objectives in item (II) above.

7. Schedule

The timeline for this exercise is dependent on the availability of the Independent Investigator/Expert. Parties to the complaint will be updated on the agreed timeline of the investigation exercise upon consultation between the Secretariat and the Independent Investigator/Expert and upon approval of the timeline by the independent Complaints Panel.

8. Estimated Cost

The RSPO has allocated a budget for this exercise. It will meet the reasonable cost of the Independent Investigator/Expert.

Parties who meet the requirements of this ToR are invited to submit a copy of your curriculum vitae and a fee proposal to complaints@rspo.org

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