



Terms of Reference

Independent Investigation of the Complaint against PT Guntung Idamannusa

1. Background

- 1.1. PT Guntung Idamannusa (hereinafter referred to as the “**Respondent**”) is a group member of Musim Mas Holdings Pte Ltd, an RSPO member under Membership No. 2-0907-18-000-00, and is therefore bound to comply with all applicable RSPO Key Documents. On 16 October 2024, a Complaint (with reference number RSPO/2024/14/RH) was lodged against the Respondent in relation to its operations in Pelanduk Village, Mandah District, Indragiri Hilir Regency, Riau Province, Indonesia.
- 1.2. A summary of the Complainant’s allegations is as follows: -
 - a) **Allegation on Corporate Social Responsibility:** The Complainant alleges that the Respondent’s corporate social responsibility (CSR) program is not concrete and sustainable for the surrounding community;
 - b) **Allegation on pest infestation resulting from replanting:** The Complainant alleges that the Respondent has conducted replanting/cutting down of oil palm trees on a plantation, resulting in the emergence of insect pests (rhinoceros beetles) damaging the community’s coconut plantation;
 - c) **Allegation on insufficient pesticides and lack of responsibility:** The Complainant alleges that the Respondent only provided pesticides twice and did not take responsibility for the coconut plantation’s damage; and
 - d) **Allegation of a lack of urgent response:** The Complainant alleges that the community’s pesticide proposal through the Village Head was not urgently responded to by the Respondent, which caused the surrounding community to suffer great losses.
- 1.3. For the purposes of determining this Complaint, the independent Complaints Panel has directed the Secretariat pursuant to Section 7.1.4 of the RSPO Complaints and Appeals Procedures 2017 (hereinafter referred to as the “**CAP 2017**”) to engage an Independent Investigator/Expert to conduct an independent investigation for the purposes of determining if the above-mentioned allegations are true or otherwise.



2. Objectives

2.1. The objectives of this independent investigation are to: -

- a) Investigate the allegations listed under Paragraph 1.2 above and gather evidence for the determination of the independent Complaints Panel;
- b) Investigate the allegations listed under Paragraph 1.2 above against the requirements of the provisions of the RSPO Key Documents (including but not limited to): -
 - i) **RSPO Code of Conduct for Members 2022: -**
 - **Clause 2.3:** Members will commit to open and transparent engagement with interested parties, and actively seek resolution of conflict.
 - ii) **RSPO Principles and Criteria for the Production of Sustainable Palm Oil 2018: -**
 - **Criterion 1.1:** The unit of certification provides adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages and forms to allow for effective participation in decision making.
 - **Criterion 1.2:** The unit of certification commits to ethical conduct in all business operations and transactions.
 - **Criterion 2.1:** There is compliance with all applicable local, national, and ratified international laws and regulations.
 - **Criterion 4.2:** There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.
 - **Criterion 4.3:** The unit of certification contributes to local sustainable development as agreed by local communities.
 - **Criterion 7.1:** Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques;



Note: To refer to the Indonesia National Interpretation of the RSPO Principles and Criteria for the Production of Sustainable Palm Oil 2018.

and

- c) 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

- 3.1. The primary methodology for this independent investigation comprises an on-site review and desk research to meet the objectives set out in Paragraph 2.1 above. The on-site review shall include interviews with members of the surrounding community and consultation with an expert who is knowledgeable about the causes of rhinoceros beetle infestations in plantations.
- 3.2. The independent investigation will ensure that: -
 - a) The evidence gathered from both the Complainant and Respondent, as well as any other relevant stakeholders and publicly available information from third parties, is reviewed in relation to each of the allegations raised; and
 - b) Each allegation is analysed to meet the objectives as set out in Paragraph 2.1 above.

4. Expected Outcome

- 4.1. 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.
- 4.2. The draft report prepared by the Independent Investigator/Expert shall be shared with the independent Complaints Panel for its review. Any further clarification, if required, shall be provided by the Independent Investigator/Expert to the independent Complaints Panel prior to the finalisation of the report.
- 4.3. A copy of the draft report shall also be provided to the Parties to this Complaint solely for the purpose of factual verification, subject to the Parties' compliance with any requirements determined by the Independent Investigator/Expert (if applicable).



5. Terms of Engagement

5.1. The terms of engagement are as follows: -

- a) In line with Sections 8.4.1 and 8.4.2 of the CAP 2017, the Independent Investigator/Expert must sign and execute a Non-Disclosure Agreement, and shall at all times adhere to the highest level of professionalism during the investigation process. This includes: -
 - i) Timeliness and adherence to the schedule and deadlines;
 - ii) Carrying out an independent investigation in an impartial and objective manner during the process. This independent investigation must include both on-site and desktop verifications;
 - iii) Ensuring all findings and analyses 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) The 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 direction of the investigation as applicable.

6. Independent Investigator/Expert

6.1. The RSPO Secretariat proposes that the investigation be conducted by individuals or teams with a strong investigative background. The Independent Investigator/Expert should meet the following minimum criteria: -



- a) **Regional expertise:** Based in Indonesia, preferably with specific knowledge of Indonesian palm oil business practices, and experience in engaging with stakeholders surrounding palm oil business operations in Indonesia;
- b) **Relevant sector experience:** Has a proven track record in conducting similar desktop and on-site investigations or studies within the palm oil sector and/or the agriculture industry;
- c) **Language proficiency:** Fluent in English and Bahasa Indonesia, both written and spoken;
- d) **Independence and impartiality:** Does not have a conflict of interest with the Respondent (PT Guntung Idamannusa) and/or any other entity affiliated with Musim Mas Holdings Pte Ltd, the Complainant, any entities or individuals listed in the Complaint, or members of the RSPO Secretariat;
- e) **RSPO knowledge:** Has sufficient knowledge and experience in interpreting the RSPO Key Documents;
- f) **Social and Environmental Impact and Good Agricultural Practices knowledge:** Has sufficient knowledge and experience in assessing social and environmental impacts and good agricultural practices in relation to replanting processes;
- g) **Analytical and Reporting competency:** Has a proven track record in independently analysing and verifying multidisciplinary data from various sources (e.g. interviews with members of the surrounding community, legal documents, operational documents, social/environmental assessments, maps, satellite imagery, etc.) and producing comprehensive findings in line with the investigation objectives set out in Paragraph 2.1 above; and
- h) **Legal expertise and social context:** Preferably has sufficient knowledge and capacity to analyse applicable Indonesian laws and regulations relevant to: -
 - i) Socio-environmental conflicts and remedial measures;
 - ii) Environmental protection and management;
 - iii) Replanting procedures;
 - iv) Agricultural pest management for oil palm and coconut plantations; and



- v) Corporate social responsibility.

7. Schedule

- 7.1. 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

- 8.1. The RSPO Secretariat has allocated a budget for this exercise. It will meet the reasonable cost of the Independent Investigator/Expert.
- 8.2. Parties who meet the requirements of this ToR are invited to submit a copy of their curriculum vitae and a fee proposal to complaints@rspo.org.