



Roundtable on Sustainable Palm Oil

COMPLAINTS PANEL MEETING MINUTES

17 Feb 2015 | 3.30pm – 5.30pm | Meeting No. 2/2015

Meeting venue: *RSPO Secretariat Office, 37 Floor, Menara UOA, Bangsar, Kuala Lumpur, Malaysia*

GENERAL MEETING AGENDA

List of Complaint Panel members

Melizel Asuncion (Verite), Henry Barlow (Affiliate Member), Michelle Desilets (Orangutan Land Trust), Matthias Diemer (WWF Switzerland), Bambang Dwilaksono (First Resources), Marieke Leegwater (Solidaridad), Sabarinah Marzuky (Sime Darby), John Payne (Borneo Rhino Alliance), Nina Roth (UBS AG), Olivier Tichit (Sipef).

3.30pm-4pm

1. Opening Remarks by Chairperson
2. To confirm and adopt the minutes of the 20 January 2015 Complaints Panel Meeting
3. New Complaints
4. Monthly Update: List of Complaints
5. Any other matter

Group 1: 4pm-4.30pm

1. PT Ladang Sawit Mas (LSM)
2. PT Nabatindo Karya Utama (NKU) /PT Andalan Sukses Makmur (ASMR)
3. PT Hati Prima Agro - Bumitama Gunajaya Agri Ltd (BGA)
4. Genting Plantation Bhd/ Borneo Rhino Alliance
5. PT Limpah Sejahtera (First Resources Ltd)
6. PT Borneo Surya Mining Jaya (First Resources Ltd)

Group 2: 4.30pm-5pm

7. Equatorial Palm Oil
8. PT Sisirau/Ibris Palm Group
9. PT Sinar Sawit Andalan/ Sumber Hasil Prima - PT Agro Bukit (Goodhope)
10. PT Permata Hijau Pasaman (PHP) 1 (Wilmar International)

Group 3: 5.00-5.30pm

11. PT London Sumatra (Lonsum)
12. Golden Veroleum Liberia (GVL)
13. PT Kartika Prima Cipta/ Golden Agri Resource (GAR)

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| Agenda item |
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| <p>1. Opening Remarks by Chairperson</p> <p>The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.</p> |
| <p>2. Minutes of the meeting of 20 January 2015</p> <p>The minutes of the meeting were adopted and confirmed by the members unanimously.</p> |
| <p>3. New Complaints</p> <p>Three new complaints have been received since 20 January 2015.</p> <p>1. PT Perkebunan Nusantara III (PTPN 3)</p> <p>Masyarakat Peduli Lingkungan Hidup Labusel (MPLH), who represent Mr. Busu Rambe against PTPN 3, North Sumatra. The complaint is about the planting activity of PTPN 3 which has affected the small holding owned by Pak Busu Rambe (± 280 palm oil trees, 4 years old) a member of the local community. PTPN 3 activities is alleged to have caused soil erosion as a result of the company planting on steep slopes. The eroded soil that entered Mr. Busu Rambe's plantation land area has resulted in him not being able to harvest his crop.</p> <p>2. PT Barumun Agro Sentosa</p> <p>The complaint is between Mr. Hepli Harahap and Haji Soleh Hasibuan against PT Barumun Agro Sentosa (PT BAS). The complaint is about land claim issues, located in Jambu Tonang village, Simangambat, Padang Lawas Utara district, Sumatera Utara, Indonesia. Secretariat are still awaiting further information.</p> <p>3. PT Unggul Lestari</p> <p>Kelompok Tani/ Community Group Bhakti Karya in Bukit Indah village, sub district Telaga Antang, District (Kabupaten) Kotawaringin Timur, Central Kalimantan Province, against PT Unggul Lestari. The complaint is about a land claim, 685 hectares. Kelompok and Bhakti Karya allege that PT Unggul Lestari has taken their land and planted on it without their permission.</p> |

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4. Monthly Update: List of Complaints

| Categories : | Cases Closed | | Cases open |
|-------------------------------------|--------------|--------------------------------|------------------|
| Case closed (Box H): | 23 | Complaint received (Box A): | 5 |
| Case closed for monitoring (Box G): | 9 | Complaint categorized (Box B): | 2 |
| Unresolved case (Box Q): | 1 | Panel Convened (Box C): | 1 |
| | | Complaint legitimate (Box D): | 2 |
| | | Reviewing response (Box E): | 3 |
| | | Action Plan (Box F): | 5 |
| | | Appeal(Box P) | 1 |
| Sub - total | 33 | | 19 |
| | | | Total: 52 |

At this meeting, a total of 13 complaint cases were deliberated.

A total of 3 complaint cases have been referred to the Dispute Settlement Facility.

A total of 5 complaint cases have been referred to the Compensation Panel.

5. Any other matters for the Complaints Panel

5.1 Update on Complaints System Review

- i. The public version of the Complaints Panel meeting minutes is now posted on the RSPO website. The 20 Jan 2015 meeting minutes was posted on 16 Feb 2015.
- ii. One day workshop to discuss Complaints System Revamp was organized by Secretariat in ALoft hotel, Kuala Lumpur on 12 February 2015.
- iii. The 2nd Advisory Group conference call meeting was held on 30 January 2015. Minutes have been shared with the Advisory Group members on 10 February 2015.
- iv. It was noted that Pak Edi Suhardi is to suggest names of 4-5 grower members to be nominated to the Advisory Group, and that the Advisory Group members will choose 1 name to be included into the Advisory Group representing growers.
- v. The draft Complaint System document which contains the revised Complaints Procedure, the new Complaints Form & Checklist, and the Code of Conduct for Complaint Panel members and for complaints will be shared with Secretariat and CP members for comments by 28 Feb 2015.
- vi. Monthly updates are needed on Complaint cases that are referred to the Compensation Panel.

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- vii. Work plan of Complaints System Revamp has been developed by Head of Impacts for implementation. Complaints Coordinator to finalize the Work Plan by early March 2015 for circulation to the Complaints Panel members and the Advisory Group members.
- viii. Intern for KL office has been interviewed on 8 February 2015.

5.2 Golden Veroleum Liberia complaints and the RSPO Report

- i. A revised report has been sent to all the stakeholders on 8 January 2015
- ii. A new Panel is to be convened for the deliberation of the GVL complaint. The CP agreed that the meeting on GVL complaint shall be deliberated on 26 February 2015 and the Secretariat shall prepare a 'discussion paper'.
- iii. The Chair also said that a Standard Operating Procedure (SOP) for future visits by RSPO Secretariat on complaints matters must be put in place to address acknowledged weaknesses and to ensure that the visits are viewed positively by stakeholders.

5.3 Membership of the Complaints Panel

- i. The Secretariat has put an announcement on the RSPO website inviting volunteers to serve. Response has been poor thus far. The Secretariat will continue to seek new members to create the CP members pool.
- ii. Bremen Yong of Bumitama has expressed an interest to serve on the Complaints Panel.
- iii. HI mentioned that we have another potential CP member in Abdul Aziz of Keresa Plantations Sdn Bhd, who has expressed an interest in serving. He hopes to confirm it soon.
- iv. The Secretariat had a meeting with Torben Venning of HUMANA and he has confirmed joining the CP effective March 2015. Appointment letter to be sent by 18 Feb 2015.
- v. The Chair said that henceforth, we should have a rule for new CP members. If a potential new CP member wishes to serve, the outstanding complaint against his organization (if any) must at least be 'closed for monitoring' before he/she is allowed to serve.

5.4 Dates for the next CP meeting

- i. The upcoming CP meeting dates for the 1st and 2nd Quarter of 2015 are as follows:

| Mar | Apr | May | June |
|------------|------------|------------|------------|
| 17/03/2015 | 15/04/2015 | 26/05/2015 | 18/06/2015 |

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DELIBERATION OF COMPLAINTS

| | |
|-------------------------|--|
| Complaint 1 | |
| Member Organization | PT Ladang Sawit Mas (LSM) – (a subsidiary of Bumitama Agri Ltd.) |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Yayasan IARI, Friends of Borneo |
| Date filed | 8 April 2013 |
| Nature of complaint | Complaint by Friends of Borneo that PT Ladang Sawit Mas is clearing orangutan habitat and is not complying with the RSPO guidelines. |
| Status | Box G – Closed for monitoring |
| Decision /Justification | The case has been closed for monitoring Bumitama has submitted progress report for the period October –December 2014. The report has been shared with the Complainant, Friends of Borneo, to their satisfaction. Bumitama must continue to implement the agreed Action Plan. The RSPO Secretariat shall continue to monitor the case and inform the Complaints Panel of any developments. |

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| Complaint 2 | |
| Member Organization | PT Nabatindo Karya Utama (PT NKU)/PT Andalan Sukses Makmur (PT ASMR)- (subsidiaries of Bumitama Agri Ltd.) |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Centre for Orangutan Protection (COP)/HUTAN/JATAN |
| Date filed | 10 March 2013 |
| Nature of complaint | The company is alleged to have breached Principle 5: Environmental responsibility and conservation of natural resources and biodiversity and Principle 7: Responsible development of new plantings, i.e. in the development of the land within the concession. |
| Status | Box G – Closed for monitoring |
| Decision /Justification | PT NKU /PT ASMR remain as closed for monitoring and the Secretariat shall monitor the progress reports and inform the Complaints Panel of any developments. |

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| Complaint 3 | |
|------------------------|--|
| Member Organization | PT Hati Prima Agro (PT HPA) (a subsidiary of Bumitama Agri Ltd.) |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Sawit Watch |
| Date filed | 01 July 2012 |
| Nature of complaint | Principle 2 RSPO P&C – Compliance with applicable laws and regulations. Operating a palm oil plantation without the requisite permits. |
| Status | Box F - Action plan |
| Decision/Justification | The complaint can be closed upon BGA satisfying the RSPO and the complainant, Sawit Watch, that all legal formalities have been completed and are in compliance with the national laws of Indonesia. Currently, we are awaiting the confirmation of completion of all legal formalities from Sawit Watch. |

| Complaint 4 | |
|------------------------|---|
| Member Organization | Genting Plantation Bhd (GPB) |
| Membership category | Oil Palm Grower |
| Country | Malaysia |
| Complainant | Borneo Rhino Alliance (BORA) |
| Date filed | 27 February 2013 |
| Nature of complaint | <ol style="list-style-type: none"> 1. Despite being a member of RSPO, GPB has not complied with the RSPO New Planting Procedures. 2. Annual report clearly shows expansion in land area planted, but no NPP notification has been submitted to the RSPO during the period. 3. No commitment to full certification on a time bound plan |
| Status | Box F – Action Plan |
| Decision/Justification | GPB has replied to BORA, on the questions raised by BORA on the Progress Report satisfactorily. The Secretariat shall continue to monitor the progress report and ultimately leading to closure at the end of the 12 months monitoring period ending in September 2015. |

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| Complaint 5 | |
| Member Organization | PT Limpah Sejahtera(a subsidiary of / First Resources Ltd (FR)) |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Yayasan International Animal Rescue Indonesia (YIARI) |
| Date filed | 6 May 2010 |
| Nature of complaint | Violation of RSPO P&C 5.2 and P&C 7.3. The company is alleged to have breached Principle 5: Environmental responsibility and conservation of natural resources and biodiversity and Principle 7: Responsible development of new plantings. The company is alleged to have destroyed Orangutan habitats and not carrying out an HCV assessment before development of the plantation. |
| Status | Box F – Action Plan |
| Decision/Justification | The Panel agreed that the member must restore the Orangutan habitat, and that the way forward is by using the HCV assessment which would be a better solution than using the results of the Land Use Change Analysis. |
| Complaint 6 | |
| Member Organization | PT Borneo Surya Mining Jaya(a subsidiary of First Resources Ltd (FR)) |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Environmental Investigation Agency (EIA), Aliansi Masyarakat Adat Nusantara(AMAN) and the community of Muara Tae. |
| Date filed | 16 October 2012 |
| Nature of complaint | Violation of RSPO New Planting Procedures under Principle 7 of the RSPO Principles and Criteria. The Muara Tae community alleged that FR did not carry out proper FPIC procedure in acquiring their customary land area. Concurrent claims by Muara Tae and Muara Ponak communities over the same land. Also that the HCV forest that was not properly identified nor set aside for conservation. |
| Status | Box F - Action Plan |

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| Decision/Justification | In view of a letter to the RSPO by one community (Muara Tae) declaring that they reject the RSPO conflict resolution process, on 12 February 2015 followed by a letter of EIA on 16 February 2015, the Secretariat shall write to the Complainants and EIA to convey the Complaints Panel position: If Muara Tae and EIA are withdrawing from the process, the Panel is compelled to close the case. |
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| Complaint No. 7 | |
| Member Organization | Equatorial Palm Oil PLC |
| Membership category | Oil Palm Grower |
| Country | Liberia |
| Complainant | Sustainable Development Institute |
| Date filed | 25/9/2013 |
| Nature of complaint | <p>It is alleged the company has cleared and planted on land that is the customary land of the community in New Cess, Grand Bassa County, Liberia; and is seeking to expand the plantation without the free, prior and informed consent of the communities.</p> <p>The community is also objecting to the company carrying out a re-survey of the existing concession area.</p> <p>The company is alleged to have breached Principle 2.2 & 2.3 of FPIC and Principle 7: Responsible development of new plantings.</p> <p>No NPP notification posted to RSPO.</p> |
| Status | Box C - Complaint panel convened |
| Decision/ Justification | The Panel agreed that since the parties are already in dialogue towards resolution via bilateral negotiations; the Secretariat shall write a letter to the complainant/member on the preliminary decision and that the onus is on the member to develop action plans and timelines for resolution. |

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| Complaint No. 8 | |
| Member Organization | PT. Sisirau |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Sumatran Orangutan Society (SOS) |
| Date filed | 29/10/2012 |
| Nature of complaint | 1. Clearing of HCV land containing Orangutan habitats |

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| | 2. Failing to stop work after the discovery of Orangutans 3. Breach of New Planting Procedures |
| Status | Box P – Appeal to Board of Governors |
| Decision/Justification | The appeal by the member against their suspension is with the Board of Governors. The RSPO Complaints Panel, shall await the final decision of the RSPO Board of Governors before it proceeds with the next step. |

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| Complaint 9 | |
| Member Organization | PT Sumber Hasil Prima/ PT Sinar Sawit Andalan; a member of PT Agro Bukit (a subsidiary of Goodhope Holdings) |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Friends of Borneo |
| Date filed | 21 April 2013 |
| Nature of complaint | The member is alleged to have breached Principle 1 on sharing of information and Principle 2 on compliance with national legislation. And also failing to comply with Principle 5 on preservation of HCV forest and Principle 7 on New Planting Procedure. |
| Status | Box G – Closed for monitoring |
| Decision/Justification | Secretariat shall continue to monitor and ensure that progress reports are received on schedule and shared with complainants, prior to any decision on final closure. |

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| Complaint No. 10 | |
| Member Organization | PT. Permata Hijau Pasaman 1 (PT. PHP 1) (a subsidiary of Wilmar International Ltd.) |
| Membership Category | Palm Oil Processors and/or Traders |
| Country | Indonesia |
| Complainant | S.H Gampo Alam, <i>Pucuak Adat Nagari Kapa</i> (indigenous leader of Nagari Kapa) as well as Head of <i>Kerapatan Adat Nagari Kapa</i> (KAN – a village/nagari-level customary institution in Minangkabau which maintains and preserves the Minangkabau customs and culture). Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform) |
| Date filed | 30 October 2014 |

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| Nature of complaint | <ol style="list-style-type: none"> 1. Complainant seeks clarity of the extent of PT. PHP 1's nucleus estate in Nagari Kapa. 2. Complainant rejects PT. PHP 1's application to the National Land Agency for a Hak Guna Usaha (HGU) certificate over the customary (<i>ulayat</i>) land of Nagari Kapa. 3. Violation of RSPO Principles & Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas. 4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period? |
| Status | Box C – Complaints Panel convened |
| Decision / Justification | <p>Based on the information furnished by Wilmar that, procedurally they have been in compliance with the national laws of Indonesia.</p> <p>The Secretariat shall write to the complainants on the preliminary decision of the CP, explaining the relevant details and shall update the Panel at the next meeting.</p> |

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| Complaint No 11 | |
| Member Organization | PT PP London Sumatera (a subsidiary of Indofood Agri Ltd.) |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Community of Desa Pergulaan via Sawit Watch |
| Date filed | 7 April 2009 |
| Nature of complaint | <p>The following points were raised by the community of Desa Pergulaan :</p> <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for return of land totaling 165.6 ha. 2. The status of the law suit filed by 5 of the residents which is 'out-of-time' (compensation paid in 1971). 3. The legality of the security drain to prevent access. 4. Prohibiting cattle herding in the plantation. 5. The non-employment of residents of Desa Pergulaan in the plantation. 6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised. 7. No complaint letters have been addressed to Lonsum directly. 8. Status of residents on the Police 'Wanted List'. |
| Status | Box E – Reviewing response |
| Decision/Justification | Secretariat to communicate with Lonsum that, Lonsum have taken considerable time in taking action to resolve this long standing complaint. |

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| | Lonsum must proceed to implement all the remedial action and furnish RSPO with clear time lines and action plans by end March 2015, otherwise they will be subject to sanctions. |
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| Complaint 12 | |
| Member Organization | Golden Veroleum Liberia (GVL) |
| Membership category | Oil Palm Grower |
| Country | Liberia, Africa |
| Complainant | <p>Local communities in towns and villages identified within the proposed Golden Veroleum project, which according to the Environmental and Social Impact Assessment (ESIA) covers about thirty three thousand hectares (33,000 ha) of land located in Greenville, Butaw and Kpanyan Districts of Sinoe County, Republic of Liberia encompassing several towns and villages, including: Plusunnie, Pynes Town, Kilo Town, Dejila, Solo Village, Bukrah, Saklaboh, Bloh, Pluoh, Farley town, Soweh, Jaryenneh, Tuoh, Teah Town, Klay Tow, Butaw Compound, Otis Village</p> <p>Represented by Alfred Brownell of Green Advocates (GA), Kulu United Development Association (KUDA), Save My Future Foundation (SAMFU), Forest People Programme (FPP), Social Entrepreneurs for Sustainable Development (SesDev).</p> |
| Date filed | <ol style="list-style-type: none"> 1. Green Advocates – 3 Oct 2012 2. Forest People Programme – 26 July 2013 3. Sustainable Development Institute/SesDev Liberia - 2 October 2013 4. Joint statement by FPP, SAMFU, SDI and GA – 1 November 2013 5. Kulu United Development Association (KUDA) - 14 November 2013 6. Sustainable Development Institute(SDI) and Social Entrepreneurs for Sustainable Development(SesDev) Liberia – 21 November 2013 7. Social Entrepreneurs for Sustainable Development (SeSDev) - 7th February 2014 8. On behalf of KUDA by Green Advocates - 17th February 2014 9. Green Advocates on behalf of the GBlebo clan - 7th March 2014 |
| Nature of complaint | <p>Violation of the RSPO Principles and Criteria and New Plantings Procedure by:</p> <ol style="list-style-type: none"> 1) Not providing public notification for a 30 day period consistent with the New Planting Procedures, 2) By commencing land preparation for new planting and infrastructure development prior to the expiry of the minimum 30-days consultation period. 3) By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporating the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 7.4) including the identification |

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| | <p>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.</p> <p>4) Grabbing lands without respecting local customary rights and without the free, prior and informed consent (FPIC) of the customary land owners as represented through representative organizations of their choice (RSPO C2.2, C2.3, C7.5 and C7.6)</p> <p>5) Forcibly evicting the people from their lands (RSPO C7.5 and C7.6)</p> |
| Status | <p>Box G (Monitoring progress of action plan for Complaint 1 by Green Advocates)</p> <p>Box C – Panel convened for Complaint 2 through 9</p> |
| Decision/Justification | <p>A special Panel shall be convened to hear and deliberate the case on 26 February 2015. The RSPO Secretariat shall prepare a letter to the parties following the meeting above.</p> |

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| Complaint 13 | |
| Member Organization | PT Kartika Prima Cipta (PT. KPC) (a subsidiary of Golden Agri Resources Ltd: GAR) |
| Membership category | Oil Palm Grower |
| Country | Indonesia |
| Complainant | Forest People Programme (FPP) and Transformasi untuk Keadilan (TUK) Indonesia |
| Date filed | 14 October 2014 |
| Nature of complaint | <p>Points raised :</p> <ol style="list-style-type: none"> 1. PT. KPC is in persistent violation of the RSPO P&C pertaining to 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 during the acquisition of the land. 2. Land was acquired without a land tenure study and participatory mapping. 3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was on May 2014. 4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas. 5. Land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood. 6. GAR as the parent company of all 18 subsidiaries listed is acting in violation of the New Planting Procedures (NPP) by submitting information which it knows is false. No HGU exists in 16 of the 18 concessions where NPP was submitted. 7. The assessors who 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. |

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| Status | Box C – Complaints Panel convened |
| Decision/Justification | Secretariat shall prepare a letter on the preliminary decision of the CP and sent it to the parties to the complaint for their response. |