

## COMPLAINTS PANEL MEETING MINUTES

*For Website*

22 February 2017 | 3.30pm – 6.00pm | Meeting No. 2/2017

Meeting location: *RSPO Secretariat Office, 37<sup>th</sup> floor Menara UOA, Kuala Lumpur - Malaysia*

### GENERAL MEETING AGENDA

#### List of Complaint Panel members

Melizel Asuncion (Verite), Henry Barlow (Affiliate Member), Michelle Desillets (Orangutan Land Trust), Matthias Diemer (WWF Switzerland), Bambang Dwilaksono (First Resources), Marieke Leegwater (Solidaridad), Sabarinah Marzuky (Sime Darby), John Payne (Borneo Rhino Alliance), Priya Gopalan (UBS AG), Frasier Lanier (Citibank), Tom McLaughlin (Woolworths), Lim Sian Choo (Bumitama), Lanash Tanda (SEPA), Robert Kruger (RKG).

#### 3.30pm – 4.20pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 24 January 2016 Complaints Panel Meeting
4. New Complaints
5. Reported cases
6. Monthly List of Complaints
7. Any Other Matters
8. Amnesty International report on Wilmar International Ltd.
9. Orangutan killed in the concession of PT Susantri Permai / Genting Plantation Bhd

#### Group 1: 4.20pm- 4.50pm

1. Agropalma SA
2. PT Limpah Sejahtera (First Resources Ltd)
3. FELDA/ Orang Dusun Lahad Datu
4. Palma Tica SA
5. Hap Seng Plantations Holdings Bhd
6. Woolworths Ltd.
7. Coles Supermarket Ltd.

#### Group 2: 4.50pm – 5.30pm

1. PT Permata Hijau Pasaman (PHP) 1/ Wilmar International
2. Plantaciones de Pucallpa SAC
3. FELDA Global Venture
4. Extractora La Gloria SAS
5. PT Bumitama Gunajaya Agro / Bumitama
6. PT Bumi Sawit Kencana II (PT BSK II) / Communities of Pantap Village
7. PT Bumi Sawit Kencana (PT BSK) / Communities of Kapuk Village
8. PT Karunia Kencana Permai Sejati / Communities of Tangar Village
9. PT Mustika Sembuluh / Communities of Pondok Damar Village

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### Group 3: 5.30 – 6.00pm

1. PT London Sumatra (Lonsum) / Sawit Watch
2. PT PP London Sumatra (Lonsum)/RAN, OPPUK & ILRF
3. PT Kartika Prima Cipta/Golden Agri Resource (GAR)
4. PT Nabire Baru/Goodhope
5. Golden Veroleum Liberia (GVL)
6. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera / IOI group
7. IOI Pelita / Long Teran Kanan
8. Poligrow Colombia Ltda

### Agenda item

#### 1. Opening Remarks by Chairperson

The Chair opened the meeting by welcoming everybody and then invited everyone to scrutinize the minutes of the previous meeting.

#### 2. Declaration of “No Conflict of Interest”

CP members had no new “conflict of interest” in the cases being deliberated.

#### 3. Minutes of the meeting of 24 January 2016

The minutes of the complaints panel meeting adopted unanimously.

#### 4. New Complaints

Nil.

#### 5. Reported Cases

##### a. PT Austindo Nusantara Jaya Agri (PT ANJA) filed by Indonesia Labour Union (SERBUNDO) & OPPUK on 6 January 2017

Allegation:

The company has breached RSPO P&C No. 6.6 (The employer respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively.)

The company requested RSPO to facilitate dialogue between Serbundo and the company.

**Status:** Box A. Complaints received.

**Update:**

**9 January 2017** – Secretariat notified the company on the complaints.

**24 January 2017** – The company has sent clarification to the complaint and positively responded requests for dialogue with the complainant.

**26 January 2017** – Secretariat has sent all clarifications from the company to the complainant. The dialogue was proposed to be organised on 16 February in the concession (South Tapanuli, North Sumatera).

**13 February 2017** – The dialogue rescheduled to 3 of March in Medan.

**22 February 2017** - Secretariat to wait for the result of meeting in 3 March 2017.

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### 6. Monthly List of Complaints (Status as of 1 January 2017)

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	0	0
(B) Complaint categorized	8	0
(C) Panel convened	1	0
(D) Complaint legitimate	5	0
(E) Reviewing response	5	0
(F) Action plan	6	1
(G) Case Closed for monitoring	7	2
(H) Case Closed	36	32
(I) Resubmission of complaint	0	0
(J) No case	0	5
(K) No response/ no action from member	0	0
(L) Termination	1	0
(M) panel decision disputed	0	0
(N) Non cooperation	0	0
(O) No consent on action plan	0	0
(P) Appeal	0	0
(Q) Not resolved	3	0
<b>TOTAL</b>	<b>72</b>	<b>40</b>
<b>TOTAL OPEN CASES</b>	<b>25</b>	<b>1</b>

On 1 January 2017, a total of 25 ongoing complaint cases were deliberated and 1 reported cases recorded.

### 7. Any other matters for the Complaints Panel:

#### 7.1 Dates for the next Complaints Panel Meetings

- i. The upcoming CP meeting date: 19 April 2017

#### 7.2 General Information

- i. The minutes of the 24 January 2017 CP meeting was published on the RSPO website on the 1<sup>st</sup> week of March 2017.

#### 7.3 Complaints System Revamp

- i. **21 February 2017** - The meeting on Complaints Procedure and Appeal has been conducted. The meeting was attended by representative members of the Complaints Panel.
- ii. The final document will be shared internally 2 weeks after the meeting and circulated back to the Complaints Panel for further review.

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### 8. Amnesty International's Investigation report on Wilmar International

"Amnesty International interviewed 120 workers working on palm plantations owned by two Wilmar subsidiaries and three Wilmar suppliers in Kalimantan and Sumatra in Indonesia. The investigation exposed a wide range of abuses including:

- i. Women forced to work long hours under the threat of having their pay cut, paid below minimum wage and kept in insecure employment without pensions or health insurance;
- ii. Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation;
- iii. Workers suffering severe injuries from paraquat, an acutely toxic chemical banned in the EU and by Wilmar itself;
- iv. Workers being made to work outdoors without adequate safety;
- v. Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks".

- **29 November 2016** – Press release from Wilmar was published. The internal actions and assessment report are available at this link : <http://www.wilmar-international.com/sustainability/wp-content/uploads/2016/11/Internal-Assessment-Report-on-Human-and-Labour-Rights-Issues-in-North-Sumatra.pdf>
- RSPO Secretariat public statement on the issue: <http://www.rspo.org/news-and-events/news/rspo-response-to-amnesty-international-report-the-great-palm-oil-scandal-labour-abuses-behind-big-brand-names>

#### Update:

**22 February 2017** – Amnesty International has informed Secretariat that they are not keen to lodge a formal complaint to RSPO, however they keen to engage in dialogue with RSPO in relation to labour issues. They will also be invited to join a panel at the upcoming EU-RT in June.

ASI has conducted compliance audit for 2 subsidiaries (PT Perkebunan Milano and PT Daya Labuan Indah). However they have yet to conduct the surveillance audit for PT Sarana Prima Multi Niaga (SPMN) since the audit for this subsidiary was conducted before the release of AI's report.

The company have conducted their own audit and the report is almost ready.

Secretariat to follow up with ASI.

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### 9. Orangutan killed in the concession of PT Susantri Permai / Genting Plantation Bhd.

The news was published by US News and Indonesian's local News on 14 February 2017. The news said that Palm oil workers killed and ate a critically endangered Orangutan on the island of Borneo.

<http://www.usnews.com/news/news/articles/2017-02-14/indonesia-lawmaker-palm-oil-workers-shot-orangutan-for-meat>.

**15 February 2017** – A petition released by Centre for Orangutan Protection (COP) to kick Genting Out of RSPO. [https://www.change.org/p/this-oil-palm-plantation-company-alleged-to-killed-an-orangutan-perusahaan-sawit-ini-diduga-telah-membunuh-orangutan?recruiter=7095339&utm\\_source=share\\_petition&utm\\_medium=facebook&utm\\_campaign=au\\_topublish&utm\\_term=mob-xs-share\\_petition-no\\_msg](https://www.change.org/p/this-oil-palm-plantation-company-alleged-to-killed-an-orangutan-perusahaan-sawit-ini-diduga-telah-membunuh-orangutan?recruiter=7095339&utm_source=share_petition&utm_medium=facebook&utm_campaign=au_topublish&utm_term=mob-xs-share_petition-no_msg)

#### Update:

**17 February 2017** – RSPO released a statement on the killing of an Orangutan in Kapuas, Central Kalimantan.

A meeting has been arranged for the 27 February 2017 between Genting Plantation representatives, the Vice Chairman of the IV House of Representative and RSPO Indonesia, represented by Impact team, to discuss the outcomes of the preliminary findings and to confirm the exact location of the incident and any involvement of members of the company staff in the killing.

**22 February 2017** – The Indonesian office had initiated communications with the Company immediately upon receiving the news. The company has so far informed RSPO that they had immediately filed a police report. They had also stated that, without prejudice to the police investigation, the killing seem to have occurred outside of PT Susantri Permai but the remains brought into the concession area

As the incident is under local police investigation, the RSPO Indonesian office is also attempting to get the chronology of the case from the local police, including location and people involved. This is to ascertain whether the killing happened inside the company's concession area and with a direct involvement of the company staff.

RSPO Indonesian office has also arranged for a meeting with Genting plantation representatives on 27 February to discuss the above.

The Complaints Panel highlighted the importance to check whether the HCV review was adequately done and the reviewer was qualified. It is also highlighted the importance to check if the company is in compliance with 5.6.3 and make very clear of what may be the consequences for breaching the principle.

Secretariat to follow up with formal communication with the local NGOs.

The CP added that the Secretariat is authorised to raise it as a complaint post the meeting planned by Indonesia office and after checking with the NGOs if they are willing to raise it as an official complaint.

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### DELIBERATION OF COMPLAINTS

Complaint 1	
Member Organization	Agropalma SA
Membership category	Oil Palm Grower
Country	Brazil
Complainant	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
Date filed	13 August 2015
Nature of complaint	That Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria
Status	Box G- Closed for Monitoring
Decision /Justification	To continue monitoring the development with regards the court case.

Complaint 2	
Member Organization	PT Limpah Sejahtera (a subsidiary of First Resources Ltd (FRI))
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan International Animal Rescue Indonesia (YIARI)
Date filed	1 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 Principle 7: Responsible development of new plantings. The company is alleged to have destroyed Orangutan habitats and not to have carried out an HCV assessment before the development of the plantation.
Status	Box F – Action Plan
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to share the HCV review report with the Company and Complainants for comments.</li> <li>- Secretariat to start drafting the decision letter.</li> </ul>

Complaint 3	
Member Organization	FELDA (Federal Land development Authority) FELDA Ventures Bhd.
Membership category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak)
Date filed	16 February 2015

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Nature of complaint	<p>According to the Enquiry National Hak Tanah document by SUHAKAM, 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.</p> <p>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.</p> <p>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.</p> <p>A police report has been made by the community and that is the source of the complaint.</p>
Status	Box F – Action Plan
Decision /Justification	Secretariat to wait for further information and to follow up with Felda on the response from the Sabah Land Department.

Complaint 4	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Palm Oil Processors and/or Traders
Country	Indonesia
Complainant	<p>S.H Gampo Alam, <i>Pucuk 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).</p> <p>Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform)</p>
Date filed	30 October 2014
Nature of complaint	<ol style="list-style-type: none"> <li>1. Complainant seeks clarity of the extent of PT. PHP 1's nucleus estate in Nagari Kapa.</li> <li>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.</li> <li>3. Violation of RSPO Principles &amp; Criteria 6.2 – community did not participate in decision making on the areas to set aside as HCV areas.</li> <li>4. Complainant seeks clarification to whom will the land be reverted at the end of the HGU period</li> </ol>
Status	Box F – Action Plan
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to send back the report to the writer (Dr. Helmi) to get better translation, and send the Bahasa Indonesia version to Wilmar.</li> <li>- Secretariat to continue monitoring the participatory mapping process.</li> </ul>

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Complaint 5	
Member Organization	Plantaciones de Pucallpa SAC
Membership category	Grower
Country	Peru
Complainant	Forest People Program (FPP)
Date filed	5 December 2015
Nature of complaint	<p>Plantaciones de Pucallpa SAC has been accused of human rights violation by the Shipibo community of Santa Clara de Uchunya. In so doing, Plantaciones de Pucallpa has been alleged to have breached the Principles and Criteria of the RSPO on land acquisition and the conservation of forest. These allegations were made in a forum in London; please see link below.</p> <p><a href="http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126">http://www.globalresearch.ca/illegal-deforestation-of-5000-hectares-of-perus-amazon-for-palm-oil-peruvian-indigenous-leader/5486126</a></p>
Status	Box E - Reviewing Response
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to consult with the lawyer on publishing a note of censure.</li> <li>- Report to be shared with the NGOs after getting a response from the lawyer.</li> <li>- Secretariat to start drafting a note of censure/CP's decision letter.</li> </ul>

Complaint 6	
Member Organization	FELDA
Membership category	Grower
Country	Malaysia
Complainant	Article by The Wall Street Journal
Date filed	26 July 2015
Nature of complaint	<p><b><i>“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”.</i></b>  <i>The palm-oil plantations of Malaysia have become magnets for refugees from Bangladesh and Myanmar. Many have complained of onerous working conditions and few legal protections. (Syed Zain Al-Mahmood/The Wall Street Journal.)</i>            The issues including human trafficking, general poor labour conditions, Use of labour contractors, to exploit illegal immigrants from Bangladesh and Myanmar; Withholding of passports; Poor health care; Pay below minimum wages; Non-payment of wages; Bonded labourers.</p>
Status	Box F - Action Plan
Decision /Justification	Secretariat to identify an expert to review FGV action plan



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Complaint 7	
Member Organization	Extractora La Gloria SAS
Membership category	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
Date filed	19 November 2015
Nature of complaint	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 southern Cesar Department without following RSPO rules. It does not comply with the following RSPO principles (1.1, 2.1, 2.2, 2.3, 4.5, 5.2, 6.4, 6.13)
Status	Box E - Reviewing Response
Decision /Justification	- To wait for feedback from Complaints Panel on the ToR. - CP to proceed with deliberation upon receiving the legal opinion from the law firm.

Complaint 8	
Member Organization	Bumitama Gunajaya Abadi/Bumitama
Membership category	Grower
Country	Indonesia
Complainant	Sawit Watch
Date filed	13 November 2015
Nature of complaint	<p>The allegations are:</p> <ol style="list-style-type: none"> <li>1) Destroying graves and planting trees surrounding the graves;</li> <li>2) Dispute on plasma scheme mechanism;</li> <li>3) Termination of labourers and the status of labourer i.e. are they casual or permanent?</li> <li>4) Compensation not paid directly to the land owner;</li> <li>5) Loss of land certification and using the land of migrants which is still under control of the owner;</li> <li>6) Criminalisation of Gusti Gelombang, a former Company Public Relation officer and now the Head of Cooperative Body.</li> </ol> <p>This case has been handled bilaterally since 2014. It was escalated to RSPO because police came to Sawit Watch's office to arrest Gusti Gelombang, who was in their office at that time.</p>
Status	Box G - Closed for Monitoring (for allegation no. 1, 3, 4, & 5)

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	Box D – Complaint Legitimate (for plasma issue, cooperative issue & claim from 15 villagers of Sukajaya and Kinjil)
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to wait for the verification result conducted on 28 February – 2 March 2017.</li> <li>- Secretariat to send the letter for Sawit Watch after the verification completed.</li> </ul>

Complaint 9	
Member Organization	PT London Sumatra (Lonsum)
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"> <li>1. Legality of the extension of the concession and demands for the return of land totaling 165.6 ha.</li> <li>2. The status of the law suit filed by 5 of the residents which are ‘out-of-time’ (compensation paid in 1971).</li> <li>3. The legality of the security drains to prevent access.</li> <li>4. Prohibiting cattle herding in the plantation.</li> <li>5. The non-employment of residents of Desa Pergulaan in the plantation.</li> <li>6. Failure by Lonsum to carry out Corporate Social Responsibility programs as promised.</li> <li>7. No complaint letters have been addressed to Lonsum directly.</li> <li>8. Status of residents on the Police ‘Wanted List’.</li> </ol>
Status	Box E – Reviewing Response
Decision /Justification	Secretariat to follow up the case with both parties and encourage them to prepare minutes of meeting and share it with RSPO.

Complaint 10	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia, Africa
Complainant	Green Advocates
Date filed	3 October 2012
Nature of complaint	<p>Violation of the RSPO Principles and Criteria and New Plantings Procedure by:</p> <ol style="list-style-type: none"> <li>1) Not providing public notification for a 30 day period consistent with the New Planting Procedures,</li> </ol>

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	<p>2) By commencing land preparation for new planting and infrastructure development prior to the expiry of the minimum 30-days consultation period.</p> <p>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 &amp; 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.</p> <p>4) Grabbing lands without respecting local customary rights and without the free, prior and informed consent (FPIC) of the customary landowners 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	Box G (Monitoring progress of action plan for Complaint 1 by Green Advocates) Box D – Panel has made a preliminary decision for Complaints 2 to 9.
Decision /Justification	To proceed with independent verification of progress and to investigate the remaining allegations.

Complaint 11	
Member Organization	PT Kartika Prima Cipta/ Golden Agri Resource (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"> <li>1. PT. KPC is in persistent violation of the RSPO P&amp;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.</li> <li>2. The land was acquired without a land tenure study and participatory mapping.</li> <li>3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was in May 2014.</li> <li>4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas.</li> <li>5. The land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood.</li> <li>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.</li> </ol>
Status	Box E - Reviewing Response

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Decision /Justification	Secretariat to wait for the minutes of meeting between the company and FPP.
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Complaint 12	
Member Organization	PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) –Ketapang
Membership category	Oil Palm Growers
Country	Indonesia
Complainant	AidEnvironment
Date filed	3 April 2015
Nature of complaint	Issues raised by AidEnvironment: <ul style="list-style-type: none"> <li>a. 10,000 ha of planting without permit (IUP)</li> <li>b. Encroachment into the forest sanctuary</li> <li>c. IOI has cleared the land without submitting NPP.</li> </ul>
Status	Box F – Action Plan.
Decision /Justification	Secretariat to wait for the field visit report.

Complaint 13	
Member Organization	Poligrow Colombia
Membership category	Oil Palm Grower
Country	Colombia
Complainant	Environmental Investigation Agency
Date filed	13 August 2015
Nature of complaint	The Italian-owned Poligrow Ltd has prohibited the Jiw and Sikuni indigenous communities from freedom of movement. The EIA's video alleged abuses by RSPO's Italian member in Colombia
Status	Box D – Complaints Legitimate
Decision /Justification	Secretariat to respond to the Company's letter seeking clarification on the delay

Complaint 14	
Member Organization	Palma Tica SA
Membership category	Oil Palm Grower
Country	Costa Rica
Complainant	Paulo Hernan Picado Granados, Asociacion de Palmicultores del Sur (ASOPASUR)
Date filed	9 May 2016
Nature of complaint	A group of smallholders Asociación e Palmicultores del Sur (ASOPASUR) in Punta arena are complaining against Palma Tica, saying that they are not being paid fair prices by

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	<p>the company for their FFB. The farmers claim that there is no transparency or clarity in the way the prices are arrived at.</p> <p>Alleged breach of Criterion 1.1: Commitment to Transparency and Criterion 6.10: Growers and mills deal fairly and transparently with smallholder and other local businesses.</p>
Status	Box C – Panel Convened
Decision /Justification	<p>A formal letter has been sent to both parties.</p> <p>Secretariat to wait for response from both parties.</p>

Complaint 15	
Member Organization	Hap Seng Plantations Holdings Bhd.
Membership category	Palm Oil Company
Country	Malaysia
Complainant	Sia Yi Chin of Lahad Datu Sabah
Date filed	11 November 2015
Nature of complaint	<p>The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah.</p> <p>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.</p> <p>He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015</p>
Status	Box D – Complaint Legitimate
Decision /Justification	Secretariat to wait for further information from the company on new trial date/s and updates on the court proceedings.

Complaint 16	
Member Organization	PT PP London Sumatra
Membership category	Growers
Country	Indonesia
Complainant	Rainforest Action Network (RAN), ILRF, OPPIK Indonesia
Date filed	9 June 2016 (reported case) to be formal on 11 October 2016
Nature of complaint	<p>A report published by RAN, OPPIK, and ILRF titled, "<u><i>The Human Cost of Conflict Palm Oil: Indofood, PepsiCo's Hidden Link to Worker Exploitation in Indonesia.</i></u>" The report reveals the findings of field investigations and worker interviews completed on two palm oil plantations owned and operated RSPO member and Indofood subsidiary PT London Sumatra. The full report available at <a href="http://ran.org/indofood">ran.org/indofood</a>.</p>

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Status	Box C – Panel Convened
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to follow up with the Certification Body on the compliance report of IndoAgri</li> <li>- Secretariat to draft the letter for RAN and send it to the Complaints Panel for review.</li> </ul>

Complaint 17	
Member Organization	PT Nabire Baru
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Yayasan PUSAKA
Date filed	19 April 2016
Nature of complaint	<p>Allegations:</p> <ol style="list-style-type: none"> <li>1. Deforestation which causing severe flood in Village Sima</li> <li>2. Irregularities including development without EIA</li> <li>3. Land grabbing of the Indigenous people</li> <li>4. Failure in following proper FPIC process</li> <li>5. Excessive use of force and violence using of state security forces</li> </ol>
Status	Box C – Panel Convened
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to verify the case further and search for several names of investigators as alternatives.</li> <li>- Secretariat to draft the ToR for the verification.</li> </ul>

Complaint 18	
Member Organization	PT Bumi Sawit Kencana II
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Pantap Village & NGO Progress
Date filed	27 June 2016
Nature of complaint	<p>Allegations:</p> <ul style="list-style-type: none"> <li>- The company has yet give the compensation for 1.482,90 Ha (owned by 94 families)</li> <li>- The company has breached P&amp;C No. 2.2; 6.2; 6.3; 6.4</li> </ul>
Status	Box C – Panel Convened
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to contact the NGO to provide documents on the legality of the Farmers Group and the coordinate of the land.</li> <li>- Secretariat to give 30 days for them to complete the documents.</li> <li>- Secretariat to dismiss the case if the NGO fails to meet the new deadline as this is pending since August 2016.</li> </ul>

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Complaint 19	
Member Organization	PT Bumi Sawit Kencana II
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Kapuk Village & NGO Progress
Date filed	22 July 2016
Nature of complaint	Community of Kapuk Village demanded the company to give the compensation on 78 Ha land owned by the Farmers Group
Status	Box C – Panel Convened
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to contact the NGO to provide documents on the legality of the Farmers Group and the coordinate of the land.</li> <li>- Secretariat to give 30 days for them to complete the documents.</li> <li>- Secretariat to dismiss the case if the NGO fails to meet the new deadline as this is pending since August 2016.</li> </ul>

Complaint 20	
Member Organization	PT Karunia Kencana Permai Sejati II & III
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Tangar Village & NGO Progress
Date filed	19 July 2016
Nature of complaint	<ul style="list-style-type: none"> <li>- The company has yet give the compensation on 1099 Ha land owned by Farmers Group Berkat Harapan and Lampung Tarung</li> <li>- The company has yet to provide plasma for the local community</li> </ul>
Status	Box C – Panel Convened
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to contact the NGO to provide documents on the legality of the Farmers Group and the coordinate of the land.</li> <li>- Secretariat to give 30 days for them to complete the documents.</li> <li>- Secretariat to dismiss the case if the NGO fails to meet the new deadline as this is pending since August 2016.</li> </ul>

Complaint 21	
Member Organization	PT Mustika Sembuluh
Membership category	Palm Oil Grower
Country	Indonesia
Complainant	Community of Pondok Damar Village & NGO Progress

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Date filed	18 July 2016
Nature of complaint	<ul style="list-style-type: none"> <li>- Company must allocate 20% of the land for plasma.</li> <li>- To enclave the 6 hectares of the land owned by Village Pondok Damar.</li> <li>- To enclave Kampung Padas.</li> <li>- To negotiate the land conflict.</li> <li>- To enhance the capacity of the community to be capable in developing the land.</li> <li>- To create working opportunity for the community.</li> <li>- Company to support the development of farming and fishery</li> </ul>
Status	Box C – Panel Convened
Decision /Justification	<ul style="list-style-type: none"> <li>- Secretariat to contact the NGO to provide documents on the legality of the Farmers Group and the coordinate of the land.</li> <li>- Secretariat to give 30 days for them to complete the documents.</li> <li>- Secretariat to dismiss the case if the NGO fails to meet the new deadline as this is pending since August 2016.</li> </ul>

Complaint 22	
Member Organization	IOI Pelita / IOI
Membership category	Palm Oil Grower
Country	Malaysia
Complainant	Community of Long Teran Kanan
Date filed	10 March 2010 Transferred from DSF to Complaints Panel on 17 January 2017
Nature of complaint	Infringement of P&C No.2.2 – the right to land use disputed
Status	Box F – Action Plan
Decision /Justification	Secretariat to attend the meeting Chaired by the Resident to continue observing the process

Complaint 23	
Member Organization	Woolworth Ltd.
Membership category	Retailers
Country	Australia
Complainant	Palm Oil Investigation
Date filed	8 December 2016
Nature of complaint	<p>Allegation:</p> <ul style="list-style-type: none"> <li>• Woolworths' labelling on pack mentioned that the product contains either certified sustainable palm oil OR sustainable palm oil without any RSPO approved audits.</li> </ul>



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	<p>Woolworths are using non RSPO approved FINANCIAL auditor Deloitte to audit the supply chain certification to back up the claims.</p> <ul style="list-style-type: none"> <li>As Woolworths use close to 1,000 contract manufacturers (not all of which are using palm), it would be impossible for all these certification claims to be correct as there are only around 100 certified manufacturers in Australia that have undergone official audits. The majority of these manufacturers are NOT contracted by Woolworths.</li> <li>It is alleged that Woolworths has breach the RSPO Communications and Claims Rules, RSPO Code of Conducts.</li> </ul> <p>The case has been referred to the Communication and Claims (C&amp;C) Standing Committee for technical analysis.</p>
Status	Box A. Complaint Received
Decision /Justification	<ul style="list-style-type: none"> <li>The C&amp;C Standing Committee has recommended that Woolworth remove the product list on the website and change the wordings on their corporate claim</li> <li>The complaints panel adopted the recommendation of the Communication and Claims Standing Committee.</li> </ul>

Complaint 24	
Member Organization	Coles Supermarket Ltd.
Membership category	Retailers
Country	Australia
Complainant	Palm Oil Investigation
Date filed	8 December 2016
Nature of complaint	<p>Allegation:</p> <p>Coles are labelling on pack that the product contains either certified sustainable palm oil OR sustainable palm oil without any RSPO approved audits.</p> <p>Please also be aware that as Coles use close to 1,000 contract manufacturers (not all of which are using palm), it would be impossible for all these certification claims to be correct as there are only around 100 certified manufacturers in Australia that have undergone official audits. The majority of these manufacturers are contracted by Coles.</p> <p>COLES CLAIM THAT</p> <p>All Coles brand food and drink products now contain RSPO certified palm oil from physical supply chains. This represents almost all of the palm oil used in Coles brand products. Non-food Coles brand products are made with RSPO certified palm oil from either physical supply chains or book and claim (Green Palm).</p> <p>AND</p>

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	<p>Coles' brand food and drinks now use sustainable palm oil. More than 3,000 tonnes of palm oil used by Coles comes from a sustainable source. The conversion program for our non-food products is also underway and in May 2015, we launched Coles Hand Sanitisers with sustainable palm oil. The use of palm oil in Coles Brand non-food products has been offset with GreenPalm certificates while the conversion program take place.</p> <p>POI have been engaging with Coles on this issue often and for quite some time, however when we ask for their official audit certificates, they cease responding.</p>
Status	Box A. Complaint Received
Decision /Justification	<ul style="list-style-type: none"> <li>- The C&amp;C Standing Committee recommend Coles to stop using the misleading labels.</li> <li>- The complaints panel adopted the recommendation of the Communication and Claims Standing Committee.</li> </ul>