

COMPLAINTS PANEL MEETING MINUTES

For Website

19 August 2015 | 3.30pm – 5.00pm | Meeting No. 8/2015

Meeting location: *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), Frasier Lanier (Citibank), Torben Venning (Borneo Child Aid), Tom Mclaughlin (Woolworths).

3.30pm – 4.20pm

1. Opening Remarks by Chairperson
2. Declaration of Conflict of Interest
3. To confirm and adopt the minutes of the 29 July 2015 Complaints Panel Meeting
4. New reported cases
5. Monthly Update: List of Complaints
6. List of Complaint and Reported cases
7. Any other matters
8. Golden Veroleum Liberia

Group 1: 4.20pm- 4.50pm

1. PT Ladang Sawit Mas (LSM) /Bumitama Agri Ltd
2. PT Nabatindo Karya Utama (NKU) / PT Andalan Sukses Makmur (ASMR) /Bumitama Agri Ltd
3. Genting Plantation Bhd (GPB)
4. PT Limpah Sejahtera (First Resources Ltd)
5. PT Borneo Surya Mining Jaya (First Resources Ltd)
6. Orang Dusun Lahad Datu/ FELDA
7. PT Sawit Mandiri Lestari/ PT Sawit Sumbermas Sarana (PT SML/PT SSS)

Group 2: 4.50pm – 5.30pm

8. PT Sisirau/Ibris Palm Group
9. PT Permata Hijau Pasaman (PHP) 1 (Wilmar International)
10. Equatorial Palm Oil
11. Groupe CASINO/Ferrero
12. PT Nubika Jaya / Permata Hijau Group

Group 3: 5.30 – 6.00pm

13. PT London Sumatra (Lonsum)
14. PT Wina Nabati Indonesia/Wilmar
15. Golden Veroleum Liberia (GVL)
16. PT Kartika Prima Cipta/ Golden Agri Resource (GAR)
17. PT Sawit Nabati Agro/ PT Sukses Karya Sawit/ PT Berkat Nabati Sawit/ PT Bumi Sawit Sejahtera (IOI Group) - Ketapang

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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. “No Conflict of Interest”

All the members of the complaints panel declared that they have no conflict of interest for the complaint cases they were reviewing.

3. Minutes of the meeting of 29 July 2015

The minutes of the meeting were adopted and confirmed by the members unanimously.

4. New Reported Cases

The following are reported cases received by the RSPO Secretariat and have not yet been deliberated by the Complaints Panel.

1. Poligrow Italy/Poligrow Colombia Itda – 13 August 2015

EIA’s video, “Between Water and Oil Palm,” is a collaboration with Colombian group La Comisión Intereclesial de Justicia y Paz (Justicia y Paz) and has documented how investments have come at the expense of indigenous rights in Mapiripán, Meta, Colombia. One company, the Italian-owned Poligrow Ltd, has prohibited the Jiw and Sikuni indigenous communities from using traditional hunting and fishing lands, and prevented access to a culturally revered site, Las Toninas—a lake considered sacred and home to pink dolphins. The Jiw report that no free, prior, or informed consultation has taken place regarding Poligrow’s operations and that the company’s expansion limits their right to freedom of movement. The video above alleged abuses by the RSPO Italian member in Colombia.

Status : Box A

Update: RSPO has sent an email to the company asking for clarification.

2. PT Sinar Sawit Andalan/Goodhope Asia Holdings – 6 August 2015

Association of Dayak Uud Danum stated their support to the report submitted by Mr.Hovek to the National Human Rights Commission (Komnas HAM). The report related to allegations on land grabbing conducted by PT SSA in the 16 hamlets in Ambalau and 6 hamlets in Serawai, West Kalimantan. The hamlets are included in the Land Use Management Map (Peta Tata Guna Lahan dan Peta Alas HAK) as part of business permit (HGU) stated in SK Bupati Sintang No.525/566/Year 2012. There are also allegations of violence against community members (Mr.Hovek and A.Tarasak)

Status : Box A

Update: Secretariat requested complainant to submit more evidence related to the land ownership. Secretariat will have meeting with the company on 20 August 2015.

3. PT Sinar Sawit Andalan/Goodhope Asia Holdings – 7 July 2015

Community member, Mrs. Koriya alleged that PT SSA grabbed land (40 Ha) from Farmers group (KUT) without consent and compensation. The land is located in Dusun Sungai Runuk, Desa Sakai, Ambalau, West Kalimantan. Ibu Koriya and community members were blocking the road at Simpang Tiga which is actually a public road that connecting 3 villages.

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Status : Box J (no case)

Update: on 15 July 2015, the company made clarifications that the land claim has been brought to various forum and government agencies. The decision was, the claim is not legitimate since company has paid the compensation to her father, Mr.Kilo in August 2011.

4. PT Austindo Nusantara Jaya/PT Permata Putera Mandiri/PT Putera Manunggal Perkasa - 10 June 2015

The Greenomics report of July 2014 speaks about HCS land clearance by PT ANJ in Papua. On 10th June 2015, we received fresh evidence that the FPIC process might have been flawed i.e. they might have paid very low compensation rates, have not paid the full compensation to some parties and also possibly have cleared HCS land.

Status: Box A

Update: No formal complaint has been submitted, even after the RSPO Secretariat sent the complaint form to the community representative in West Papua.

5. PT PT Harapan Hibrida Kalbar, Lipat Gunting Estate (Manis Mata, District Ketapang, West Kalimantan, Indonesia) a subsidiary of PT Union Sampoerna Triputra Persada – lodged by Padma Indonesia on 26 May 2015.

Human Rights Commission (Komnas HAM) and Indonesia Ombudsman (Ombudsman Republik Indonesia) have also been involved.

The letter from Komnas HAM to Head of District Ketapang dated 10 September 2014, it states that there is wide spread land grabbing of about 1588 hectares that is owned by 330 families (Kepala Keluarga/KK). The letter from Ombudsman Republik Indonesia Perwakilan Kalimantan Barat to Head of District Ketapang dated 10 March 2014, revealed that the complaint is related to the absence of implementation of planting under Kredit Koperasi Primer Anggota (KKPA) scheme since 2006 until now.

Status: Box A

Update: The complainant has not replied back to RSPO since the formal letter was sent on 20 Mei 2015.

6. PT Swadaya Multi Prakarsa (Batu Daya Village, Simpang Dua, Ketapang, West Kalimantan, Indonesia) a subsidiary of First Resources – lodged by Link-Ar Borneo on 11 May 2015.

The allegations are :

- i. land clearing and plantation activities without Plantation Permit (IUP);
- ii. land clearing by burning;
- iii. land claim by community of Batu Daya including the plasma;
- iv. lack of FPIC.

Status: Box F. Action Plan

Update:

- First Resource/PT SMP and Linkar Borneo had a meeting on 31 July 2015 in Pontianak. Action Plan was agreed at the meeting. RSPO Secretariat to monitor the implementation of the action plan.

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5. Monthly List of Complaints (Status as of 1 August 2015)

Status	Number of Complaints	Number of Reported Cases
(A) Complaint received	0	2
(B) Complaint categorized	0	1
(C) Panel convened	2	0
(D) Complaint legitimate	6	0
(E) Reviewing response	2	0
(F) Action plan	4	0
(G) Case Closed for monitoring	12	0
(H) Case Closed	24	20
(I) Resubmission of complaint	0	0
(J) No case	0	1
(K) No response/ no action from member	0	0
(L) Termination	0	0
(M) panel decision disputed	0	0
(N) Non cooperation	1	0
(O) No consent on action plan	0	0
(P) Appeal	0	0
(Q) Not resolved	2	0
TOTAL	53	26
TOTAL OPEN CASES	15	6

At this meeting, a total of 15 ongoing complaint cases were deliberated and 6 new reported cases were recorded.

6. Any other matters for the Complaints Panel:

6.1 Dates for the next Complaints Panel Meetings

- i. The upcoming CP meeting dates for the 4th Quarter of 2015 are as follows:

Sept	Oct	Nov	Dec
15/09/2015*	21/10/2015	16/11/2015**	17/12/2015

- ii. * Due to RSPO Open Day in Africa on 28-30 September 2015, it was agreed that upcoming CP meeting is proposed to be rescheduled to 15 September 2015.
 **Venue of CP meeting: Krugthep Wing, Indonesia Room, 3rd floor of Shangri-la Hotel Bangkok on 16 November 2015, since changed to the same dates at Shangri-la Hotel, Kuala Lumpur

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6.2 General Information

- i. The minutes of the 29 July 2015 meeting have been published on the RSPO website on 17 August 2015.
- ii. The search for a new intern in RSPO Malaysia is still continuing.
- iii. The new DSF Manager will come on board on 1 September 2015, to be based in Jakarta. The DSF Manager will attend a one week orientation in Kuala Lumpur.

6.3 Complaints System Revamp

- i. Further to the Expert Group Discussion on the development of Independent Appeal Mechanism (IAM) held on 8 July 2015 in Jakarta, a public consultation will be held on 8 September 2015 in Corus Hotel in Kuala Lumpur.
- ii. RSPO Secretariat will have an Internal Workshop on RSPO Integrated Complaints System on the 10-11 September 2015.

6.4 Membership of Complaints Panel

- i. Toshi Itoka is no longer a Complaints Panel member, effective 5 August 2015

7. FELDA Global Ventures – Article by Wall Street Journal 26 July 2015

- i. Wall Street Journal published an article on migrant worker abuses in the Malaysian oil palm plantation industry on 26 July 2015.
- ii. On 29 July 2015, 12 NGOs urged the RSPO to conduct a transparent investigation into Wall Street Journal's findings of forced labour, human trafficking, and other human and labour rights violations especially on RSPO member FELDA's plantations.
- iii. RSPO Secretariat will conduct an independent assessment to investigate the report on the efficacy of CB reports on labour condition on all RSPO members. Malaysia would be the first country, where the assessment would be done.

8. Golden Veroleum Liberia

- i. During the meeting, of 4th June 2015, it was decided that the 'Butaw incident' will be treated as a separate issue from the main complaint.
- ii. A meeting took place on 5 August 2015, and the next meeting is scheduled on 24th August 2015.
- iii. The Panel stressed for a need to reach a balanced decision to address all the issues leading to an amicable solution to multiple issues.
- iv. The Impacts Team has sent out emails to stakeholders on the meeting in Liberia in September 2015 on the establishment of a pilot initiative for a National Advisory Committee on Oil Palm in Liberia.

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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	Monitoring period for PT Ladang Sawit Mas has ended. This case is now fully closed.

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	Monitoring period for PT NKU has ended. This case has been recommended to be fully closed.

Complaint 3	
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.

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Status	Box G – Closed for Monitoring
Decision /Justification	The RSPO Secretariat to continue to monitor the progress report leading towards closure

Complaint 4	
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 development of the plantation.
Status	Box F – Action Plan
Decision /Justification	<ul style="list-style-type: none"> - The stakeholder meeting between IARI and FR will be held on 21 August 2015 in the RILO Office to discuss the orang-utan habitat restoration action plan, based on a proposal from IARI. - After the action plan is agreed, the case can be closed for monitoring

Complaint 5	
Member Organization	PT Borneo Surya Mining Jaya (a subsidiary of First Resources Ltd (FRI))
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's 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. There are concurrent claims by Muara Tae and Muara Ponak communities over the same land. Also, the HCV forest was not properly identified nor set aside for conservation.
Status	Box F – Action Plan

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Decision /Justification	<p>A formal letter has been sent to FR on 19 August 2015 underlining the social HCV issue.</p> <p>The Complaints Panel suggested that RSPO Secretariat request that the community be open for negotiation, as the RSPO cannot help them without their willingness to enter into bilateral engagement.</p>
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Complaint 6	
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
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 encaved 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 A – Complaint Received
Decision /Justification	The Panel agreed to wait for the minutes of the FELDA internal meeting before making any further decision.

Complaint 7	
Member Organization	PT Sisirau/Ibris Palm Group
Membership category	Oil Palm Grower
Country	Indonesia
Complainant	Sumatran Orangutan Society (SOS)
Date filed	29 October 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 N - Non Cooperation
Decision /Justification	The Complaint Panel agreed to wait for full documentation before lifting the suspension. The company will also await the legal opinion report from Malaysia and Indonesia on the legality of submitting <i>shape files to the RSPO</i> . To await the files from Ibris Palm. Secretariat to draft a letter to inform the company that RSPO will consider terminating their membership if they fail to comply. The RSPO will give the company a maximum of 1 month to respond.

Complaint 8	
Member Organization	PT Permata Hijau Pasaman (PHP) 1 –Wilmar International
Membership category	Palm Oil Processors and/or Traders
Country	Indonesia
Complainant	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). Supported by Forest People Programme (FPP) and HuMa (Association for Community and Ecology-Based Law Reform)
Date filed	30 October 2014
Nature of complaint	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 D – Complaint Legitimate
Decision /Justification	The RSPO Secretariat will initiate the development of the Terms of Reference (ToR) and prepare the contract for the independent inquiry.
Complaint 9	
Member Organization	Equatorial Palm Oil PLC
Membership category	Oil Palm Grower
Country	Liberia
Complainant	Sustainable Development Institute
Date filed	25 September 2013

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Nature of complaint	<p>It is alleged that 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 D – Complaint Legitimate
Decision /Justification	<p>Await the minutes and reports of the meeting with the communities on 14 August 2015 and then close for monitoring.</p> <p>RSPO Secretariat to monitor the implementation for 12 months as agreed before closure.</p>

Complaint 10	
Member Organization	Groupe CASINO
Membership category	Retailer
Country	France
Complainant	Ferrero
Date filed	16 April 2015
Nature of complaint	<p>The Ferrero Group is making a fresh complaint that CASINO:</p> <ol style="list-style-type: none"> Has not done anything to show the French public that CSPO is an alternative to the conventional palm oil. Continues to have “<i>sans palm oil</i>” labels despite the change in legislation that makes it redundant. Has announced that it will replace palm oil in its food products. Associated palm oil with perceived harmful products like aspartame etc. Generally has violated the Code of Conduct by failing to endorse the objectives of the RSPO.
Status	Box C- Complaints Panel Convened
Decision /Justification	Wait for further information on the resolution to revise the Code of Conduct from the Board and advise Ferrero accordingly.

Complaint 11	
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

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Nature of complaint	The following points were raised by the community of Desa Pergulaan: <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for return of land totalling 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 D – Complaint Legitimate
Decision /Justification	<ul style="list-style-type: none"> - The Secretariat is waiting for the complete proposal from HARI (independent consultant) to do Social Impact Assessment. - The Social Impact Assessment is expected to be finalised by the end of October 2015.

Complaint 12	
Member Organization	Golden Veroleum Liberia (GVL)
Membership category	Oil Palm Grower
Country	Liberia, Africa
Complainant	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. 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).
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

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	<p>7. Social Entrepreneurs for Sustainable Development (SeSDev) - 7th February 2014</p> <p>8. On behalf of KUDA by Green Advocates - 17th February 2014</p> <p>9. Green Advocates on behalf of the GBlebo clan - 7th March 2014</p>
Nature of complaint	<p>Violation of the RSPO Principles and Criteria and New Plantings Procedure by:</p> <p>1) Not providing public notification for a 30 day period consistent with the New Planting Procedures,</p> <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 & 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 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 D – Panel has made a preliminary decision for Complaint 2 to 9.</p>
Decision /Justification	<p>A meeting will be held in late August to discuss the final decision. The update will be added after the meeting.</p>

Complaint 13	
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> <p>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.</p> <p>2. Land was acquired without a land tenure study and participatory mapping.</p> <p>3. Late HCV assessment which was done by Institute Pertanian Bogor, final consultation was on May 2014.</p>

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	<p>4. Dissatisfaction among smallholders and resentment because of reduced land set aside for plasma compared to HCV areas.</p> <p>5. Land has been set aside as HCS area that made no provision for customary land uses and tenure and local peoples' livelihood.</p> <p>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.</p> <p>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.</p>
Status	Box D – Complaint Legitimate
Decision /Justification	To wait for the outcome of the meeting with GAR. The case will be closed for monitoring if the stated action plan is satisfactory to FPP and RSPO.

Complaint 14	
Member Organization	PT Wina Nabati Indonesia /Wilmar
Membership category	Oil Palm Traders
Country	Indonesia
Complainant	Friends of Borneo, Siesfund and Stanislaus Lhota
Date filed	6 February 2013
Nature of complaint	<p>In respect Principles and Criteria of the Roundtable on Sustainable Palm Oil (RSPO) in Kelurahan Kariangau, Kota Madya Balikpapan, East Kalimantan, where it is building a CPO processing unit.</p> <p>The company has reclaimed land and cleared mangrove swamps in the area to build a jetty in the Balikpapan Bay and it is deemed a sensitive area for biodiversity. The Complainants claim that the clearing of areas includes approximately 18-20 hectares of mangrove forest, which is classified as Kawasan Lindung, according to the local spatial plan (tata ruang kota madya). Besides the spatial plan, opening coastal mangroves violates several national laws: (1) Surat Keputusan Bersama Menteri Pertanian dan Menteri Kehutanan No. KB.550/264/Kpts/4/1984, which defines the zone of protected mangroves to be 200 m; (2) Surat Edaran No. 507/IV-BPHH/1990, which defines the protected green belt to be 200 m along the coast and 50 m along rivers; (3) Keputusan presiden No. 32 tahun 1990 tentang Pengelolaan Kawasan Lindung,</p>
Status	Box G – Closed for Monitoring
Decision /Justification	RSPO Secretariat to confirm on the hectareage of the High Conservation Forest that has been converted by Wilmar and clarify it with the complainants.

COMPLAINTS PANEL MEETING MINUTES

For Website

19 August 2015 | 3.30pm – 5.00pm | Meeting No. 8/2015

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

Complaint 15	
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	Aid Environment
Date filed	3 April 2015
Nature of complaint	Issues raised by Aid environment: <ul style="list-style-type: none"> a. 10,000 ha of planting without permit (IUP) b. Encroachment into the forest sanctuary c. IOI has cleared the land without submitting NPP.
Status	Box C – Complaints Panel Convened
Decision /Justification	RSPO to arrange a stakeholders meeting in Jakarta, to get a clear understanding of the case and then the Complaints Panel shall issue a preliminary decision.

Complaint 16	
Member Organisation	PT Sawit Mandiri Lestari /PT Sawit Sumbermas Sarana (PT SSS)
Membership category	Oil Palm Grower
Country	Indonesia, Lamandau, Central Kalimantan
Complainant	Environmental Investigation Agency (EIA) and Jaringan Pemantau Independen Kehutanan Kalimantan Tengah (JPIK Kalteng)
Date filed	5 June 2015
Nature of complaint	Category : FPIC related issues (C2.3, C6.4) The Greenomics report of June 2015 says, PT SSS continues to actively clear forested peatland including orang-utan habitat. Following the NPP of PT SSS for public comment on 12 March 2015, the allegation from EIA is major flaws of HCV assessment and SEIA conducted by PT. Sonokeling, which covered: <ol style="list-style-type: none"> 1. Consultations with communities did not take place as described in NPP documents and affected communities did not participate in the HCV assessment and SEIA; 2. HCV assessment is technically flawed; 3. No FPIC process in place; 4. the AMDAL process was not carried out in accordance to the law; 5. PT SMP has not yet obtained permits that are a prerequisite to land clearing.
Status	Box F – Action Plan
Decision /Justification	To allow the parties to implement the MoU signed in Jakarta, on 8 June 2015 and monitor the progress report.

COMPLAINTS PANEL MEETING MINUTES

For Website

19 August 2015 | 3.30pm – 5.00pm | Meeting No. 8/2015

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

Complaint 17	
Member Organisation	PT Nubika Jaya / Permata Hijau Group
Membership category	Oil Palm Growers
Country	Indonesia, Labuhan batu Selatan, North Sumatra
Complainant	NGO Masyarakat Peduli Lingkungan Hidup Labusel (MPLH Labusel)
Date filed	9 June 2015
Nature of complaint	Category : river pollution (C4.3, C4.4, C5.1, C5.3) Allegations : PT Nubika Jaya (oil palm mill) has polluted the river, Aek Baba. Community cannot use the river for bathing and washing. In May 2012, some of fish breeder found thousands of fish dead in the dike located in Hamlet Karang Sari, Village Sisumut, along Aek Baba. Flood contaminated with waste also occurred in the same village in 2012.
Status	(C) Panel Convened
Decision /Justification	To recommend to change the case status to 'Box F: Action Plan' Secretariat to monitor the implementation of the agreement dated 12 August 2015.