

COMPLAINTS PANEL

MINUTES OF MEETING

For Website

20 January 2021 | 5.00pm - 8.10pm | Meeting No. 01/2021

Meeting location: *Jakarta Conference Room, RSPO Kuala Lumpur - Malaysia & via Zoom Link*

<p>List of Complaints Panel Member</p>	<table border="1"> <tr> <td data-bbox="376 645 906 904"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (LSC - Co Chair) 3. Michelle Desilets (MD) 4. Matthias Diemer (MDM) 5. Marieke Leegwater (ML) 6. Lanash Thanda (LT) </td> <td data-bbox="912 645 1437 904"> <ol style="list-style-type: none"> 7. Peter van der Werf (PVDW) 8. José den Toom (JDT) 9. Robert Kruger (RK) 10. Priya Gopalan (PG) 11. Fakri Karim (FK) </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (LSC - Co Chair) 3. Michelle Desilets (MD) 4. Matthias Diemer (MDM) 5. Marieke Leegwater (ML) 6. Lanash Thanda (LT) 	<ol style="list-style-type: none"> 7. Peter van der Werf (PVDW) 8. José den Toom (JDT) 9. Robert Kruger (RK) 10. Priya Gopalan (PG) 11. Fakri Karim (FK)
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<p>Agenda</p>	<p><u>General Agenda:- 6.40pm - 7.00pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. Declaration of Conflict of Interest 3. To confirm and adopt the minutes of 25 November 2020 during the CP Meeting 4. New Allegations:- <ol style="list-style-type: none"> 4.1 RSPO/2020/16/LSL - Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (Daabon Group) 5. Complaints Case Statistics. 6. Complaints Panel meeting Dates <ol style="list-style-type: none"> 6.1 Dates for CP monthly meetings in 2020 6.2 Dates for CP Physical Meetings 6.3 Expansion of the Complaints Panel 7. Collaboration with the Investigation & Monitoring Unit (IMU) <ol style="list-style-type: none"> 7.1 FELDA Global Venture - (Article by The Wall Street Journal) 7.2 PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research) 7.3 Poligrow Colombia SAS 7.4 PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata 		

	<p style="text-align: center;">Hijau Group)</p> <p>8. Dispute Settlement Facility (DSF)</p> <p>9. Commitment of Financial Institutions.</p> <p>10. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.</p> <p>11. Any Other Matters</p>
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12. Complaints for deliberation:-

Group 1:- 7.05pm - 7.35pm

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
2. Agropalma S.A vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
3. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
4. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
5. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
6. HSA Group (Pacific Inter Link, Pacific Oils & Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace
7. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
8. PT. Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)
9. PT Buana Wira Lestari vs *requested for confidentiality*
10. PT Wahana Prima Sejati (subsidiary of First Resources) vs *requested for confidentiality*
11. PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary Goodhope Asia Holdings Ltd) vs Awasmiffee, Greenpeace & FPP

Group 2:- 7.35pm - 7.50pm

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
3. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
4. Presco PLC Nigeria (SIAT SA) vs *requested for confidentiality*
5. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
6. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
7. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
8. PT Musim Mas Holding Pte Ltd vs *requested for confidentiality*
9. Palmaceite S.A. vs *requested for confidentiality*
10. Agroaceite S.A. vs *requested for confidentiality*
11. PT Pangkatan Indonesia - subsidiary of MP.Evans Group vs KOSP-LSM FSPMI & TIPAN
12. Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI

Group 3:- 7.55pm - 8.10pm

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. Goodhope Asia Holdings Ltd vs RSPO Secretariat
3. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
4. Primatama Mulia Jaya vs Masyarakat Adat Luhak Saparampek Simpang Tigo
5. Oleaginosas Del Peru S.A. (OLPESA) vs *requested for confidentiality*
6. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
7. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*
8. Benso Oil Palm Plantation (subsidiary of Wilmar International Limited) vs Mrs. Joseph Yankey & Mr Solomon Asante-Sefa
9. IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs *requested for confidentiality*
10. PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan

DETAILS OF THE AGENDA:

No.	Agenda
1.	Opening Remarks from Chairperson Opening speech by CCP.
2.	Declaration of “No Conflict of Interest” No further conflict of interest declared at this time of the meeting.
3.	To confirm and adopt the minutes of 25 November 2020 during the Complaints Panel Meeting. Minutes of 25 November 2020 adopted.

4. New allegation submitted

4.1

RSPO/2020/16/LSL	Palmas y Trabajo S.A.S; Progreso Palmero S.A.S and Oleaginosas de Yuma S.A.S (subsidiary of Daabon Group)
Complainant	Puerto Wilches Section Sintrainagro Deputy Director's Office
Complaint received	10.9.2020
Location	Colombia
Allegations	<ul style="list-style-type: none"> ● Non-compliance with labour rights/laws; ● Anti-union practices; and ● Employees not provided sufficient protection equipment.

Discussion from 20 January 2021 (CP Meeting):-

- 1. Pending response from the Complainant.**

5. Complaints Cases Statistics

Total Cases in 2020

	Jan-2020	Feb-2020	Mar-2020	Apr-2020
Complaints received	2	1	3	1
Status	Open (0) Rejected (1) Closed (1)	Open (1)	Open (2) Closed (1)	Open (1)
Country	Malaysia (1) Indonesia (1)	Indonesia (1)	Indonesia (2) Colombia (1)	Honduras (1)
Case Category	-Invasion of main access road (1) -Wage, safety (1)	- Land fires - River Pollution - Planting on Peat	- Illegal permit (1) - convicted for Bribery (1) - Water Pollution(2) - Breached CoC (1)	

	May 2020	Jun 2020	Jul 2020	Aug 2020
Complaints received	0	3	2	2
Status	-	Open (1) Rejected (2)	Open (2)	Open (2) Rejected (1)
Country	-	Indonesia (3)	Guatemala (1) Indonesia (1)	Indonesia (2)
Case Category	-	-Workers unjustifiably dismissed (1) -Social Benefits(2) -Infringement of copyright (1) - no adequate health,housing facilities (1)	- River Pollution (2) - Deforestation(1) -endangered wildlife (1) -Breach of P&C (1)	-Unfair dismissal /termination - no adequate health,housing facilities - illegal control and use of land

	Sept-2020	Oct-2020	Nov-2020	Dec-2020
Complaints received	2	2	1	-
Status	Open (2)	Open (1) Rejected (1)	Open (1)	-
Country	Colombia (1) Indonesia (1)	Colombia (1) Malaysia (1)	Indonesia (1)	-
Case Category	-Occupational hazard (1) - NPP (1)	-Breach of CoC -Human Rights violation -Fake pay slip	-Water pollution -Processing FFB from non-RSPO certified plantations.-	-

Total Cases in 2021

	Jan-2021	Feb-2021	Mar-2021	Apr-2021
Complaints received	-	-	-	-
Status	-	-	-	-
Country	-	-	-	-
Case Category	-	-	-	-

Total Active Cases by Country and Year (as of 15.01.2021)

Country	Active Cases	Year	Active Cases
Indonesia	19		
Malaysia	4		
Colombia	3	2010	1
Nigeria	1	2012	1
Peru	1	2014	1
Brazil	1	2015	4
Liberia	1	2017	3
Guatemala	1	2018	5
Ghana	1	2019	6
Cayman Island	1	2020	13
Honduras	1	2021	0
TOTAL	34	TOTAL	34

6. Complaints Panel Meeting Dates

6.1 Dates for Complaints Panel monthly meetings

Discussion from 20 January 2021 (CP Meeting):-

1. A proposition was made during the CP meeting with respect to rescheduling the dates of the CP meeting for the year 2021 to accommodate the request of a CP member. The CP has agreed to proceed with discussions by way of email.

6.2 Dates for Complaints Panel Physical Meetings in 2020

Discussion from 20 January 2021 (CP Meeting):-

1. The Secretariat made a proposition for the first online quarterly meeting to be held in

	<p>March 2021. The Secretariat will be sending an email to the CP members with respect to the proposed dates.</p>
6.3	Expansion of Complaints Panel
	<p>Discussion from 20 January 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Secretariat is awaiting an update from a CP candidate.
7.	Collaboration with the Investigation & Monitoring Unit (IMU)
7.1	<p>FELDA Global Venture - (Article by The Wall Street Journal)</p> <p>Discussion from 20 January 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The audit process will proceed in accordance with the schedule. Full audit to be concluded by end of March 2021.
7.2	<p>PT Temila Agro Abadi - subsidiary of FGV - (Article by Chain Reaction Research)</p> <p>Discussion from 20 January 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. FGV is to submit the rehabilitation plan by 28 January 2021.
7.3	<p>Poligrow Colombia SAS</p> <p>Discussion from 20 January 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Risk Unit received the initial certification audit report on 5.01.2021. The Risk Unit is reviewing the findings of the report and will update the Complaints Desk accordingly.
7.4	<p>PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)</p> <p>Discussion from 20 January 2021 (CP Meeting):-</p> <ol style="list-style-type: none"> 1. The Respondent has submitted its 1st progress report within the agreed timeline set by

	<p>the CP (10 November 2020). The Respondent has fulfilled 15 out of 16 points from the Bilateral Engagement process.</p> <p>2. In reference to the CP’s directive, the monitoring timeline is 6 (six) months. The 2nd quarterly progress report (the last report) is due on 11 February 2021.</p>
<p>8. Dispute Settlement Facility (DSF)</p>	
	<p>Discussion from 20 January 2021 (CP Meeting):-</p> <p>1. The Secretariat is working together with the DSF Consultant to schedule a series of webinars for 2021 for the various sectors within the membership.</p>
<p>9. Commitments of Financial Institution(s)</p>	
	<p>Discussion from 20 January 2021 (CP Meeting):-</p> <p>1. There are no further updates on this matter.</p>
<p>10. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership</p>	
	<p>Discussion from 20 January 2021 (CP Meeting):-</p> <p>1. The proposal for the implementation of Resolution 6D will be adjourned to the BoG meeting later either in Q3 or Q4 2021.</p>



12. Any Other Matters	
	<p>a) <u>ASC-CP MEETING</u></p> <p>Discussion from 20 January 2021 (CP Meeting):-</p> <ol style="list-style-type: none">1. Pending further updates on the fixing of an ASC-CP meeting in 2021.

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)	
Case Reference	PreCAP/2015/05/PR
Date Filed	16 February 2015
Respondent	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
Nature of Complaint	<ul style="list-style-type: none"> ● According to the Enquiry National Hak Tanah Malaysia document, 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. ● 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. ● 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. ● A police report has been made by the community and that is the source of the complaint.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Status quo. Pending outcome of the appeal before the Sabah Lands and Surveys Department (SLSD). 2. The Secretariat tried reaching out to the Complainant via email and mobile. No response received from the Complainant.

Complaint 1.2 Agropalma S.A. vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa

Case Reference	PreCAP/2015/23/PR
Date Filed	13 August 2015
Respondent	Agropalma SA
Membership Category	Oil Palm Grower
Country	Brazil
Complainant	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa.
Complaint description	<ul style="list-style-type: none"> • Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> 1. Decision delivered and pending expiry of appeals period on 26.02.2021.

Complaint 1.3 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin

Case Reference	PreCAP/2015/36/PR
Date Filed	24 November 2015
Respondent	Hap Seng Plantations Holdings Bhd
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Sia Yi Chin of Lahad Datu, Sabah
Complaint description	<ul style="list-style-type: none"> • The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah. • 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. • He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Case adjourned. Pending outcome of the Court process. 2. The Secretariat has contacted the Complainant via email to fix an online meeting in order to have a discussion on the options to move the case forward. 3. Pending response from the Complainant.

Complaint 1.4 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK	
Case Reference	PreCAP/2012/06/PR
Date Filed	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
Respondent	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Transformasi untuk Keadilan (TuK)
Complaint description	<ul style="list-style-type: none"> ● The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without : <ol style="list-style-type: none"> 1. Lack of Transparency on land status and partnership agreements; 2. Lack of compliance to our customary land rights; 3. The absence of (documented) compensation; 4. Lack of compliance to local regulations; ● In acting so they are alleged to have breached RSPO Principles and Criteria specifically on: <ol style="list-style-type: none"> 1. Principle 1 on Transparency, 2. Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.
Status	(D) Investigation / deliberation
Decision / Justification	1. The draft letter has been furnished to the CP members for review and deliberation.

Complaint 1.5 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh	
Case Reference	PreCAP/2012/09/PR
Date Filed	3 October 2012
Respondent	Golden Veroleum Liberia (GVL)
Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
Complaint description	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> • has not provided public notification for a 30 day period consistent with the New Planting Procedures; • commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; • By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate 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; • Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6).
Status	(D) Investigation / deliberation
Decision / Justification	<p><u>Tarjuowon Area:-</u></p> <ol style="list-style-type: none"> 1. The Secretariat was informed by the independent facilitator that the facilitation of the implementation of the CP's decision will proceed in January 2021. <p><u>Other areas:-</u></p> <ol style="list-style-type: none"> 1. Respondent has confirmed on 14.01.2021 that they are agreeable to the engagement of a candidate as the independent facilitator. 2. The Secretariat has written to the Complainants on 18.01.2021 seeking their confirmation. Pending confirmation from Complainants.

Complaint 1.6 HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/18/RB
Date Filed	15 October 2018
Respondent	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
Membership Category	Oil Palm Grower
Country	Cayman Island
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> Breach of Code of Conduct - violation of the RSPO Group Membership rules. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.
Status	(H) Appeals Submitted
Decision / Justification	<ol style="list-style-type: none"> The Complainant has lodged an appeal against the decision of the CP. An appeals panel has been constituted in accordance with the requirements of the Complaints and Appeals Procedures.

Complaint 1.7 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace	
Case Reference	RSPO/2018/19/RB
Date Filed	15 October 2018
Respondent	Pacific Inter-Link (Papuan Concessions)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	<ul style="list-style-type: none"> • Violation of the RSPO Code of Conduct because of their alleged involvement in the control/ownership and operational development of four palm oil plantation companies in Papua.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat will be writing to the Membership Department to commence the due diligence on the allegations raised.

Complaint 1.8 PT Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)	
Case Reference	RSPO/2019/04/IR
Date Filed	12 March 2019
Respondent	PT Berkat Sawit Sejati (subsidiary of Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Hutan Kita Institute (HaKI)(Indonesia)
Complaint description	<ul style="list-style-type: none"> indicated using the area of Dangku Wildlife Reserve (SM) approximately 2,600 Ha and production forest area (HP) of approximately 3,200 Ha.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> Appeal period expired on 15 January 2021. This matter will be removed from the agenda moving forward.

Complaint 1.9 PT Buana Wira Lestari vs requested for confidentiality	
Case Reference	RSPO/2019/21/SW
Date Filed	29 October 2019
Respondent	PT Buana Wira Lestari
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● The Respondent planted oil palm trees outside the HGU and planted oil palm trees at the edge of the river which resulted in damage to the watershed. ● The Respondent is polluting the river water and also the surrounding community settlement caused by the liquid waste from the palm oil mills. ● The Respondent never watered the road traversed by its FFB and CPO transport trucks which affected the health of the community of two villages due to dust pollution. ● The Respondent mill's chimney emits black smoke and causes air pollution. ● The Respondent did not provide proper social assistance to the local community.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Draft of the decision letter has been furnished to the CP members for review.

Complaint 1.10 PT Wahana Prima Sejati (subsidiary of First Resources Limited) vs requested for confidentiality	
Case Reference	RSPO/2020/12/DPM
Date Filed	14 July 2020
Respondent	PT Wahana Prima Sejati (subsidiary of First Resources Limited)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction; • Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and • Development of a jetty, which includes reclamation of the sea floor as long as 590 meters
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note has been submitted to the CP for deliberations.

Complaint 1.11 PT Nabire Baru and PT Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd) vs Awasmifee, Greenpeace and Forest Peoples Programme - (Indonesia)	
Case Reference	RSPO/2020/17/SW
Date Filed	18 September 2020
Respondent	PT Nabire Baru and PT Sariwana Adi Perkasa (subsidiary of Goodhope Asia Holdings Ltd)
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	Awasmiffee, Greenpeace & FPP
Complaint description	<ul style="list-style-type: none"> The Complaint was lodged as a result of the comments that have been given by the Complainant during the Respondent’s NPP consultation period have not been resolved. The allegations as below: "that the Respondent withheld two important documents which should have been made available to stakeholders under the RSPO principle on transparency. The documents are the original draft of the 2011 HCV assessment and the Respondent’s legal review commissioned by the RSPO Secretariat."
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Complaint is formally accepted in line with the process as set out in the NPP document. The Respondent has furnished the Secretariat with their formal response to the allegations and the Complainant has sent their feedback with regard to the Respondent’s formal response. The Secretariat is waiting for the Respondent’s final comment.

GROUP 2

Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR	
Case Reference	PreCAP/2015/35/PR
Date Filed	19 November 2015
Respondent	Extractora de la Gloria SAS
Membership Category	Oil Palm 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
Complaint description	<p>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:</p> <ul style="list-style-type: none"> ● Principle 1.1. Given that it does not provide clear and sufficient information regarding the Business Group. ● Principle 2.1. The Business Group has not declared itself to Colombian authorities and the crops were planted without an Environmental Management Plan for the Forest Reserve, which goes against national business and environmental regulations. ● Principle 2.2. Property ownership claims in the areas where Extractora La Gloria grows the majority of its crops have been called into question at national and international judicial bodies. Farming communities have demanded the formalization of their customary land rights, which were violently denied by paramilitary groups. ● Principle 2.3. Business operations have not recognized the rights of farmers who are also displacement victims, in contravention of businesses' duty to guarantee free, prior and informed consent regarding land use. ● Principle 4.4. While installing and processing palm crops, Extractora La Gloria affected the Caño Alonso Forest Reserve Buffer Zone and the Singararé, El Carmen and Simaña streams. ● Principle 5.2. The company has not avoided damaging the Caño Alonso Forest Reserve Buffer Zone, a specially protected habitat such as installing palm crops over the Reserve's environmental buffer zone. ● Principle 6.4. The company has neglected the claimants, despite the fact that they have been the most affected by its business activities. The company has also refused to create negotiation platforms. ● Principle 6.13. The company has benefited from grave human rights violations of vulnerable farmers, who were also forcefully displaced by illegal armed actors. The company has not publicly rejected the threats and intimidations against the claimants. It even requested that the Constitutional

	Court lift the cautionary measures protecting the victims.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note has been submitted to the CP for deliberation.

Complaint 2.2 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch	
Case Reference	RSPO/2017/06/SW
Date Filed	13 October 2017
Respondent	PT Hati Prima Agro (subsidiary of Bumitama)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<ul style="list-style-type: none"> • A complaint was initially lodged in 2012 on allegations related to land matters. It was dismissed in April 2015 when Bumitama said that they were planning to divest the property and no longer had management control. However, in this request for reopening of the complaint, the complainant (Sawit Watch, EIA, and Greenpeace) has made allegations that although Bumitama claimed to have divested the property they continued to have management control. Further, in July 2016 Bumitama had repurchased the concession unit. • Thus, the request for reopening is on the basis that Bumitama allegedly made deceptive claims before the Complaints Panel. The Complainants further claim that Bumitama had not submitted NPP despite the land clearance.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is reviewing the justification to reopen the Complaint and to compile all the information related to it to finalise the chronology.

Complaint 2.3 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK	
Case Reference	RSPO/2018/14/IR
Date Filed	22 August 2018
Respondent	Golden Agri Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme (FPP) and Tuk- Indonesia
Complaint description	<ul style="list-style-type: none"> • GAR's shadow companies are actively clearing lands.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Pending further directives from the CP.

Complaint 2.4 Presco PLC Nigeria (SIAT SA) vs requested for confidentiality

Case Reference	RSPO/2018/17/PR
Date Filed	17 September 2018
Respondent	Presco PLC Nigeria (SIAT SA)
Membership Category	Oil Palm Grower
Country	Nigeria
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> For the past five years, PRESCO, in conjunction with the Edo State Government, through its Ministry of Agriculture and Natural Resources; the Police in Benin City, Edo State; and the Nigeria Army's 4th Brigade (also located in Benin City, Edo State), has been forcefully encroaching into ancestral and customarily owned indigenous farm lands, including Oruarivie-Abraka ancestral farm lands, situated in Delta State (a neighbouring State to Edo State, where PRESCO's Head Office is located), and forcefully evicting local farmers from these ancestral and customarily owned indigenous farm lands measuring approximately three thousand hectares (well beyond the Edo State boundaries), and forcefully and illegally grabbing same for its palm oil plantation expansionist activities.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The CP has agreed to grant the mutual request by parties for a two month extension until end of February 2021 to continue the private mediation process.

Complaint 2.5 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT

Case Reference	RSPO/2019/07/IR
Date Filed	10 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
Complaint description	<ul style="list-style-type: none"> ● Lack of adequate health and safety equipment; ● Worker died due to lack of safety equipment; and ● No festive holidays for temporary workers.
Status	(D) Investigation/Deliberation
Decision / Justification	1. Pending results of surveillance audit.

Complaint 2.6 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality	
Case Reference	RSPO/2019/11/IR
Date Filed	23 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Temporary workers contract and wages issues; • Intimidation of workers
Status	(D) Investigation/Deliberation
Decision / Justification	1. Pending results of surveillance audit.

Complaint 2.7 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)	
Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ul style="list-style-type: none"> • Alleged fraud of wages for 7 workers, • No festive holidays and bonus for temporary workers
Status	(D) Investigation/Deliberation
Decision / Justification	1. Pending results of surveillance audit.

Complaint 2.8 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality	
Case Reference	RSPO/2020/03/DPM
Date Filed	11 February 2020
Respondent	PT Musim Mas Holding Pte Ltd
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> • Land fires occurred in the conservation area within the PT MusimMas HGU covering an area of 12 hectares; • Damaging the river by damming the river flow; • Community owned plantation and public cemetery are not enclaved; • Planting on peatland and in protected areas of river banks.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat received responses from both parties stating they wish to bring the comments directly to the CB for clarification and the Secretariat will proceed accordingly.

Complaint 2.9 Palmaceite S.A vs requested for confidentiality	
Case Reference	RSPO/2020/05/HN
Date Filed	24 March 2020
Respondent	Palmaceite S.A.
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> The Respondent has allegedly failed to fulfill the agreement with the Complainant to implement and monitor the operations of the Complainant's plantation which led to the collapse of the production within the plantation.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The CB requested several documents to be furnished from the Respondent. The CB has informed the Secretariat that the documents will be reviewed during the surveillance audit and an on-site audit will be conducted to review the situation described by the Complainant.

2.10 Agroceite S.A. vs requested for confidentiality	
Case Reference	RSPO/2020/11/HN
Date Filed	6 July 2020
Respondent	Agroceite, S.A.
Membership Category	Oil Palm Grower
Country	Guatemala
Complainant	<i>requested for confidentiality</i>
Complaint Description	<ul style="list-style-type: none"> • The Complainant alleges that the Respondent has destroyed the biodiversity of the Manchón Guamuchal nature reserve, a coastal-marine wetland, located along the Pacific coast of Guatemala in the San Marcos and Retalhuleu department; • The Respondent allegedly discharged immense quantities of toxic chemicals and hazardous waste which affected the local marine species, the mangrove's ecosystem and the local community.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The CB will conduct an onsite audit to interview the local people and to review the situation of the river, the mangrove area and the effluent ponds.

2.11 PT Pangkatan Indonesia subsidiary of MP. Evans Group vs KOSP-LSM FSPMI dan TIPAN	
Case Reference	RSPO/2020/08/DPM
Date Filed	4 June 2020
Respondent	PT Pangkatan Indonesia - subsidiary of MP. Evans Group
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	KOSP-LSM FSPMI dan TIPAN
Complaint Description	<ul style="list-style-type: none"> ● Termination of employment without severance and other related compensation; ● No written employment agreement for daily casual workers; ● No National Healthcare Insurance (BPJS Kesehatan) and Employee Social Security (BPJS Ketenagakerjaan) for daily casual workers; ● No bonus and extra benefits/rice allowance as stipulated in the CBA for daily casual workers; ● No payslip for daily casual workers; ● Insufficient Religious Festive Allowance for daily casual workers; ● No PPE provided.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complaint has been summarily dismissed due to the lack of response from the Complainant for clarification/information. 2. The appeal period expires on 3.03.2021.

2.12 Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT Musim Mas) vs KC FSPMI - Indonesia

Case Reference	RSPO/2020/13/DPM
Date Filed	5 August 2020
Respondent	Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	KC FSPMI
Complaint Description	<ul style="list-style-type: none"> ● Unauthorised Company Regulations; ● Flat rate overtime premium; ● Copy of the Collective Bargaining Agreement is not furnished to the workers; ● Workers working night shift is not provided with extra food; ● Inadequate and unsanitary worker's housing; ● Daily casual workers are not provided with a written employment agreement; ● Daily casual workers are not provided with Employment security (BPJS Ketenagakerjaan) cards; ● Complicated healthcare insurance (BPJS Kesehatan) and paid sick day processes; ● Unfair dismissal/termination for unjustified reason such as participating in union activities; ● Limitation of worker's right to organize outside the established independent/non-affiliated trade union.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has received the response from both the parties to have the comments on the special audit report taken back to the clarification of the CB. 2. The Secretariat will proceed to do so and has informed the CB of the responses from both parties.

GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
Case Reference	PreCAP/2014/03/IR
Date Filed	13 October 2014
Respondent	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
Complaint description	<p>Points raised:-</p> <ul style="list-style-type: none"> ● PT KPC is in persistent violation of the RSPO P&C pertaining 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 in the process of land take over. ● Land takeover was done without land tenure study and participatory mapping. ● Late HCV assessment which was done by IPB, final consultation was in May 2014. ● Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). ● Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. ● GAR as the parent company of all 18 subsidiaries listed in acting in violation of the New Planting Procedure (NPP) by submitting information which is known as false. No HGU in 16 of 18 NPP. ● The assessors which 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.
Status	(D) Investigation / deliberation
Decision / Justification	1. Pending submission of Briefing Notes and deliberation of the CP.

Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat	
Case Reference	PreCAP/2017/06/SW
Date Filed	19 April 2017
Respondent	Goodhope Asia Holdings
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
Complaint description	<ul style="list-style-type: none"> Note: FPP and the other NGOs also sent a complaint to the BoG on the fact that Goodhope had insisted that their NPP be posted for public consultation despite the Secretariat's finding that the HCV Assessment was not satisfactory. They had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Compensation Panel has come up with their findings with regard to the Respondent's appeal on the FCL for the Ketapang Region. The Secretariat has forwarded the findings to the Complaints Panel for deliberation.

Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan	
Case Reference	PreCAP/2010/01/PR
Date Filed	15 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
Respondent	IOI Pelita (IOI Group)
Membership Category	Oil Palm Grower
Country	Sarawak, Malaysia
Complainant	Community of Long Teran Kanan
Complaint description	<ul style="list-style-type: none"> • Infringement of P&C No.2.2 – the right to land use disputed.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. CP to be updated on the progress of the Resolution Plan as conveyed by the Respondent.

Complaint 3.4 PT. Primatama Mulia Jaya v Masyarakat Adat Luhak	
Case Reference	RSPO/2018/12/SW
Date Filed	12 July 2018
Respondent	PT Primatama Mulia Jaya (subsidiary of Wilmar International)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Masyarakat Adat Luhak Saparampek Simpang Tigo
Complaint description	<ul style="list-style-type: none"> The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Briefing Note is finalised and will be furnished to the CP.

Complaint 3.5 Oleaginosas Del Peru S.A (OLPESA) vs requested for confidentiality	
Case Reference	RSPO/2019/05/PR
Date Filed	22 March 2019
Respondent	Oleaginosas Del Peru S.A. (OLPESA)
Membership Category	Oil Palm Grower
Country	Peru
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> Sourcing FFB from unsustainable origin. Failure to conduct SIA.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The draft decision letter has been furnished to the CP for review.

Complaint 3.6 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation	
Case Reference	RSPO/2020/04/IR
Date Filed	2 March 2020
Respondent	Golden Agri Resource (GAR)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Forest Peoples Programme & Elk Hills Foundation
Complaint description	<ul style="list-style-type: none"> • The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law; • The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is to update the draft ToR of the legal review.

Complaint 3.7 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality	
Case Reference	RSPO/2020/07/LSL
Date Filed	6 April 2020
Respondent	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
Membership Category	Oil Palm Grower
Country	Honduras

Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Modification of property deeds to remove areas identified by the government as environmental protection zone; ● Employees not paid minimum wage; not provided with equipment; and not given workers' benefits; ● Non-compliance with labour laws; ● Threatening of workers to suppress information from auditors; ● Bribing workers and government agencies; ● Manipulation of scale systems; Falsification of data; ● Operating without an environmental license.
Status	(D) Investigation / deliberation
Decision / Justification	1. Pending outcome of a special audit.

Complaint 3.8 Benso Oil Palm Plantations (subsidiary of Wilmar International Limited) vs Mrs Joseph Yankey & Mr Solomon Asante-Sefa	
Case Reference	RSPO/2020/15/LSL
Date Filed	25 August 2020
Respondent	Benso Oil Palm Plantation (subsidiary of Wilmar International Limited)
Membership Category	Oil Palm Grower
Country	Ghana
Complainant	Mrs. Joseph Yankey & Mr Solomon Asante-Sefa

Complaint description	<ul style="list-style-type: none"> ● The Respondent has acquired land to develop oil palm in Ghana; ● The Respondent has destroyed farmers’ rubber plantation; ● The Respondent is not willing to pay for the damages caused to the rubber farmers; ● The Respondent is still cutting down rubber farms to plant oil palm; ● The remaining uncultivated lands have been taken over for the Respondent’s project; ● The Respondent has shown no interest in resolving these issues despite several Complaints made to the Respondent by the Complainants.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. Both parties had on 04.01.2021 commenced the Bilateral Engagement process with a deadline expiring on 01.04.2021.</p>

Complaint 3.9 IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad) vs requested for confidentiality	
Case Reference	RSPO/2020/19/IR
Date Filed	5 October 2020
Respondent	IOI Plantation Mekassar Estate (subsidiary of IOI Corporation Berhad)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ul style="list-style-type: none"> ● Unilateral pay cut by the Respondent ● Poor living conditions for the labourers ● Intimidation of workers ● Forced labour ● Lack of transparent grievance system
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Secretariat held a meeting between both the Complainant and Respondent to clarify the current standard of living.</p> <p>2. The verification and review of the supporting documents are also being conducted concurrently.</p>

Complaint 3.10 PT Nubika Jaya (subsidiary of Permata Hijau Group) vs LSM-Baris Labuhanbatu Selatan - Indonesia	
Case Reference	RSPO/2020/20/DPM
Date Filed	12 November 2020
Respondent	PT Nubika Jaya (subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	LSM-Baris Labuhanbatu Selatan
Complaint description	<ul style="list-style-type: none"> ● No Domestic Wastewater Treatment Plant; ● The Oleochemical equalization pool was not built with concrete; ● Sludge from the Oleochemical Wastewater Treatment Plant has never been transported to a designated waste processing agency. ● Dispose of liquid waste without permit; ● Inconsistency on the volume of Hazardous Waste transported to a designated waste processing agency; ● A sparring equipment has yet installed at the Wastewater Treatment Plant; ● No certified Wastewater Treatment Operational Responsible and Water Pollution Control Officer onsite; ● Processing fresh fruit bunches from non-RSPO certified plantations.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat has received responses from both parties on whether they wish to proceed with either Bilateral Engagement or DSF mediation. 2. The Respondent has expressed their intention to exercise the Bilateral Engagement process.