

COMPLAINTS PANEL MEETING MINUTES

For Website

24 October 2018 | 3.30 - 6.30 pm | Meeting No. 10/2018

Meeting location: Jakarta Conference Room, RSPO Kuala Lumpur - Malaysia

<p>List of Complaints Panel Member</p>	<table border="1"> <tr> <td data-bbox="418 499 911 789"> <ol style="list-style-type: none"> 1. Henry Barlow (Affiliate Member) 2. Michelle Desillet (Orangutan Land Trust) 3. Matthias Diemer (WWF Switzerland) 4. Marieke Leegwater (Solidaridad) 5. Melizel Asuncion (Verite) 6. Frazer Lanier (Citibank) </td> <td data-bbox="911 499 1409 789"> <ol style="list-style-type: none"> 7. Lim Sian Choo (Bumitama) 8. Priya Gopalan (UBS AG) 9. Lanash Thanda (SEPA) 10. Robert Kruger (RKG) 11. Samantha Bramley (Standard Chartered) 12. Suzanne Hall (San Diego Zoo) </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Affiliate Member) 2. Michelle Desillet (Orangutan Land Trust) 3. Matthias Diemer (WWF Switzerland) 4. Marieke Leegwater (Solidaridad) 5. Melizel Asuncion (Verite) 6. Frazer Lanier (Citibank) 	<ol style="list-style-type: none"> 7. Lim Sian Choo (Bumitama) 8. Priya Gopalan (UBS AG) 9. Lanash Thanda (SEPA) 10. Robert Kruger (RKG) 11. Samantha Bramley (Standard Chartered) 12. Suzanne Hall (San Diego Zoo)
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<p>Agenda</p>	<p style="text-align: center;"><u>General Agenda: 3.30pm - 4.15pm</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 26 September 2018 during the CP Meeting 4. Updates from the Board of Governors' Meeting 5. New Allegations:- <ol style="list-style-type: none"> a. RSPO/2018/02/NR - PT Sumatera Makmur Lestari (Wilmar); b. RSPO/2018/06/RB - AMP Plantation (Wilmar); c. RSPO/2018/07/RB - PT PHP/AMP Plantation (Wilmar); d. RSPO/2018/14/RB - Golden Agri Resources; e. RSPO/2018/15/RB - PT Agro Lestari Mandiri (Sinar Mas); f. RSPO/2018/16/RB - PT Agro Andalan (DSN Group); g. RSPO/2018/17/JL - Presco PLC Nigeria; h. RSPO/2018/18/JL - HSA Group (Pacific Inter Link, Pacific Oils & Fats Industries Sdn Bhd, PT Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri); i. RSPO/2018/19/JL - Pacific Inter-Link (Papuan Concessions); j. RSPO/2018/20/JL - Presco PLC Nigeria. 6. Incident reports from the Public Domain:- <ol style="list-style-type: none"> a. Greenpeace Report on Links between Wilmar International and GAMA b. Chain Reaction Research Article - Shadow Companies Present Palm Oil Investor Risks and Undermine NDPE Efforts c. Eyes on the Forest Report - Enough is Enough - Investigation Report on Chain of Custody d. Greenpeace occupying a refinery on Wilmar e. Nigeria-Cross River Communities (Wilmar) 		

7. Complaints Case Statistics.
8. Cases “Closed For Monitoring”
9. Any other matters:-
 - a. Dates for Complaints Panel meetings in 2018;
 - b. Expansion of the Complaints Panel;
 - c. Complaints website revamp;
 - d. Follow up on the progress of the DSF procedures and its ancillary documents;
 - e. Cost directives;
 - f. CP’s meeting at RT;
 - g. Issues related to FGV.
10. Amnesty International report on Wilmar International - a media enquiry by Sydney Morning Herald.
11. Request for Re-opening the case of PT Gunta Samba Jaya/PT SIMP.
12. Research Report, “Palming Off Responsibility: Labour rights violations in the Indonesian palm oil sector, by SOMO and CNV International (Pt Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam – Wilmar).
13. Commitment of Financial Institutions
14. GA Resolution
15. Complaints for deliberation:-

Group 1: 4.15pm - 4.45pm

1. FELDA vs Orang Dusun Lahad Datu (Desa Begahak) (Robin Balud)
2. Agropalma SA vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa
3. Hap Seng Plantations Holdings Bhd vs Sia Yi Chin
4. PT. Pusaka Agro Lestari (PT.PAL - Noble Plantation) vs RSPO Secretariat
5. PT. Prima Mitra Jaya Mandiri (PT. PMM - MP Evans) vs Serbundo
6. PT Agro Indomas (Goodhope) vs Mr Ravindran Veerasamy
7. PT. Susantri Permai, PT Dwie Warna Karya, PT Kapuas Maju Jaya (Genting Plantation Berhad) vs Commission IV of Indonesia’s House of Representative
8. PT. Susantri Permai (Genting Plantation Berhad) vs Borneo Orangutan Survival Foundation (BOSF)
9. PT. Limpah Sejahtera (First Resources) vs Yayasan Indonesian Animal Rescue International
10. PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK
11. PT. Minamas Gemilang (Sime Darby) vs Oky Wardianto
12. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDEV; A-Bloteh
13. First Resources Ltd (PT Swadaya mukti Prakarsa) vs. Link Ar-Borneo
14. PT Harapan Sawit lestari (Cargill) vs LinKar Borneo

Group 2: 4.45pm – 5.45pm

1. Extractora La Gloria SAS vs ASOCOL, ASOCADAR
2. PT. Bumitama Gunajaya Agro (BGB- Bumitama) vs Sawit Watch
3. PT. Hati Prima Agro (HPA- Bumitama) vs Sawit Watch
4. PT. Bumi Sawit Kencana II (BSK- Wilmar International Ltd.) vs Village Kapuk
5. Palmas Del Espino SA vs FREDEIALBA
6. PT Agro Muara Rupit
7. FELDA Global Venture Holding Berhad vs Article by Chain Reaction Research
8. FELDA Global Venture vs Article by The Wall Street Journal
9. PT. Sarana Esa Cita (Musim Mas) vs M. Ali Napiah
10. Aceites S.A vs Association of Palm Growers of the Irrigation District of Marialabaja
11. PT. Surya Agro Palma (Genting Plantation) vs Link-Ar Borneo
12. PT Perkebunan Nusantara VI vs PT REKI
13. PT Ivo Mas Tunggal vs LBH Sakai Riau
14. GAR (GVL) vs FPP, SESDEV, SDI

Group 3: 5.45pm – 6.30pm

1. PT. London Sumatra (Lonsum) vs Sawit Watch
2. PT. London Sumatra (Lonsum) vs RAN, Oppuk, ILRF
3. PT. Kartika Prima Cipta (GAR) vs FPP and TUK Indonesia
4. PT. Kartika Prima Cipta (GAR) vs Link-Ar Borneo
5. Poligrow vs Video by Environmental Investigation Agency
6. PT. Nabire Baru (Goodhope) vs Yayasan PUSAKA
7. Goodhope Asia Holdings Ltd vs RSPO Secretariat
8. PT. Hari Sawit Jaya (PT Inti Indo Sawit Subur) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (FSPMI)
9. PT. Nubika Jaya (Permata Group) vs Masyarakat Peduli Lingkungan Hidup (MPLH)
10. IOI Pelita (IOI Group) vs Community of Long Teran Kanan
11. Primatama Mulia Jaya v Masyarakat Adat Luhak Saparampek Simpang Tigo



DETAILS OF THE AGENDA:

No.	Agenda
1.0	Opening Remarks from Chairperson Opening speech by the CCP.
2.0	Declaration of “No Conflict of Interest” No new declaration of Conflict of Interest.
3.0	To confirm and adopt the minutes of 26 September 2018 during the Complaints Panel Meeting. Minutes of 26 September 2018 adopted.
4.0	Follow up to the updates from the Board of Governors Meeting: No new updates from BoG meeting.
5.0	New allegation submitted
	<p>a. RSPO/2018/02/NR - PT Sumatera Makmur Lestari (Wilmar) Complainant: Link-Ar Borneo Complaint received: 30th January 2018 Allegation:-</p> <ul style="list-style-type: none"> Supply of illegal FFB. The FFB supplier of Wilmar is PT Sumatera Makmur Lestari which is not an RSPO member. <p>24 October 2018 (CP Meeting)</p> <ul style="list-style-type: none"> Notice of Rejection delivered to the parties. <p>b. RSPO/2018/06/RB - AMP Plantation (Wilmar) Complainant: Represented by a Lawyer (<i>request for confidentiality</i>) Complaint received: 20th August 2018 Allegation:-</p> <ul style="list-style-type: none"> Dispute regarding plasma cooperation with KUD Dasra. <p>24 October 2018 (CP Meeting):-</p> <ul style="list-style-type: none"> Initial Diagnosis endorsed by the CP.

c. RSPO/2018/07/RB - PT. PHP/AMP Plantation (Wilmar)

Complainant: Representation by Lawyer on behalf of a local community (*request for confidentiality*)

Complaint received: 20th August 2018

Allegation:

- dispute regarding plasma cooperation with local community

24 October 2018 (CP Meeting):-

- Initial Diagnosis in progress.

d. RSPO/2018/14/RB - Golden Agri Resources

Complainant: Forest People Programme

Complaint received: 22 August 2018

Allegations:-

- GAR's shadow companies are actively clearing lands.

24 October 2018 (CP Meeting):-

- Initial diagnosis endorsed by the CP.

e. RSPO/2018/15/RB - PT Agro Lestari Mandiri (Sinar Mas)

Complainant: Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang

Complaint received: 30 August 2018

Allegation:-

- PT Agro Lestari Mandiri allegedly terminated workers in violation of the Indonesian Employment Law.

24 October 2018 (CP Meeting):-

- Initial Diagnosis in progress.

f. RSPO/2018/16/RB - PT Agro Andalan

Complainant: Link Ar-Borneo

Complaint received: 7 September 2018

Allegations:-

- Labourer died due to pesticides poisoning.

24 October 2018 (CP Meeting):-

- Initial Diagnosis endorsed by the CP.



<p>g. RSPO/2018/17/JL - Presco PLC Nigeria Complainant: <i>Request for confidentiality</i> Complaint received: 17 September 2018 Allegations:-</p> <ul style="list-style-type: none">• Land grabbing <p>24 October 2018 (CP Meeting):-</p> <ul style="list-style-type: none">• Initial Diagnosis endorsed by the CP. Complaint formally accepted. Parties will be notified. <p>h. RSPO/2018/18/JL - HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri) Complainant: Environmental Investigation Agency (EIA); Greenpeace Complaint received: 15 October 2018 Allegations:-</p> <ul style="list-style-type: none">• Breach of Code of Conduct - violation of the RSPO Group Membership rule. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members. <p>24 October 2018 (CP Meeting):-</p> <ul style="list-style-type: none">• Initial Diagnosis in progress. <p>i. RSPO/2018/19/JL - Pacific Inter-Link (Papuan Concessions) Complainant: Environmental Investigation Agency (EIA); ; Greenpeace Complaint received: 15 October 2018 Allegations:-</p> <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. <p>24 October 2018 (CP Meeting):-</p> <ul style="list-style-type: none">• Initial Diagnosis in progress. <p>j. RSPO/2018/20/JL - Presco PLC Nigeria Complainant: Oria-Abraka Community Complaint received: 16 October 2018 Allegations:-</p> <ul style="list-style-type: none">• Infringement of customary rights of the local community. <p>24 October 2018 (CP Meeting):-</p> <ul style="list-style-type: none">• Initial Diagnosis in progress.



6.0 Incident Report from the Public Domain

1. Greenpeace Report on Links between Wilmar International and GAMA

Monitoring by the Investigation and Monitoring Unit (IMU).

2. Chain Reaction Research Article - Shadow Companies Present Palm Oil Investor Risks and Undermine NDPE Efforts

Monitoring by the Investigation and Monitoring Unit (IMU).

3. Eyes on the Forest Report - Enough is Enough - Investigation Report on Chain of Custody

Monitoring by the Investigation and Monitoring Unit (IMU).

4. Greenpeace occupying a refinery on Wilmar

Monitoring by the Investigation and Monitoring Unit (IMU).

5. Nigeria-Cross River Communities (Wilmar)

Monitoring by the Investigation and Monitoring Unit (IMU).



7.0 Complaints Cases Statistics

Total Cases in 2018:-

	Jan-2018	Feb-2018	Mar-2018	Apr-2018
Complaints received	2	0	1	2
Status	Closed (1) Open (1)	-	Closed (1)	Open (2)
Certified	-	-	-	-
Country	Indonesia (2)	-	Indonesia (1)	Indonesia (2)
Case Category	-Plasma (1) -FPIC (1)	-	-HCV	-HCV (1) -Legality (1)

	May-2018	June-2018	July-2018	Aug-2018
Complaints received	4	0	1	5
Status	Closed (2) Open (2)	-	Closed (1)	Open (5)
Certified	-	-	-	-
Country	Indonesia (4)	-	Indonesia (1)	Indonesia (4) Singapore (1)
Case Category	-FPIC (2) -HCV (2)	-	-FPIC (1)	-Plasma (2) -Breach of Code of Conduct (2) -Minimum Wage (1)



	Sept-2018	Oct-2018	Nov-2018	Dec-2018
Complaints received	2	3		
Status	Open (2)	Open (3)		
Certified	-	-		
Country	Indonesia (1) Nigeria (1)	Malaysia/Cayman Island (1) PNG (1) Nigeria (1)		
Case Category	-Occupational Hazard (1) -FPIC (1)	-Breach of Code of Conduct (2) -FPIC (1)		

Total Active Cases by Country and Year:-

Country	Active Cases
Indonesia	34
Malaysia	4
Columbia	3
Nigeria	2
Singapore	1
Peru	1
Brazil	1
Liberia	1
Others*	2
TOTAL	49

Year	Active Cases
2009	1
2010	2
2011	0
2012	2
2013	0
2014	1
2015	7
2016	6
2017	14
2018	16
TOTAL	49

*Others: Pending group membership determination.

8.0 Cases Closed for Monitoring

1. PT BPK/Wilmar/LinKar Borneo
2. PT. Bumi Pratama Khatulistiwa/ Link-AR Borneo
3. PT Bumitama Gunajaya Abadi/ Sawit Watch
4. PT Sumber Hasil Prima/PT Sinar Sawit Andalan/Goodhope Holdings
5. PT Global Primatama Mandiri (PT Palma Serasih)

24 October 2018 (CP Meeting):-

- The complaints officially closed and transferred to the Investigation and Monitoring Unit (IMU).

9.0 Any other matters

a. Dates for Complaints Panel Meetings in 2018:

24 October 2018 (CP Meeting):-

- The upcoming CP meeting date: 27 November 2018 (6pm - MYT).

b. Expansion of Complaints Panel

24 October 2018 (CP Meeting):-

- Secretariat to follow up with the IGC members.
- Secretariat in discussion with colleagues in Africa for a new addition to the CP.

c. Complaints website revamp

24 October 2018 (CP Meeting):-

- Data migration is on-track and almost completed.

d. Follow up on the progress of the DSF procedures and its ancillary documents.

Last update from 26 September 2018 (CP Meeting):

PR updated that 2 documents for public consultation (namely the draft Operational Guidelines and the Framework containing the Principles, ToR, and Procedures) have been circulated for the DSF AG's review and that the Secretariat hopes to send it out for public consultation next week. There will be a prep cluster during the RT 16 for public consultation of these documents and the CP members are invited.

24 October 2018 (CP Meeting):-

- Two DSF documents (namely the draft Operational Guidelines and the Framework containing the Principles, ToR, and Procedures(FPToR)) are already released for public consultation (the public consultation period will end on 12 December 2018). There will be a preparatory cluster for DSF's public consultation during the RT 16.



	<p>e. Cost directive</p> <p>24 October 2018 (CP Meeting):-</p> <ul style="list-style-type: none"> • Draft of the Board Decision Paper is in progress. <p>f. Issues related to FGV</p> <p>24 October 2018 (CP Meeting):</p> <ul style="list-style-type: none"> • To move the discussion to Group 2.
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10.0 Media Inquiry: Amnesty International Investigation report on Wilmar International – Sydney Morning Herald on 28 November 2016

	<p>"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:</p> <ol style="list-style-type: none"> 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; Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation; Workers suffering severe injuries from paraquat, an acutely toxic chemical banned by the EU and by Wilmar itself; Workers being made to work outdoors without adequate safety; Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks". <p>24 October 2018 (CP Meeting):</p> <ul style="list-style-type: none"> • The Secretariat is following up with the Company. • The Secretariat has received TSH’s Action Plan and is in the process of reviewing it.
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11.0 Request for reopening of case: PT Gunta Samba Jaya / PT SIMP

	<p>Greenpeace, upon releasing their investigative report, Dirty Bankers, which exposes HSBC’s role in funding palm oil companies linked to environmental and human rights abuses followed up with RSPO on the PT Gunta Samba Jaya and Indofood/PT SIMP filed in 2013. The case remains unresolved after Indofood CEO Mark Wakeford informed RSPO that “[Indofood does] not have any shareholding in PT Gunta Samba Jaya and it is not part of the IndoAgri or SIMP Group.”</p> <p>Greenpeace claims that their analysis of the company deeds and corporate structures revealed considerable overlap between PT GSJ and its parent companies, and other Salim Group businesses.</p> <p>In light of this evidence they are formally requesting that the Complaints Panel re-examine the case against PT Gunta Samba Jaya / PT SIMP.</p> <p>24 October 2018 (CP Meeting):</p> <ul style="list-style-type: none"> • Draft of the review report is in progress.
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12.0 Research Report, “Palming Off Responsibility: Labour rights violations in the Indonesian Palm Oil Sector, by SMO and CNV International (PT Aneka Inti Persada - Sime Darby; and PT Murini Sam Sam - Wilmar)

13 June 2017 – SOMO/CNV International published their report on labour violations at PT Murini Sam Sam and PT Aneka Inti Persada. The report was also forwarded to RSPO.

The following violations were noted in the report:

1. PT Murini Sam Sam
 - Temporary workers and contract issues
 - Wages and overwork
 - Child labour
 - Health and safety
 - Gender equality – mainly hired as plantation maintenance workers and as such employed on a seasonal basis. Day workers are denied their 3 months of paid maternity leave.
 - Freedom of association
2. PT Aneka Inti Persada:
 - Temporary workers and contract issues
 - Wages and workload
 - Child labour
 - Health and safety
 - Gender equality
 - Freedom of association

24 October 2018 (CP Meeting):

- Pending review from the Secretariat.

13.0 Commitment Financial Institution

Last update from 26 September 2018 (CP Meeting):

- No update since last meeting.

24 October 2018 (CP Meeting):-

- No updates from the Secretariat.



COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1	
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)
Nature of Complaint	<p>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.</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	(D) Investigation / deliberation
Decision / Justification	Status quo. Awaiting outcome of SLSD Appeal.

Complaint 1.2	
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	That Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.
Status	(D) Investigation / deliberation
Decision / Justification	Status quo. Awaiting outcome of the state-led administrative process.

Complaint 1.3	
Date Filed	11 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	<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: BK1-24-127/5 of 2012 filed on 30.07.2015</p>
Status	(D) Investigation / deliberation
Decision / Justification	Status quo. Trial ongoing.



Complaint 1.4	
Date Filed	20 June 2017
Respondent	PT Pusaka Agro Lestari
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat
Complaint description	<ul style="list-style-type: none"> ● Potential risk on Clearance a large areas of Primary Forest in Papua; ● Official Complaint against one of HCV Assessors – Nyoto Susanto.
Status	(D) Investigation / deliberation
Decision / Justification	2nd independent verification has been initiated.

Complaint 1.5	
Date Filed	20 April 2017
Respondent	PT. Prima Mitra Jaya Mandiri (PT PMM)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Serbundo (Serikat Buruh Perkebunan Indonesia)
Complaint description	<p>Allegations: The company has breached National Labour Regulation by extending the workers' contract and terminate 7 of them as they refuse to sign a new contract. Demands from Serbundo:</p> <ol style="list-style-type: none"> 1. Request the Company instead of extended temporary employment agreement, make them as permanent workers, some of them have worked more than 1,5 years; 2. Rehire 7 workers and promote the status to become permanent, especially those who have been working on permanent basis work ie: Permanent/ Harvester.
Status	(D) Investigation / deliberation
Decision / Justification	Secretariat to conduct a meeting with both parties to seek for further clarification on the status of the workers.



Complaint 1.6	
Date Filed	8 June 2017
Respondent	PT. Agro Indomas (Goodhope)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Mr. Ravindran Veerasamy
Complaint description	<p>Terminations of employment contract without severance pay.</p> <p>The Complainant worked at PT. Agro Indomas in Indonesia since 1999. In mid-June 2002 new management of PT Agro Indomas dismissed over 1200 workers and transferred them and their families back to Jaya, Kalimantan. When the Complainant (as the manager then) objected to this move and requested 2 weeks to address the root cause of the employees strike, the management had told him off. His employment was subsequently terminated 3 – 4 months later. The Complainant had filed a wrongful dismissal case. The Supreme Court of Indonesia found in favour of the complainant, awarding him payment of compensation (USD 645,590 and travel claim USD 4906.60) in December 2005. Since then Goodhope has failed to implement the court order. The complainant has also failed in his numerous attempts to have the award executed by the courts in Indonesia.</p>
Status	(J) Case Closed
Decision / Justification	The Appeals Decision Letter has been delivered to the parties on 10 October 2018. The Complaint is officially closed.

Complaint 1.7										
Date Filed	18 December 2016									
Respondent	Genting Plantation Berhad (PT Susantri Permai, PT Kapuas Maju Jaya and PT Dwie Warna Karya)									
Membership Category	Oil Palm Grower									
Country	Central Kalimantan, Indonesia									
Complainant	<i>Confidential</i>									
Complaint description	<p>PT. Susantri Permai, PT. Kapuas Maju Jaya and PT. Dwie Warna Karya are illegally operating and planting palm in the area of Productive Forest. The three companies were alleged to break the Indonesian law specifically UU No. 41 Tahun 1999, UU No. 18 Tahun 2013, and UU No. 39 Tahun 2014. The 3 companies have not obtained forest land swap area or Forest Area Release Permit and Business Permit (HGU).</p> <table border="1"> <thead> <tr> <th></th> <th>Landscape planning (RTRWP) 2003</th> <th>Decision Letter (SK) 529/Minister of Forestry – II/2012</th> </tr> </thead> <tbody> <tr> <td>PT Dwie Warna Karya</td> <td> Production Forest (HP): 1.481 ha. Residence & other utilization Area (KPPL): 11.019 ha. </td> <td> Production Forest (HP): 4.372 ha. Production Conversion Forest (HPK): 7.350 ha. Areas for other utilization (APL): 766 ha. Hydrosphere: 12 ha </td> </tr> <tr> <td>PT. Kapuas Maju Jaya</td> <td>Production Development area: 17.500 ha.</td> <td> Production Forest (HP): 11.644 ha. Production Conversion Forest (HPK): 5.856 ha. </td> </tr> </tbody> </table>		Landscape planning (RTRWP) 2003	Decision Letter (SK) 529/Minister of Forestry – II/2012	PT Dwie Warna Karya	Production Forest (HP): 1.481 ha. Residence & other utilization Area (KPPL): 11.019 ha.	Production Forest (HP): 4.372 ha. Production Conversion Forest (HPK): 7.350 ha. Areas for other utilization (APL): 766 ha. Hydrosphere: 12 ha	PT. Kapuas Maju Jaya	Production Development area: 17.500 ha.	Production Forest (HP): 11.644 ha. Production Conversion Forest (HPK): 5.856 ha.
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PT. Kapuas Maju Jaya	Production Development area: 17.500 ha.	Production Forest (HP): 11.644 ha. Production Conversion Forest (HPK): 5.856 ha.								



	<table border="1"> <tr> <td data-bbox="456 212 773 548"> <p>PT. Dwie Warna Karya</p> </td> <td data-bbox="773 212 1084 548"> <p>Production Forest (HP): 6.791 ha. Limited Production Forest (HPT): 5.287 ha Residence & other utilization Area (KPPL): 2.922 ha.</p> </td> <td data-bbox="1084 212 1390 548"> <p>Production Forest (HP): 3.760 ha. Production Conversion Forest (HPK): 9.402 ha. Areas for other utilization (AOL): 1.482 ha</p> </td> </tr> </table> <p>Note: RSPO received queries about the 3 companies from BORA and FPP in 2015 on the legality of the plantation. The company hold the temporary IUP issued by Head of District/Bupati.Kapuas, Central Kalimantan.</p>	<p>PT. Dwie Warna Karya</p>	<p>Production Forest (HP): 6.791 ha. Limited Production Forest (HPT): 5.287 ha Residence & other utilization Area (KPPL): 2.922 ha.</p>	<p>Production Forest (HP): 3.760 ha. Production Conversion Forest (HPK): 9.402 ha. Areas for other utilization (AOL): 1.482 ha</p>
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<p>Status</p>	<p>(E) Investigation Closed</p>			
<p>Decision / Justification</p>	<p>CP Decision Letter is in progress.</p>			



Complaint 1.8	
Date Filed	31 March 2017
Respondent	PT Susantri Permai (Genting)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Borneo Orangutan Survival Foundation
Complaint description	<p>The complaint was by BOSF in response to RSPO query if they are interested to lodge a formal complaint. A complaints form was received by Complaints Desk by 31 March 2017.</p> <p>The follow up action taken by BOSF with regards to the Orangutan incident:-</p> <ul style="list-style-type: none"> • BOSF has conducted a meeting with the management of PT Susantri Permai on 21 February 2017 in Palangkaraya, Central Kalimantan with the purpose of initiating the implementation of the Best Management Practices (BMP) for the workers in their concession. • A communication with the local authorities (Natural Resources Conservation Office of Central Kalimantan and Environmental Office of Central Kalimantan) had been made. • A meeting with the Police Department of Kapuas to discuss on the Law Enforcement Effort on the Orangutan incident in PT Susantri Permai. <p>BOSF requested the RSPO to suspend the membership of PT Susantri Permai until a socialisation on the endangered species protection to the workers has been conducted.</p>
Status	(F) CP decision
Decision / Justification	CP Decision Letter has been delivered to the parties. Deadline for the Appeal submission is by 20 December 2018.



Complaint 1.9	
Date Filed	1 May 2010
Respondent	PT Limpah Sejahtera / First Resources
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Yayasan Indonesian Animal Rescue International
Complaint description	<p>Violation of P&C 5.2 and P&C 7.3 - No HCV carried out and damaging habitats. The company is alleged to have destroyed Orangutan habitats and did not carry out a HCV assessment before the development of the plantation.</p> <p>On the 18th October 2009, International Animal Rescue (IAR) rescued two orangutans from the PT Limpah Sejahtera palm oil plantation in West Kalimantan, Indonesia, on the request of plantation workers. This plantation is owned by PT Borneo Ketapang Permai, a subsidiary of RSPO member First Resources Limited, who this grievance is against.</p> <p>IAR was originally contacted by plantation workers to rescue two baby orangutans from the PT Limpah Sejahtera plantation. On arrival at the plantation on the 18th October, we were informed by a worker that another baby had disappeared and all adult orangutans captured had been killed and eaten. We were able to rescue two juvenile orangutans, who, despite obvious signs of mistreatment and neglect, are doing well and currently awaiting release at our rescue facility in Ketapang, West Kalimantan. We were also informed that orangutan sightings were occurring frequently at the plantation and that at least 10 more orangutans were living in the area. We are afraid that, by now, these orangutans have been killed and/or eaten.</p>
Status	(D) Investigation / deliberation
Decision / Justification	Additional information received from the respondent. Secretariat is in the process of reviewing the concept note received from the respondent.



Complaint 1.10	
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	<p>The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :</p> <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 <p>In acting so they are alleged to have breached RSPO Principles and Criteria specifically on:</p> <p>Principle 1 on Transparency,</p> <p>Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.</p>
Status	(D) Investigation / deliberation
Decision / Justification	Legal review initiated by the CP is in progress.



Complaint 1.11	
Date Filed	19 November 2017
Respondent	PT Minamas Gemilang (Sime Darby)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Mr. Oky Wardianto
Complaint description	The Complainant is an individual, Mr Oky Wardianto and the allegations are with regards to non-payment of salary to the Complainant in his position as Director and Commissioner.
Status	(D) Investigation / deliberation
Decision / Justification	Secretariat to request a copy of Annual General Meeting of Shareholders (AGMS) report (2010 - 2016) from the Respondent and shall proceed to review the documents.



Complaint 1.12	
Date Filed	2 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"> a. has not provided public notification for a 30 day period consistent with the New Planting Procedures; b. commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; c. 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; d. 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	Secretariat to follow up with the Respondent on GVL's membership status.



Complaint 1.13	
Date Filed	9 May 2018
Respondent	First Resources Ltd (PT Swadaya Mukti Prakarsa)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Link-Ar Borneo
Complaint description	<u>First Resources Ltd:</u> The Company has cultivated and planted on land without first obtaining the consent of its rightful owner hence causing material and non-material loss
Status	(D) Investigation / deliberation
Decision / Justification	Secretariat to wait for the Complainant's update on their meeting with the individual they are representing.

Complaint 1.14	
Date Filed	25 May 2018
Respondent	PT Harapan Sawit Lestari (Cargill)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Link-Ar Borneo
Complaint description	PT Harapan Sawit Lestari allegedly commenced the re-planting activities without proper consent from the local community of Asam Besar in West Kalimantan.
Status	(C) CP constituted
Decision / Justification	The formal acceptance of Complaint has already been circulated to the parties. Expect to receive the Respondent's response on the allegation by 29 October 2018.



GROUP 2

Complaint 2.1	
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	Pending updated action plan.

Complaint 2.2	
Date Filed	13 November 2015
Respondent	PT Bumitama Gunajaya Abadi
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<p>The allegations are:-</p> <ol style="list-style-type: none"> 1. Destroying graves and planting trees surrounding the graves; 2. Dispute on plasma scheme mechanism; 3. Termination of labourers and the status of labourer i.e. are they casual or permanent? 4. Compensation not paid directly to the land owner; 5. Loss of land certification and using the land of migrants which is still under control of the owner.
Status	(E) Investigation Closed
Decision / Justification	Secretariat to provide the briefing note to the CP.



Complaint 2.3	
Date Filed	13 October 2017
Respondent	PT Hati Prima Agro (Bumitama)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<p>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.</p> <p>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.</p>
Status	(D) Investigation / deliberation
Decision / Justification	The Respondent agreed on the CP's cost directive. Secretariat to follow up on the legal review report from the legal consultant.

Complaint 2.4	
Date Filed	22 July 2016
Respondent	PT Bumi Sawit Kencana II (Wilmar International Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Community of Village Kapuk & NGO Progress
Complaint description	Community of Kapuk Village demand the company to give the compensation on 78 Ha land owned by the Farmers Group.
Status	(E) Investigation Closed
Decision / Justification	The Secretariat to follow up with the Respondent for additional information.



Complaint 2.5	
Date Filed	4 July 2017
Respondent	Palmas Del Espino SA
Membership Category	Oil Palm Grower
Country	Peru
Complainant	FREDEIALBA
Complaint description	<p>Allegations:-</p> <ul style="list-style-type: none"> ● The company and their group member developing the plantation without proper NPP process; ● Developing plantation without informing the local communities; ● The company has failed to comply with national law on the forest conversion. ● Mistreatment of employees including arbitrary dismissal. ● New plantings established without EIA and HCV assessment.
Status	(D) Investigation / deliberation
Decision / Justification	Status quo. Pending court decision.

Complaint 2.6	
Date Filed	17 May 2017
Respondent	PT Agro Muara Rupit
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Edhy Wardhana
Complaint description	The complainant claimed that his land was fraudulently sold by his cousin to PT Agro Muara Rupit. The complainant demand RSPO to review and hold the development the land.
Status	(F) CP decision
Decision / Justification	CP Decision letter has been sent to the parties. Deadline for submission of appeals is on 20 December 2018.



Complaint 2.7	
Date Filed	19 April 2017
Respondent	Felda Global Venture Holding Berhad
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Chain Reaction
Complaint description	<p>There was a report issued by Chain Reaction which reported the fact that FGV in their Kalimantan concession had cleared 1600 Ha peat forest. On 25th April 2017 Secretariat had a meeting with FGV and they claimed that they only planted on less than 100 Ha of shallow peat. We had requested them to give an update.</p> <p>The update on an independent audit done by Aksenta showed that there was no deforestation. At the moment, we are still waiting for written clarification from FGV and their further actions.</p>
Status	(D) Investigation / deliberation
Decision / Justification	Secretariat to prepare the briefing note to the CP for deliberation.



Complaint 2.8	
Date Filed	26 July 2016
Respondent	FELDA
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Article by The wall street Journal
Complaint description	“Palm-Oil Migrant Workers Tell of Abuses on Malaysian Plantations Global palm-oil industry contributes to human trafficking, rights advocates say”. 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. 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.
Status	(F) CP decision
Decision / Justification	CP to continue deliberations and finalise decision letter. .

Complaint 2.9	
Date Filed	6 October 2017
Respondent	Sarana Esa Cita (Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	M. Ali Napiah
Complaint description	The complainant stated that the company has operated on his land without compensation.
Status	(F) CP decision
Decision / Justification	CP Decision letter has been sent to the parties. Deadline for submission of Appeals is on 20 December 2018.



Complaint 2.10	
Date Filed	11 August 2017
Respondent	Aceites S.A.
Membership Category	Oil Palm Grower
Country	Maria la Baja, Columbia
Complainant	Confidential
Complaint description	One of ACEITES mills is allegedly purchasing its FFB from an operation run by Mrs. Alva Yiseth Villamizar Navas in the Maria la Baja area since May 2016. Alva Navas is allegedly collecting FFB from palm growers who accepted her offer of paying them below the market price, without invoices and also offered to harvest the fruit for them. Further, she also made several trucks available to transport the FFB from the field to the collection site. It is also alleged that she buys fruits from anyone, regardless of their ownership. Due to this, people started stealing fruit in the area, because she purchases fruit regardless of its origin, collecting the fruit without any type of sanitary control and with staff hired outside the rules laid down by the Ministry of Labor. The vehicles that collect the fruit do so during the night, a time when restrictions apply on mobility imposed by the City Hall. The FFB has been transferred to the mills located in the department of Magdalena, belonging to Aceites S.A and Palma Aceite.
Status	(F) CP decision
Decision / Justification	CP Decision letter has been sent to the parties. Deadline for submission of appeals is on 24 December 2018.



Complaint 2.11	
Date Filed	21 January 2018
Respondent	PT. Surya Agro Palma (Genting Plantation)
Membership Category	Oil Palm Grower
Country	West Kalimantan, Indonesia
Complainant	Link-Ar Borneo
Complaint description	<p>Allegations:</p> <ul style="list-style-type: none"> • Lack of transparency on the Plasma Scheme. • Locations: Tapang Tingang Village dan Kiungkang Village, Sanggau, West Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	Secretariat to prepare the briefing note and for the same to be circulated within the CP.

Complaint 2.12	
Date Filed	16 April 2018
Respondent	PT Perkebunan Nusantara VI
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	PT REKI
Complaint description	<p>Allegation:-</p> <p>The complainant claims that PT. PN VI has bought illegal FFB from the communities. The complainant informed that the communities have planted palm oil plantations on their concession area and sold FFB to members of RSPO (PT. PN VI). The complainant has provided the evidence for these allegations.</p>
Status	(D) Investigation / deliberation
Decision / Justification	Secretariat to prepare the briefing note and to circulate the same within the CP.



Complaint 2.13	
Date Filed	12 April 2018
Respondent	PT Ivo Mas Tunggal
Membership Category	Oil Palm Grower
Country	Riau, Indonesia
Complainant	LBH Sakai Riau
Complaint description	<p>Allegations:-</p> <ul style="list-style-type: none"> • Land clearing outside HGU; • Operated on community's land without compensation (±6,505.42 Ha); • The company has operated without an appropriate permit
Status	(F) CP decision
Decision / Justification	Decision letter to be finalised by the CP.



Complaint 2.14	
Date Filed	22 August 2018
Respondent	Golden Agri Resources (Golden Veroleum Liberia)
Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Forest Peoples Programme (FPP), SESDEV, SDI
Complaint description	Golden Veroleum Limited is a majority-owned subsidiary of Golden Agri-Resources (GAR). Both, until recently, were members of the RSPO. The Complaints Panel has recently upheld a complaint, and rejected an appeal by GVL, on GVL’s violation of the RSPO P&C particularly with respect to land acquisition and Free, Prior and Informed Consent (P&C 2.2 and 2.3). Recently, GVL announced it was temporarily withdrawing its membership of RSPO. GAR’s Sustainability Manager, Agus Purnomo, a member of RSPO’s Board of Governors, upheld this decision in a public statement. This appears to us to be a bad faith decision by both GVL and its majority owner GAR and to be contrary to the interests of RSPO and the credibility of its certification system. Meanwhile, on the ground in Liberia, there is evidence that GVL continues to act in defiance of the RSPO Complaints Panel and to develop its mill site and land clearance despite being repeatedly asked to desist by the Complaints Panel and the Liberian Civil Society Organization Oil Palm Working Group (CSO-OPWG) of which SDI and SESDev are part.
Status	(C) CP constituted
Decision / Justification	Complaints accepted. Secretariat to follow up with Parties to seek clarification and additional comments, if any.



GROUP 3

Complaint 3.1	
Date Filed	7 April 2009
Respondent	PT PP London Sumatera/Indofood Agri Ltd
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Community of Desa Pergulaan via Sawit Watch
Nature of Complaint	<p>Points raised:-</p> <ol style="list-style-type: none"> 1. Legality of the extension of the concession and demands for return of the land of 165.6 ha. 2. The lawsuit filed by 5 of the residents is 'out-of-time' (compensation paid in 1971). 3. Security drain to prevent access. 4. Prohibiting cattle herding in the plantation. 5. Residents of Desa Pergulaan not employed in the plantation. 6. Lonsum did not carry out CSR programmes as promised. 7. No complaint letters have been addressed to Lonsum directly. 8. Residents on 'Wanted People List'.
Status	(D) Investigation / deliberation
Decision / Justification	Secretariat to prepare the briefing note.



Complaint 3.2	
Date Filed	9 June 2016 (Reported Case); 12 October 2016 (Formal Complaint)
Respondent	PT PP London Sumatera/Indofood Agri Ltd
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Oppuk, Rainforest Action Network (RAN) and International Labour Rights Forum (ILRF)
Complaint description	A report published by RAN, OPPUK, and ILRF titled, <i>“The Human Cost of Conflict Palm Oil: Indofood, PepsiCo’s Hidden Link to Worker Exploitation in Indonesia.”</i> The report reveals the findings of field investigations and worker interviews completed on two palm oil plantations owned and operated RSCO member and Indofood subsidiary PT London Sumatra. The full report available at ran.org/indofood
Status	(F) CP decision
Decision / Justification	CP to finalise decision letter.

Complaint 3.3	
Date Filed	14 October 2014
Respondent	Golden Agri Resources (GAR) – PT Kartika Prima Cipta (KPC)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Forest People Programme (FPP) and Transformasi untuk Keadilan (TUK) Indonesia
Complaint description	<p><u>Points raised:-</u></p> <ol style="list-style-type: none"> 1. 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. 2. Land takeover was done without land tenure study and participatory mapping. 3. Late HCV assessment which was done by IPB, final consultation was on May 2014. 4. Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). 5. Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. 6. 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. 7. 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	Secretariat is in the progress of reviewing the HCV management and monitoring plans of the related 18 concessions.

Complaint 3.4	
Date Filed	17 February 2017
Respondent	Golden Agri Resources (GAR) – PT Kartika Prima Cipta (KPC)
Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Link-Ar Borneo
Complaint description	<p>Specific Findings:-</p> <ol style="list-style-type: none"> 1. Land Claim by 1 community member of Nanga Suhaid, Mr. Saudi; 2. Land compensation claim by 1 community member of Nanga Suhaid, H. Kutai; 3. Water Pollution in the Kapuas river which is affecting the fish farmers’ business production; 4. Conflict between residents and Village Head of Tanjung regarding water quality; 5. Conflict between residents and Village head of Emperiang regarding the land acquisition process. <p>The NGO demand the company to:-</p> <ol style="list-style-type: none"> 1. Renegotiate the land acquisition with the community; 2. be transparent in the plasma management; 3. Conduct the water quality improvement, particularly in the Batang Suhaid river, Rindit river, and Mantan river. 4. Improve salary and working conditions of casual workers; 5. Provide information such as EIA, Cadastral map, local map expansion plan, and water quality test result.
Status	(F) CP decision
Decision / Justification	Decision letter to be drafted.



Complaint 3.5	
Date Filed	13 August 2015
Respondent	Poligrow Colombia
Membership Category	Oil Palm Grower
Country	Colombia
Complainant	Environmental Investigation Agency
Complaint description	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 Mapiropan, Meta, Colombia. One company, the Italian-owned Poligrow Ltd, has prohibited the Jiw and Sikuaní 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 RSPO Italian member in Colombia.
Status	(D) Investigation / deliberation
CP Discussion & Decision of 26 September 2018	<p>Discussion: JL updated that the Secretariat had a call with the company on 18 September. The Secretariat still had issues with the company’s clarification on FPIC. As such, Secretariat had asked the company to: clarify conflicting statements in their action plan and social liability documentation; and provide a comprehensive response to the CP based on the directives/recommendations set out in the August 2017 decision. The Secretariat has given the company until the end of the week to respond.</p> <p>Decision: To follow up with the company on the issue of FPIC.</p>
Update on Actions	Secretariat reviewing documents sent in by the Company and will have a call with the Company thereafter.
Decision / Justification	The Secretariat is in the process of reviewing the Respondent’s action plan.



Complaint 3.6	
Date Filed	19 April 2016
Respondent	PT Nabire Baru
Membership Category	Oil Palm Grower
Country	Papua, Indonesia
Complainant	Yayasan PUSAKA
Complaint description	<p>Allegations:-</p> <ol style="list-style-type: none"> 1. Deforestation and plantings on peatlands; 2. Irregularities including development without EIA; 3. Sima Village within PT Nabire Baru concession are suffered from severe flooding; 4. Failure in following proper FPIC process; 5. Excessive use of force including using of state security forces; <p>The complainant requested RSPO to:</p> <ul style="list-style-type: none"> • Do the ground checking • Request PT Nabire Baru to compensate and stop their activity, unless they got consent from Yerisiem.
Status	(E) Investigation Closed
Decision / Justification	Secretariat to finalise the briefing note and circulate it to the CP.



Complaint 3.7	
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	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	Secretariat to get a formal recommendation from RaCP and justification on the weightage factors applied. The decision on plasma development in the Ketapang Units to be communicated to the Respondent.



Complaint 3.8	
Date Filed	25 September 2017
Respondent	PT Hari Sawit Jaya
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Konsulat cabang Federasi Serikat Pekerja metal Indonesia (FSPMI)
Complaint description	<p>The allegations are:-</p> <ol style="list-style-type: none"> 1. the workforce bring their wife and children as helpers/ gerdang to help the worker to reach the target as a harvester; 2. Impositions of penalties on the worker. This matter was queried by the worker, but the management failed to give satisfactory explanations; 3. The absent machine for the workers was broken, it has impact on the payroll; 4. Bonus deductions; 5. Discrimination of the casual workers;
Status	(F) CP decision
Decision / Justification	The CP to deliver the decision letter.

Complaint 3.9	
Date Filed	3 October 2017
Respondent	PT Nubika Jaya
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Masyarakat Peduli Lingkungan Hidup (MPLH)
Complaint description	The complainant informed that the company has dumped waste into rivers. During rainy seasons, the river overflowed and inundated residents' houses. The complainant stated the company have failed to implement the agreement from 2015.
Status	(F) CP decision
Decision / Justification	CP Decision letter has been sent to the parties. Deadline for submission of appeals is on 20 December 2018.



Complaint 3.10	
Date Filed	10 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	Infringement of P&C No.2.2 – the right to land use disputed
Status	(D) Investigation / deliberation
Decision / Justification	The Respondent is in still in the process on getting consent from the communities. The Secretariat to wait for the update from the Respondent.

Complaint 3.11	
Date Filed	12 July 2018
Respondent	Primatama Mulia Jaya [subsidiary of Wilmar International]
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Masyarakat Adat Luhak Saparampek Simpang Tigo
Complaint description	The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
Status	(D) Investigation / deliberation
Decision / Justification	The secretariat has received the response from the respondent regarding the allegation.