

# COMPLAINTS PANEL

## MINUTES OF MEETING

For Website

20 May 2020 | 6.00pm - 8.20 pm | Meeting No. 05/2020

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

<p><b>List of Complaints Panel Member</b></p>	<table border="1"> <tr> <td data-bbox="373 640 906 947"> <ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( LSC - Co Chair)</li> <li>3. Michelle Desilets (MD)</li> <li>4. Matthias Diemer (MDM)</li> <li>5. Marieke Leegwater (ML)</li> <li>6. Lanash Thanda (LT)</li> </ol> </td> <td data-bbox="906 640 1436 947"> <ol style="list-style-type: none"> <li>7. Suzanne Hall (SH)</li> <li>8. Peter van der Werf (PVDW)</li> <li>9. José den Toom (JDT)</li> <li>10. Robert Kruger (RK)</li> <li>11. Ian Hay (IH)</li> <li>12. Priya Gopalan (PG)</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. Henry Barlow (Chair - CCP)</li> <li>2. Lim Sian Choo ( LSC - Co Chair)</li> <li>3. Michelle Desilets (MD)</li> <li>4. Matthias Diemer (MDM)</li> <li>5. Marieke Leegwater (ML)</li> <li>6. Lanash Thanda (LT)</li> </ol>	<ol style="list-style-type: none"> <li>7. Suzanne Hall (SH)</li> <li>8. Peter van der Werf (PVDW)</li> <li>9. José den Toom (JDT)</li> <li>10. Robert Kruger (RK)</li> <li>11. Ian Hay (IH)</li> <li>12. Priya Gopalan (PG)</li> </ol>
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<p><b>Agenda</b></p>	<p style="text-align: center;"><b><u>General Agenda: 6.05pm - 6.50pm</u></b></p> <ol style="list-style-type: none"> <li>1. Opening Remarks by Chairperson</li> <li>2. Declaration of Conflict of Interest</li> <li>3. To confirm and adopt the minutes of <b>29 April 2020</b> during the CP Meeting</li> <li>4. New Allegations:-             <ol style="list-style-type: none"> <li>a. RSPO/2020/01/IR - Kwantas Corporation Berhad</li> <li>b. RSPO/2020/05/HN - Palmaceite S.A.</li> <li>c. RSPO/2020/07/LSL - Aceites Y Derivados Sociedad Anonima (ACEYDESA)</li> </ol> </li> <li>5. Complaints Statistics</li> <li>6. Any other matters:-             <ol style="list-style-type: none"> <li>a. Dates for Complaints Panel meetings in 2020</li> <li>b. Expansion of the Complaints Panel</li> <li>c. Collaboration with the Investigation &amp; Monitoring Unit (IMU)</li> <li>d. DSF Updates</li> </ol> </li> <li>7. Amnesty International report on Wilmar International - a media enquiry by Sydney Morning Herald.</li> <li>8. 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).</li> <li>9. Commitment of Financial Institutions.</li> <li>10. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.</li> </ol>		

11. Complaints for deliberation:-

**Group 1: 6.50pm to 7.30pm**

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. Pusaka Agro Lestari (PT. PAL) - subsidiary of Noble Plantation vs RSPO Secretariat
5. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
6. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
7. PT. Harapan Sawit Lestari (PT. HSL) - subsidiary of Cargill vs Link-AR Borneo
8. AMP Plantation a subsidiary of Wilmar vs KUD Dasra (represented by lawyer)
9. 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
10. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
11. PT. Berkas Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)
12. Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.) vs Consejo Nacional de Desplazados de Guatemala - CONDEG
13. PT Buana Wira Lestari vs *(requested for confidentiality)*
14. PT Permata Hijau Sawit Kebun Papaso - (subsidiary of Permata Hijau Group) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (KC FSPMI)

**Group 2: 7.35pm - 7.45pm**

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Bumitama Gunajaya Abadi (PT. BGA) - subsidiary of Bumitama vs Sawit Watch
3. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
4. FELDA Global Ventures Holding Berhad (FGV) vs RSPO Secretariat (on the basis of an article by Chain Reaction Research)
5. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
6. Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom
7. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
8. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
9. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
10. PT Socfin Indonesia (subsidiary of Socfin SA) vs Lembaga Swadaya Masyarakat Team Investigation Penyelamat Asset Negara Republik Indonesia
11. Presco Plc vs Ovre Eku Community
12. PT Musim Mas Holding Pte Ltd vs *(requested for confidentiality)*

**Group 3: 7.50pm - 8.20pm**

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. PT. Agro Lestari Mandiri (PT. ALM) - subsidiary of Sinarmas vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
6. PT. SMART Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut
7. Oleaginosas Del Peru S.A. (OLPESA) vs Community of Santa Clara de Uchunya.
8. PT. PHP/AMP Plantation (subsidiary of Wilmar) vs Represented by Lawyer on behalf local community
9. Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad) vs Mr Sauddin Che Lamin
10. Norpalm Ghana Limited vs Landowners of Ewusiejoe
11. Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation
12. PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung

**DETAILS OF THE AGENDA:**

No.	Agenda
1.	Opening Remarks from Chairperson  <b>Opening speech by CCP.</b>
2.	Declaration of “No Conflict of Interest”  <b>No conflict of interest declared.</b>
3.	To confirm and adopt the minutes of <b>29 April 2020</b> during the Complaints Panel Meeting.  <b>Minutes of 29 April 2020 adopted unanimously with minor edits.</b>
<b>4. New allegation submitted</b>	
	<p><b>A.</b> RSPO/2020/01/IR      Kwantas Corporation Berhad                      Complainant            :- Boustead Emastulin Sdn Bhd (subsidiary of Boustead Plantations Berhad)                      Complaint received    :- 9 January 2020                      Location                :- Lahad Datu, Sabah                      Allegations             :- Invasion of Boustead Plantations Berhad’s main access road by Kwantas Corporation Berhad</p> <p><b>Discussion from 20 May 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>The Complainant has furnished the Secretariat with the additional information.</b></li> <li><b>The Secretariat is in the midst of reviewing the response.</b></li> </ol>



**B. RSPO/2020/05/HN Palmaceite S.A.**

Complainant :- *(requested for confidentiality)*  
Complaint received :- 24 March 2020  
Location :- Colombia  
Allegations :- 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.

**Discussion from 20 May 2020 (CP Meeting):-**

**1. The Initial Diagnosis is in progress.**

**C. RSPO/2020/07/LSL Aceites Y Derivados Sociedad Anonima (ACEYDESA)**

Complainant :- *(requested for confidentiality)*  
Complaint received :- 29 April 2020  
Location :- Honduras  
Allegations :- Modification of property deeds to remove areas identified by the government as environmental protection zone;  
Employees not paid minimum wage; not provided with protection 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.

**Discussion from 20 May 2020 (CP Meeting):-**

**1. The Initial Diagnosis has been furnished to the CP for endorsement.**

## 5. Complaints Cases Statistics

Total Cases in 2018:

	May-2018	June-2018	July-2018	Aug-2018
<b>Complaints received</b>	4	0	1	3
<b>Status</b>	Open (1) Closed (3)	-	Open (1)	Open (2) Closed (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (4)	-	Indonesia (1)	Indonesia (2) Singapore (1)
<b>Case Category</b>	-FPIC (2) -HCV (2)	-	-FPIC (1)	-Breach of Code of Conduct (2) -Minimum Wage (1)

	Sept-2018	Oct-2018	Nov-2018	Dec-2018
<b>Complaints received</b>	2	6	0	0
<b>Status</b>	Open (1) Closed (1)	Open (2) Closed (4)	-	-
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (1) Nigeria (1)	Indonesia (3) Nigeria (1) Liberia (1) Others (1)	-	-
<b>Case Category</b>	-Occupational Hazard (1) -FPIC (1)	-Breach of Code of Conduct (2) -FPIC (2) -Compensation (1) -Wage (1)	-	-

**Total Cases in 2019:**

	Jan-2019	Feb-2019	Mar-2019	Apr-2019
<b>Complaints received</b>	2	1	3	4
<b>Status</b>	Open (0) Closed (2)	Rejected (1)	Open (2) Rejected (1)	Open (2) Rejected (1) Closed (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (2)	Malaysia(1)	Indonesia (1) Peru (2)	Indonesia (3) Nigeria (1)
<b>Case Category</b>	-Occupational Hazard (1) -FPIC (1)	- FPIC (1)	-Deforestation (3) - FPIC (2)	-Occupational Hazard (1) -No Festive Holidays (3) - Infringement of copyright (1)

	May 2019	Jun 2019	July 2019	Aug 2019
<b>Complaints received</b>	2	3	1	1
<b>Status</b>	Open (1) Closed (1)	Open (1) Closed (2)	Open (1)	Open (1)
<b>Certified</b>	-		-	
<b>Country</b>	Indonesia (1) Malaysia (1)	Indonesia (1) Guatemala (1) Nigeria (1)	Indonesia (1)	Malaysia(1)
<b>Case Category</b>	- Wages (1) -No Festive Holidays (1) -conservation area for water (1)	-Workers unjustifiably dismissed (1) - Social Benefits (1) -Customary rights (1)	-Customary rights (1)	Terminated based on mental health discrimination (1)



	Sept-2019	Oct-2019	Nov-2019	Dec-2019
<b>Complaints received</b>	0	3	0	1
<b>Status</b>	-	Open (3)	-	Rejected (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	-	Indonesia (1) Ghana (1) Nigeria (1)	-	Sierra Leone (1)
<b>Case Category</b>	-	Breach of Code of Conduct (1) Compensation (1) Pollution (1)	-	Others - Employment

**Total Cases in 2020**

	Jan-2020	Feb-2020	Mar-2020	Apr-2020
<b>Complaints received</b>	2	1	1	-
<b>Status</b>	Open (2)	Open (1)	Open (1)	-
<b>Certified</b>	-	-	-	-
<b>Country</b>	Malaysia (1) Indonesia (1)	Indonesia (1)	Indonesia (1)	-
<b>Case Category</b>	-Invasion of main access road (1) -Wage, safety (1)	- Land fires - River Pollution - Planting on Peat	- Illegal permit - convicted for Bribery	-



**Total Active Cases by Country and Year (as of 18.05.2020)**

Country	Active Cases	Year	Active Cases
Indonesia	25		
Malaysia	5	2009	0
Colombia	2	2010	1
Nigeria	2	2011	0
Singapore	0	2012	1
Peru	1	2013	0
Brazil	1	2014	1
Liberia	1	2015	5
Guatemala	1	2016	0
Ghana	1	2017	5
Sierra Leone	0	2018	10
Cayman Island	1	2019	11
Honduras	1	2020	7
<b>TOTAL</b>	<b>41</b>	<b>TOTAL</b>	<b>41</b>

## 6. Any other matter

### A. Dates for Complaints Panel Physical Meeting in 2020:

Discussion from 20 May 2020 (CP Meeting):-

1. The dates for the next CP Physical Meeting (which is likely to be online) have been set for the 13th and 14th of July 2020.

### B. Expansion of Complaints Panel

Discussion from 20 May 2020 (CP Meeting):-

1. Selection interview for new CP members to proceed on 2.06.2020 from 6.00 pm to 7.30 pm MYT.

### C. Collaboration with the Investigation and Monitoring Unit

#### i) PT Permata Hijau Pasaman :-

Discussion from 20 May 2020 (CP Meeting):-

1. The Complaints Panel has agreed with the recommendation to close the post-complaints monitoring.

#### ii) FGV :-

Discussion from 20 May 2020 (CP Meeting):-

1. The Complaints Panel's letter in response to FGV's appeal is pending endorsement.

#### iii) Poligrow Colombia SAS

Discussion from 20 May 2020 (CP Meeting):-

1. The Complaints Desk has held a discussion with both the IMU and the Certification Unit.
2. The Complaints Desk has been informed that based on the interpretation of the Certification System document, a member has at the initial audit stage, 12 months to close any NCs identified. As such, the audit report will be prepared once the member has closed the NCs within the 12 months period.

**D. DSF Updates:**

**Discussion from 20 May 2020 (CP Meeting):-**

1. The DSF Consultant has proposed a webinar on the Introduction of DSF.
2. The Secretariat has scheduled the webinar on 4.06.2020. Invitations will be issued to the RSPO members, the DSF Adviser, and the CP.

**E. Any other matters:-**

**Discussion from 20 May 2020 (CP Meeting):-**

1. The Secretariat to look into the possibilities of further enhancing engagement between the CP and ASC where and when necessary.

**7. Media Inquiry: Amnesty International Investigation report on Wilmar International – Sydney Morning Herald on 28 November 2016**

"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:

- a. Women were 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;
- b. Children as young as eight doing hazardous, hard physical work, sometimes dropping out of school to help their parents on the plantation;
- c. Workers suffering severe injuries from paraquat, an acutely toxic chemical banned by the EU and by Wilmar itself;
- d. Workers being made to work outdoors without adequate safety;
- e. Workers having to work long hours to meet ridiculously high targets, some of which involve highly physically demanding tasks".

**Discussion from 20 May 2020 (CP Meeting):-**

1. The CP's letter of recommendation has been sent to the Secretariat. The matter will be removed from the agenda moving forward.



**8. 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

**Discussion from 20 May 2020 (CP Meeting):-**

1. **The Briefing Note has been furnished to the Complaints Panel. Members of the CP have posed some queries.**
2. **The Secretariat is looking into the matter and will be providing a response soon.**

**9. Commitments of Financial Institution(s)**

**Discussion from 20 May 2020 (CP Meeting):-**

1. **No further updates. Pending a response from the Secretariat’s Outreach and Engagement Department on the query pertaining to the Central Banks tightening their requirements for sustainable practice in terms of financing.**

**10. GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership**

Discussion from 20 May 2020 (CP Meeting):-

1. Public consultation will take place on 1 June 2020. The Secretariat encourages the Complaints Panel to provide feedback.

**COMPLAINTS FOR DELIBERATION:**

**GROUP 1**

<b>Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)</b>	
<b>Date Filed</b>	16 February 2015
<b>Respondent</b>	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
<b>Nature of Complaint</b>	<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 encloved 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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending outcome of the appeal before the Sabah Lands and Surveys Department.</b>



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

<b>Date Filed</b>	13 August 2015
<b>Respondent</b>	Agropalma SA
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Brazil
<b>Complainant</b>	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa.
<b>Complaint description</b>	That Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending outcome of the court's process.</b>



**Complaint 1.3 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin**

<b>Date Filed</b>	11 November 2015
<b>Respondent</b>	Hap Seng Plantations Holdings Bhd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Sia Yi Chin of Lahad Datu, Sabah
<b>Complaint description</b>	<p>The complainant is claiming that Hap Seng Plantations Bhd is illegally occupying his property (River Estates) of 6,454 acres in Lahad Datu, Sabah.</p> <p>He says that he is the beneficial owner of the said land and the land office in Kota Kinabalu has confirmed that the said land is still in his name as beneficial owner.</p> <p>He has filed a civil suit against Hap Seng; originating summons: BKI-24-127/5 of 2012 filed on 30.07.2015</p>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending outcome of the court's process.</b>



**Complaint 1.4 PT. Pusaka Agro Lestari (PT. PAL - Noble Plantation) vs RSPO Secretariat**

<b>Date Filed</b>	20 June 2017
<b>Respondent</b>	PT Pusaka Agro Lestari
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat
<b>Complaint description</b>	<ul style="list-style-type: none"> <li>● Potential risk on Clearance a large areas of Primary Forest in Papua;</li> <li>● Official Complaint against one of HCV Assessors – Nyoto Susanto.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Respondent’s parent company is resigning from RSPO.</b></li> <li>2. <b>The Complaints Panel has directed the Secretariat to draft a letter responding to their resignation.</b></li> </ol>

<b>Complaint 1.5 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK</b>	
<b>Date Filed</b>	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
<b>Respondent</b>	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Transformasi untuk Keadilan (TuK)
<b>Complaint description</b>	<p>The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :</p> <ol style="list-style-type: none"> <li>1. Lack of Transparency on land status and partnership agreements</li> <li>2. Lack of compliance to our customary land rights</li> <li>3. The absence of (documented) compensation</li> <li>4. Lack of compliance to local regulations</li> </ol> <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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat to review the Complainant’s response and to update the CP on whether the same is justified or otherwise.</b></li> </ol>

<b>Complaint 1.6 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh</b>	
<b>Date Filed</b>	2 October 2012
<b>Respondent</b>	Golden Veroleum Liberia (GVL)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Liberia
<b>Complainant</b>	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
<b>Complaint description</b>	<p>Golden Veroleum Liberia:</p> <ul style="list-style-type: none"> <li>a. has not provided public notification for a 30 day period consistent with the New Planting Procedures;</li> <li>b. commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period;</li> <li>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 &amp; 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land;</li> <li>d. Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&amp;C 2.2, 2.3, 7.5 and 7.6).</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat received the signed communique from the leaders of Tarjuwon. The Secretariat will go through the documents and will update the CP members together with the review on the decision of the CP in 2018 and 2019 on whether any reference made on "town mapping" as the proposition is now on "clan mapping".</b></li> <li>2. <b>As for the implementation of the CP's decision in the other areas, the Secretariat will be writing to the shortlisted candidates on the proposition and has updated all the parties of the progress.</b></li> </ol>



<b>Complaint 1.7 PT. Harapan Sawit Lestari (Cargill) vs Link-AR Borneo</b>	
<b>Date Filed</b>	25 May 2018
<b>Respondent</b>	PT Harapan Sawit Lestari (Cargill)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Link-AR Borneo
<b>Complaint description</b>	PT Harapan Sawit Lestari allegedly commenced the re-planting activities without proper consent from the local community of Asam Besar in West Kalimantan.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The Briefing Note is still in progress as some documents are in the office and the Secretariat is unable to obtain the same due to the MCO.</b></li> </ol>



<b>Complaint 1.8 AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)</b>	
<b>Date Filed</b>	30 April 2018
<b>Respondent</b>	AMP Plantation (Wilmar)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Represented by lawyer on behalf of KUD Dasra
<b>Complaint description</b>	Dispute regarding plasma cooperation with KUD Dasra.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The decision to dismiss the complaint has been sent to the parties on 15.05.2020 with an appeal period until 21.08.2020.</b></li> </ol>

**Complaint 1.9 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**

<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia / Cayman Island
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	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.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<b>1. The CP has come to a decision and has directed the Secretariat to draft the Grounds of the Decision.</b>



<b>Complaint 1.10 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) &amp; Greenpeace</b>	
<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	Pacific Inter-Link (Papuan Concessions)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Environmental Investigation Agency (EIA) & Greenpeace
<b>Complaint description</b>	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.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<b>1. Briefing Note submitted and CP is in deliberation.</b>

**Complaint 1.11 PT Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)**

<b>Date Filed</b>	12 March 2019
<b>Respondent</b>	PT Berkat Sawit Sejati (subsidiary of Musim Mas)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Hutan Kita Institute (HaKI)(Indonesia)
<b>Complaint description</b>	Allegations : 1. indicated using the area of Dangku Wildlife Reserve (SM) approximately 2,600 Ha and production forest area (HP) of approximately 3,200 Ha.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending completion of Briefing Note.</b>



**Complaint 1.12 Nacional Agro Industrial, S.A. (subsidiary of KH Regional Group Inc.) vs Consejo Nacional de Desplazados de Guatemala - CONDEG -(Guatemala)**

<b>Date Filed</b>	8 June 2019
<b>Respondent</b>	Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Guatemala
<b>Complainant</b>	Consejo Nacional de Desplazados de Guatemala - CONDEG
<b>Complaint description</b>	<p>Allegations :</p> <ol style="list-style-type: none"> <li>1. Unjustifiably dismissed 50 workers.</li> <li>2. Naisa violates the code of ethical conduct through their contractor companies, 1) Hidrogen y oxigeno,SA. (2) Labores y Servicious, SA, (3) Sevicious Agricolas del Peten, SA.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Briefing Note has been furnished to the CP members and the Secretariat has received some queries from the CP.</li> <li>2. The Secretariat will seek clarification from the Respondent and will update the CP members.</li> </ol>

<b>Complaint 1.13 PT Buana Wira Lestari vs <i>requested for confidentiality</i></b>	
<b>Date Filed</b>	29 October 2019
<b>Respondent</b>	PT Buana Wira Lestari
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The Respondent is polluting the river water and also the surrounding community settlement caused by the liquid waste from the palm oil mills.</li> <li>3. 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.</li> <li>4. The Respondent mill's chimney emits black smoke and causes air pollution.</li> <li>5. The Respondent did not provide proper social assistance to the local community.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat is now waiting for comments from Parties in the complaint on the CB's latest audit report.</b></li> </ol>

<b>Complaint 1.14 PT Permata Hijau Sawit Kebun Papasa vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (KC FSPMI) - (Indonesia)</b>	
<b>Date Filed</b>	14 January 2020
<b>Respondent</b>	PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (KC FSPMI)
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. The workers were not issued payslips;</li> <li>2. No adequate health facilities and no adequate housing facilities provided for the workers;</li> <li>3. The workers were not given the freedom to join the unions;</li> <li>4. Workers are imposed working hours that are not in accordance with the provisions;</li> <li>5. Contract workers were employed for the main job;</li> <li>6. Daily Casual workers are not provided with statutory rights;</li> <li>7. Workers are not provided with PPE;</li> <li>8. Workers are not provided with religious festivity allowance;</li> <li>9. The Respondent does not have the company regulations as required by law.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Bilateral Engagement (BE) process is in progress. Both parties have not physically met because of the COVID-19 movement control order but have been communicating by means of phone and email.</b></li> <li>2. <b>A physical meeting has been scheduled on 8 June 2020. The BE deadline is on 30 July 2020.</b></li> </ol>

**GROUP 2**

<b>Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR</b>	
<b>Date Filed</b>	19 November 2015
<b>Respondent</b>	Extractora de la Gloria SAS
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	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
<b>Complaint description</b>	<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"> <li>● Principle 1.1. Given that it does not provide clear and sufficient information regarding the Business Group.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> <li>● 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.</li> </ul>

<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>Briefing Note in progress.</b></li> <li><b>The Secretariat is to seek further clarification from the Respondent.</b></li> </ol>

<b>Complaint 2.2 PT. Bumitama Gunajaya Abadi (PT.BGA - Bumitama) vs Sawit Watch</b>	
<b>Date Filed</b>	13 November 2015
<b>Respondent</b>	PT Bumitama Gunajaya Abadi
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Sawit Watch
<b>Complaint description</b>	<p><b>The allegations are:-</b></p> <ol style="list-style-type: none"> <li>Destroying graves and planting trees surrounding the graves;</li> <li>Dispute on plasma scheme mechanism;</li> <li>Termination of labourers and the status of labourer i.e. are they casual or permanent?</li> <li>Compensation not paid directly to the land owner;</li> <li>Loss of land certification and using the land of migrants which is still under control of the owner.</li> </ol>
<b>Status</b>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>Decision has been delivered and pending the expiry of the appeals period on 27.05.2020.</b></li> </ol>

<b>Complaint 2.3 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch</b>	
<b>Date Filed</b>	13 October 2017
<b>Respondent</b>	PT Hati Prima Agro (Bumitama)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Sawit Watch
<b>Complaint description</b>	<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>
<b>Status</b>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>Pending receipt of a fee proposal from the Consultant for additional review of documents.</b></li> <li><b>The Consultant has indicated that the fee proposal will be furnished after the Hari Raya/Lebaran period.</b></li> </ol>

<b>Complaint 2.4 Felda Global Ventures Holding Berhad vs RSPO Secretariat</b>	
<b>Date Filed</b>	19 April 2017
<b>Respondent</b>	Felda Global Ventures Holding Berhad
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat (on the basis of Article by Chain Reaction Research)
<b>Complaint description</b>	<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>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>1. The Respondent has written to the Complaints Panel requesting for additional time in light of COVID-19.</b></li> <li><b>2. CP's letter in response to the above has been drafted and is pending endorsement.</b></li> </ol>



<b>Complaint 2.5 Golden Agri Resources vs Forest Peoples Programme (FPP) &amp; TuK</b>	
<b>Date Filed</b>	22 August 2018
<b>Respondent</b>	Golden Agri Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme (FPP) and Tuk- Indonesia
<b>Complaint description</b>	GAR's shadow companies are actively clearing lands.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<b>1. Pending completion of legal review.</b>



Complaint 2.6 Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom	
<b>Date Filed</b>	17 September 2018
<b>Respondent</b>	Presco PLC Nigeria (SIAT SA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	Indigenous People of Oruarivie-Abraka Kingdom
<b>Complaint description</b>	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.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The mediation process is still stalled because of the lockdown in Nigeria. However there may be a mediation process which may proceed virtually.</b></li> <li>2. <b>The Respondent has indicated that they will try to furnish the Secretariat with the documents signed by all parties reflecting the updates on this matter.</b></li> </ol>

<b>Complaint 2.7 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT</b>	
<b>Date Filed</b>	10 April 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatera, Indonesia
<b>Complainant</b>	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Lack of adequate health and safety equipment;</li> <li>2. Worker died due to lack of safety equipment; and</li> <li>3. No festive holidays for temporary workers.</li> </ol>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Pending completion of briefing note.</b></li> </ol>

### Complaint 2.8 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality

Date Filed	29 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	<ol style="list-style-type: none"> <li>1. Temporary workers contract and wages issues</li> <li>2. Intimidation of workers</li> </ol>
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>Pending completion of briefing note.</b></li> </ol>

### Complaint 2.9 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)

Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ol style="list-style-type: none"> <li>1. Alleged fraud of wages for 7 workers,</li> <li>2. No festive holidays and bonus for temporary workers</li> </ol>
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> <li>1. <b>Pending completion of briefing note.</b></li> </ol>

<b>Complaint 2.10 PT. Socfin Indonesia (subsidiary of Socfin SA) vs Lembaga Swadaya Masyarakat Team Investigation Penyelamat Asset Negara Republik Indonesia (LSM.TIPAN-RI)</b>	
<b>Date Filed</b>	26 July 2019
<b>Respondent</b>	PT Socfin Indonesia (subsidiary of Socfin SA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Lembaga Swadaya Masyarakat Team Investigation Penyelamat Asset Negara Republik Indonesia (LSM.TIPAN-RI)
<b>Complaint description</b>	PT Socfin Indonesia used the land of 13 community members of Desa Negeri Lama Seberang without their express consent for the PT Socfin Indonesia water pipeline which is approximately 900 meters in length. The water pipeline extends from the Bilah River to the PT Socfin Indonesia palm oil mill.
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The decision letter has been furnished to both the parties on 12.05.2020.</li> <li>2. The closure of the complaint has been recorded on the following grounds:-               <ol style="list-style-type: none"> <li>a) the withdrawal of the Complaint;</li> <li>b) the failure of the Complainant to respond to the queries of the Secretariat; and</li> <li>c) the input received from a community member stating that he had no knowledge that the Complaint was lodged against the Respondent.</li> </ol> </li> </ol>



<b>Complaint 2.11 Presco Plc vs Ovre Eku Community</b>	
<b>Date Filed</b>	28 October 2029
<b>Respondent</b>	Presco Plc
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	Ovre Eku Community
<b>Complaint description</b>	Invasion forcible entry to Ovre-Eku Land by Presco Plc.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Decision is delivered with an appeal period until 23.07.2020.</b>

<b>Complaint 2.12 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality</b>	
<b>Date Filed</b>	11 February 2020
<b>Respondent</b>	PT Musim Mas Holding Pte Ltd
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	<i>(requested for confidentiality)</i>
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Land fires occurred in the conservation area within the PT MusimMas HGU covering an area of 12 hectares;</li> <li>2. Damaging the river by damming the river flow;</li> <li>3. Community owned plantation and public cemetery are not enclaved;</li> <li>4. Planting on peatland and in protected areas of river banks.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Bilateral Engagement process is in progress and the deadline is on 22 July 2020.</b>

**GROUP 3**

<b>Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme &amp; TuK</b>	
<b>Date Filed</b>	14 October 2014
<b>Respondent</b>	Golden Agri Resources (GAR) – PT Kartika Prima Cipta (KPC)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia – Kapuas Hulu, West Kalimantan
<b>Complainant</b>	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
<b>Complaint description</b>	<p><b><u>Points raised:-</u></b></p> <ol style="list-style-type: none"> <li>1. PT KPC is in persistent violation of the RSPO P&amp;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.</li> <li>2. Land takeover was done without land tenure study and participatory mapping.</li> <li>3. Late HCV assessment which was done by IPB, final consultation was in May 2014.</li> <li>4. Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%).</li> <li>5. Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood.</li> <li>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.</li> <li>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&amp;C.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>HCV Peer review by consultant is complete.</b></li> <li>2. <b>The Secretariat is to hold an internal joint case management with all relevant units.</b></li> </ol>

<b>Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat</b>	
<b>Date Filed</b>	19 April 2017
<b>Respondent</b>	Goodhope Asia Holdings
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
<b>Complaint description</b>	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).
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending completion of the LUCA review by the Compensation Unit for the Ketapang region.</b>





<b>Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan</b>	
<b>Date Filed</b>	10 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
<b>Respondent</b>	IOI Pelita (IOI Group)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Sarawak, Malaysia
<b>Complainant</b>	Community of Long Teran Kanan
<b>Complaint description</b>	Infringement of P&C No.2.2 – the right to land use disputed
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>1. Secretariat to prepare a draft email setting out the CP’s concerns and for the CP’s approval prior to release to the Respondent.</b></li> </ol>

<b>Complaint 3.4 PT. Primatama Mulia Jaya v Masyarakat Adat Luhak</b>	
<b>Date Filed</b>	12 July 2018
<b>Respondent</b>	PT Primatama Mulia Jaya (subsidiary of Wilmar International)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Masyarakat Adat Luhak Saparampek Simpang Tigo and Forest People Programme (FPP)
<b>Complaint description</b>	The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The special audit report has been furnished to the parties and the Secretariat is now waiting for their comments on the same.</b>

<b>Complaint 3.5 PT. Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang</b>	
<b>Date Filed</b>	30 August 2018
<b>Respondent</b>	PT Agro Lestari Mandiri (Sinar Mas)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
<b>Complaint description</b>	PT Agro Lestari Mandiri allegedly terminated workers in violation of the Indonesian Employment Law.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<b>1. Status quo. Pending the outcome of the Supreme Court's decision.</b>

<b>Complaint 3.6 PT Smart Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut</b>	
<b>Date Filed</b>	18 October 2018
<b>Respondent</b>	PT Smart Tbk - subsidiary of Golden Agri Resources
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Masyarakat Dusun I/II/III Belongkut
<b>Complaint description</b>	The termination of employment by PT Smart Tbk Kebun Adi Pati without severance payment
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note is still in progress as some documents are in the office and the Secretariat is unable to obtain the same due to the MCO.</b>



<b>Complaint 3.7 Oleaginosas Del Peru S.A (OLPESA) vs Community of Santa Clara de Uchunya</b>	
<b>Date Filed</b>	22 March 2019
<b>Respondent</b>	Oleaginosas Del Peru S.A. (OLPESA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Peru
<b>Complainant</b>	Community of Santa Clara de Uchunya
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Sourcing FFB from unsustainable origin.</li> <li>2. Failure to conduct SIA.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Internal review of documents for preparation of Briefing Note completed.</b></li> <li>2. <b>The Secretariat is to hold an internal discussion on the next course of action.</b></li> </ol>

<b>Complaint 3.8 PT. PHP/AMP Plantation (subsidiary of Wilmar ) vs Represented by Lawyer on behalf of Local Community</b>	
<b>Date Filed</b>	20 August 2018
<b>Respondent</b>	PT. PHP/AMP Plantation (subsidiary of Wilmar)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Represented by Lawyer on behalf of local community
<b>Complaint description</b>	Dispute regarding plasma cooperation with local community
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note is still in progress as some documents are in the office and the Secretariat is unable to obtain the same due to the MCO.</b>

<b>Complaint 3.9 Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad) vs Mr Sauddin Che Lamin</b>	
<b>Date Filed</b>	12 August 2019
<b>Respondent</b>	Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Malaysia
<b>Complainant</b>	Mr Sauddin Che Lamin
<b>Complaint description</b>	Complainant was terminated on 2 July 2019 via letter without salary for 3 consecutive months based on mental health discrimination.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Decision letter has been drafted and is pending endorsement.</b>

<b>Complaint 3.10 Norpalm Ghana Limited vs Landowners of Ewusiejoe</b>	
<b>Date Filed</b>	29 October 2019
<b>Respondent</b>	Norpalm Ghana Limited
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Ghana
<b>Complainant</b>	Landowners of Ewusiejoe
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Non Transparency to landowners of Ewusiejoe.</li> <li>2. No minutes provided after meeting with Norpalm management.</li> <li>3. No information to Landowners on the arrival of the Inspectorate team from RSPO to enable them to participate and express their concerns.</li> <li>4. No information to Landowners on the demarcation made by Norpalm Ghana Ltd and no documents provided to the Complainant.</li> <li>5. Payments of monies to Landowners have not been fully made.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Decision is delivered with an appeal period until 10.08.2020.</b></li> </ol>

<b>Complaint 3.11 Golden Agri Resources (GAR) vs Forest Peoples Programme &amp; Elk Hills Foundation</b>	
<b>Date Filed</b>	2 March 2020
<b>Respondent</b>	Golden Agri Resource (GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Forest Peoples Programme & Elk Hills Foundation
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law;</li> <li>2. The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation

<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. Further response received from parties.</li> <li>2. The Secretariat is reviewing all responses.</li> </ol>
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<b>Complaint 3.12 PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung (Indonesia)</b>	
<b>Date Filed</b>	30 March 2020
<b>Respondent</b>	PT Gersindo Minang Plantation subsidiary of Wilmar Group
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Buyung
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Untreated liquid waste or palm oil mill effluent (POME) is directly discharged to a river stream.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Complainant has submitted all additional documents as requested by the Secretariat and has proposed mediation through DSF.</li> <li>2. The Respondent had queries on DSF and how it applies to the allegations.</li> <li>3. The Secretariat informed the Respondent of the DSF webinar on 04 June 2020 and invited the Respondent to participate in the webinar.</li> </ol>