

# COMPLAINTS PANEL

## MINUTES OF MEETING

For Website

24 June 2020 | 6.00pm - 8.15pm | Meeting No. 06/2020

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="371 640 906 947"> <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><b><u>General Agenda:</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>20 May 2020</b> during the CP Meeting</li> <li>4. New Allegations:-             <ol style="list-style-type: none"> <li>4.1 RSPO/2020/01/IR - Kwantas Corporation Berhad</li> <li>4.2 RSPO/2020/05/HN - Palmaceite S.A.</li> <li>4.3 RSPO/2020/08/DPM - PT Pangkatan Indonesia subsidiary of MP. Evans Group</li> <li>4.4 RSPO/2020/09/DPM - PT Socfin Indonesia</li> <li>4.5 RSPO/2020/10/SW - PT Victorindo Alam Lestari (Permata Hijau Group)</li> </ol> </li> <li>5. Complaints Case Statistics.</li> <li>6. Complaints Panel meeting Dates             <ol style="list-style-type: none"> <li>6.1 Dates for CP monthly meetings in 2020</li> <li>6.2 Dates for CP Physical Meetings</li> <li>6.3 Expansion of the Complaints Panel</li> </ol> </li> <li>7. Collaboration with the Investigation &amp; Monitoring Unit (IMU)             <ol style="list-style-type: none"> <li>7.1 FGV</li> <li>7.2 Poligrow</li> </ol> </li> <li>8. Dispute Settlement Facility (DSF)</li> </ol>		



9. 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).
10. Commitment of Financial Institutions.
11. GA Resolution - GA15-6d: Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership.
12. Any Other Matters

13. Complaints for deliberation:-

**Group 1: 6.00pm - 6.55pm**

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 *requested for confidentiality*
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: 7.40pm - 7.50pm**

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. Presco Plc vs Ovre Eku Community
11. PT Musim Mas Holding Pte Ltd vs *requested for confidentiality*

**Group 3: 7.50pm - 8.15pm**

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 *requested for confidentiality*
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
13. Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs *requested for confidentiality*

**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 further conflict of interest declared at this time of the meeting.</b>
3.	To confirm and adopt the minutes of <b>20 May 2020</b> during the Complaints Panel Meeting.  <b>Minutes of 20 May 2020 adopted unanimously with minor edits to the minutes for group 3.</b>
<b>4. New allegation submitted</b>	
4.1	<p><b>RSPO/2020/01/IR      Kwantas Corporation Berhad</b>                      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 24 June 2020 (CP Meeting):-</b></p> <p><b>1. The Complaints Panel has deliberated and endorsed the rejection of this complaint.</b></p>



<b>4.2</b>	<p>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.</p> <p><b>Discussion from 24 June 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>1. The Secretariat has furnished the review of the allegations raised by the Complainant to the CP members.</b></li> <li><b>2. The CP endorsed the review of the allegations and the Complaint is formally accepted.</b></li> </ol>
<b>4.3</b>	<p><b>RSPO/2020/08/DPM    PT Pangkatan Indonesia subsidiary of MP.Evans Group</b>          Complainant        :- KOSP-LSM FSPMI dan TIPAN          Complaint received :- 4 June 2020          Location            :- Indonesia          Allegations        :- Termination of employment without severance and other related compensation;                                        No written employment agreement for daily casual workers;                                        No National Healthcare Insurance (BPJS Kesehatan) and Employee Social Security (BPJS Ketenagakerjaan) for daily casual workers;                                        No bonus and extra benefits/rice allowance as stipulated in the CBA for daily casual workers;                                        No payslip for daily casual workers; and                                        Insufficient Religious Festive Allowance for daily casual workers;                                        No PPE provided.</p> <p><b>Discussion from 24 June 2020 (CP Meeting):</b></p> <ol style="list-style-type: none"> <li><b>1. In light of potential duplicity of processes with local authorities, the CP has directed the Secretariat to study the list of allegations raised and to brief the CP on the allegations so that a decision can be made on the admissibility of each allegation.</b></li> </ol>



<b>4.4</b>	<p><b>RSPO/2020/09/DPM PT Socfin Indonesia</b>                  Complainant :- Yulian Kamahendra                  Complaint received :- 9 June 2020                  Location :- Indonesia                  Allegations :- The Respondent is using proprietary software without the creator’s consent.</p> <p><b>Discussion from 24 June 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>1. The Complaint is formally rejected.</b></li> <li><b>2. The Notice of Rejection was sent to the parties on 18 June 2020.</b></li> </ol>
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<b>4.5</b>	<p><b>RSPO/2020/10/SW PT Victorindo Alam Lestari (Permata Hijau Group)</b>                  Complainant :- KC FSPMI                  Complaint received :- 17 June 2020                  Location :- Indonesia                  Allegations :- 1) Daily casual workers are not registered to the BPJS Kesehatan (BPJS Healthcare) or BPJS Ketenagakerjaan (BPJS Employment Security;                  2) The Respondent does not provide a decent and good health care facilities for workers in the Company area;                  3) The Respondent does not ensure worker’s rights to associate as union management or members;                  4) Workers working in the core work are employed under a definite time employment agreement (PKWT) scheme instead of indefinite time employment agreement (PKWTT) or furnished with appointment letters without prior written indefinite time employment agreement (PKWTT);                  5) Daily casual workers are not provided with a written employment agreement;                  6) The Respondent does not fully pay overtime wages;                  7) Company Regulations owned by the company have not yet been approved by the local manpower office;                  8) The Respondent has employed some of the workers as daily casual workers for more than 3 (three) years;                  9) The Respondent does not ensure legal certainty for workers in the event of expiration or termination of employment relationship due to death, redundancy, pension and resignation.</p> <p><b>Discussion from 24 June 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li><b>1. The initial diagnosis is in progress.</b></li> </ol>
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**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>	<b>2</b>	<b>1</b>	<b>3</b>	<b>4</b>
<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 (0) Closed (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>	<b>0</b>	<b>3</b>	<b>0</b>	<b>1</b>
<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>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>
<b>Status</b>	Open (2)	Open (1)	Open (3)	Open (1)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Malaysia (1) Indonesia (1)	Indonesia (1)	Indonesia (2) Colombia (1)	Honduras (1)
<b>Case Category</b>	-Invasion of main access road (1) -Wage, safety (1)	- Land fires - River Pollution - Planting onPeat	- Illegal permit (1) - convicted for Bribery (1) - Water Pollution(2) - Breached CoC (1)	

	May 2020	Jun 2020	Jul 2020	Aug 2020
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<b>Complaints received</b>	<b>0</b>	<b>3</b>	-	-
<b>Status</b>	-	Open (3)	-	-
<b>Certified</b>			-	-
<b>Country</b>	-	Indonesia (3)	-	-
<b>Case Category</b>	-	-Workers unjustifiably dismissed (1) -Social Benefits(2) -Infringement of copyright (1) - no adequate health,housing facilities (1)	-	-

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

Country	Active Cases	Year	Active Cases
Indonesia	26		
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	4
Guatemala	1	2016	0
Ghana	1	2017	5
Sierra Leone	0	2018	10
Cayman Island	1	2019	10
Honduras	1	2020	10



	<b>TOTAL</b>	<b>42</b>	<b>TOTAL</b>	<b>42</b>
<b>6. Complaints Panel Meeting Dates</b>				
<b>6.1</b>	<b>Dates for Complaints Panel monthly meetings</b>			
	<p>Discussion from 24 June 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>No further changes to dates fixed thus far.</li> </ol>			
<b>6.2 Dates for Complaints Panel Physical Meetings in 2020</b>				
	<p>Discussion from 24 June 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>CP quarterly meeting to proceed as scheduled on 13th and 14th July virtually from 3.00 p.m. to 8.00 p.m.</li> <li>The draft agenda has been furnished to the Co-Chairs for their perusal and comments before the same is furnished to the CP members.</li> </ol>			
<b>6.3 Expansion of Complaints Panel</b>				
	<p>Discussion from 24 June 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>Two candidates have been selected by the Selection Committee and their names will be forwarded to the BOG for endorsement.</li> </ol>			
<b>7. Collaboration with the Investigation &amp; Monitoring Unit (IMU)</b>				
<b>7.1</b>	<b>FGV :-</b>			
	<p>Discussion from 24 June 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> <li>The Complaints Panel was updated with the progress of the post-complaints monitoring.</li> <li>Pending receipt of updated timeline by FGV.</li> </ol>			



<b>7.2</b>	<p><b>Poligrow Colombia SAS:</b></p> <p><b>Discussion from 24 June 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. <b>Status quo. Pending receipt of the findings from the initial audit report from the CB.</b></li> </ol>
<b>8. Dispute Settlement Facility (DSF)</b>	
	<p><b>Discussion from 24 June 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. <b>Webinar on DSF proceeded as scheduled on 4.06.2020. All presentation materials were furnished to the participants, the DSF Advisers, and the CP.</b></li> <li>2. <b>All questions raised during the webinar have already been answered via email.</b></li> <li>3. <b>The Secretariat is now in the process of receiving applications from candidates in Indonesia interested to join the RSPO network of mediators.</b></li> </ol>
<b>9. 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)</b>	
	<p>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.</p> <p>The following violations were noted in the report:</p> <ol style="list-style-type: none"> <li>1. PT Murini Sam Sam <ul style="list-style-type: none"> <li>● Temporary workers and contract issues</li> <li>● Wages and overwork</li> <li>● Child labour</li> <li>● Health and safety</li> <li>● 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.</li> <li>● Freedom of association</li> </ul> </li> <li>2. PT Aneka Inti Persada: <ul style="list-style-type: none"> <li>● Temporary workers and contract issues</li> <li>● Wages and workload</li> <li>● Child labour</li> <li>● Health and safety</li> <li>● Gender equality</li> <li>● Freedom of association</li> </ul> </li> </ol> <p><b>Discussion from 24 June 2020 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. <b>Clarification to the CP’s queries were provided to the CP. Pending endorsement via email.</b></li> </ol>



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

Discussion from 24 June 2020 (CP Meeting):-

1. Pending receipt of an update from the Outreach and Engagement department on queries raised with respect to Central Banks.

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

Discussion from 24 June 2020 (CP Meeting):-

1. Public consultation of the proposals are ongoing. The CP members are encouraged to put in their comments.

**12. Any Other Matters**

Discussion from 24 June 2020 (CP Meeting):-

1. The Secretariat has held a discussion with the Interim CEO and it is suggested that the status quo of the physical meeting arrangement of twice a year between the CP and the ASC be maintained to ensure harmony between both the ASC and the CP moving forward.

**COMPLAINTS FOR DELIBERATION:**

**GROUP 1**

**Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)**

<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 enclaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land.</p> <p>A police report has been made by the community and that is the source of the complaint.</p>
<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>	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. Complaint adjourned. Pending outcome of the court's process.</b>

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

<b>Date Filed</b>	24 November 2015
<b>Respondent</b>	Hap Seng Plantations Holdings Bhd
<b>Membership</b>	Oil Palm Grower



<b>Category</b>	
<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. Complaint adjourned. Pending outcome of the court's process.</b>

<b>Complaint 1.4 PT. Pusaka Agro Lestari (PT. PAL - Noble Plantation) vs RSPO Secretariat</b>	
<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 Secretariat is to prepare two draft letters for the CP’s consideration on the next steps.</b></li> </ol>

**Complaint 1.5 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK**

<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>Secretariat to proceed with the Briefing Note and at the same time prepare a response to the Complainant on issues raised for the CP’s review.</b></li> </ol>

**Complaint 1.6 Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh**

<b>Date Filed</b>	3 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>	<b>1. Interim Briefing Note is being prepared to facilitate the CP's directive.</b>

<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</b>	Oil Palm Grower



<b>Category</b>	
<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>1. All the documents needed to finalise the Briefing Note have been retrieved from the office.</li> <li>2. The Secretariat will proceed with the preparation of the Briefing Note to be sent to the CP members for deliberation.</li> </ol>

**Complaint 1.8 AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)**

<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>	<b>1. The decision to dismiss the Complaint has been delivered to the parties on 15.05.2020 with an appeal period until 21.08.2020.</b>

**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
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<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. Draft decision drafted and is being reviewed by the Membership Department to ensure accuracy of information before being presented to the CP.</b>

**Complaint 1.10 Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace**

<b>Date Filed</b>	15 October 2018
<b>Respondent</b>	Pacific Inter-Link (Papuan Concessions)
<b>Membership</b>	Oil Palm Grower





<b>Category</b>	
<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>	<ol style="list-style-type: none"> <li>1. <b>The CP has made a directive on the issue of confidentiality.</b></li> <li>2. <b>The Secretariat is to update parties on the same.</b></li> </ol>

**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. Briefing Note is undergoing peer review.</b>

**Complaint 1.12 Nacional Agro Industrial, S.A. (subsidiary of KH Regional Group Inc.) vs requested for confidentiality**

<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>	<i>requested for confidentiality</i>
<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 Servicios, SA, (3) Sevicious Agricolas del Peten, SA.</li> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Briefing Note submitted to the CP and pending endorsement of decision.</b>

**Complaint 1.13 PT Buana Wira Lestari vs *requested for confidentiality***

<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 CP has issued a directive to issue a warning letter to the Complainant as the Complainant failed to furnish the supporting documents and the feedback on the ASA report within the time given.</b></li> </ol>

**Complaint 1.14 PT Permata Hijau Sawit Kebun Papasa vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (KC FSPMI) - (Indonesia)**

<b>Date Filed</b>	14 January 2020
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<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 is in progress.</b></li> <li>2. <b>The Bilateral Engagement 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>	<b>1. Draft Briefing Note is being reviewed and a meeting has been requested with the Respondent. Pending fixing of meeting date.</b>

### Complaint 2.2 PT. Bumitama Gunajaya Abadi (PT.BGA - Bumitama) vs Sawit Watch

<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>1. Destroying graves and planting trees surrounding the graves;</li> <li>2. Dispute on plasma scheme mechanism;</li> <li>3. Termination of labourers and the status of labourer i.e. are they casual or permanent?</li> <li>4. Compensation not paid directly to the land owner;</li> <li>5. Loss of land certification and using the land of migrants which is still under control of the owner.</li> </ol>
<b>Status</b>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<p><b>1. The appeals period has ended, therefore the Complaint is deemed closed and the complaint will be removed from the agenda moving forward.</b></p>

### Complaint 2.3 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch

<b>Date Filed</b>	13 October 2017
<b>Respondent</b>	PT Hati Prima Agro (Bumitama)
<b>Membership</b>	Oil Palm Grower

<b>Category</b>	
<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>The Secretariat will furnish the CP with a chronology of this complaint to provide clarity of this complaint before proceeding with a Briefing Note.</b></li> </ol>

**Complaint 2.4 Felda Global Ventures Holding Berhad vs RSPO Secretariat**

<b>Date Filed</b>	19 April 2017
<b>Respondent</b>	Felda Global Ventures Holding Berhad
<b>Membership</b>	Oil Palm Grower



<b>Category</b>	
<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>Draft response letter has been updated to incorporate changes. Pending endorsement by Complaints Panel.</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</b>	Oil Palm Grower



<b>Category</b>	
<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</b>	Oil Palm Grower

<b>Category</b>	
<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>	<b>1. Complaint adjourned. Pending outcome of private mediation process.</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>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 internal discussion and completion of Briefing Note.</b></li> </ol>

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

<b>Date Filed</b>	23 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>	<i>requested for confidentiality</i>
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>1. Temporary workers contract and wages issues</li> <li>2. Intimidation of workers</li> </ol>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<b>1. Pending internal discussion and completion of Briefing Note.</b>

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

<b>Date Filed</b>	6 May 2019
<b>Respondent</b>	PT Perkebunan Nusantara IV (PERSERO)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatra, Indonesia
<b>Complainant</b>	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
<b>Complaint description</b>	<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>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<b>1. Pending internal discussion and completion of Briefing Note.</b>

**Complaint 2.10 Presco Plc vs Ovre Eku Community**

<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>

**Complaint 2.11 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality**

<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>	<ol style="list-style-type: none"> <li>1. <b>The Bilateral Engagement process is in progress and the deadline is on 22 July 2020.</b></li> <li>2. <b>The next meeting date is being scheduled by the parties.</b></li> </ol>

**GROUP 3**

<b>Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme &amp; TuK</b>	
<b>Date Filed</b>	13 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>Points raised:-</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, ESAs 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>	<b>1. Pending internal review and discussion of all issues.</b>

**Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat**

<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. Review of the LUCA submission for the Ketapang region is in progress by the Compensation Unit.</b>

<b>Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan</b>	
<b>Date Filed</b>	15 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>	<b>1. Draft email to Respondent submitted to CP for approval. Pending endorsement by all CP members.</b>

<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
<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. Pending comments from the Complainant on the special audit report.</b>

### Complaint 3.5 PT. Agro Lestari Mandiri (Sinar Mas) vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang

<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. Briefing note is being finalised.</b>

### Complaint 3.6 PT Smart Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut

<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>	<ol style="list-style-type: none"> <li>1. All the documents needed to finalise the Briefing Note have been retrieved from the office.</li> <li>2. The Secretariat will proceed with the preparation of the Briefing Note and to be sent to the CP members for deliberation.</li> </ol>

**Complaint 3.7 Oleaginosas Del Peru S.A (OLPESA) vs requested for confidentiality**

<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>	<i>requested for confidentiality</i>



<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>The Respondent has responded with requested clarification by the Secretariat. The Secretariat is to have an internal discussion on the next course of action before updating parties.</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>	<ol style="list-style-type: none"> <li>1. All the documents needed to finalise the Briefing Note have been retrieved from the office.</li> <li>2. The Secretariat will proceed with the preparation of the Briefing Note to be sent to the CP members for deliberation.</li> </ol>

<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>	<ol style="list-style-type: none"> <li>1. Decision delivered on 18 June 2020. Pending Appeals period.</li> </ol>

<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>

**Complaint 3.11 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation**

<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>	<b>1. The Respondent has put in additional statements. Pending review.</b>

**Complaint 3.12 PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung (Indonesia)**

<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</b>	<ol style="list-style-type: none"> <li>1. Untreated liquid waste or palm oil mill effluent (POME) is directly</li> </ol>



<b>description</b>	discharged to a river stream.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>Formal response received from Respondent.</b></li> <li>2. <b>The Secretariat is also waiting for a response from both parties to give their feedback on the CB in their last audit.</b></li> <li>3. <b>No special audit is needed as the Complainant’s subject matter is covered in the last CB audit.</b></li> <li>4. <b>Briefing Note will be prepared once comments and responses from both parties are received.</b></li> </ol>

<b>Complaint 3.13 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality - (Honduras)</b>	
<b>Date Filed</b>	6 April 2020
<b>Respondent</b>	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Honduras
<b>Complainant</b>	<i>requested for confidentiality</i>



<p><b>Complaint description</b></p>	<p>Modification of property deeds to remove areas identified by the government as environmental protection zone;          Employees not paid minimum wage; not provided with equipment; and not given workers' benefits;          Non-compliance with labour laws;          Threatening of workers to suppress information from auditors;          Bribing workers and government agencies;          Manipulation of scale systems; Falsification of data;          Operating without an environmental license.</p>
<p><b>Status</b></p>	<p>(D) Investigation / deliberation</p>
<p><b>Decision / Justification</b></p>	<ol style="list-style-type: none"> <li>1. <b>The Complaint is endorsed by the CP and the Complaint is formally accepted.</b></li> <li>2. <b>The Secretariat is waiting for a formal response from the Respondent.</b></li> </ol>