

# COMPLAINTS PANEL

## MINUTES OF MEETING

For Website

28 August 2019 | 6.00 - 8.10 pm | Meeting No. 08/2019

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

<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> <li>7. Robert Kruger (RK)</li> </ol> </td> <td data-bbox="906 640 1436 947"> <ol style="list-style-type: none"> <li>8. Samantha Bramley (SB)</li> <li>9. Suzanne Hall (SH)</li> <li>10. Frazer Lanier (FL)</li> <li>11. Peter van der Werf (PVDW)</li> <li>12. José den Toom (JDT)</li> <li>13. Pieter Van Dessel (PVD)</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> <li>7. Robert Kruger (RK)</li> </ol>	<ol style="list-style-type: none"> <li>8. Samantha Bramley (SB)</li> <li>9. Suzanne Hall (SH)</li> <li>10. Frazer Lanier (FL)</li> <li>11. Peter van der Werf (PVDW)</li> <li>12. José den Toom (JDT)</li> <li>13. Pieter Van Dessel (PVD)</li> </ol>
<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> <li>7. Robert Kruger (RK)</li> </ol>	<ol style="list-style-type: none"> <li>8. Samantha Bramley (SB)</li> <li>9. Suzanne Hall (SH)</li> <li>10. Frazer Lanier (FL)</li> <li>11. Peter van der Werf (PVDW)</li> <li>12. José den Toom (JDT)</li> <li>13. Pieter Van Dessel (PVD)</li> </ol>		
<p><b>Agenda</b></p>	<p><b><u>General Agenda: 6.00 pm - 6.20 pm</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>24 July 2019</b> during the CP Meeting</li> <li>4. New Allegations:-             <ol style="list-style-type: none"> <li>a. RSPO/2018/07/SW - PT. PHP/AMP Plantation (subsidiary of Wilmar)</li> <li>b. RSPO/2019/17/SW - PT Socfin Indonesia (subsidiary of Socfin SA)</li> <li>c. RSPO/2019/18/IR - Boustead Rimba Nilai Sdn Bhd (subsidiary of Boustead Plantation Berhad)</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 2019/2020;</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> <li>e. Bilateral Engagement Principles &amp; Rules;</li> <li>f. Photographs of CP members for the Complaints Portal</li> </ol> </li> <li>7. Amnesty International report on Wilmar International - a media enquiry by Sydney Morning Herald.</li> <li>8. Request for Re-opening the case of PT Gunta Samba Jaya/PT SIMP.</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. Complaints for deliberation:-

**Group 1: 6.20pm - 7.20pm**

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. Prima Mitra Jaya Mandiri (PT. PMJM) - subsidiary of MP Evans vs Serbundo
6. PT. Mitra Austral Sejahtera (PT. MAS) - subsidiary of Sime Darby vs Transformasi untuk Keadilan (TuK-NGO)
7. PT. Minamas Gemilang - subsidiary of Sime Darby vs Oky Wardianto
8. Golden Veroleum Liberia (GVL) vs. Green Advocate for the Butaw Community & Forest Peoples Programme & SDI & SESDev & A-Bloteh
9. PT. Harapan Sawit Lestari (PT. HSL) - subsidiary of Cargill vs Link-AR Borneo
10. AMP Plantation a subsidiary of Wilmar vs KUD Dasra (represented by lawyer)
11. 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
12. Pacific Inter-Link (Papuan Concessions) vs Environmental Investigation Agency (EIA) & Greenpeace
13. PT. Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)
14. Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.) vs Consejo Nacional de Desplazados de Guatemala - CONDEG

**Group 2: 7.25pm - 7.40pm**

1. Extractora La Gloria S.A.S. vs ASOCOL & ASOCADAR
2. PT. Bumitama Gunajaya Agro (PT. BGA) - subsidiary of Bumitama vs Sawit Watch
3. PT. Hati Prima Agro (PT. HPA) - subsidiary of Bumitama vs Sawit Watch
4. Palmas Del Espino S.A. vs FREDEIALBA
5. FELDA Global Ventures Holding Berhad (FGV) vs RSPO Secretariat (on the basis of an article by Chain Reaction Research)
6. Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK - Indonesia
7. Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom
8. Presco PLC Nigeria (SIAT SA) vs Oria-Abraka Community
9. PT. Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
10. PT. Perkebunan Nusantara IV (PERSERO) vs *requested for confidentiality*
11. PT. Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
12. PT. Bilah Platindo (MP Evans) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)
13. PRESCO PLC (a subsidiary of SIAT SA) vs Delta Agricultural Stakeholders Farmers Union
14. FELDA Global Venture vs Article by The Wall Street Journal (Closed case)

**Group 3: 7.45pm - 8.10pm**

1. PT. Kartika Prima Cipta (PT. KPC) - subsidiary of Golden Agri Resources (GAR) vs Forest Peoples Programme & TuK Indonesia
2. P.T Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR) vs Link-AR Borneo
3. Poligrow vs Video by Environmental Investigation Agency (EIA)
4. Goodhope Asia Holdings Ltd vs RSPO Secretariat
5. IOI Pelita - subsidiary of IOI Group vs Community of Long Teran Kanan
6. Primatama Mulia Jaya vs Masyarakat Adat Luhak Saparampek Simpang Tigo
7. PT. Agro Andalan (PT. Dharma Satya Nusantara) v Link-AR Borneo
8. PT. Agro Lestari Mandiri (PT. ALM) - subsidiary of Sinarmas vs Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
9. PT. Perkebunan Nusantara III (PT. PN) vs Pemimpinan Cabang Federasi Serikat Pekerja Metal Indonesia
10. PT. SMART Tbk - subsidiary of Golden Agri Resources (GAR) vs Masyarakat Dusun I/II/III Belongkut
11. Oleaginosas Del Peru S.A. (OLPESA) vs Community of Santa Clara de Uchunya
12. PT. Smart Tbk (subsidiary of GAR) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia.
13. Unico Desa Palm Oil Mill (IOI Corporation Berhad) vs Leap Spiral on behalf of Kampung Sri Ganda



**DETAILS OF THE AGENDA:**

No.	Agenda
1.0	Opening Remarks from Chairperson  Opening speech by CCP.
2.0	Declaration of “No Conflict of Interest” No conflict of interest declared
3.0	To confirm and adopt the minutes of <b>24 July 2019</b> during the Complaints Panel Meeting. Minutes of <b>24 July 2019</b> adopted unanimously.

#### 4.0 New allegation submitted

**a. RSPO/2018/07/SW PT. PHP/AMP Plantation (subsidiary of Wilmar)**

Complainant :- Representation by Lawyer of the local community  
 Complaint received :- 20th August 2018  
 Allegation :- Dispute regarding plasma cooperation with local community

**28 August 2019 (CP Meeting):-**

**1. Initial diagnosis is being finalised and will be forwarded to the CP.**

**b. RSPO/2019/17/SW PT Socfin Indonesia (subsidiary of Socfin SA)**

Complainant :- Lembaga Swadaya Masyarakat Team Investigation Penyelamat Asset Negara Republik Indonesia (LSM.TIPAN-RI)  
 Complaint received :- 26 July 2019  
 Location :- Indonesia  
 Allegations :- 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.

**28 August 2019 (CP Meeting):-**

**1. Initial diagnosis is being finalised and will be forwarded to the CP.**

**c. RSPO/2019/18/IR Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad)**

Complainant :- Mr Sauddin Che Lamin  
 Complaint received :- 12 August 2019  
 Location :- Malaysia  
 Allegations :- Complainant was terminated on 2 July 2019 by way of letter and without salary for 3 consecutive months based on mental discrimination.

**28 August 2019 (CP Meeting):-**

**1. Initial diagnosis is being finalised and will be forwarded to the CP.**

**5.0 Complaints Cases Statistics**

**Total Cases in 2018:**

	Jan-2018	Feb-2018	Mar-2018	Apr-2018
<b>Complaints received</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>4</b>
<b>Status</b>	Open (1) Closed (1)	-	Closed (1)	Open (2) Closed (2)
<b>Certified</b>	-	-	-	-
<b>Country</b>	Indonesia (2)	-	Indonesia (1)	Indonesia (4)
<b>Case Category</b>	-Plasma (1) -FPIC (1)	-	-HCV	-HCV (1) -Legality (1) -Plasma (2)

	May-2018	June-2018	July-2018	Aug-2018
<b>Complaints received</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>3</b>
<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>	<b>2</b>	<b>6</b>	<b>0</b>	<b>0</b>
<b>Status</b>	Open (2)	Open (5) Closed (1)	-	-
<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 (2)	Rejected (1)	Open (2) Rejected (1)	Open (3) Rejected (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>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>
<b>Status</b>	Open (2)	Open (3)	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)

**Total Active Cases by Country and Year:- (as of 20.08.2019):-**

Country	Active Cases	Year	Active Cases
Indonesia	24	2009	0
Malaysia	6	2010	1
Colombia	2	2011	0
Nigeria	3	2012	1
Singapore	0	2013	0
Peru	2	2014	1
Brazil	1	2015	6
Liberia	1	2016	0
Guatemala	1	2017	8
Others*	1	2018	11
<b>TOTAL</b>	<b>41</b>	2019	13
		<b>TOTAL</b>	<b>41</b>

**\*Others:** Pending group membership determination.

**28 August 2019 (CP Meeting):-**

1. A briefing paper together with the slides on the statistics have been circulated to the Chair and Co-Chair of CP. The statistics will be presented during the CP physical meeting in Jakarta as well as during the BOG meeting.
2. The CP members endorsed the revised working paper on the increase in labour related Complaints.

**6.0 Any other matters**

**a. Dates for Complaints Panel Physical Meeting in 2019:**

**28 August 2019 (CP Meeting):-**

1. The hotel details for the CP Physical meeting have been set out in the agenda. The CP Physical meeting will proceed as scheduled on the 3rd and 4th of September in Jakarta.

**b. Expansion of Complaints Panel**

**28 August 2019 (CP Meeting):-**

1. The Secretariat is still waiting for confirmation from a potential candidate.

**c. Collaboration with the Investigation and Monitoring Unit**

**28 August 2019 (CP Meeting):-**

1. A session between IMU and the Complaints Panel will take place at the CP Physical Meeting to improve and clarify the relationship between the two.

**d. DSF Updates:**

**28 August 2019 (CP Meeting):-**

1. Three candidates for the position of DSF Advisers have obtained the relevant support from the RSPO members and the Secretariat is now waiting for the signed ToR from the candidates. Another candidate is still in the process of obtaining one more letter of support from an RSPO member.

**e. Bilateral Engagement Principles & Rules**

**28 August 2019 (CP Meeting):-**

1. The Bilateral Engagement Principles & Rules have been endorsed by all the CP members and the same have been forwarded to the Quality Assurance unit for review and to thereafter be incorporated as an internal guideline to regulate the Bilateral Engagement process.

**f. Photographs of CP member for the Complaints Portal**

**28 August 2019 (CP Meeting):-**

1. The names of the CP members and their sectors have been updated on the Complaints webpage.

**7.0 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".

**28 August 2019 (CP Meeting):-**

- 1. **A call to discuss the way forward for Media inquiries is scheduled for 18 September 2019.**

**8.0 Request for reopening of case: PT Gunta Samba Jaya / PT SIMP**

Greenpeace, upon releasing their investigative report, Dirty Bankers, which exposes HSBC's role in funding palm oil companies linked to environmental and human rights abuses followed up with RSPO on the PT Gunta Samba Jaya and Indofood/PT SIMP filed in 2013. The case remains unresolved after Indofood CEO Mark Wakeford informed RSPO that "[Indofood does] not have any shareholding in PT Gunta Samba Jaya and it is not part of the IndoAgri or SIMP Group."

Greenpeace claims that their analysis of the company deeds and corporate structures revealed considerable overlap between PT GSJ and its parent companies, and other Salim Group businesses.

In light of this evidence they are formally requesting that the Complaints Panel re-examine the case against PT Gunta Samba Jaya / PT SIMP.

**28 August 2019 (CP Meeting):-**

- 1. **CP to reject the reopening of case and remove from agenda due to SIMP being no longer an RSPO member.**

<p><b>9.0</b></p>	<p><b>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>
	<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>28 August 2019 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. A call to discuss the way forward for Media inquiries is scheduled for 18 September 2019.</li> </ol>
<p><b>10.0</b></p>	<p><b>Commitments of Financial Institution(s)</b></p>
	<p><b>28 August 2019 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. The O &amp; E Department will pursue further engagement with Sustainalytics directly to explore opportunities to collaborate.</li> </ol>
<p><b>11.0</b></p>	<p><b>GA Resolution - GA15-6d - Discouraging RSPO members subject to complaints from avoiding their obligations by divesting or withdrawing their membership</b></p>
	<p><b>28 August 2019 (CP Meeting):-</b></p> <ol style="list-style-type: none"> <li>1. The Task Force has been formed and the legal review has been sought</li> <li>2. The Secretariat to proceed with the TF meeting schedule.</li> </ol>

--	--

**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 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>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat has written to SLSD on 20.08.2019..</b></li> <li>2. <b>The Secretariat is currently waiting for a response from SLSD which they have indicated will be furnished by the end of this week.</b></li> </ol>



<b>Complaint 1.2 Agropalma S.A. vs José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa</b>	
<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. Status quo. This matter is pending the outcome of the Court process.</b>



<b>Complaint 1.3 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin</b>	
<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>	<p><b>1. The Court has tentatively fixed 19 September 2019 for continued hearing.</b></p>

<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. Noble Group informed the Complaints Panel that they remain committed to the Compensation Plan. CP has requested that this commitment is given in writing.</li> <li>2. The Secretariat will keep the Complaints Panel updated of any developments.</li> </ol>

<b>Complaint 1.5 PT. Prima Mitra Jaya Mandiri (PT PMJM - MP Evans) vs Serbundo</b>	
<b>Date Filed</b>	20 April 2017
<b>Respondent</b>	PT. Prima Mitra Jaya Mandiri (PT PMJM)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Serbundo (Serikat Buruh Perkebunan Indonesia)
<b>Complaint description</b>	<p>Allegations: The company has breached National Labour Regulation by extending the workers' contract and terminate 7 of them as they refuse to sign a new contract.</p> <p>Demands from Serbundo:</p> <ol style="list-style-type: none"> <li>1. Request the Company instead of extended temporary employment agreement, make them as permanent workers, some of them have worked more than 1,5 years;</li> <li>2. Rehire 7 workers and promote the status to become permanent, especially those who have been working on permanent basis work ie: Permanent/ Harvester.</li> </ol>
<b>Status</b>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>An Appeals panel has been constituted and is now pending confirmation of dates for a scheduled meeting.</b></li> </ol>

<b>Complaint 1.6 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 has received a response from the Respondent with respect to the Show Cause Letter issued.</b></li> <li>2. <b>The Secretariat is currently reviewing the Respondent’s response.</b></li> </ol>

<b>Complaint 1.7 PT. Minamas Gemilang (Sime Darby) vs Oky Wardianto</b>	
<b>Date Filed</b>	19 November 2017
<b>Respondent</b>	PT Minamas Gemilang (Sime Darby)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Mr. Oky Wardianto
<b>Complaint description</b>	The Complainant is an individual, Mr Oky Wardianto and the allegations are with regards to non-payment of salary to the Complainant in his position as Director and Commissioner.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. Pending the expiry of the appeals period on 25.09. 2019.</b>

<b>Complaint 1.8 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> <ol 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> </ol>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. A holding email has been issued to all the parties indicating that the CP will be having a further discussion on the next best course of action.</li> <li>2. The CP will be holding an ad hoc meeting to discuss this matter and the Secretariat will be updating parties accordingly.</li> </ol>



<b>Complaint 1.9 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 Secretariat has received a formal response from the Respondent and is in the midst of analysing the documents and will refer this Complaint to the Certification Unit as it involves a certified unit.</b></li> </ol>



<b>Complaint 1.10 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>	<b>1. The Briefing Note is in progress for the CP's deliberation.</b>



**Complaint 1.11 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 Briefing Note is in progress.</b>



<b>Complaint 1.12 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>	Malaysia / Cayman Island
<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. The Briefing Note is in progress.</b>

<b>Complaint 1.13 PT Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)</b>	
<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. The Respondent's response has been shared with the Complainant and that the Secretariat is now waiting for the Complainant's response.</b>

<b>Complaint 1.14 Nacional Agro Industrial, S.A. (subsidiary of KH Regional Group Inc.) vs Consejo Nacional de Desplazados de Guatemala - CONDEG -(Guatemala)</b>	
<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 Servicios, 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. <b>The Secretariat has received a response from the Respondent and is in the midst of reviewing the response.</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 is 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. The Briefing Note is pending finalisation.</b>

<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>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>	<ol style="list-style-type: none"> <li>1. <b>The decision letter is in progress.</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>The CP's discussion on the documents and legal review will be discussed separately.</b></li> </ol>



<b>Complaint 2.4 Palmas Del Espino SA. vs FREDEIALBA</b>	
<b>Date Filed</b>	4 July 2017
<b>Respondent</b>	Palmas Del Espino SA
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Peru
<b>Complainant</b>	FREDEIALBA
<b>Complaint description</b>	<p><b>Allegations:-</b></p> <ul style="list-style-type: none"> <li>● The company and their group member developing the plantation without proper NPP process;</li> <li>● Developing plantation without informing the local communities;</li> <li>● The company has failed to comply with national law on the forest conversion.</li> <li>● Mistreatment of employees including arbitrary dismissal.</li> <li>● New plantings established without EIA and HCV assessment.</li> </ul>
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	1. <b>Status quo and pending the decision of the Constitutional Court.</b>

<b>Complaint 2.5 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>	<b>1. Pending completion of the Briefing Note.</b>



<b>Complaint 2.6 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>	<ol style="list-style-type: none"> <li><b>The Secretariat has communicated with the legal firm with respect to the submission of a proposal and the Secretariat is now waiting for the preferred legal firm to furnish its comments on the due diligence.</b></li> </ol>

<b>Complaint 2.7 Presco PLC Nigeria (SIAT SA) vs Indigenous People of Oruarivie-Abraka Kingdom</b>	
<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>	<b>1. A reminder has been sent on 27 August 2019 requesting for an update and the Secretariat is now waiting for a response.</b>



<b>Complaint 2.8 Presco PLC Nigeria (SIAT SA) vs Oria-Abraka Community</b>	
<b>Date Filed</b>	16 October 2018
<b>Respondent</b>	Presco PLC Nigeria (SIAT SA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	Oria-Abraka Community
<b>Complaint description</b>	Infringement of customary rights of the local community.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. A successful resolution has been reached between both parties following the mediation process.</li> <li>2. The Secretariat has received the Letter of Withdrawal of Complaint from the Complainant.</li> <li>3. The Letter of Closure of Complaint has also been issued to both parties.</li> <li>4. This matter is now closed and will be removed from the agenda.</li> </ol>

**Complaint 2.9 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>The Secretariat is still waiting for a response from the Complainant.</b></li> </ol>

<b>Complaint 2.10 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality</b>	
<b>Date Filed</b>	29 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>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat is still waiting for a response from the Complainant.</b></li> </ol>

<b>Complaint 2.11 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)</b>	
<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>	<ol style="list-style-type: none"> <li>1. <b>The Secretariat is still waiting for a response from the Complainant.</b></li> </ol>



<b>Complaint 2.12 PT Bilah Platindo (subsidiary of MP Evans ) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI) - (Indonesia)</b>	
<b>Date Filed</b>	24 June 2019
<b>Respondent</b>	PT Bilah Platindo (subsidiary of MP Evans )
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
<b>Complaint description</b>	<ol style="list-style-type: none"> <li>2 daily workers died due to an accident happened on 23 February 2018.</li> <li>Victims were not registered with Indonesia’s social insurance scheme and were not covered during the accident.</li> </ol>
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>The Secretariat is in midst of analysing the documents from the Respondent and is waiting for the supporting documents regarding the settlement from the Complainant.</li> </ol>

<b>Complaint 2.13 Presco PLC Nigeria (SIAT SA) vs Delta Agricultural Stakeholders Farmers Union - Nigeria</b>	
<b>Date Filed</b>	24 June 2019
<b>Respondent</b>	Presco PLC Nigeria (SIAT SA)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Nigeria
<b>Complainant</b>	Delta Agricultural Stakeholders Farmers Union
<b>Complaint description</b>	There have been major unlawful invasion and forceful takeover of local farm lands by the Respondent.
<b>Status</b>	(D) Investigation/Deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat is at present waiting for a formal response from the Respondent.</li> <li>2. Both parties have been advised of the availability of DSF Mediation. The Respondent has expressed their willingness to proceed with DSF Mediation.</li> <li>3. The Secretariat is still waiting for a response from the Complainant with respect to accessing DSF Mediation.</li> </ol>

**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>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, 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>An Ad-Hoc meeting was held to discuss this case.</b></li> <li>2. <b>The Secretariat is to provide names and details of potential reviewers on the HCV issues.</b></li> </ol>

<b>Complaint 3.2 PT. Kartika Prima Cipta (GAR) vs Link-AR Borneo</b>	
<b>Date Filed</b>	17 February 2017
<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>	Link-AR Borneo
<b>Complaint description</b>	<p><b>Specific Findings:-</b></p> <ol style="list-style-type: none"> <li>1. Land Claim by 1 community member of Nanga Suhaid, Mr. Saudi;</li> <li>2. Land compensation claim by 1 community member of Nanga Suhaid, H. Kutai;</li> <li>3. Water Pollution in the Kapuas river which is affecting the fish farmers' business production;</li> <li>4. Conflict between residents and Village Head of Tanjung regarding water quality;</li> <li>5. Conflict between residents and Village head of Emperiang regarding the land acquisition process.</li> </ol> <p><b>The NGO demand the company to:-</b></p> <ol style="list-style-type: none"> <li>1. Renegotiate the land acquisition with the community;</li> <li>2. be transparent in the plasma management;</li> <li>3. Conduct the water quality improvement, particularly in the Batang Suhaid river, Rindit river, and Mantan river.</li> <li>4. Improve salary and working conditions of casual workers;</li> <li>5. Provide information such as EIA, Cadastral map, local map expansion plan, and water quality test results.</li> </ol>
<b>Status</b>	(F) Complaints Panel Decision
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The letter of acceptance of withdrawal has been endorsed by the CP and the same has been forwarded to parties on 13.08.2019.</b></li> <li>2. <b>This Complaint is now closed and will be removed from the agenda.</b></li> </ol>



<b>Complaint 3.3 Poligrow vs Video by Environmental Investigation Agency</b>	
<b>Date Filed</b>	13 August 2015
<b>Respondent</b>	Poligrow Colombia
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Colombia
<b>Complainant</b>	Environmental Investigation Agency
<b>Complaint description</b>	EIA’s video, “Between Water and Oil Palm,” is a collaboration with Colombian group La Comisión Intereclesial de Justicia y Paz (Justicia y Paz) and has documented how investments have come at the expense of indigenous rights in Mapiripán, Meta, Colombia. One company, the Italian-owned Poligrow Ltd, has prohibited the Jiw and Sikuni indigenous communities from using traditional hunting and fishing lands, and prevented access to a culturally revered site, Las Toninas—a lake considered sacred and home to pink dolphins. The Jiw report that no free, prior, or informed consultation has taken place regarding Poligrow’s operations and that the company’s expansion limits their right to freedom of movement. The video above alleged abuses by RSPO Italian member in Colombia.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<b>1. The Briefing Note is pending completion.</b>

<b>Complaint 3.4 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. The CP’s decision with respect to the lifting of the Stop Work Order in the Ketapang Region has been furnished to the Respondent.</b>



<b>Complaint 3.5 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>	<b>1. Pending receipt of further updates from the Respondent on the progress of the Resolution Plan.</b>

<b>Complaint 3.6 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>	<ol style="list-style-type: none"> <li><b>The Briefing Note is in progress and the Secretariat has made arrangements with the Head of Certification in seeking clarification from the CB regarding the certification process.</b></li> </ol>





<b>Complaint 3.7 PT. Agro Andalan (PT. Dharma Satya Nusantara) v Link-AR Borneo</b>	
<b>Date Filed</b>	7 September 2018
<b>Respondent</b>	PT Agro Andalan (PT Dharma Satya Nusantara)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Link-AR Borneo
<b>Complaint description</b>	Labourer died due to pesticides poisoning.
<b>Status</b>	(C) CP constituted
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li><b>The decision letter to dismiss the case has been circulated to the parties and this Complaint is closed and will be removed from agenda.</b></li> </ol>

<b>Complaint 3.8 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. The Briefing Note is in progress.</b>

<b>Complaint 3.9 PT. Perkebunan Nusantara III vs Pimpinan Cabang Federasi Serikat Pekerja Metal Indonesia</b>	
<b>Date Filed</b>	18 January 2019
<b>Respondent</b>	PT Perkebunan Nusantara III
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Indonesia
<b>Complainant</b>	Pemimpinan Cabang Federasi Serikat Pekerja Metal Indonesia
<b>Complaint description</b>	Minimum wage Wage withholding/Deduction Occupational Hazard, Unsafe working conditions, exposure to chemicals.
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. The Secretariat has forwarded the special audit report to both parties and they are given 5 working days to respond with their comments.</li> <li>2. Thereafter, the Secretariat will proceed with the Briefing Note.</li> </ol>

**Complaint 3.10 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. The Secretariat has sent an email to the Respondent on 20.08.2019 requesting the workers “work agreement” and supporting documents with respect to CSR activities.</li> <li>2. The Secretariat has referred this to the Certification Unit as this is a complaint against a Certified Unit.</li> </ol>



<b>Complaint 3.11 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>The Secretariat is currently reviewing the response from the Respondent.</b></li> <li>2. <b>An ad hoc meeting will be held to discuss other issues raised pertaining to this Complaint.</b></li> </ol>

<b>Complaint 3.12 PT Smart Tbk (subsidiary of GAR) vs Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia</b>	
<b>Date Filed</b>	22 April 2019
<b>Respondent</b>	PT Smart Tbk (subsidiary of GAR)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	North Sumatra, Indonesia
<b>Complainant</b>	Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia.
<b>Complaint description</b>	Discrimination and violation against women workers, wages and no holidays given to women workers
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Complainant requested for the Secretariat’s attendance at the negotiations.</b></li> <li>2. <b>In keeping with the independence of the negotiations, the Secretariat is not to attend the session.</b></li> <li>3. <b>Parties are to keep the Complaints Panel updated on the status of the negotiations.</b></li> </ol>

<b>Complaint 3.13 Unico Desa Palm Oil Mill (subsidiary of IOI Corporation Berhad) vs Leap Spiral on behalf of Kampung Sri Ganda</b>	
<b>Date Filed</b>	6 May 2019
<b>Respondent</b>	Unico Desa Palm Oil Mill (IOI Corporation Berhad)
<b>Membership Category</b>	Oil Palm Grower
<b>Country</b>	Lahad Datu, Sabah, Malaysia
<b>Complainant</b>	Leap Spiral on behalf of Kampung Sri Ganda
<b>Complaint description</b>	Lahad Datu, Sabah, Malaysia
<b>Status</b>	(D) Investigation / deliberation
<b>Decision / Justification</b>	<ol style="list-style-type: none"> <li>1. <b>The Complainant has responded with a proposal to be considered by the Respondent and the Secretariat has forwarded it to the Respondent for their review.</b></li> <li>2. <b>The Respondent came back with their views and a counter proposal on 27.08.19 and this will be forwarded to the Complainant for their review.</b></li> </ol>