

COMPLAINTS PANEL

MINUTES OF MEETING

For Website

26 August 2020 | 6.00pm - 8.15pm | Meeting No. 08/2020

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

<p>List of Complaints Panel Member</p>	<table border="1"> <tr> <td data-bbox="373 640 906 987"> <ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (LSC - Co Chair) 3. Michelle Desilets (MD) 4. Matthias Diemer (MDM) 5. Marieke Leegwater (ML) 6. Lanash Thanda (LT) 7. Suzanne Hall (SH) </td> <td data-bbox="906 640 1437 987"> <ol style="list-style-type: none"> 8. Peter van der Werf (PVDW) 9. José den Toom (JDT) 10. Robert Kruger (RK) 11. Ian Hay (IH) 12. Priya Gopalan (PG) 13. Fakri Karim (FK) </td> </tr> </table>	<ol style="list-style-type: none"> 1. Henry Barlow (Chair - CCP) 2. Lim Sian Choo (LSC - Co Chair) 3. Michelle Desilets (MD) 4. Matthias Diemer (MDM) 5. Marieke Leegwater (ML) 6. Lanash Thanda (LT) 7. Suzanne Hall (SH) 	<ol style="list-style-type: none"> 8. Peter van der Werf (PVDW) 9. José den Toom (JDT) 10. Robert Kruger (RK) 11. Ian Hay (IH) 12. Priya Gopalan (PG) 13. Fakri Karim (FK)
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<p>Agenda</p>	<p style="text-align: center;"><u>General Agenda 6.05 pm to 7.05 pm</u></p> <ol style="list-style-type: none"> 1. Opening Remarks by Chairperson 2. Declaration of Conflict of Interest 3. To confirm and adopt the minutes of 29 July 2020 during the CP Meeting 4. New Allegations:- <ol style="list-style-type: none"> 4.1 RSPO/2020/08/DPM - PT Pangkatan Indonesia subsidiary of MP. Evans Group 4.2 RSPO/2020/10/SW - PT Victorindo Alam Lestari (Permata Hijau Group) 4.3 RSPO/2020/12/DPM - First Resources Limited (PT Wahana Prima Sejati) 4.4 RSPO/2020/13/DPM - Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas) 4.5 RSPO/2020/14/DPM - PT Kapuas Maju Jaya (subsidiary of Genting Plantations Berhad) 5. Complaints Case Statistics. 6. Complaints Panel meeting Dates <ol style="list-style-type: none"> 6.1 Dates for CP monthly meetings in 2020 6.2 Dates for CP Physical Meetings 6.3 Expansion of the Complaints Panel 		



	<ul style="list-style-type: none"> 7. Collaboration with the Investigation & Monitoring Unit (IMU) <ul style="list-style-type: none"> 7.1 FELDA Global Venture - (Article by The Wall Street Journal) 7.2 Poligrow 8. Dispute Settlement Facility (DSF) 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
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13. Complaints for deliberation:-

Group 1: 7.05 pm to 7.30 pm

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. Berkat 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: 7.30 pm to 8.10 pm

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

Group 3: Group 3:- 8.10pm to 9.00 pm

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 Opening speech by CCP.
2.	Declaration of “No Conflict of Interest” No further conflict of interest declared at this time of the meeting.
3.	To confirm and adopt the minutes of 29 July 2020 during the Complaints Panel Meeting. Minutes of 29 July 2020 adopted with minor edits to the Public MoM.

4. New allegation submitted

4.1

RSPO/2020/08/DPM	PT Pangkatan Indonesia subsidiary of MP.Evans Group
Complainant	KOSP-LSM FSPMI dan TIPAN
Complaint received	4 June 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> ● Termination of employment without severance and other related compensation; ● No written employment agreement for daily casual workers; ● No National Healthcare Insurance (BPJS Kesehatan) and Employee Social Security (BPJS Ketenagakerjaan) for daily casual workers; ● No bonus and extra benefits/rice allowance as stipulated in the CBA for daily casual workers; ● No payslip for daily casual workers; ● Insufficient Religious Festive Allowance for daily casual workers; ● No PPE provided.

Discussion from 26 August 2020 (CP Meeting):-

- 1. The initial Diagnosis was formally accepted on 18.08.2020.**

4.2

RSPO/2020/10/SW	PT Victorindo Alam Lestari (Permata Hijau Group)
Complainant	KC FSPMI
Complaint received	17 June 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> ● Daily casual workers are not registered to the BPJS Kesehatan (BPJS Healthcare) or BPJS Ketenagakerjaan (BPJS Employment Security); ● The Respondent does not provide a decent and good health care facilities for workers in the Company area; ● The Respondent does not ensure worker's rights to associate as union management or members; ● Workers working in the core work are employed under a definite time employment agreement (PKWT) scheme instead of indefinite

	<p>time employment agreement (PKWTT) or furnished with appointment letters without prior written indefinite time employment agreement (PKWTT);</p> <ul style="list-style-type: none"> ● Daily casual workers are not provided with a written employment agreement; ● The Respondent does not fully pay overtime wages; ● Company Regulations owned by the company have not yet been approved by the local manpower office; ● The Respondent has employed some of the workers as daily casual workers for more than 3 (three) years; ● 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.
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Discussion from 26 August 2020 (CP Meeting):-

1. **The Secretariat has received additional information from the Complainant on the issues in relation to the 150 community members which has been the cause of the delay in finalising the Initial Diagnosis.**
2. **The Initial Diagnosis is in progress.**

4.3

RSPO/2020/12/DPM	First Resources Limited (PT Wahana Prima Sejati)
Complainant	<i>requested for confidentiality</i>
Complaint received	14 July 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> ● Deforestation and land clearing including in the High Conservation Value Forest within the Respondent’s concession for construction; ● Development of road cutting across one of the major wildlife corridors connecting two river systems – Berenga and Tempadung Rivers; and ● Development of a jetty, which includes reclamation of the sea floor as long as 590 meters.

Discussion from 26 August 2020 (CP Meeting):-

1. The Secretariat’s joint investigation team has completed the initial diagnosis discussion.
2. The Initial Diagnosis with the respective recommendations have been furnished to the CP.
3. The CP will review and consider the facts included in the initial diagnosis and any further information (where necessary) before coming to its own conclusion.

4.4

RSPO/2020/13/DPM	Pabrik Kelapa Sawit Batang Kulim POM & Pabrik Kelapa Sawit Pangkalan Lesung POM (subsidiary of PT. Musim Mas)
Complainant	KC FSPMI
Complaint received	5 August 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> ● Unauthorised Company Regulations; ● Flat rate overtime premium; ● Copy of the Collective Bargaining Agreement is not furnished to the workers; ● Workers working night shift is not provided with extra food; ● Inadequate and unsanitary worker’s housing; ● Daily casual workers are not provided with a written employment agreement; ● Daily casual workers are not provided with Employment security (BPJS Ketenagakerjaan) cards; ● Complicated healthcare insurance (BPJS Kesehatan) and paid sick day processes; ● Unfair dismissal/termination for unjustified reason such as participating in union activities; ● Limitation of worker’s right to organize outside the established independent/non-affiliated trade union.

Discussion from 26 August 2020 (CP Meeting):-

1. The Initial Diagnosis is still in progress.



4.5

RSPO/2020/14/DPM	PT Kapuas Maju Jaya
Complainant	Mr. Rahmadi Masdan Usman
Complaint received	10 August 2020
Location	Indonesia
Allegations	<ul style="list-style-type: none"> illegal control and use of land belongs to the Complainant and several others individuals in the community.

Discussion from 26 August 2020 (CP Meeting):-

- The Complaint is rejected as the Secretariat could not reach the Complainant for further information following 9 attempts of attempting to contact the Complainant.**

5. Complaints Cases Statistics

Total Cases in 2018: Jan 2018 - Aug 2018 (Open-6 & Closed-13)

	Sept-2018	Oct-2018	Nov-2018	Dec-2018
Complaints received	2	6	0	0
Status	Open (1) Closed (1)	Open (2) Closed (4)	-	-
Certified	-	-	-	-
Country	Indonesia (1) Nigeria (1)	Indonesia (3) Nigeria (1) Liberia (1) Others (1)	-	-
Case Category	-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
Complaints received	2	1	3	4
Status	Open (0) Closed (2)	Rejected (1)	Open (1) Rejected (1) Closed (1)	Open (2) Rejected (1) Closed (1)
Certified	-	-	-	-
Country	Indonesia (2)	Malaysia(1)	Indonesia (1) Peru (2)	Indonesia (3) Nigeria (1)
Case Category	-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
Complaints received	2	3	1	1
Status	Open (1) Closed (1)	Open (2) Closed (1)	Open (0) Closed (1)	Open (1)
Certified	-		-	
Country	Indonesia (1) Malaysia (1)	Indonesia (1) Guatemala (1) Nigeria (1)	Indonesia (1)	Malaysia(1)
Case Category	- 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
Complaints received	0	3	0	1
Status	-	Open (1) Closed (2)	-	Rejected (1)
Certified	-	-	-	-
Country	-	Indonesia (1) Ghana (1) Nigeria (1)	-	Sierra Leone (1)
Case Category	-	Breach of Code of Conduct (1) Compensation (1) Pollution (1)	-	Others - Employment

Total Cases in 2020

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

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

Total Active Cases by Country and Year (as of 24.08.2020)



Country	Active Cases
Indonesia	26
Malaysia	4
Colombia	2
Nigeria	1
Singapore	0
Peru	1
Brazil	1
Liberia	1
Guatemala	2
Ghana	0
Sierra Leone	0
Cayman Island	1
Honduras	1
TOTAL	40

Year	Active Cases
2009	0
2010	1
2011	0
2012	1
2013	0
2014	1
2015	4
2016	0
2017	5
2018	9
2019	8
2020	11
TOTAL	40

6. Complaints Panel Meeting Dates

6.1	Dates for Complaints Panel monthly meetings
	<p>Discussion from 26 August 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> The dates for the CP monthly meetings have been proposed for the first 6 months of 2021 for the CP's consideration.
6.2 Dates for Complaints Panel Physical Meetings in 2020	
	<p>Discussion from 26 August 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat has proposed to the CP members to have an online ad hoc CP meeting either on the 29th or 30th September 2020 to replace the quarterly meetings and to discuss Complaints related matters.
6.3 Expansion of Complaints Panel	
	<p>Discussion from 26 August 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat is still waiting for a response from one identified candidate to be a CP member.
7. Collaboration with the Investigation & Monitoring Unit (IMU)	
7.1	FELDA Global Venture - (Article by The Wall Street Journal)
	<p>Discussion from 26 August 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> The Complaints Desk and IMU will be in discussions on the proposed timeline and will update the CP members accordingly. IMU is working together with the Human Rights department on the situation in Sabah. FGV has requested until December 2020 to complete all the matters.



7.2	<p>Poligrow Colombia SAS:</p> <p>Discussion from 26 August 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> Status quo. IMU is still waiting for the initial audit report which is due at the end of 2020 and IMU will follow up with the CB either in October 2020 or November 2020 to obtain the necessary updates on the progress of the audit.
8. Dispute Settlement Facility (DSF)	
	<p>Discussion from 26 August 2020 (CP Meeting):-</p> <ol style="list-style-type: none"> The Secretariat proceeded with the 2nd stage of the interview of DSF Mediators from Indonesia. Out of 9 initial applicants, 8 candidates were shortlisted and 4 candidates have completed the simulation during the 2nd stage. 4 more candidates are to proceed with the simulation at the 2nd stage. The draft memo highlighting the issues raised during the DSF Advisers recent online meeting held in July 2020 has been drafted and shared with the DSF Advisers. This memo will be shared with the CP members for their comments in due course.
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)	
	<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"> PT Murini Sam Sam <ul style="list-style-type: none"> Temporary workers and contract issues Wages and overwork Child labour Health and safety Gender equality – mainly hired as plantation maintenance workers and as such employed on a seasonal basis. Day workers are denied their 3 months of paid maternity leave. Freedom of association



2. PT Aneka Inti Persada:
 - Temporary workers and contract issues
 - Wages and workload
 - Child labour
 - Health and safety
 - Gender equality
 - Freedom of association

Discussion from 26 August 2020 (CP Meeting):-

1. **The draft letter has been sent to the CP members for endorsement.**

10. Commitments of Financial Institution(s)

Discussion from 26 August 2020 (CP Meeting):-

1. **The next Financial Institution meeting will be held in September 2020. A CP member will be raising for discussion during the meeting, the topic on looking into the possibility of reaching out to the Central Banks for the strengthening of financing requirements to the palm oil industry that include RSPO certification.**

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

Discussion from 26 August 2020 (CP Meeting):-

1. **The second round of public consultation is to take place on 26 August 2020.**

12. Any Other Matters

- a) **ASC-CP MEETING**



Discussion from 26 August 2020 (CP Meeting):-

1. An online ASC-CP meeting has been finalised for the 10th of September 2020 at 3.00 pm to 5.30 pm (MYT).

b) KRAFT's no palm oil claim:-

Discussion from 26 August 2020 (CP Meeting):-

1. The Secretariat through its North American representative held a discussion with the representatives of KRAFT on 11.08.2020.
2. KRAFT has informed the Secretariat that they will discuss this issue with their senior management and the Secretariat is waiting for their response.

COMPLAINTS FOR DELIBERATION:

GROUP 1

Complaint 1.1 FELDA vs Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)	
Case Reference	PreCAP/2015/05/PR
Date Filed	16 February 2015

Respondent	FELDA (Federal Land Development Authority) (Felda Ventures Bhd)
Membership Category	Oil Palm Grower
Country	Malaysia
Complainant	Orang Dusun Lahad Datu (Desa Begahak/Robin Balud)
Nature of Complaint	<p>According to the Enquiry National Hak Tanah Malaysia document, the state government had given 1260 acres of land to the Dusun Begahak community in 1981. At the same time, the same land was alienated to FELDA for development.</p> <p>The complainant raised the issue that FELDA has no right to develop their land and should return it to the community because the land originally belonged to the community. The complainant also stated that the cemetery area is being developed by FELDA.</p> <p>FELDA encaved 916 acres of the said land and gave it back to the community. The community planted fruits and other crops on the land.</p> <p>A police report has been made by the community and that is the source of the complaint.</p>
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> Status quo. Pending outcome of the appeal before the Sabah Lands and Surveys Department.

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

Case Reference	PreCAP/2015/23/PR
Date Filed	13 August 2015
Respondent	Agropalma SA
Membership Category	Oil Palm Grower

Country	Brazil
Complainant	José Maria Tabaranã da Costa and Aida Raimunda Maia da Costa.
Complaint description	Agropalma has acquired land and planted oil palm in violation of the RSPO Principles and Criteria.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Respondent has updated the Secretariat with a letter on a recent court decision related to the Respondent's farms. The same letter has been furnished to the CP. 2. The Secretariat has requested for further documentation from the Respondent to better understand the status of the proceedings before the local authorities.

Complaint 1.3 Hap Seng Plantations Holdings Bhd vs Sia Yi Chin

Case Reference	PreCAP/2015/36/PR
Date Filed	24 November 2015
Respondent	Hap Seng Plantations Holdings Bhd
Membership Category	Oil Palm Grower

Country	Malaysia
Complainant	Sia Yi Chin of Lahad Datu, Sabah
Complaint description	<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>
Status	(D) Investigation / deliberation
Decision / Justification	1. Case adjourned. Pending outcome of the Court process and the next hearing dates to be fixed by the Court.

Complaint 1.4 PT. Pusaka Agro Lestari (PT. PAL - Noble Plantation) vs RSPO Secretariat	
Case Reference	PreCAP/2017/13/IR
Date Filed	20 June 2017
Respondent	PT Pusaka Agro Lestari
Membership Category	Oil Palm Grower



Country	Indonesia
Complainant	RSPO Secretariat
Complaint description	<ul style="list-style-type: none"> ● Potential risk on Clearance a large areas of Primary Forest in Papua; ● Official Complaint against one of HCV Assessors – Nyoto Susanto.
Status	(D) Investigation / deliberation
Decision / Justification	<p>1. The Secretariat’s proposal to upload the letter regarding the withdrawal of Noble Plantations on case tracker has been endorsed by the Complaints Panel. This complaint is closed as result of the resignation of the member. A recommendation has been made to the BoG.</p>

Complaint 1.5 PT. Mitra Austral Sejahtera (Sime Darby) vs NGO TuK	
Case Reference	PreCAP/2012/06/PR
Date Filed	31 October 2012 (Under DSF) 9 June 2017 (Transferred to the CP)
Respondent	PT Mitra Austral Sejahtera (Sime Darby subsidiary)
Membership	Oil Palm Grower

Category	
Country	Indonesia
Complainant	Transformasi untuk Keadilan (TuK)
Complaint description	<p>The communities of Sanggau have alleged that the company PT Mitra Austral Sejahtera is operating without :</p> <ol style="list-style-type: none"> 1. Lack of Transparency on land status and partnership agreements 2. Lack of compliance to our customary land rights 3. The absence of (documented) compensation 4. Lack of compliance to local regulations <p>In acting so they are alleged to have breached RSPO Principles and Criteria specifically on:</p> <p>Principle 1 on Transparency,</p> <p>Principle 2 on Compliance with applicable laws and Principle 6 Responsible consideration of employees and individuals and communities affected by growers and mills.</p>
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat is in the midst of finalising a draft letter responding to the Complainant for the CP's endorsement.

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

Case Reference	PreCAP/2012/09/PR
Date Filed	3 October 2012
Respondent	Golden Veroleum Liberia (GVL)

Membership Category	Oil Palm Grower
Country	Liberia
Complainant	Green Advocate for the Butaw Community; FPP; SDI; SESDev; A-Bloteh
Complaint description	<p>Golden Veroleum Liberia:</p> <ol style="list-style-type: none"> a. has not provided public notification for a 30 day period consistent with the New Planting Procedures; b. commencing land preparation new planting and infrastructure development prior to the expiry of the minimum 30-day period; c. By not conducting a comprehensive and participatory independent social and environmental impact assessment(s) of the area concerned and incorporate the results into relevant action plans (see RSPO criteria 5.1, 6.1, 7.1 & 7.4) including the identification of: (a) all primary forest, (b) any area required to maintain or enhance one or more High Conservation Values (HCVs), and (d) local peoples' land; d. Clearing land without the free, prior and informed consent of the customary land owners as represented through representative organizations of their choice (P&C 2.2, 2.3, 7.5 and 7.6).
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Interim Briefing Note is still in the process of being drafted for the CP's perusal and further directives.

Complaint 1.7 PT. Harapan Sawit Lestari (Cargill) vs Link-AR Borneo	
Case Reference	RSPO/2018/11/SW
Date Filed	25 May 2018
Respondent	PT Harapan Sawit Lestari (Cargill)
Membership	Oil Palm Grower



Category	
Country	Indonesia
Complainant	Link-AR Borneo
Complaint description	PT Harapan Sawit Lestari allegedly commenced the re-planting activities without proper consent from the local community of Asam Besar in West Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note has been furnished to the CP for the CP's deliberation.

Complaint 1.8 AMP Plantation (Wilmar) vs KUD Dasra (represented by lawyer)	
Case Reference	RSPO/2018/06/SW
Date Filed	30 April 2018
Respondent	AMP Plantation (subsidiary of Wilmar)
Membership	Oil Palm Grower



Category	
Country	Indonesia
Complainant	Represented by lawyer on behalf of KUD Dasra
Complaint description	Dispute regarding plasma cooperation with KUD Dasra.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> The appeal period has expired and the Complaint is closed and will be removed from the agenda moving forward.

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

Case Reference	RSPO/2018/18/RB
Date Filed	15 October 2018

Respondent	HSA Group (Pacific Inter-Link, Pacific Oils & Fats Industries Sdn Bhd, PT. Pacific Indopalm Industries, PT. Pacific Medan Industri, PT. Pacific Palmindo Industri)
Membership Category	Oil Palm Grower
Country	Cayman Island
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	Breach of Code of Conduct - violation of the RSPO Group Membership rules. All the companies (stated above) are alleged to be part of the Hayel Saeed Anam (HSA) Group, but still registered as separate RSPO members.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The draft decision letter is still being reviewed by the Membership Unit to ensure the accuracy of the due diligence performed.

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

Case Reference	RSPO/2018/19/RB
Date Filed	15 October 2018
Respondent	Pacific Inter-Link (Papuan Concessions)
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	Environmental Investigation Agency (EIA) & Greenpeace
Complaint description	Violation of the RSPO Code of Conduct because of their alleged involvement in the control/ownership and operational development of four palm oil plantation companies in Papua.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Secretariat wrote to parties on 23.07.2020 with the CP’s directive on confidentiality. Pending a response from the Complainant on the CP’s directive.

Complaint 1.11 PT Berkat Sawit Sejati (subsidiary of Musim Mas) vs Hutan Kita Institute (HaKI)	
Case Reference	RSPO/2019/04/IR
Date Filed	12 March 2019
Respondent	PT Berkat Sawit Sejati (subsidiary of Musim Mas)
Membership Category	Oil Palm Grower
Country	Indonesia

Complainant	Hutan Kita Institute (HaKI)(Indonesia)
Complaint description	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.
Status	(D) Investigation / deliberation
Decision / Justification	1. Decision letter is being drafted.

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

Case Reference	RSPO/2019/14/PR
Date Filed	8 June 2019
Respondent	Nacional Agro Industrial, S. A. (subsidiary of KH Regional Group Inc.)
Membership Category	Oil Palm Grower



Country	Guatemala
Complainant	<i>requested for confidentiality</i>
Complaint description	<p>Allegations :</p> <ol style="list-style-type: none"> 1. Unjustifiably dismissed 50 workers. 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.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> 1. Decision delivered to both parties on 09.07.2020 with an appeal period until 07.10.2020.

Complaint 1.13 PT Buana Wira Lestari vs <i>requested for confidentiality</i>	
Case Reference	RSPO/2019/21/SW
Date Filed	29 October 2019
Respondent	PT Buana Wira Lestari
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ol style="list-style-type: none"> 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. 2. The Respondent is polluting the river water and also the surrounding community settlement caused by the liquid waste from the palm oil mills. 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. 4. The Respondent mill’s chimney emits black smoke and causes air pollution. 5. The Respondent did not provide proper social assistance to the local community.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note is still being finalised.

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

Case Reference	RSPO/2020/02/DPM
Date Filed	14 January 2020
Respondent	PT Permata Hijau Sawit Kebun Papaso (subsidiary of Permata Hijau Group)
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	Konsulat Cabang Federasi Serikat Pekerja Metal Indonesia (KC FSPMI)
Complaint description	<ol style="list-style-type: none"> 1. The workers were not issued payslips; 2. No adequate health facilities and no adequate housing facilities provided for the workers; 3. The workers were not given the freedom to join the unions; 4. Workers are imposed working hours that are not in accordance with the provisions; 5. Contract workers were employed for the main job; 6. Daily Casual workers are not provided with statutory rights; 7. Workers are not provided with PPE; 8. Workers are not provided with religious festivity allowance; 9. The Respondent does not have the company regulations as required by law.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. Parties have reached a settlement. The decision letter has been furnished to both parties on 11.08.2020. 2. This Complaint is closed and transferred to IMU for monitoring.

GROUP 2

Complaint 2.1 Extractora de La Gloria SAS vs ASOCOL, ASOCADAR	
Case Reference	PreCAP/2015/35/PR
Date Filed	19 November 2015
Respondent	Extractora de la Gloria SAS
Membership Category	Oil Palm Grower

Country	Colombia
Complainant	Fredy Antonio Corrales, representative of the Colombian Association for Displaced Peoples' Prospects (ASOCOL), Adelfo Segundo Rodríguez, representative of the Association of Returning Displaced Farmers (ASOCADAR), Senator Iván Cepeda, Senator Alberto Castilla, and Representative Alirio Uribe
Complaint description	<p>Extractora La Gloria SAS, in planting palm oil in the former Hacienda Bellacruz- today Hacienda La Gloria- occupies 9,000 hectares in the municipalities of La Gloria, Pelaya and Tamalameque, in southern Cesar Department without following RSPO rules. It does not comply with the following RSPO principles:</p> <ul style="list-style-type: none"> ● Principle 1.1. Given that it does not provide clear and sufficient information regarding the Business Group. ● Principle 2.1. The Business Group has not declared itself to Colombian authorities and the crops were planted without an Environmental Management Plan for the Forest Reserve, which goes against national business and environmental regulations. ● Principle 2.2. Property ownership claims in the areas where Extractora La Gloria grows the majority of its crops have been called into question at national and international judicial bodies. Farming communities have demanded the formalization of their customary land rights, which were violently denied by paramilitary groups. ● Principle 2.3. Business operations have not recognized the rights of farmers who are also displacement victims, in contravention of businesses' duty to guarantee free, prior and informed consent regarding land use. ● Principle 4.4. While installing and processing palm crops, Extractora La Gloria affected the Caño Alonso Forest Reserve Buffer Zone and the Singararé, El Carmen and Simaña streams. ● Principle 5.2. The company has not avoided damaging the Caño Alonso Forest Reserve Buffer Zone, a specially protected habitat such as installing palm crops over the Reserve's environmental buffer zone. ● Principle 6.4. The company has neglected the claimants, despite the fact that they have been the most affected by its business activities. The company has also refused to create negotiation platforms. ● Principle 6.13. The company has benefited from grave human rights violations of vulnerable farmers, who were also forcefully displaced by illegal armed actors. The company has not publicly rejected the threats and intimidations against the claimants. It even requested that the Constitutional Court lift the cautionary measures protecting the victims.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is reviewing the English translation of the Court's decision.

Complaint 2.2 PT. Hati Prima Agro (PT.HPA - Bumitama) vs Sawit Watch	
Case Reference	RSPO/2017/06/SW
Date Filed	13 October 2017
Respondent	PT Hati Prima Agro (subsidiary of Bumitama)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Sawit Watch
Complaint description	<p>A complaint was initially lodged in 2012 on allegations related to land matters. It was dismissed in April 2015 when Bumitama said that they were planning to divest the property and no longer had management control. However, in this request for reopening of the complaint, the complainant (Sawit Watch, EIA, and Greenpeace) has made allegations that although Bumitama claimed to have divested the property they continued to have management control. Further, in July 2016 Bumitama had repurchased the concession unit.</p> <p>Thus, the request for reopening is on the basis that Bumitama allegedly made deceptive claims before the Complaints Panel. The Complainants further claim that Bumitama had not submitted NPP despite the land clearance.</p>
Status	(D) Investigation / deliberation
Decision / Justification	1. The Secretariat is in the midst of still finalising the Chronology of the Complaint.

Complaint 2.3 Felda Global Ventures Holding Berhad vs RSPO Secretariat	
Case Reference	PreCAP/2017/07/IR
Date Filed	19 April 2017
Respondent	Felda Global Ventures Holding Berhad
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	RSPO Secretariat (on the basis of Article by Chain Reaction Research)

<p>Complaint description</p>	<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>
<p>Status</p>	<p>(D) Investigation / deliberation</p>
<p>Decision / Justification</p>	<ol style="list-style-type: none"> 1. The Secretariat will be issuing a letter to FGV and the same will be uploaded on the case tracker. IMU is to be alerted on the post-complaints monitoring transfer. 2. This Complaint is closed and will be transferred to IMU moving forward.

<p>Complaint 2.4 Golden Agri Resources vs Forest Peoples Programme (FPP) & TuK</p>	
<p>Case Reference</p>	<p>RSPO/2018/14/IR</p>
<p>Date Filed</p>	<p>22 August 2018</p>
<p>Respondent</p>	<p>Golden Agri Resources</p>
<p>Membership Category</p>	<p>Oil Palm Grower</p>
<p>Country</p>	<p>Indonesia</p>

Complainant	Forest Peoples Programme (FPP) and Tuk- Indonesia
Complaint description	GAR's shadow companies are actively clearing lands.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The Secretariat will be holding a meeting with the consultants to discuss the outcome of the legal review.

Complaint 2.5 Presco PLC Nigeria (SIAT SA) vs requested for confidentiality

Case Reference	RSPO/2018/17/PR
Date Filed	17 September 2018
Respondent	Presco PLC Nigeria (SIAT SA)
Membership Category	Oil Palm Grower

Country	Nigeria
Complainant	<i>requested for confidentiality</i>
Complaint description	For the past five years, PRESCO, in conjunction with the Edo State Government, through its Ministry of Agriculture and Natural Resources; the Police in Benin City, Edo State; and the Nigeria Army’s 4th Brigade (also located in Benin City, Edo State), has been forcefully encroaching into ancestral and customarily owned indigenous farm lands, including Oruarivie-Abraka ancestral farm lands, situated in Delta State (a neighbouring State to Edo State, where PRESCO’s Head Office is located), and forcefully evicting local farmers from these ancestral and customarily owned indigenous farm lands measuring approximately three thousand hectares (well beyond the Edo State boundaries), and forcefully and illegally grabbing same for its palm oil plantation expansionist activities.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> The CP has agreed for the 3 months extension of until 15.10.2020 for both parties to proceed with the private mediation. Pending the outcome of the mediation process.

Complaint 2.6 PT Perkebunan Nusantara IV (PERSERO) vs Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RIPT

Case Reference	RSPO/2019/07/IR
Date Filed	10 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)

Membership Category	Oil Palm Grower
Country	North Sumatera, Indonesia
Complainant	Koalisi Organisasi Serikat Pekerja dan Lembaga Swadaya Masyarakat Kabupaten Labuhan Batu, FSMI. TIPAN-RI
Complaint description	<ol style="list-style-type: none"> 1. Lack of adequate health and safety equipment; 2. Worker died due to lack of safety equipment; and 3. No festive holidays for temporary workers.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Briefing Note is in the midst of being finalised.

Complaint 2.7 PT Perkebunan Nusantara IV (PERSERO) vs requested for confidentiality

Case Reference	RSPO/2019/11/IR
Date Filed	23 April 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower

Country	North Sumatera, Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ol style="list-style-type: none"> 1. Temporary workers contract and wages issues 2. Intimidation of workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Briefing Note is in the midst of being finalised.

Complaint 2.8 PT Perkebunan Nusantara IV (PERSERO) vs Federasi Serikat Pekerja Metal Indonesia (FSPMI)

Case Reference	RSPO/2019/12/IR
Date Filed	6 May 2019
Respondent	PT Perkebunan Nusantara IV (PERSERO)
Membership Category	Oil Palm Grower
Country	North Sumatra, Indonesia
Complainant	Federasi Serikat Pekerja Metal Indonesia (FSPMI)
Complaint description	<ol style="list-style-type: none"> 1. Alleged fraud of wages for 7 workers, 2. No festive holidays and bonus for temporary workers
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Briefing Note is in the midst of being finalised.

Complaint 2.9 Presco Plc vs Ovre Eku Community

Case Reference	RSPO/2019/19/PR
Date Filed	28 October 2019
Respondent	Presco Plc
Membership	Oil Palm Grower



Category	
Country	Nigeria
Complainant	Ovre Eku Community
Complaint description	Invasion forcible entry to Ovre-Eku Land by Presco Plc.
Status	(F) Decision Delivered
Decision / Justification	<ol style="list-style-type: none"> The Secretariat has informed the Complainant that the appeal is rejected and the Complaint is closed as the Secretariat did not receive from the Complainant a complete notice of appeal within the stipulated timeline, despite two reminders and an extension of time granted to the Complainant.

Complaint 2.10 PT Musim Mas Holdings Pte Ltd vs requested for confidentiality

Case Reference	RSPO/2020/03/DPM
Date Filed	11 February 2020
Respondent	PT Musim Mas Holding Pte Ltd
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	<i>requested for confidentiality</i>
Complaint description	<ol style="list-style-type: none"> 1. Land fires occurred in the conservation area within the PT MusimMas HGU covering an area of 12 hectares; 2. Damaging the river by damming the river flow; 3. Community owned plantation and public cemetery are not enclosed; 4. Planting on peatland and in protected areas of river banks.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat obtained the formal responses from parties and the additional supporting documents pertaining to the issues in the Complaint. 2. Pending CB's comments on the issue of public cemetery (HVC6) which was not covered during the last audit. The audit is planned some time in September 2020.

Complaint 2.11 Palmaceite S.A vs requested for confidentiality

Case Reference	RSPO/2020/05/HN
Date Filed	24 March 2020
Respondent	Palmaceite S.A.
Membership Category	Oil Palm Grower

Country	Colombia
Complainant	<i>requested for confidentiality</i>
Complaint description	The Respondent has allegedly failed to fulfill the agreement with the Complainant to implement and monitor the operations of the Complainant's plantation which led to the collapse of the production within the plantation.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The CB has submitted the findings based on the last audit conducted on the Company and the same has been furnished to both parties. 2. Both the Respondent and Complainant have provided their response to the CB's findings. 3. The Secretariat will proceed with the internal review of the response provided by both parties.

2.12 Agroaceite S.A. vs requested for confidentiality - Guatemala

Case Reference	RSPO/2020/11/HN
Date Filed	6 July 2020
Respondent	Agroaceite, S.A.
Membership	Oil Palm Grower

Category	
Country	Guatemala
Complainant	<i>requested for confidentiality</i>
Complaint Description	The Complainant alleges that the Respondent has destroyed the biodiversity of the Manchón Guamuchal nature reserve, a coastal-marine wetland, located along the Pacific coast of Guatemala in the San Marcos and Retalhuleu department; The Respondent allegedly discharged immense quantities of toxic chemicals and hazardous waste which affected the local marine species, the mangrove's ecosystem and the local community.
Status	(D) Investigation/Deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. This Complaint has been formally accepted on 18.08.2020 and the same has been communicated to the Complainant. 2. The Secretariat requested further evidence and documents from the Complainant. 3. The Complainant will furnish the Secretariat with the report from the Environmental Ministry of Guatemala and the same will be furnished to the Respondent for their response.

GROUP 3

Complaint 3.1 PT. Kartika Prima Cipta (GAR) vs Forest Peoples Programme & TuK	
Case Reference	PreCAP/2014/03/IR
Date Filed	13 October 2014
Respondent	PT. Kartika Prima Cipta (PT.KPC) - Golden Agri Resources (GAR)

Membership Category	Oil Palm Grower
Country	Indonesia – Kapuas Hulu, West Kalimantan
Complainant	Forest Peoples Programme (FPP) and (Transformasi untuk Keadilan) TuK Indonesia
Complaint description	<p>Points raised:-</p> <ol style="list-style-type: none"> 1. PT KPC is in persistent violation of the RSPO P&C pertaining HCV assessment, the recognition of customary land rights and free, prior, and informed consent (FPIC). Lack of FPIC of the local Dayak and Malay people in the process of land take over. 2. Land takeover was done without land tenure study and participatory mapping. 3. Late HCV assessment which was done by IPB, final consultation was in May 2014. 4. Dissatisfaction by smallholders and resentment because of reduced post facto set aside for HCV rather than getting plasma scheme (20%). 5. Set aside land as HCS area that made no provision for customary land uses and tenure and local people livelihood. 6. GAR as the parent company of all 18 subsidiaries listed in acting in violation of the New Planting Procedure (NPP) by submitting information which is known as false. No HGU in 16 of 18 NPP. 7. The assessors which have endorsed GAR’s HCV assessment, ESIA’s and social engagement actions, are in violation of their responsibility to provide impartial assessment of company compliance with RSPO P&C.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Secretariat had a meeting with the Respondent on 24.08.2020 to discuss the progress of the Complaint. 2. The Secretariat will be scheduling a meeting with the Complainant and another meeting with both the parties in early October 2020.

Complaint 3.2 Goodhope Asia Holdings vs RSPO Secretariat

Case Reference	PreCAP/2017/06/SW
Date Filed	19 April 2017
Respondent	Goodhope Asia Holdings
Membership	Oil Palm Grower



Category	
Country	Indonesia
Complainant	RSPO Secretariat (Following Joint Comment by FPP, Greenpeace, EIA and PUSAKA on the NPP Posting of PT Nabire Baru / Goodhope)
Complaint description	Note: FPP and the other NGOs also sent a complaint to the BoG on the fact that Goodhope had insisted that their NPP be posted for public consultation despite the Secretariat's finding that the HCV Assessment was not satisfactory. They had also questioned the role of the Secretariat in acting in accordance to GA 12 Resolution 6(H).
Status	(D) Investigation / deliberation
Decision / Justification	1. Pending decision on the final FCL from the Compensation Panel.

Complaint 3.3 IOI Pelita (IOI Group) vs Community of Long Teran Kanan	
Case Reference	PreCAP/2010/01/PR
Date Filed	15 March 2010 Transferred back from DSF to Complaints Panel on 17 January 2017
Respondent	IOI Pelita (IOI Group)
Membership	Oil Palm Grower

Category	
Country	Sarawak, Malaysia
Complainant	Community of Long Teran Kanan
Complaint description	Infringement of P&C No.2.2 – the right to land use disputed
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The mapping process for Stage 2 of the Resolution Plan has been completed. 2. The CP has deliberated and instructed the Secretariat to seek further clarification from the Respondent on the next steps in the Resolution Plan including the potential risks which have been identified and the methods which are put into place to ensure momentum is maintained. 3. The CP has also made certain recommendations for the Respondent’s consideration in implementing the Resolution Plan.

Complaint 3.4 PT. Primatama Mulia Jaya v Masyarakat Adat Luhak

Case Reference	RSPO/2018/12/SW
Date Filed	12 July 2018
Respondent	PT Primatama Mulia Jaya (subsidiary of Wilmar International)
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	Masyarakat Adat Luhak Saparampek Simpang Tigo
Complaint description	The issuance of Right of Utilization of the Respondent issued without prior information to the Complainant
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note is still being finalised.

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

Case Reference	RSPO/2018/15/SW
Date Filed	30 August 2018
Respondent	PT Agro Lestari Mandiri (a subsidiary of Golden Agri-Resources Ltd)
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Serikat Buruh Sejahtera Indonesia Kabupaten Ketapang
Complaint description	PT Agro Lestari Mandiri allegedly terminated workers in violation of the Indonesian Employment Law.
Status	(D) Investigation / deliberation
Decision / Justification	1. The decision has been delivered to parties on 11.08.2020. 2. Pending expiry of the appeal period on 05.11.2020.

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

Case Reference	RSPO/2018/22/SW
Date Filed	18 October 2018
Respondent	PT Smart Tbk - subsidiary of Golden Agri Resources

Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Masyarakat Dusun I/II/III Belongkut
Complaint description	The termination of employment by PT Smart Tbk Kebun Adi Pati without severance payment. PT Smart Tbk Kebun Adi Pati never conducted Corporate Social Responsibility (CSR) on the matter(s) regarding the environment.
Status	(D) Investigation / deliberation
Decision / Justification	1. The CP has deliberated on the Complaint and the Secretariat is in the midst of drafting the decision letter.

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

Case Reference	RSPO/2019/05/PR
Date Filed	22 March 2019
Respondent	Oleaginosas Del Peru S.A. (OLPESA)
Membership Category	Oil Palm Grower



Country	Peru
Complainant	<i>requested for confidentiality</i>
Complaint description	<ol style="list-style-type: none"> 1. Sourcing FFB from unsustainable origin. 2. Failure to conduct SIA.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The Complainant informed the Secretariat that they wish to respond to the Respondent's response. 2. The Complainant furnished their response to the Secretariat on 21.08.2020.

Complaint 3.8 PT. PHP/AMP Plantation (subsidiary of Wilmar) vs Represented by Lawyer on behalf of Local Community	
Case Reference	RSPO/2018/07/SW
Date Filed	20 August 2018
Respondent	PT. PHP/AMP Plantation (subsidiary of Wilmar)
Membership Category	Oil Palm Grower

Country	Indonesia
Complainant	Represented by Lawyer on behalf of local community
Complaint description	Dispute regarding plasma cooperation with local community
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note has been furnished to CP for the CP’s deliberation.

Complaint 3.9 Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad) vs Mr Sauddin Che Lamin

Case Reference	RSPO/2019/18/IR
Date Filed	12 August 2019
Respondent	Boustead Rimba Nilai (subsidiary of Boustead Plantations Berhad)
Membership Category	Oil Palm Grower
Country	Malaysia



Complainant	Mr Sauddin Che Lamin
Complaint description	Complainant was terminated on 2 July 2019 via letter without salary for 3 consecutive months based on mental health discrimination.
Status	(F) Decision Delivered
Decision / Justification	1. Pending expiry of appeal period on 14 September 2020.

Complaint 3.10 Norpalm Ghana Limited vs Landowners of Ewusiejoe

Case Reference	RSPO/2019/20/PR
Date Filed	29 October 2019
Respondent	Norpalm Ghana Limited
Membership Category	Oil Palm Grower
Country	Ghana
Complainant	Landowners of Ewusiejoe

<p>Complaint description</p>	<ol style="list-style-type: none"> 1. Non Transparency to landowners of Ewusiejoe. 2. No minutes provided after meeting with Norpalm management. 3. No information to Landowners on the arrival of the Inspectorate team from RSPO to enable them to participate and express their concerns. 4. No information to Landowners on the demarcation made by Norpalm Ghana Ltd and no documents provided to the Complainant. 5. Payments of monies to Landowners have not been fully made.
<p>Status</p>	<p>(F) Decision Delivered</p>
<p>Decision / Justification</p>	<p>1. Appeals period has expired without any appeal. This Complaint is officially closed.</p>

<p>Complaint 3.11 Golden Agri Resources (GAR) vs Forest Peoples Programme & Elk Hills Foundation</p>	
<p>Case Reference</p>	<p>RSPO/2020/04/IR</p>
<p>Date Filed</p>	<p>2 March 2020</p>
<p>Respondent</p>	<p>Golden Agri Resource (GAR)</p>
<p>Membership Category</p>	<p>Oil Palm Grower</p>
<p>Country</p>	<p>Indonesia</p>
<p>Complainant</p>	<p>Forest Peoples Programme & Elk Hills Foundation</p>

Complaint description	<ol style="list-style-type: none"> 1. The Respondent, through its subsidiaries located in Central Kalimantan, operate its plantations with permits which never had the force of law; 2. The Respondent, through its employees have been involved in the payment of bribes to provincial officials in Central Kalimantan.
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The ToR for the legal review has been completed and will be going through the peer review process.

Complaint 3.12 PT Gersindo Minang Plantation (subsidiary of Wilmar Group) vs Buyung (Indonesia)	
Case Reference	RSPO/2020/06/DPM
Date Filed	30 March 2020
Respondent	PT Gersindo Minang Plantation subsidiary of Wilmar Group
Membership Category	Oil Palm Grower
Country	Indonesia
Complainant	Buyung
Complaint	<ol style="list-style-type: none"> 1. Untreated liquid waste or palm oil mill effluent (POME) is directly

description	discharged to a river stream.
Status	(D) Investigation / deliberation
Decision / Justification	1. The Briefing Note has been furnished to the CP members for deliberation.

Complaint 3.13 Aceites Y Derivados Sociedad Anonima (ACEYDESA) vs requested for confidentiality - (Honduras)

Case Reference	RSPO/2020/07/LSL
Date Filed	6 April 2020
Respondent	Aceites Y Derivados Sociedad Anonima (ACEYDESA)
Membership Category	Oil Palm Grower
Country	Honduras
Complainant	<i>requested for confidentiality</i>
Complaint description	Modification of property deeds to remove areas identified by the government as environmental protection zone;



	<p>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>
Status	(D) Investigation / deliberation
Decision / Justification	<ol style="list-style-type: none"> 1. The LatAM office had a meeting with the CB and the Complaints desk is waiting for an update from the LatAM office. 2. The formal response by the Respondent has been furnished to the Complainant for perusal and comments. 3. The Secretariat has received comments from the Complainant and is in the midst of obtaining the Complainant's consent to furnish the same to the Respondent.