

Roundtable on Sustainable Palm Oil (RSPO)

Unit 13A-1, Level 13A, Menara Etiqa, No.3 Jln Bangsar Utama 1, 59000 Kuala Lumpur, Malaysia

24 August 2026

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By email: forests.response@eia-international.org

Re: Right to Reply — RSPO Certified companies and the Forest Area (Kawasan Hutan) in Indonesia

Dear Ms Doherty,

Thank you for your letter of 10 August 2026 and for the opportunity to respond before publication. RSPO takes the issues you raise seriously. The relationship between oil palm operations and Indonesia's Forest Area (Kawasan Hutan) is a matter we have been working on actively, and we welcome the chance to set out both what our system requires and the specific steps we have taken in response to the Minister of Forestry Decree No. 36 of 2025 (SK Menhut 36/2025). We respond to your draft findings below.

1. Legal compliance is a requirement of RSPO Certification, not incidental to it

Legal compliance is built into RSPO Certification. Principle 2 in the RSPO Principles and Criteria has consistently addressed all applicable legal compliance and land ownership. In Indonesia, this includes the complex issue of overlaps between what is categorised as Forest Area and plantation areas.

RSPO Certification is an independently audited assurance of compliance with these requirements. It is designed to be relied upon alongside the enforcement of national law.

2. RSPO has identified the issue and is actively addressing it

Your draft states that “the RSPO system has not identified and addressed” certified companies with operations in the Forest Area. That is not correct.

The RSPO certification process consistently evaluates legal compliance within the context of long-standing regulatory matters in Indonesia. The [Interim Audit Guidelines for Certification Bodies](#) were established in response to the question arising from the publication of Decree No.36 of 2025. These should not be interpreted as a finding or declaration of illegality.

The guidelines require Certification Bodies (CBs) to check each UoCs status against the listing in Decree No. 36 of 2025, combining that review against the official record with on-site verification of adherence to current Indonesian forestry permit regulations; to apply four defined audit scenarios reflecting the different ways a UoC's operations may intersect with listed areas; and to do so across all Annual Surveillance and Recertification Audits conducted between 24 November 2025 and 31 December 2026.

To ensure consistent oversight, monitoring is integrated directly into the regular audit schedules managed by accredited CBs. RSPO grower members remain fully supportive of this process and are actively adopting the interim audit guidelines to maintain compliance and uphold transparency across their operations.

3. HGU and overlaps with the Forest Area

The HGU is a recognised final land title in Indonesia, with its acquisition process governed by statutory regulations. If an area is classified as forest land, obtaining an HGU requires the company to undergo a land status conversion process, changing the classification from forest land to APL (Other Use Area), in accordance with applicable regulations. Consequently, once a company secures an HGU, it has fulfilled all currently applicable procedural requirements.

The issuance of Decree 36/2025 reflects the evolving legal landscape managed by the government, and the RSPO Secretariat and its members are complying with the ongoing process. However, these developments do not automatically invalidate previously obtained HGU titles; such validity remains intact pending a decision from the government, the very authority that originally issued the HGU. The data contained in Decree 36/2025 is also subject to change, as companies are permitted to clarify the status of specific areas, supported by relevant documentation, to demonstrate that the areas in question do not actually constitute forest land. Therefore, neither the legal status nor the land classification should hinder a continued commitment to sustainable operations.

Furthermore, the RSPO's Interim Audit Guideline emphasises that CBs should re-verify the company's legal documentation, including:

- Location Permit
- Plantation Business Permit
- Forest Area Release Permit, where applicable
- Cultivation Rights (Hak Guna Usaha/HGU)

4. The National Interpretation and the interim guidelines

You note that the RSPO National Interpretation for Indonesia does not give specific guidance on operations in the Forest Area. The interim guidelines are the current, specific direction to CBs on this question, issued to address exactly that point ahead of any consequential update to the National Interpretation itself.

5. The enforcement context is recent and, in parts, still contested

The RSPO Principles and Criteria provide a scope for auditing and granting certification, which requires companies to operate legally. RSPO aligns with respective local governments on what determines legality.

It should be noted that Decree No. 36 of 2025 is an indicative document, that forms part of a recent and large-scale enforcement and legal verification process, and the cases it lists are not all alike. RSPO's approach is calibrated to that reality: to require CBs to identify and assess each overlap on its own facts, rather than to apply a single automatic outcome to cases that differ materially.

6. On the specific figures and company-level findings

Your findings rest on an analysis of Decree No. 36 of 2025 and on company-level audit observations, including cases in which you consider an audit failed to identify a listed company. RSPO is cross-referencing UoCs against the Decree through the interim audit process. As provided above, in point 2, the RSPO is monitoring the implementation of the interim audit guidelines until December 2026. We are not in a position to validate your specific aggregate figures without sight of the underlying company-level dataset on which they rely. If you share it, we will review it and respond on the specifics, including any individual audit you consider deficient, before you finalise your report.

7. Closing

RSPO shares the objective of your inquiry, that palm oil entering RSPO Certified supply chains is grown on land held legally. The RSPO Interim Audit Guidelines were developed to find a pragmatic solution to support growers with the unique regulatory changes in Indonesia. The issues of overlaps between Forest Area and plantation area are a result of regulatory changes of forest permits between various government ministries and not individual companies' acts of encroachment. The RSPO is committed, and has the cooperation of its members, to solving these complex legal and regulatory challenges.

We ask that our response be reflected fairly and in full, and that our published Interim Audit Guidelines be acknowledged as evidence that this issue has been identified and is being actively managed. We are willing to engage further, including by call, before your report is published.

Yours sincerely,

Aryo Gustomo

Director, Assurance

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