

RSPO Dispute Settlement Facility in relation to Grievances Procedure and RSPO's Certification System

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This sub-session will provide the RSPO community with (i) a systematic oversight of how the RSPO Dispute Settlement Facility (DSF) relates to the Grievances Procedure (GP) and RSPO's Certification Systems and accreditation procedure; (ii) an update on DSF, now being operational since July 2011; and (iii) some insights gained through mediated reconciliation of land disputes. Land related conflicts pose a continuous risk to the credibility of the RSPO and the palm oil sector as a whole. The RSPO P&C specifically require certain kinds of interactions regarding how producers are to proceed when dealing with issues surrounding land use and customary rights of local peoples, and most notably to follow processes of Free, Prior, Informed Consent as specified in the P & C. Furthermore, requirement 4.2.4 in the RSPO Certification Systems document states that certification is not possible when there are ongoing disputes. Palm oil producers which apply for RSPO certification will thus need to resolve existing land conflicts with indigenous peoples and smallholder communities.

The ability of RSPO Members to address disputes encountered on the ground is key to meeting the objectives of RSPO. The major parties involved in such disputes - notably plantation companies and local communities - have repeatedly expressed the often-difficult challenge of dealing with such disputes adequately and in a timely manner. The two sides are often highly unequal stakeholders and often do not adequately communicate. In many cases external mediation is required.

To more expeditiously help settle disputes, RSPO has thus created an additional Dispute Settlement Facility (DSF). The DSF enables a mediation process that may be undertaken by mutual consent of the parties involved in the dispute. The DSF is subordinate to the RSPO Grievance Process, which must be further pursued if a party rejects the mediation process or the DSF mediated process fails to achieve a resolution. Furthermore, the Grievance Process and DSF now clarify and require related complaints about the certification process (ie certification body performance) to be appropriately addressed by the RSPO accreditation framework. This will help ensure that root problems are clearly identified and the responsibility for resolving them placed on relevant parties.