RSPO Grievances Procedure, Dispute Settlement Facility, & Certification System: History, Status, and Evolution
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Objectives

- Achieve RSPO’s mission
  - Adherence to RSPO Code of Conduct and P&C
- Keep members engaged and improving
  - Transparent communications and consequences
- Ensure justice in cases of violations.

These RSPO systems are not a replacement or way around government and legal regulations. They are a complement to them.
System Components – Roles & Functions

- **RSPO Secretariat**
  - Coordination, Administration, and Communications

- **RSPO Certification System**
  - Performance of auditors & certification bodies; certification decisions

- **Dispute Settlement Facility (DSF)**
  - Mediation
  - Initially for land-based disputes (FPIC)

- **Grievance Procedure (GP)**
  - Handles complaints against RSPO as an organization
  - Addresses breaches of the Code of Conduct
  - Redress, reparation, and compensation (e.g. through DSF)
  - Last resort if other resolution mechanisms have failed
Lessons Learned

RSPO receives a multiplicity of complaints.

- Often highly complex
- Can be combinations of issues (e.g., land-based conflict, human rights, HCVA, others)
- Can be about individual members, or about RSPO in general

*In every case, RSPO needs to make a responsible, defensible response.*
Experiences and Challenges

Demand Exceeds Capacity

- The **Secretariat** has limited staff and time. Must coordinate, administer, and monitor all aspects of complaints and disputes from receipt to resolution, and all communications.

- The **Grievance Panel** (composed notably of EB members) is served by part-time voluntary persons.

- The **Dispute Settlement Facility** needs to reach out to communities and companies, with capacity building materials published, and in-person training.

- The **RSPO Certification System** needs clearer timelines for imposing corrective actions on CBs, and better integration into other resolution processes.
Pathways to Resolution

- The parties involved work out the problem between each other, without official RSPO intervention.
  - Can be with the assistance of other organizations (e.g., NGOs, consultants)

- Corrective action through the certification and/or accreditation body.

- Mediation through DSF
  - Requires both sides (communities and companies) to participate
  - Consequences of refusal

- Decision by the Grievance Panel
  - Imposes measures to incentivize resolution (or termination)
Mediation is a viable option for many kinds of disputes. Could be used for more than land conflicts (often due to lack of FPIC):

- HVCA
- Labour issues
- Human rights
- Company commitments to communities
- Others
Recommended Next Steps

- Revision of written procedures and flow charts, including:
  - Review and revision of the Grievance Panel’s Terms of Reference.
  - Clarification of the Secretariat’s responsibilities and how it can channel complaints.
  - Clarification of the different phases timelines for progression of steps through the GP and DSF.
    - Clearer distinction and definition among investigation, decision, implementation, and monitoring
    - The Secretariat cannot always guarantee a timeline for an actual resolution, especially in the case of a mediation. Its main role is to coordinate and facilitate.

- RSPO clarifies duties and expectations of the certification and accreditation system.

- Promote and build capacity for using the DSF.
Closing Thoughts

• RSPO is an initiative that is at mainstream scale already – not just a niche. It deals with a complex set of socio-economic conditions.

• RSPO is pioneering dispute resolution. Other programs look to RSPO and may borrow its model.
The Bottom Line

• RSPO **must** be able to adequately address these grievances. This is make-or-break for RSPO. It requires the whole RSPO community’s commitment.

• We need allocation of more human resources for this critical work.
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Thank you

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