

**RSPO**

Roundtable on Sustainable Palm Oil

# 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)

# Expanded use of the DSF

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.

**Terima Kasih**  
**Pounsikou**  
**Thank you**

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