

The Roundtable on Sustainable Palm Oil (RSPO) and complaint resolution

Guidance on submitting a complaint for civil society organisations and local communities

This document is largely based on information available on the RSPO website.

Readers are recommended to consult www.rspo.org for further details.

**The Roundtable on Sustainable Palm Oil (RSPO)
and complaint resolution:
Guidance on submitting a complaint for
civil society organisations and local communities**

2013

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With thanks to Patrick Anderson, Olivia Woodburne and Norman Jiwan for their inputs.

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Acronyms

CAO	Compliance Advisor/Ombudsman
CB	Certification Body
DSF	Dispute Settlement Facility DSF
EB	Executive Board
FPIC	Free, Prior and Informed Consent
HCV	High Conservation Value
IFC	International Finance Corporation
NI	National Interpretation
P&C	Principles and Criteria
RSPO	Round Table on Sustainable Palm Oil

Introduction

The Roundtable on Sustainable Palm Oil (RSPO) is a not-for-profit association formed in 2004 in response to the urgent and pressing global call for sustainably produced palm oil. The objective of this association is to promote the growth and use of sustainable oil palm products through credible global standards and the engagement of a wide range of stakeholders. The RSPO brings together stakeholders from seven sectors of the palm oil industry: oil palm producers, palm oil processors or traders, consumer goods manufacturers, retailers, banks and investors, environmental or nature conservation NGOs and social or development NGOs.

This booklet is produced by the Forest Peoples Programme (FPP), an independent human rights organisation, that has been closely involved in the RSPO's standard setting and public review processes, although it is not a member of the RSPO. Over the past decade, Forest Peoples Programme and its grassroots, national and international partners in Africa and Southeast Asia have sought to ensure that the RSPO both adopts and upholds standards consistent with international human rights law and respect for the rights of local communities and indigenous peoples.

This document sets out the RSPO's system for resolving disputes. It provides basic information and guidance to civil society organisations and affected local communities on how the RSPO complaint process works and the various steps involved in submitting a complaint. In separate documents we have sought to summarise our own experiences with the effectiveness of this system. In our view, there remains a wide gap between how the RSPO Complaints System ought to function and what it is actually able to achieve. We have been encouraging the RSPO to upgrade its process and in the meantime offer this guide in the belief that having access to an imperfect system is better than none. This document is based largely on information from the RSPO website, but has been produced independently. Readers are recommended to consult www.rspo.org for further details.

What is the RSPO?

The RSPO is a multi-stakeholder initiative with members from palm oil growers, processors, traders, financiers, goods manufacturers and retailers, and social and environmental NGOs. It was created partly in response to markets which have been sensitised to reject products that entail environmental destruction and the abuse of human rights. The RSPO has thus developed standards for production, traceability, labelling, certification and the conduct of members against which members can be held accountable.

The seat of the RSPO is in Zurich, Switzerland, and the Secretariat is currently based in Kuala Lumpur with a satellite office in Jakarta. The multi-stakeholder representation of the association is reflected by the governance structure of the RSPO in that seats in the Executive Board and project level Working Groups are relatively fairly allocated to each sector. The RSPO tries to give equal rights to each stakeholder group by bringing group-specific agendas to the roundtable, facilitating traditionally adversarial stakeholders and business actors to collaborate towards a common objective, and encouraging decision-making by consensus.

The mission of the RSPO is:

- To advance the production, procurement, finance and use of sustainable palm oil products;
- To develop, implement, verify, assure and periodically review credible global standards for the entire supply chain of sustainable palm oil;
- To monitor and evaluate the economic, environmental and social impacts of the uptake of sustainable palm oil in the market;
- To engage and commit all stakeholders throughout the supply chain, including governments and consumers.

(The supply chain includes ecosystems, communities, growers, traders, processors, consumer goods manufacturers, retailers, financial institutions, civil society.)

A key part of the RSPO as a mechanism of accountability is its own complaints procedures which are outlined in this document.

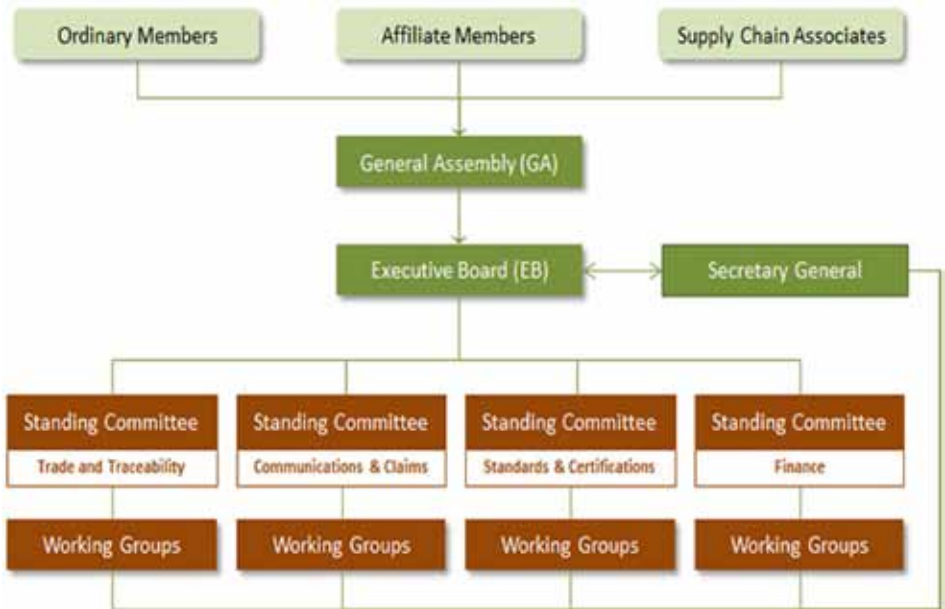


Diagram 1: Organisational structure of the RSPO

Source: http://www.rspo.org/en/organization_structure

The RSPO Principles & Criteria (P&C)

The RSPO regards sustainable palm oil production as being achieved where management and operations are legal, economically viable, environmentally appropriate and socially beneficial. Requirements to this end are elaborated in the RSPO Principles and Criteria, and the accompanying indicators and guidance.

The RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C) are the global guidelines for producing palm oil sustainably. The P&C were adopted in November 2005, pilot-implemented for two years, and released for general use in November 2007. A revised version of the P&C will be published in 2013.

The P&C consist of 8 Principles and 39 Criteria, along with Indicators (specific pieces of objective evidence that **must** be in place to demonstrate or verify that the Criterion is being met) and Guidance (useful information to help the grower/miller and auditor understand what the criterion means in practice).

The P&C are generic but because countries differ in their laws for the same criteria, the P&C are further adapted for use by each country through National Interpretation (NI). NI have been developed for Indonesia, Malaysia, Colombia, Ghana, Thailand, Papua New Guinea and Solomon Islands. A number of the P&C are relevant to the complaints and conflict resolution mechanism. These are detailed below.

Principle 2

Compliance with applicable laws and regulations

Criterion 2.2

The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.

Indicators:

- Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land.
- Evidence that legal boundaries are clearly demarcated and visibly maintained.
- Where there are, or have been, disputes, additional proof of legal acquisition of title and that fair compensation has been made to previous owners and occupants; and that these have been accepted with free prior and informed consent.
- Absence of significant land conflict, unless requirements for acceptable conflict resolution processes (Criteria 6.3 and 6.4) are implemented and accepted by the parties involved.

Guidance:

- For any conflict or dispute over the land, the extent of the disputed area should be mapped out in a participatory way.
- Where there is a conflict on the condition of land use as per land title, growers should show evidence that necessary action has been taken to resolve the conflict with relevant parties.
- Ensure a mechanism to solve the conflict (Criteria 6.3 and 6.4).
- All operations should cease on land planted beyond the legal boundary. For national interpretations, any customary land use rights or disputes which are likely to be relevant should be identified.

Principle 6

Responsible consideration of employees and of individuals and communities affected by growers and mills

Criterion 6.3

There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.

Indicators:

- The system resolves disputes in an effective, timely and appropriate manner.
- Documentation of both the process by which a dispute was resolved and the outcome.
- The system is open to any affected parties.

Guidance:

Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.

Complaints may be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation. Grievances may be internal (employees) or external. For smallholder schemes, the company or associations will be responsible for this. Individual smallholders should not be expected to have a documented system, but must be able to show that they respond constructively to any issue or complaint.

To read the complete RSPO P&C, see http://www.rspo.org/files/resource_centre/RSPO%20Principles%20&%20Criteria%20Document.pdf

Note that the P&C are currently under review and a revised version will be published in 2013.

What is the RSPO Complaints System?

The Complaints System of the RSPO seeks to:

- Provide a fair, transparent and impartial process to duly handle and address complaints against RSPO members or against the RSPO system itself.
- Facilitate actions or initiatives that may enhance future dealings between parties.

The RSPO acknowledges that conflict between stakeholders can lead to complaints and encourages members to resolve such conflicts through negotiation and dialogue. Complaints can be raised to the RSPO against a **company** which is an RSPO member, or **against the RSPO system** itself. The conflict resolution system of the RSPO is **non-judicial** in nature, and follows the criteria for non-judicial grievance mechanisms provided by the United Nations Secretary-General's Special Representative on business and human rights, Professor John Ruggie, in his "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework".¹

It is important to note that the RSPO complaints system is **not intended to be a replacement for legal requirements and mechanisms in force by any regional, national, or international governmental body**. RSPO requirements mandate adherence to official governmental requirements, and as such, the RSPO complaints system is meant **as a support and supplement to them**.

For more on the RSPO Complaints System, see http://www.rspo.org/en/complaints_system

Where can I find information on complaints submitted to the RSPO?

All information on the RSPO Complaints System and its procedures can be accessed through the **RSPO's website**. Progress reporting on cases is regularly updated on the website. See http://www.rspo.org/en/status_of_complaint for the current status of complaints.

Note that the complaints system can be used by **all stakeholders**, both **RSPO members as well as non-members including affected communities** (and their nominated representative), **workers** (and their nominated representative), and **other interested parties**. If the aggrieved parties require support to access information, advice and expertise in order to engage in the complaints process, they can contact the RSPO Dispute Settlement Facility (DSF) for assistance.

The RSPO Secretariat makes public announcements relevant to the Complaints System on an ongoing basis, via its website. Note that while transparency is the rule, some information can be kept confidential and/or anonymous if the complainant is concerned about possible repercussions of making a complaint.

Announcements are made within five working days of results being issued by the relevant Complaints System component or by the Executive Board. Announcements may refer to the following:

1. Calls for information pursuant to a specific case (or cases).
2. Progress on cases being mediated through the RSPO DSF.
3. Changes in the status of an RSPO member.
4. Changes in the status of a certification body.
5. Appeals of decisions made by Complaints System component bodies.
6. Related actions or consideration needed by the membership in response to any of the above.

What are the RSPO bodies involved in a complaint?²

The RSPO Secretariat

The RSPO Secretariat is the body in charge of coordination, administration and communications with regards to all aspects of the RSPO system, including the Complaints System. The Secretariat's mandate is to:

1. Receive, acknowledge, and process complaints.³
2. Administer and monitor the handling of complaints using the Complaints Procedure, DSF, and Certification System. Monitor the progress of the cases going through these systems, the assurance that conditions or corrective actions imposed by these systems (e.g. by the Complaints Panel) are followed, and the proper redress of any cases not meeting the expectations set.
3. Commission suitable expertise as needed (whether they are Secretariat staff, working groups, or consultants) to support fact-finding, mediation, and to inform decisions of the Complaints Panel. Such expertise may be deemed necessary by the Secretariat itself, or ordered by the Complaints Panel or Executive Board (EB). In addition to this, the Secretariat may commission capacity building for companies and other stakeholders, notably local communities, for example through trainings or guidance materials, to help them participate in the complaint process fairly and equally.
4. Oversee and execute relevant communications and announcements, both to the RSPO members or other parties concerned in a complaint as well as to the public.
5. Monitor the Secretariat's own functionality and competence in doing the above.

The RSPO Executive Board

The RSPO EB is responsible for providing oversight to the activities of the Secretariat. The Secretariat regularly communicates summaries of all complaints received and treated on a regular basis with the EB. This summary includes the date and nature of the complaint, the RSPO's response and the outcome.

The RSPO Certification System

The RSPO Certification System is the body responsible for ensuring that auditor and certification body (CB) performance is optimal, and includes the system for accreditation of CBs. Complaints based primarily on the performance or decision of a CB and/or its auditor(s) must be addressed through the RSPO's accreditation mechanisms before it is further addressed via other channels of the Complaints System, which can be used in due course if the issue cannot be resolved by the Certification System alone. This includes complaints over the performance of certification bodies, certification and assessment processes, outputs of audit verifications, the accreditation of CBs and so forth.

Partial Certification Requirements

According to the RSPO Partial Certification Requirements, a complaint can apply equally to the company which has majority holding in the company in question. There are certain conditions which must be met by organisations that have a majority holding in and/or management control of more than one autonomous oil palm growing company, for them to be able to certify individual management units and/or subsidiary companies. These are:⁴

RSPO Membership

(a) The parent organisation or one of its majority-owned and/or managed subsidiaries is a member of RSPO. The requirements (b) to (j) are applicable whether the registered RSPO member is the holding company or one of its subsidiaries:

Time-bound Plan

(b) A challenging time-bound plan for certifying all its relevant entities is submitted to the Certification Body (CB) during the first certification audit. The time-bound plan should contain a list of subsidiaries, estates and mills. The Certification Body will be responsible for reviewing the appropriateness of this plan, taking into account comments received from stakeholders following the public consultation

process. Progress towards this plan will be verified and reported on in subsequent annual surveillance assessments. Where the Certification Body conducting the surveillance audit is different from that which first accepted the time-bound plan, the later Certification Body shall accept the appropriateness of the time-bound plan at the moment of first acceptance and shall only check continued appropriateness.

(c) Any revision to the time-bound plan or to the circumstances of the company shall cause the plan to be reviewed for whether it is still appropriate, such that changes to the time-bound plan are permitted only where the organisation can demonstrate that they are justified. The requirements will also apply to any newly acquired subsidiary from the moment that the company is legally registered with the local notary or chamber of commerce (or equivalent).

(d) Where there are isolated lapses in implementation of a time-bound plan, a minor non-compliance is raised. Where there is evidence of systematic failure to proceed with implementation of the plan, a major non-compliance is raised.

The requirements for uncertified management units and/or holdings are:

e) No replacement of primary forest or any area identified as containing High Conservation Values (HCVs) or required to maintain or enhance HCVs in accordance with RSPO criterion 7.3. Any new plantings since January 1st 2010 must comply with the RSPO New Plantings.

f) Land conflicts, if any, are being resolved through a mutually agreed process, e.g. RSPO Grievance procedure or Dispute Settlement Facility, in accordance with RSPO criteria 6.4, 7.5 and 7.6.

g) Labour disputes, if any, are being resolved through a mutually agreed process, in accordance with RSPO criterion 6.3.

h) Legal non-compliance, if any, are being resolved in accordance with the legal requirements, with reference to RSPO criteria 2.1 and 2.2.

i) Certification bodies will assess compliance with these rules for partial certification at each and every assessment of any of the management units. Assessment of compliance with requirements (e) – (h) by the certification body based on self-declarations only by the Company, with no other supporting documentation, will not be acceptable. Verification of compliance must be based on the following approach:

Positive assurance statement, which is based upon self-assessment (i.e. internal audit) by the organisation. This would require evidence of the self-assessment against each requirement.

Targeted stakeholder consultation may be carried out by the certification body. If this has already been conducted by a certification body, other certification bodies may request for the summary report through the organisation.

If necessary, the certification body may decide on further stakeholder consultation or field inspection, assessing the risk of any non-compliance with the requirements.

(j) For requirements (e) – (h), the approach to defining major and minor non-compliance can be applied from the relevant national interpretation. For example, if a non-compliance against a ‘major indicator’ in a non-certified holding/management unit is identified, the current certification assessment cannot proceed to a successful conclusion until that is addressed.

Failure to address any of the requirements (e)-(h) may lead to certification suspension(s) (consistent with the RSPO Certification Systems document rules on non-compliance).

The RSPO Dispute Settlement Facility⁵

The RSPO Dispute Settlement Facility (DSF) was created to develop preventative (mediation prior to certification) and remedial approaches to complaints and conflict while facilitating, monitoring and learning from a limited number of corrective cases, such as those referred to the DSF by the Complaints Panel. The DSF thus acts as a mediation channel through which disputes may be resolved. It was developed to deal with land-based disputes originally, but is also applicable for other types of issues such as the clearing of High Conservation Values (HCVs) and the related issue of compensation/remediation, as well as labour rights, human rights, company commitments to communities and environmental concerns.

Land related disputes mostly occur when customary rights are not respected, local communities are not adequately consulted and the principle of FPIC is not adhered to. The RSPO P&C Criteria 2.2, 2.3, 6.4, 7.5 and 7.6 specify the procedure for dealing with local communities where there are issues of land rights. Most notably, producers must follow the principle of FPIC.

Furthermore, requirement 4.2.4 in the RSPO Certification Systems document states that certification is not possible when there are ongoing disputes. The DSF was thus created to more expeditiously settle disputes of these kinds between RSPO members and their respective stakeholders.

The DSF categorises disputes into five categories:

1. A dispute that has existed and is known by the RSPO member, but is not divulged once they have initiated the certification process.
2. A dispute that has been 'acquired' or 'assumed' by a member via their acquisition of land or operations from another company, but the member is otherwise in good standing.
3. A new dispute that arises only after certification has been granted.
4. A dispute that had been settled and recognised by relevant parties (and perhaps the authorities) but for whatever reason the dispute resurfaces.
5. Other disputes brought to the DSF at the discretion of the parties directly involved in the dispute.

Again, it may be important for the complainant to think about which kind of complaint they are submitting.

The DSF enables a mediation process that may be undertaken with the mutual consent of the parties involved in the dispute. In all cases, parties are encouraged to first try to settle disputes on their own, by directly engaging the other side, without seeking outside help. Should this fail, the preferred course of action is to seek mediation through the DSF as a way to achieve resolution. The DSF is subordinate to the RSPO Complaints System, which may be further pursued if one of the parties rejects the mediation process or the DSF mediated process fails to achieve a resolution.

For the process flowchart of the DSF, see <http://www.rspo.org/file/DSF%20Procedure%20Flowchart.pdf>

For more on the DSF Framework, TORs and Protocol see
<http://www.rspo.org/en/Framework>;
http://www.rspo.org/en/terms_of_reference;
<http://www.rspo.org/en/protocol>

The RSPO Complaints Panel

The RSPO Complaints Panel deliberates and decides on complaints cases that fall outside the remit of other complaint resolution mechanisms. It is a high-level body that does the following:

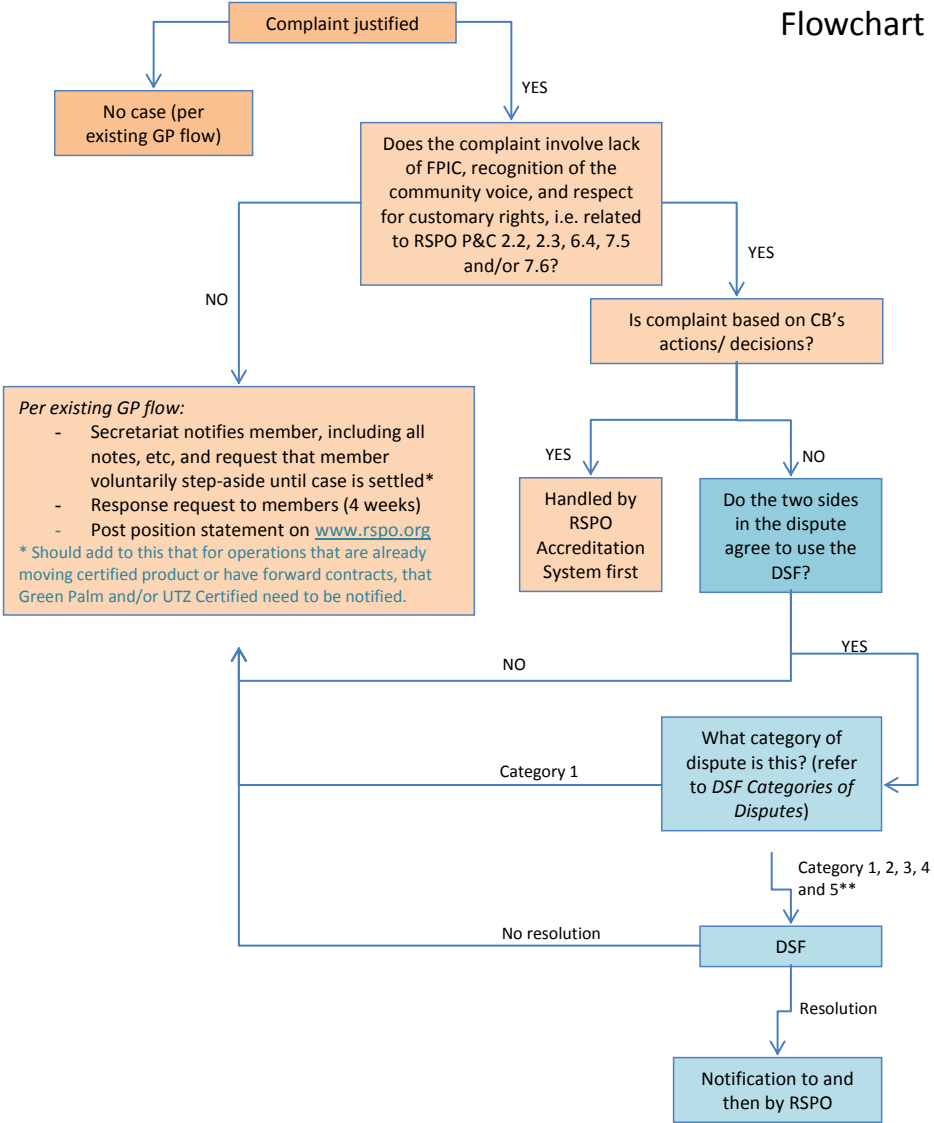
1. Handles complaints against RSPO as an organisation.
2. Addresses breaches of the Code of Conduct (e.g. violation of the RSPO P&C).
3. Serves as a body of last resort if other resolution mechanisms have failed.
4. Imposes measures to incentivise resolution (or termination; e.g. imposing a moratorium on a company's activities where this is deemed necessary in line with the P&C).
5. Ensures that RSPO governance systems allow for deliberation on redress, reparation, and compensation (e.g. through DSF).
6. Endeavours to capture wider lessons and make recommendations to the RSPO EB on any systemic improvements.

The Complaints Panel is also responsible for:

1. Deciding on the **legitimacy** of any given complaint made against an RSPO member and on any **interim measure** needed during further handling of the case by the RSPO (further documentation and evidence may be required if the legitimacy of the case is under question).
2. Deliberating and deciding on the **course of action to be taken** to address the complaint.

The Complaints Panel is mandated by the RSPO EB for the tasks and role described above. The EB is in charge of overseeing the activities of the Complaints Panel. If consensus is not reached, the Complaints Panel can appeal to the EB for further deliberation and consensus-based decision making.

DSF Procedure Flowchart



** Even a "category 1" dispute could still use the DSF as a way toward resolution.

Diagram 2: Dispute Settlement Facility procedure flowchart

Source: <http://www.rspo.org/file/DSF%20Procedure%20Flowchart.pdf>

I want to submit a complaint: what documents do I need to consult?

Complaints raised to the RSPO need to be based on the following RSPO documents:

1. RSPO Principles & Criteria for Sustainable Palm Oil Production (P&C), including all guidance, indicators associated with the adoption and implementation of the P&C.⁶
2. RSPO accepted or endorsed National Interpretation of the P&C where it is applicable.⁷
3. Code of Conduct for Members of the Roundtable on Sustainable Palm Oil.⁸
4. RSPO New Plantings Procedure⁹ (for newly established plantations since 2010).
5. RSPO Certification Systems.¹⁰
6. RSPO Rules established for Trade and Traceability and for Communication and Claims.¹¹
7. RSPO Statutes and By-laws.¹²

What do I need to submit to make a complaint?¹³

Complainants need to be made using the template provided at http://www.rspo.org/en/complaints_form. Note that at this stage, the burden of proof is on the complainant. Information to be provided includes the following:

1. Name and contact details of the party submitting the complaint.
2. Party against whom the complaint is being raised.

3. Nature of the complaint, and on what basis.
4. Supporting evidence, including all possible documentation to directly support the complaint.
5. Supporting information about efforts already taken to resolve the issue.
6. Propose or suggest specific corrective actions that may resolve the issues detailed in the complaint.

Points to keep in mind when making a complaint

- ✓ Is the company an RSPO member, and if so, since when?
- ✓ If the company is a subsidiary, is the holding company an RSPO member, and if so, since when?
- ✓ Has a certification audit of the company been carried out, and what are the findings? Has the company been certified?
- ✓ Have other complaints been raised against this company, or its holding company?
- ✓ Which RSPO P&C are relevant to the complaint?
- ✓ Does a National Interpretation exist for the country in question?
- ✓ Is a regular RSPO audit or surveillance by CB foreseen in the near future?
- ✓ Has supporting evidence been included in the complaint (including, for example, geo-referenced photographs, written statements, any relevant documentation)?
- ✓ What initiatives have been undertaken to date to resolve the problem in question (through the RSPO or other channels) and what have been the outcomes of these efforts?
- ✓ What corrective action is being suggested to resolve the conflict?
- ✓ Will mediation possibly help at this stage, either by secretariat or by DSF?

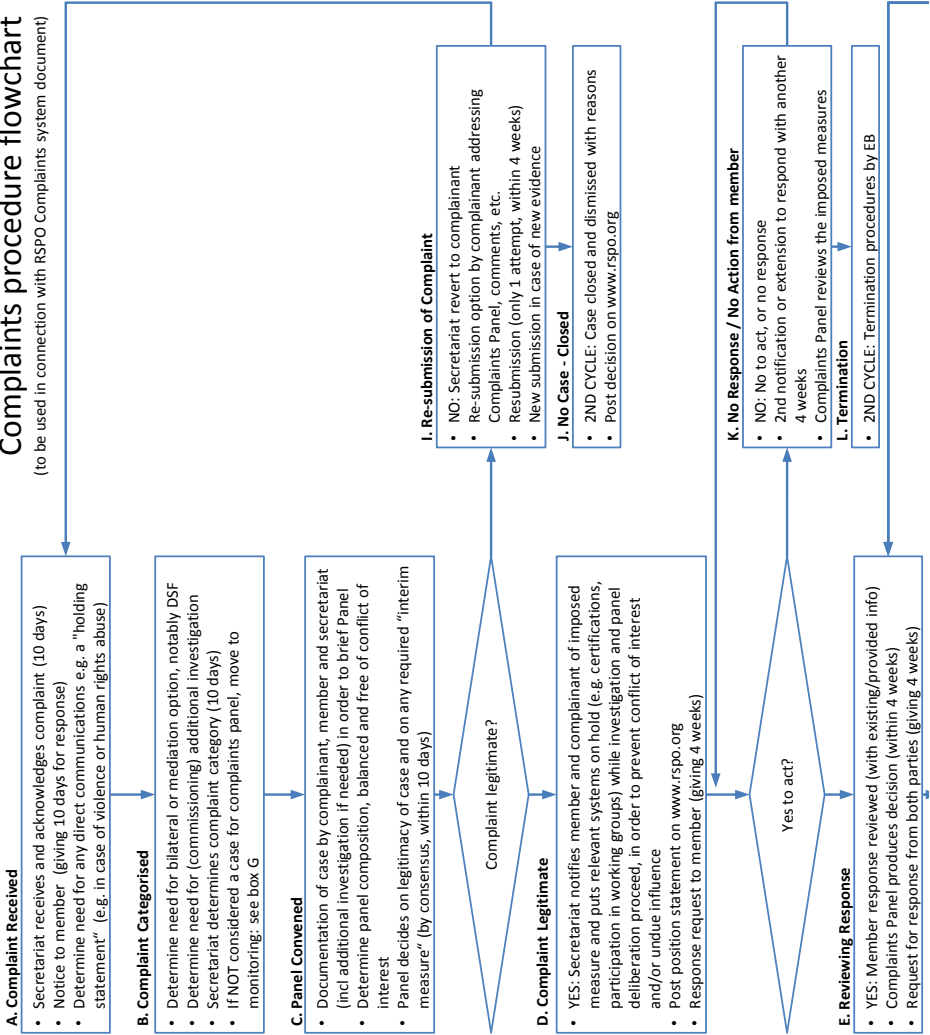
What happens once I have submitted my complaint?

The RSPO Secretariat is the point of entry for all complaints to be addressed through the RSPO Complaints System. The Secretariat receives all complaints submitted and acknowledges its receipt to the complaining party, in writing, no later than ten working days after they have been received. The Secretariat holds the right to return incomplete complaints to the submitting party, with an explanation of what is needed to constitute a complete submission. It is therefore very important to ensure that all relevant information is included within the original complaint. Incomplete complaints can be re-submitted at the complainant's discretion, upon the receipt of which the Secretariat shall have another ten working days in which to acknowledge receipt. In the acknowledgement of a complete complaint, the Secretariat will also indicate which category the complaint initially falls into and the next steps to be taken to address it.

The Secretariat is not required to accept cases that are not submitted in writing, but it can address such complaints at its discretion. The Secretariat keeps a record of all cases it addresses. The Secretariat decides whether any direct communications or actions are necessary, for example a 'holding statement' that publicly states that a complaint has been received and will be investigated as a matter of urgency through the RSPO systems. Such urgent communications may be needed particularly in cases of reported violence or human rights abuses.

Complaints procedure flowchart

(to be used in connection with RSPo Complaints system document)



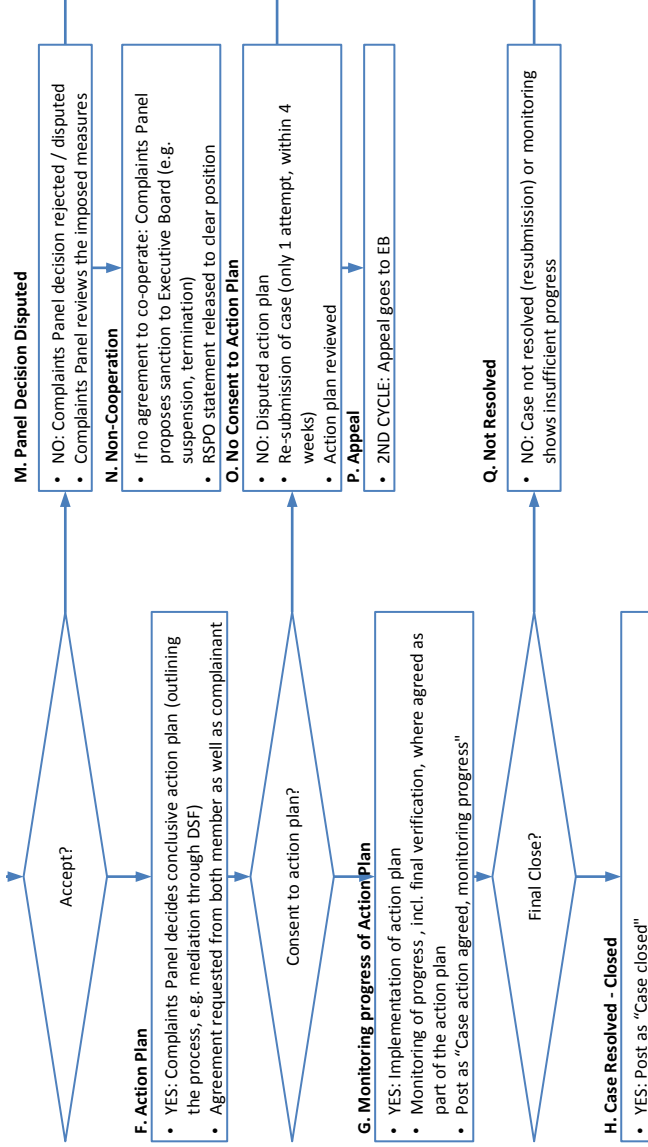


Diagram 3: Complaints procedure flowchart

Source: <http://www.rspo.org/file/Flowchart%20complaints%20procedure.pdf>

What does the RSPO Secretariat do once it has received a complaint?

The RSPO Secretariat then performs checks on the complaint, to ascertain, for example, the following:

1. Is party complained against an RSPO member?
2. Is the member and location certified yet?
3. Is sufficient information about the case made available to determine course of action? If not, is a regular RSPO audit or surveillance by CB foreseen in the near future (check time bound plans etc)?
4. Do any other options for investigation, if needed, exist?
5. Have other efforts to resolve the issue been tried sufficiently?
6. Will mediation possibly help at this stage, either by secretariat or by DSF?

Note that these are all points that the complainant should also think about when submitting the complaint.

The Complaints Panel then deliberates and decides on complaint cases that fall outside of other complaint resolution mechanisms (e.g. the court, government arbitration, companies' own Standard Operational Procedures, the International Finance Corporation Compliance Advisor/Ombudsman).¹⁴

The Complaints Panel categorises the complaint itself and how it believes the complaint should be best resolved, for example:

1. Complaint to be resolved bilaterally (e.g. through a company's own complaints handling).
2. Complaint to be resolved through a second party process in the national context (e.g. court, human rights commission), the financial chain (e.g. IFC Ombudsman), or in the trade chain (e.g. supply chain audits).
3. Complaint in relation to performance and certification of an RSPO Member's operation(s) with respect to the RSPO P&C.
4. Complaint on performance and accreditation of an RSPO CB.
5. Complaint to be settled through mediation (e.g. RSPO DSF).
6. Complaint in relation to any other breaches, notably of the RSPO Code of Conduct by an RSPO Member, to be handled by the Complaints Panel.
7. Other complaints.

For more detail on the treatment of each type point above, see http://www.rspo.org/en/process_flow

Recourse: What if I am not satisfied with the way the Complaint Panel addresses my complaint?

If the complainant is dissatisfied with the way in which their complaint has been addressed, they hold the right to bring up their case to the Complaints Panel, or to the EB if the Complaints Panel has already heard the case. The EB then decides whether or not to consider the case, and if it decides to hear it, it does so at its next scheduled meeting. In all cases brought before the EB, the EB must provide a written statement as to its decision with regards to the case in question and the rationale behind it. The EB can also commission additional investigation and expertise at its own discretion. The decision of the EB is final. Note that the Complaint Process decision-making process is largely internal by the EB and, once communicated to the public, often has a different text and tone.

Important points to keep in mind

- ❖ Anybody can make a complaint through the RSPO but all complaints must be backed by robust evidence
- ❖ The Complaints Panel is NOT a quick-fix solution – an average complaint takes 3 months or longer to be processed by the Panel. Crucial to an effective resolution is also **sustained commitment and communication** between and among the complainants themselves
- ❖ The RSPO is *one* tool that can be used to seek conflict resolution – to understand it is to know better how to use it. However, it is not the only one available. Other mechanisms to resolve conflict include the IFC/CAO, courts, government arbitration, companies' own Standard Operational Procedures and Grievance Mechanisms. Exploring multiple approaches can generate better impacts and effectiveness.
- ❖ To date, none of the RSPO's procedures have been activated by local communities without the help of local/international NGOs, because communities often lack the language, awareness, resources and capacity to use the RSPO mechanisms. But NGOs are *not* the affected party: the communities are. While NGOs can play an important role in facilitating communities' involvement, the decisions and representation in the conflict resolution process should be that of the communities as the aggrieved parties.

Further resources

RSPO Principles & Criteria http://www.rspo.org/files/resource_centre/RSPO%20Principles%20&%20Criteria%20Document.pdf

The RSPO Complaints System http://www.rspo.org/en/complaints_system

RSPO Complaint Status http://www.rspo.org/en/status_of_complaint

RSPO Statutes and By-Laws http://www.rspo.org/en/rspo_statutes_and_by-laws

RSPO Code of Conduct for members http://www.rspo.org/files/resource_centre/keydoc/3%20en_Code%20of%20conduct%20for%20members%20of%20the%20RSPO.pdf

New Plantings Procedure guidance <http://www.rspo.org/file/RSPO%20Procedures%20for%20New%20Plantings%20-%20guidance%20document.pdf>

RSPO Certifications Systems TORs <http://www.rspo.org/sites/default/files/RSPOcertification-systems.pdf>

RSPO Trade and Traceability TORs http://www.rspo.org/en/trade_and_traceability

DSF process flowchart <http://www.rspo.org/file/DSF%20Procedure%20Flowchart.pdf>

DSF TOR shttp://www.rspo.org/en/terms_of_reference

DSF Protocol <http://www.rspo.org/en/protocol>

DSF Framework <http://www.rspo.org/en/Framework>

RSPO Complaints Form http://www.rspo.org/en/complaints_form

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On the Complaints Procedure, PowerPoint by Ravin Krishnan, Coordinator of RSPO (Presentation at RT10, 2012) http://www.rt10.rspo.org/ckfinder/userfiles/files/PC6_1%20Ravin%20Krishnan%20Presentation.pdf

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Complaint submitted to RSPO by Nigerian NGOs against Wilmar in Nigeria (November 2012) <http://www.forestpeoples.org/sites/fpp/files/news/2012/11/NGO%20Complaint%20to%20RSPO%20about%20Wilmar%20NPP%20in%20Nigeria.pdf>

Complaint submitted to RSPO by Liberian NGOs against Golden Veroleum Liberia in Liberia (October 2012) <http://www.forestpeoples.org/sites/fpp/files/news/2012/10/Final%20complaint%20to%20%20RSPO%20on%20Golden%20Veroleum-%20Butaw-sinoe%20county%20%282%29.pdf>

Status of a complaint submitted to RSPO against IOI in Indonesia (last accessed November 2012) http://www.rspo.org/en/status_of_complaint&cpid=4

Endnotes

¹ <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>

² See http://www.rspo.org/en/system_components_and_terms_of_reference

³ Note that term 'complaint' is intended to have similar meaning as the terms 'grievance', 'dispute', 'challenge', 'conflict' and any similar term connoting dissatisfaction with some aspect of the RSPO system.

⁴ See RSPO Certifications Systems <http://www.rspo.org/sites/default/files/RSPOcertification-systems.pdf>

⁵ See <http://www.rspo.org/en/Framework>

⁶ http://www.rspo.org/files/resource_centre/RSPO%20Principles%20&%20Criteria%20Document.pdf

⁷ For example this one for Indonesia: http://www.rspo.org/sites/default/files/Indonesia%20NI%20of%20RSPO%20P&C_May2008.pdf

⁸ In English: http://www.rspo.org/files/resource_centre/keydoc/3%20en_Code%20of%20conduct%20for%20members%20of%20the%20RSPO.pdf

In Bahasa Indonesia: http://www.rspo.org/en/rspo_code_of_conduct

⁹ <http://www.rspo.org/file/RSPO%20Procedures%20for%20New%20Plantings%20-%20guidance%20document.pdf>

¹⁰ <http://www.rspo.org/sites/default/files/RSPOcertification-systems.pdf>

¹¹ http://www.rspo.org/en/trade_and_traceability and http://rsपो.org/files/pdf/RSPO%20CC%20Rules%20adopted_301111.pdf

¹² http://www.rspo.org/en/rspo_statutes_and_by-laws

¹³ Flowchart of process available at <http://www.rspo.org/file/Flowchart%20complaints%20procedure.pdf>

¹⁴The RSPO can consider complaints while courts are operating but will not consider a complaint against a CB at the same time as the CB's own complaint mechanism is being used by same party.

Forest Peoples Programme (FPP) was founded in 1990 in response to the forest crisis, specifically to support indigenous forest peoples' struggles to defend their lands and livelihoods. Through advocacy, practical projects and capacity building, Forest Peoples Programme supports forest peoples to deal directly with the outside powers, regionally, nationally, and internationally that shape their lives and futures. Forest Peoples Programme has contributed to, and continues supporting, the growing indigenous peoples' movement whose voice is gaining influence and attention on the world-wide stage.

For further information, please visit www.forestpeoples.org.

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