Assuring RSPO Certification and Compliance: lessons from the field

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Standards
• Consistency with int’l human rights law
• UN Guiding Principles on Biz & HR: protect, respect and remedy
• Business have responsibility to respect human rights even if national laws do not require it
• Recognition of customary rights to land
• Free, Prior and Informed Consent
• Remedy for violations/ complaints and redress
• Assurance of livelihoods, welfare and food security (HCV5 ++)
Implementation Reviews

• FPP & local partners done field studies of 37 different palm oil operations in 9 countries in SE Asia (28), Africa (7) and Latin America (2)
• Few exceptions: basic flaws in implementation: no participatory mapping, not choosing own representatives, not informed especially about legal & financial implications of land agreements
• Staff knowledge of RSPO P&C and expertise on implementation not translated down to field level
• Re-training and recruitment limited but needed
• Staff incentives: plant 1st, ask questions after wds

Verification

• Are these failings being spotted by Certification Bodies?
  – When operations certified (a bit late to stop conflicts arising)
  – At New Plantings Procedure (good idea if used)
• Basic indicators are being overlooked (eg no mapping, no contracts, no information)
• Land Conflicts not looked into
• Even extensive land clearance without NPPs, are not being spotted by RSPO Sec
Plantaciones de Pucallpa (Peru)

- No New Planting Procedure notification
- No mapping of customary rights, no EIAs, no recognition of Shipibo people’s rights, no FPIC
- Not fully legal (gov’t suspension)
- Obviously clearing primary forests on IP lands

Towards Quality Assurance

- Resolution 6h to GA 2015: develop procedures
  - Minimum requirements for HCV assessments
  - What FPIC steps must be done before NPP
  - Criteria for monitoring audits
  - Mechanisms to oversee Certification Bodies
  - Monitoring New Planting Procedure by Secretariat
- By Secretariat in coordination with members
- Task Force agreed by BoG in Nov 2015
- Little action ‘till Reference Group July, partial incomplete text provided on 25th October 2016
The right to remedy: complaints

- IOI-LTK: 2013 CP demands remedy in line with 2.2 and 2.3. Still not happened. DSF process stuck.
- Plantaciones de Pucallpa: 12 months without clear CP decision: company just resigned from RSPO
- Golden Veroleum Limited: weak assessment report, flawed FPIC procedure, case drags on, unresolved dispute about mill on sacred site
- Wilmar (PT PHP1): HGU after community said ‘no’ and had complained to CP (2 years on, no CP decision but CP now finally investigating)

Fixing the Complaints Process

- RSPO Capacity for independent oversight
- Capacity of pro bono CP members to attend to details of complaints?
Credibility of RSPO at stake

- RSPO still filling a need but not well
- RSPO must be seen to uphold its own standard
- CSOs in Latin America but also in Africa, not impressed, increasing scepticism in Asia too.
- Strengthen Complaints Process crucial
- Strengthen / regionalise Secretariat capacity
- Rapid Action on Resolution 6h/2015, please, with inclusion of members!
- IMO outreach needs to reach Africa & LatAm

Links to select documents

Thank you

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