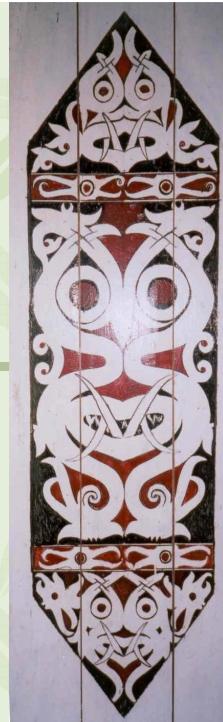


Assuring RSPO Certification and Compliance: lessons from the field

Marcus Colchester, Senior Policy Advisor, FPP
Presented to Roundtable on Sustainable Palm Oil
RT14, Bangkok, 9th November 2016



Forest
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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

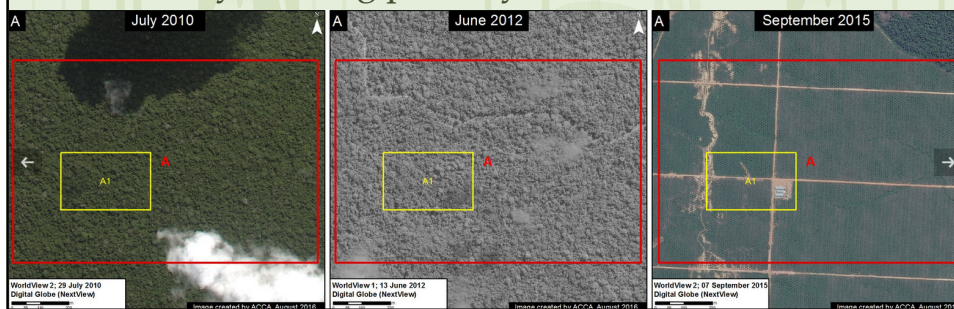
- FPP & local partners done field studies of 37 different palm oil operations in 9 countries in SE Asia (28), Africa (7) and Latin America (2)
- Few exceptions: basic flaws in implementation: no participatory mapping, not choosing own representatives, not informed especially about legal & financial implications 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

- Golden Agri Resources: 2014 complaint, NPPs withdrawn, Stop Work Order on 18 concessions, March 2015: GAR making some progress: HCV5 pilot, excision of lands of 'no' villages, no solution on smallholdings and remedy for 'yes' communities. Less progress in 17 other concessions. CP needs to opine again.
- 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

- <http://www.forestpeoples.org/topics/timber-pulpwood-and-fsc/publication/2016/do-commodity-certification-systems-uphold-indigenous>
- <http://www.forestpeoples.org/topics/agribusiness/video/2016/05/new-video-exposes-reality-oil-palm-land-grabs-indonesia>
- <http://www.forestpeoples.org/topics/rights-land-natural-resources/video/2016/05/shipibo-video-testimonies-document-destruction-th>
- <http://www.forestpeoples.org/topics/agribusiness/news/2016/04/palm-oil-industry-group-orders-company-halt-peru-planting>
- <http://www.forestpeoples.org/topics/agribusiness/news/2016/11/melka-group-company-peru-withdraws-rspo-shipibo-complaint-exposes-l>

