

**CALL FOR PROPOSALS****TERMS OF REFERENCE****CONFLICT PREVENTION PLATFORM PILOTING IN SABAH, MALAYSIA****1. Background**

In its pursuit of transforming the oil palm industry to make it more sustainable, the Roundtable on Sustainable Palm Oil (RSPO) believes that the system will function more effectively if we can ensure that the fundamental rights of landowners, local communities, plantation workers, and small farmers, as well as their families, are respected and fully taken into account.

The RSPO is a global partnership to make palm oil sustainable. The RSPO Principles and Criteria (P&C) was introduced as the basis for certification and serves as the global guidelines for sustainable palm oil production. It constitutes a set of environmental, social, and economic principles as well as Best Management Practices (BMPs) of which compliance enables palm oil producers to claim that their palm oil is sustainably produced.

Among the efforts to make palm oil sustainable, RSPO recognises the need for more comprehensive outreach efforts<sup>1</sup> through a network of intermediaries identified from the related or affected communities within producing countries to support and assist RSPO, thus paving the way for a more effective engagement process that will then play a key role in RSPO achieving its mission.

**2. Context**

The RSPO initiated a Community Outreach Programme in Malaysia as an implementation phase to the need for more comprehensive outreach efforts to affected communities and grassroot stakeholders. The Programme was designed to address the findings and recommendations from the assessment conducted in 2014. The Programme aimed to secure informed and vigorous engagement of communities in RSPO at all levels by establishing a strengthened outreach of RSPO through intermediary organisations in Malaysia in order to rebuild RSPO's credibility with civil society. Sabah Environmental Protection Association (SEPA) was engaged and contracted as the Intermediary Organisation (IMO) to implement the programme for Malaysia.

The Programme entitled, *"Building Capacity to Bridge the Gap: Between IMOs and the intended target audience (local and Indigenous communities, smallholders, women's group and plantation workers) by improving understanding and access to the RSPO System,"* was originally planned to be implemented over 18 months (October 2018 through April 2020); however, due to challenges on the ground, it was extended up through the end of April 2021.

One of the achievements of the Programme was the establishment of a Conflict Prevention Platform (CPP). The ultimate aim of this flexible approach is to de-escalate potential conflicts at an early stage (through non-adversarial methods) to reduce formal complaints from being lodged through the RSPO's Complaints System. Other general factors which have also been observed to be potential supporting reasons for the establishment of the CPP include, but are not limited to:

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<sup>1</sup> Decision Paper Agenda for RSPO Executive Board Meeting (July 3 & 4, 2013): RSPO Outreach to Local Intermediary Organizations in Producing Countries.

- a. The misconception by some stakeholders that accessing a grievance system would require technical knowledge and is time-consuming;
- b. The lack of awareness by some stakeholders of the existence of grievance systems; and
- c. Lack of trust and/or fear of repercussions when accessing a grievance system.

The independent review of the Programme in Malaysia has also indicated that one of the elements that will sustain the Programme results and impact is the CPP. Considering the potentials and responses from the parties on the ground, RSPO needs to further examine the approach through a Community Pilot Test.

### **3. Objectives**

The Programme aims to conduct testing for the CPP approach through Community Pilot Test cases in Malaysia.

The overall objectives of the test are:

- Conduct pilot test of CPP to continue with the engagement that has been established with the community and company, which was started in August 2020;
- To compile lessons learnt on the process of bilateral engagement and negotiation under the umbrella of CPP, and the potential of development/enhancement of possible similar platforms in other geographies;
- To include SIA, and participatory mapping and develop guidelines, as well as materials to be used by members in the future; and
- To understand the effectiveness of the CPP as a platform to de-escalate the conflict.

### **4. Scope of work**

The work under this Programme will be located in Sabah, involving community cases that have been frozen since May 2021 due to the completion of a Community Outreach Programme for Malaysia. The frozen period of this CPP case has been more than two years. According to the IMO/BCI, as of August 2022, both parties were still willing to participate in the CPP process, however due to the lapsed time, the parties would need to be re-engaged.

The scope of work that would be needed would be:

- Re-engagement
- Facilitated bi-lateral engagement
- Participatory mapping
- Other components up to a negotiation stage

### **5. Timeframe**

The Programme is expected to begin in March 2024. The organisation is also expected to provide the deliverables of the project as described in the proposal.

- The Programme is expected to run for a period of 15 months, and can be renewed for an additional three months (for a maximum of 18 months) if the IMO and RSPO believe that certain conditions have warranted an extension of the Programme at the rate set out in the contract.
- Successful applicants are expected to deliver a periodic progress report as stipulated in the Service Agreement and a final report at the end of the project period.

- Applicants will also be required to write and publish articles about the programme to share the best practices or positive stories to the public.
- Successful applicants must also work with RSPO on communication plans to disseminate the Programme outcomes. A clear communication plan must be developed with detailed information of the plan along with respective timelines within the program period.

## 6. Deliverables

It is anticipated that the Programme will have the following deliverables:

1. A final report on the CPP pilot testing conducted.
2. A final report describing lessons learnt and recommendations from the CPP pilot test in Sabah, including the impact of the Programme to the parties. And also, to potentially inform the development/enhancement of possible similar programmes in other geographies.
3. Guidelines and supporting materials on facilitated bilateral engagement and negotiation.
4. Outputs of meetings including minutes, proceedings, and recordings of processes carried out by the CPP pilot test.

## 7. Requirements

RSPO requires the services of an experienced, consistent, and independent organisation to carry out the Programme as per the objective above. The applicant is required to meet the following eligibility and requirements as detailed below:

- The organisation should have experience in facilitation and engagement of grassroots stakeholders.
- In-depth knowledge of RSPO and other voluntary sustainability standards.
- Familiarity with the palm oil industry and issues related to land-based commodities will be an advantage.
- The organisation is familiar with the concept and approach introduced by the Conflict Prevention Platform (CPP).
- Applicants must avoid and disclose to RSPO any real, perceived, or potential conflict of interest that they may have with RSPO or any entities that will be involved in the programme. An apparent or actual conflict of interest may exist where an individual or entity has different, and potentially conflict, duties, or relationships with respect to other individuals or entities within the Programme and RSPO.
- The organisation will commit to open and transparent engagement with relevant parties.

## 8. Performance Criteria

The performance of the organisation will be assessed based on:

- Timeline of deliverables
- Capacity and understanding of and the ability to meet the objectives
- Responsiveness to the question from RSPO during the assignment
- Quality of deliverables.

Any inquiries in connection with this Terms of Reference shall be submitted to Francisco Naranjo, Technical Director, RSPO, at the following e-mail address: [francisco.naranjo@rspo.org](mailto:francisco.naranjo@rspo.org).