

Progress Report RSPO Human Rights Working Group

Period: November 2015-April 2016

Social auditing

The RSPO Board of Governors is in process to establish the RSPO Assurance Task Force. ToR have been drafted for this taskforce. The objective of the task force is to give follow-up to Resolution 6h of RT12 in Kuala Lumpur, ensuring quality, oversight and credibility of RSPO assessments by developing clear and mandatory guidelines and to improve the quality of HCV, HCS and SEIA and FPIC reviews in the New Planting Procedure assessments as well as to monitor the quality, independence and performance of all RSPO auditors.

The task force's objective is not to reform the system of social auditing. The leads of the three HRWG sub-groups on social auditing, labor and FPIC have provided input to the above ToR for the RSPO Assurance Task Force. The sub-group on social auditing has provided input to the ToR of this assurance task force.

Oxfam has commissioned a consultancy to Rainforest Alliance to formulate concrete policies, mechanisms and instruments for relevant and effective social auditing that is meaningful, that is based on a balanced group of respondents amongst smallholders, plantation workers related communities. This consultancy will also feed into the RSPO efforts to improve social auditing practices and will be taken into consideration by the above taskforce. The report of the assignment is expected in June 2016.

Decent work/labor

A taskforce for decent work is being officially established under the Human Rights Working Group. The drafting of the ToR for the taskforce has been endorsed by the Board of Governors in their last meeting in April 2016, and a decision paper is expected for the meeting in June 2016. The ToR will be circulated for comments, also amongst the members of the HRWG, half way May 2016. The contents of the TOR for this Task Force will be anchored on the road map for labor that the HRWG approved last year. The deliverables will feed back to the Human Rights Working Group. The taskforce will take over the tasks from the HRWG sub-group on labor and will remain closely related to the HRWG; it will become an official part of the RSPO structures and may eventually develop into a full fledged working group on decent work.

A task force rather than a Working Group has been opted for as the task force can be given very specific tasks to need to be undertaken to eventually establish a Working Group on Decent Work. The establishment of a task force has been built further on the encouragement by the BoG. The task force can quickly become operational whereas a working group would take much more time to be established. The ToR of the task force contain concrete deliverables and the tasks are time bound. The duration for the task force's mission is 2 years.

The key tasks of the RSPO task force on decent work comprise:

1. To conduct a review on country labor laws, identifying issues that are undermining the position of plantation workers, but also issues related to the Freedom of Association and the position and the rights related to labor unions and their members. This task includes an overall problem analysis/diagnosis on the situation of plantation workers.
2. To formulate guidance to the P&C and RSPO Next, specific for all types of stakeholders.
3. To review/revise the training curriculum used by training providers to the certification bodies (CBs).
4. To review the qualifications of CBs.
5. To review the certification methodology, enabling the inclusion of casual workers (the majority on the plantations) to be part of the surveys and interviews.
6. To adopt (existing) training courses on assessing labor/workers risks

It has been observed that there is no expertise available within the RSPO Secretariat. The HRWG sub-group on labor will recommend the Secretariat to recruit a labor technical expert who can facilitate the Secretariat for the reinforcement of the labor related policies.

FPIC (Free Prior and Informed Consent)

Previous ideas	Progress since November 2015
<p>Progress with FPIC Guide:</p> <ul style="list-style-type: none"> • Focus Group Discussion with Indonesian growers in June • Revised text end of June • Many comments actually concerned how to apply FPIC in Indonesia and it was agreed these have to be addressed in INA NI not generic guide • Guide sent by Secretariat for formatting end of September • Now to be passed by Board 	<p>Board adopted new Guide on final day of RT13.</p> <p>The Secretariat (Head of Impacts) delayed posting the Guide arguing for the need for yet further revisions.</p> <p>After appeals by FPP, this decision was reversed and in January 2016 the Guide was finally posted on the website.</p>
<p>Follow up already agreed:</p> <ul style="list-style-type: none"> • Videos with Eduration (2 done – delayed by slowness of Guide approval) • 13 more modules to be done as soon as Guide approved 	<ul style="list-style-type: none"> • FPP worked with Eduration after RT13 to develop the FPIC video guide Chalk and Talk • 17 modules are now complete, some of which have been translated into in Bahasa. The text have been prepared, voluntarily, by FPP (Eduration is contracted). As it is not funded

	<p>work there have been some delays from our end.</p> <p>.</p>
<ul style="list-style-type: none"> • Trainings planned with training materials • Simplified handout for operational staff with Guide for reference 	<ul style="list-style-type: none"> • Budget and plan for three trainings in Asia, Africa and Lat Am in 2016 was proposed and discussed with Dr Sanath in mid 2015 but was not pursued by RSPO and he has now left. Follow-up needed by his successor. • Handout was to be developed by Impact. No news of this. <p>GAR recommends that indeed a training in Indonesia would be welcomed and would be prepared to co-host</p>
<p>Others (suggested in 2014):</p> <ul style="list-style-type: none"> • Development of an RSPO ‘FPIC Guide for Communities’ • Translation of the RSPO FPIC Guide into Spanish and French (and revise the BI). • Review of national interpretations to see what extra guidance may be needed to ensure local legal realities are adequately accommodated to allow companies to both comply with national laws and RSPO P&C • Review what extra guidance may be needed to Complaints Panel to assist them in achieving speedier determinations on whether or not complaints about violations of land rights and FPIC are valid • Further clarification of what ‘users’ rights’ need to be recognised by companies 	<ul style="list-style-type: none"> • FPP is prepared to develop the Guide for Communities with its own budget • Progress with translations needs to be reported by Secretariat • INA NI draft has been challenged for lack of clear interpretation and guidance on land acquisition, legality and FPIC. BoG has asked for INA NI to be further revised. Indonesian grower members of INA NI working group have rejected this. Negotiations between BoG and INA NI companies continue. National NGOs in Indonesia were not consulted about the rejection and are unsatisfied with the process. Two options remain: either no certification can take place in Indonesia or the generic format needs to be applied. • Suggest that FPP and others hold meeting with CP to ask them what extra guidance they need to assess company compliance with FPIC requirements • No clear ideas on how to better clarify who users are.
<p>Suggested at and preceding HRWG meeting in Nov 2016:</p> <ul style="list-style-type: none"> • Trial use of new Guide in Liberia 	<p>GVL came up with useful FPIC trial proposals for their expansion plans in Liberia. Project looks good but lacks a budget.</p>

	<p>Other recent developments</p> <ul style="list-style-type: none"> • RSPO Next announced in January with extra provisions on FPIC. It is not yet clear how compliance with these requirements will be implemented or verified. • During 2015, three initiatives to take forwards a 'jurisdictional approach' were announced by secretariat for Sabah, KalTeng (Seruyan) and Sum Sel. The (limited) materials so far available explaining this approach allow for 'local interpretations of FPIC'. Concerns have been shared with RSPO CEO that the draft 'local interpretation' for Sabah is not compliant with RSPO P&C. There is a need for more information on how the social provisions in these approaches are being applied. • Many major RSPO producers have adopted HCS Approach and/or HCS+ approach and some kind of HCS tool (not clear which) is embedded in RSPO Next. This implies that even more land will be tied up in set asides raising questions about the adequacy of HCV5 to ensure basic food security for communities (ie if more land goes for set asides and for palm where will people farm etc?) • HCS Approach and HCS+ have agreed to a procedure to be led by FPP to harmonise social best practice tools and incorporate the lessons from the HCV/HCS/FPIC integration process.