

Resolution 6d

Proposed Resolution to be adopted at the 12th General Assembly of the Roundtable on Sustainable Palm Oil (RSPO)

19th November 2015

TITLE: REVISION TO THE CODE OF CONDUCT OF THE RSPO TO ENABLE IMPLEMENTATION OF GA10 RESOLUTION 6F

Submitted By: The Board of Governors of the Roundtable on Sustainable Palm Oil
(Currently represented by: Unilever, Malaysian Palm Oil Association, PT. Agro Indomas *, WWF, Agropalma, Felda Global Ventures, Mondelez International, AAK, Marks and Spencer, Retailers' Palm Oil Group **, IOI Loders Croklaan, Rabobank, The Hongkong and Shanghai Banking Corporation, Oxfam Novib, Both Ends, Conservation International)

** Represents the Indonesian Growers Caucus*

*** Aldi South Group, Asda, Boots UK, Coop (Switzerland), Coles, Delhaize Group, Federation of Migros Co-operatives, Kingfisher, Royal Ahold, Sainsbury's, Tesco, The Body Shop International, The Co-operative Food (UK) and Waitrose*

Background:

RSPO has had a Complaints System since 2007 which is accessible to RSPO members and non-members. The Complaints System aims to fulfill the effectiveness criteria for non-judicial mechanisms identified in the UN Guiding Principles on Business and Human Rights. In 2014, a review of the Complaints System¹ identified a number of issues and recommendations to improve its fulfillment of the above-stated aim. The RSPO Secretariat and others have made progress towards implementing some of these recommendations and continue to work on those outstanding.

One of the priority recommendations is to prevent conflict of interest in the Board of Governors by removing all decision-making powers in relation to the Complaints System. However, the Code of Conduct for Members of RSPO still provides for the Board of Governors to deal with alleged breaches of the Code or the Statutes in accordance with the RSPO Grievance Procedures [now the RSPO Complaints System] and to have sole discretion to terminate a membership. These provisions conflict with GA10 Resolution 6f, which requires strict separation of executive powers in handling complaints and grievances.

The proposed changes will enable implementation of GA10 Resolution 6f, namely, the separation of executive powers of the Board of Governors in handling complaints and grievances.

THIS RESOLUTION PROPOSES:

THAT the Code of Conduct for Members of RSPO shall be revised to remove all decision-making powers of the Board of Governors in relation to RSPO's Complaints System. Specifically, this shall include the following revisions to the Code of Conduct. The revised articles are mentioned below:

Code of Conduct for Members ²

- 5.3** *Prior to taking public action in cases of unresolved allegations of breaches of this Code or the Statutes, members shall report the alleged breaches to the RSPO Secretariat, which will deal with the alleged breaches in accordance with the RSPO Complaints System.*
- 5.4** *The RSPO Secretariat through the Complaints System, may conduct an inquiry against any member whom, in its view may have breached this Code or the Statutes. Members who are found to have breached this Code or the Statutes, after due inquiry and recommendation from the Complaints System, will be terminated at the sole discretion of the Board of Governors without further reference to the RSPO Member.*

Contact Information:

RSPO Secretariat: Sanath Kumaran (Head of Impacts)

References:

- ¹ A Review of Complaints System of the RSPO: Final Report. December 2014.
<http://www.rspo.org/news-and-events/announcements/a-review-of-complaints-system-of-the-rspo-final-report>
- ² The current Code of Conduct for Members can be downloaded for review at
<http://www.rspo.org/resources/key-documents/membership>