

Review of the Assurance Task Force

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Summary

This review of the Assurance Task Force concludes that it was not a well-managed process. It took on a very large and complex task with arguably inadequate capacity and resources. It did not take a sufficiently strategic approach to the challenge. However, its aim to bring together Secretariat staff, Board members and external stakeholders was valuable and should be persisted with. The ATF did deliver some of its original objectives and so made a start to improve assurance in the RSPO. It has laid a good foundation for a renewed and permanent, rather than time limited, effort by the Assurance Standing Committee to complete the work.

To do that effectively:

- The ASC needs to develop a long-term, strategic work programme built on a thorough understanding of the root causes of poor audit and assessment quality. The programme of work needs to be a shared plan with the RSPO Secretariat and adequate resources and capacity needs to be made available to implement it;
- The ASC needs to be well chaired. The chairs need to appreciate the work and time that they need to commit and they need to be supported by the RSPO to fulfil the job;
- The ASC should have full-time and high-quality facilitation either through the RSPO Secretariat or with contracted support;
- The ASC needs to meet regularly, more frequently than once a year and to develop ways to ensure that work is progressed between full meetings;
- The ASC should include wider participation from non-Board members and non-members of the RSPO. The ASC should invest in early and thorough engagement with stakeholders to explain the process, gather views and address issues before they become problems;
- The RSPO Secretariat must have the skills, capacity and resources to plan, carry out and more effectively communicate their assurance work as well as to support the ASC;
- The ASC needs to focus on establishing strong working relationships with the rest of RSPO – the Board, the other Standing Committees and working groups and the Secretariat; and
- The ASC need to have strategic oversight and input into the relationships between the RSPO and Accreditation Service International and the HCV Resource Network – Assessor Licensing Scheme, but the day-to-day function should be with the RSPO Secretariat.

There is still some work from the ATF that needs concluding:

- The RSPO Secretariat should continue to review and develop the guidance and minimum requirements developed by the ATF but the ASC should make sure it keeps oversight of its progress;
- The RSPO should develop a strategic, comprehensive training and capacity building programme for its members, assessors and auditors that is based on a thorough needs assessment and which includes follow up support and monitoring of outcomes. The ASC should have strategic oversight of this programme;
- The ASC should take a view on the level of transparency and publication of information that will allow stakeholder oversight that in turn will drive quality improvements;
- The ASC should take a view on the value of assessing the quality of past assessments and audits as well as attempting to develop compensation mechanisms;
- The ASC should keep a watching brief on possible collusion and fraud in the assurance system; and
- The ASC should oversee work that helps member growers to internalise assurance within their standard operating procedures.

Background

In November 2015 two NGOs, Grassroots and the Environmental Investigation Agency (EIA), published a report, *Who Watches the Watchmen*ⁱ, that was highly critical of the RSPO's system of independent auditors assessing palm oil growers and millers, concluding that:

'Auditing firms are fundamentally failing to identify and mitigate unsustainable practices by oil palm firms. Not only are they conducting woefully substandard assessments but the evidence indicates that in some cases they are colluding with plantation companies to disguise violations of the RSPO Standard. The systems put in place to monitor these auditors have utterly failed.'

The report's publication coincided with the annual RSPO Roundtable meeting and General Assembly (GA) at which a resolution (GA12-6hⁱⁱ) was tabled. The resolution re-stated the importance of high-quality audits and assessments in ensuring the credibility of the RSPO and called for better guidance, monitoring and sanctions to improve assurance.

In his opening address to the GA the Chair of the Board of Governors of the RSPO, Biswaranjan Sen, acknowledged the publication of the report and announced that the RSPO would sponsor a task force to look into the report and issues that had been highlighted to correct them. During the GA the resolution was passed.

The resolution mandated the RSPO Secretariat, acting in coordination with members and in accordance with ISEAL procedures, to:

- Develop clear, mandatory guidelines on the minimum acceptable quality of HCV assessments;
- Develop clear, mandatory guidelines on assessments of Free Prior and Informed Consent (FPIC) in the New Planting Procedure (NPP);
- Develop and institute a transparent and robust system for monitoring the quality of assessments;
- Monitor the quality and performance of Auditors and pursue suspensions or sanctions against underperforming or persistent offenders; and
- Monitor RSPO members' adherence to required procedures and report all members that omit to submit NPP notifications, before clearing lands, to the Complaints Panel

After the GA, the Board of Governors of the RSPO met and Paul Wolvekamp, one of the social NGO Board representatives, volunteered to take the lead in undertaking the work.

Subsequently the RSPO Secretariat established the Assurance Task Force (ATF), formally in November 2015, and Paul led on working with the Secretariat and individual Board members to develop a Terms of Referenceⁱⁱⁱ for the ATF which was drafted by March 2016 and finalised in July 2016.

The Terms of Reference committed the ATF to ensuring the quality, oversight and credibility of RSPO assessments by developing clear and mandatory guidelines and to improve the quality of High Conservation Value (HCV) and Free Prior & Informed Consent (FPIC) review in the New Planting Procedure (NPP) assessments, as well as to monitor the quality, independence and performance of all RSPO CB auditors and 3rd party assessors in order to meet the requirements of the resolution.

The Terms of Reference also went on to commit the ATF to significant additional work developing guidance for High Carbon Stock (HCS) Assessments and Social and Environmental Impact Assessments (SEIA) as well as reviewing RSPO NEXT competency; Certification Body (CB) Auditor competency and Auditor team selection; Management of CBs to ensure consistency of assessment; as well as Grower performance, internal competency and audit functions; RSPO's internal control mechanisms; and Public reporting and stakeholder engagement. The wider terms of reference of the ATF also highlighted many (but not all) of the findings of the original Who Watches the Watchmen report.

The ATF was set up with three parts:

- An Assurance Task Force made up of the RSPO Secretariat staff tasked with assurance and quality control (confusingly with the same name as the overall taskforce);
- A Steering Group comprised of members of the RSPO Board of Governors, and
- A Reference Panel comprised of experts in specific fields related to the terms of reference of the ATF including some non-RSPO member bodies. It also included representatives of the two main service providers of assurance to the RSPO - the High Conservation Value Resource Network who manage the Assessor Licensing Scheme (HCVRN-ALS) for HCV assessors and Accreditation Services International (ASI) who accredit CBs undertaking certifications against the RSPO standards.

The intention of this three-part structure was that the RSPO Secretariat would implement the planned tasks including facilitating the work of the wider ATF, project management, research, appointing and managing consultants as well as supplying secretarial support to the meetings.

The operation of the Taskforce was to be guided by the Steering Group of Board members and supported by expertise from the Reference Panel who in particular would develop the guidance and trainings stipulated in the resolution and terms of reference.

The full ATF only met 4 times to coincide with other RSPO meetings – usually the full Roundtable meetings, in November of 2016, 2017 and 2018 as well as once meeting in June (2018) at the European Roundtable meeting. A meeting was proposed in April 2017 but there is no record of it having been held although the numbering of the later meetings would suggest that it did happen.

The ATF published 3 public Progress Reports in March 2017, July 2017 and August 2018. Progress was intermittently discussed at Board of Governors meetings.

During the life of the ATF related issues were raised at various General Assemblies. In November 2018 resolution GA15-6c^{iv} calling for a delinking of auditors and the companies that they were assessing, was tabled and rejected by the membership.

The ATF and the Advisory Group were dissolved by the Board of Governors in July 2019 (after 3½ years) upon the establishment of the Assurance Standing Committee (ASC). At that time, it was acknowledged that the ATF had not completed all the tasks it had been allocated.

EIA and Grassroots published an updated Who Watches the Watchmen report 2^v in November 2019. This report concluded that:

'The Assurance Task Force stands as one of the worst-run working groups of the RSPO. It has been disorganised, unprofessionally managed, and has chronically missed deadlines.'

Many of the same issues remain, have recurred and could easily occur again. Non-adherence to the RSPO's standards is systemic and widespread, and has led to ongoing land conflicts, labour abuses and destruction of forests.'

At the RSPO GA in November 2019 resolution GA16-6b^{vi} was tabled calling for a review of the progress of the ATF against the original resolution. This resolution was withdrawn after assurance from the RSPO that an independent review would be undertaken.

This report represents that independent review.

Declaration of Interest:

While working for WWF International I was an Environmental NGO representative on the RSPO Board of Governors, Vice-President of the RSPO and Chair of the Standards and Certification Standing Committee of the RSPO from the mid-2000s up until December 2016. I participated in the General Assembly at which the original resolution was passed and in the initial discussions between Paul Wolvekamp, various Board members and the Secretariat about the ATF's terms of reference and how the RSPO should conduct the work. I know many of the individuals from the RSPO Secretariat, the Board, the membership and the Reference Panel who participated in the ATF as well as some of the consultants and contractors employed during the work of the ATF.

On one hand, this gives me a good insight into how the RSPO worked at the time and the strengths and weaknesses of the standards and systems in place. But it does also mean that, during this study, I have reviewed the performance of systems and processes that I helped establish and people that I consider friends and colleagues. I have attempted to remain neutral and honest in conducting this review.

Objectives of this review

This review covers the:

- Evaluation of the management and coordination of the ATF by the RSPO Secretariat;
- Evaluation of the entire role, set-up, activities, achievements and impacts of the ATF; and
- Identification of issues that remain unaddressed, points of contention or conflict, and an assessment of what have been the barriers to effective implementation of Resolution GA13-6h.

The results of this review will be made public and its results and recommendations will be presented to the newly formed ASC for further action.

Methods

Between 31st March and 21st April 2020, a number of calls and interviews were conducted.

Separate kick off calls were held with RSPO Secretariat staff (Wan Muqtadir, Aminah Ang and Aizat Affendi) and the co-chairs of the ASC (Liz Clarke-WWF and Agus Purnomo - GAR).

A review of documentation^{vii} made available by the RSPO Secretariat was undertaken.

Interviews were conducted with the following ATF participants:

- Marcus Colchester – Forest Peoples Programme
- Paul Wolvekamp – BothEnds – ATF Chair
- Matthias Diemer – WWF Ch and Complaints Panel
- Laszlo Mathe – ASI at the time, now NBPOL
- Salahudin Yaccob – RSPO Secretariat
- Ian Hay – HSBC and Board member - by email response
- Audrey Lee – Olam, RoW grower Board member
- Daryll Delgado – Verite, social NGO alternate Board member
- Siobhan Pearce – EIA
- Hubert de Bonafos – ASI
- Paulina Villapando – HCVRN-ALS
- Wan Muqtadir and Aminah Ang – RSPO Secretariat Assurance team

I also tried to contact Aidenvironment staff involved in the ATF but did not get a response.

A semi-structured interview was conducted with each respondent covering the following issues:

- The process of the ATF – including quality and speed of minutes, record keeping, reporting back on progress etc.
- Whether the three-part structure of the ATF made up of the Secretariat, the Board Steering Group and the Reference Panel worked - including if all parties felt clear about their roles, engaged and contributed;
- Whether the ATF ended up with too much to do - including how the ATF related to other RSPO groups such as the BHCV Working Group, the Complaints Panels and the Board of Governors - and whether some of the issues covered in the ATF should have been dealt with elsewhere?
- What impact the restructuring of the Secretariat and the Standing Committees and the governance changes might have on the ability of the ASC to address some of the constraints faced by the ATF?
- How the work with the various consultants, service providers and 'sub-contractors' progressed?
- What work remains to be done and lessons for the ASC in picking it up. Including what needs to be done to make sure that the guidance and training developed by the ATF gets embedded and changes practices amongst auditors and certificate holders? Also, what sort of monitoring is needed?
- Who else it would be worthwhile speaking to?
- What other issues they think need exploring in the review?

The report sets out my main conclusions of these interviews structured around the significant themes that emerged when addressing the three objectives of the review. *Text in italics draw directly from interviewee's comments where they illustrate particular points, but they are presented anonymously.* The findings also include specific lessons, I have drawn from the review, for how the ASC and the RSPO should conclude the original resolution and approach quality assurance in the future.

Findings of the review:

1. The management and coordination of the ATF by the RSPO Secretariat:

The second Who Watches the Watchmen report accuses the ATF of being *'disorganised, unprofessionally managed, and having chronically missed deadlines'*. It particularly identified poor management by the RSPO Secretariat as a reason for the failure of the ATF to deliver against its objectives. The report included the assertions that minutes were late and inaccurate, meeting materials were provided late, that some ATF members were not invited to some meetings and that progress recording was erratic.

The ATF does indeed seem to have been a poorly managed process. Records show that 5 meetings were held – but minutes are only available for 4 of them. When minutes were kept, they were drafted, by the RSPO Secretariat, within 1 or 2 months of the meeting having been held. But it would seem that they were usually only circulated to ATF members immediately before the following meeting. Materials for meetings were also circulated only immediately prior to the meeting. Minutes of previous meetings were inconsistently commented on and signed off by ATF members at the start of following meetings (only one of the 4 minutes available show that the previous minutes were signed off).

I could find no records at all of a second full ATF meeting that was proposed to be held in April 2017 although later minutes refer to the subsequent meetings as the third, fourth and fifth ones – suggesting that meeting 2 did happen. A 6th ATF meeting was planned but again no record can be found of it happening.

The quality of the minutes varied. The majority include reports and updates as well as records of the discussions. It is difficult to gauge, three years later, whether all discussions and decisions held were recorded however those that are included in the minutes cover a breadth of discussion and a record of action points. Initially the minutes were inconsistent in how they recorded the decisions and actions agreed – but by meeting 3 a system had emerged and recording improved.

Progress Reporting (either public or to the ATF) was intermittent and the numbering and ordering of issues and actions taken changed each time making it difficult to follow progress over the life of the ATF. Timetables were rarely set for actions and those that were, were often not kept to. There seems to have been no final Progress Report with which the Board could have decided whether the ATF had completed its work.

The original timeline for the work was for it to be completed, within a year, by October/November 2016. In reality it took almost that long to finalise the Terms of Reference for the ATF and to hold the first meeting. In the end the ATF ran for 3½ years and did not complete all the tasks it took on.

As the Terms of Reference clearly point out the RSPO Secretariat was tasked with managing the ATF process itself as well as implementing the work the ATF decided to undertake and the recommendations it made. In essence the RSPO Secretariat was the executive body of the ATF. So, much of the blame for the poor management of the overall process lies with the Secretariat.

An area of particular concern to a number of the ATF members was to poor communication by the RSPO Secretariat about what it had been doing in between meetings including those tasks allocated to it by the ATF. *The wider ATF group was unsure whether the Secretariat members met regularly amongst themselves in between full ATF meetings.* The Secretariat have confirmed that

they were meeting regularly – but that they were not recording these meetings and only updating the wider ATF at the full meetings. *Several respondents saw the Secretariat acting as a ‘black box’.* The Secretariat was placed in a dual position in that it was at the same time managing the assurance systems within the RSPO and participating in the ATF that was tasked with overseeing and developing the same systems which it had set up and was running.

Several respondents felt that the Secretariat were reluctant to hand responsibility to other ATF members to progress the work – but at the same time did not have the time and capacity to do it themselves.

While there is no question that both the Board and the Secretariat considered the work of the ATF important, there does seem to have been an underestimate by both, particularly at the beginning of the process, of how much work would be involved and the quality and level of staff and resources that it would need to deliver that workload. Management of the ATF was handed on between four different Secretariat staff who were each taking the role on in addition to their ‘day jobs’. This was unsustainable particularly since more and more other work tended to come up over time adding to the burden on individuals.

Several respondents felt that the Secretariat ‘dropped the ball’ on the ATF.

The RSPO Secretariat needed to both have a strategic overview and approach to the complex issues involved as well as being engaged in the detail and getting the work progressed on time. *Several interviewees stated that they did not feel this was the skill set that the RSPO Secretariat had at the time.*

Lessons:

- It is important to make realistic estimates of workloads for Secretariat staff associated with working groups in particular those that are in response to ‘unplanned’ work resulting from resolutions;
- The RSPO should try to allocate enough staff of a suitable calibre to be responsible for and support working groups and endeavour to keep them in place over the life of the group;
- Responsible staff will have to have this work built into their existing workload;
- The RSPO Secretariat should invest in training and supporting staff in the skills needed to help working groups – minute taking, work planning, meeting facilitation, conflict resolution. Providing templates for meeting minutes would help make them more consistent. Also, in the softer skills of engaging with stakeholders to build relations and better understand perspectives.
- By establishing an Assurance Standing Committee (rather than a timebound taskforce) the RSPO has already recognised that assurance is an on-going challenge that needs a continuous focus to deliver improvement;
- The ASC should be clear about its role in determining the strategic direction that Assurance work takes as compared to the ‘day-to-day’ management of assurance by the RSPO and vice versa.
- The RSPO Secretariat Assurance Team should develop a comprehensive work programme, with the help of the ASC, and senior management should ensure that it is progressing. Progress on this must be regularly and effectively reported to the ASC as well as the RSPO management.

2. The set-up, activities, performance and achievements and impacts of the ATF:

Expansion of the scope of the ATF – was there mission creep?

The final Terms of Reference for the ATF included not only the issues raised by the original resolution, which itself was in response to the first Who Watches the Watchmen report, but also a range of related ones that emerged while the terms of reference were being finalised.

In the early discussions about the ATF Terms of Reference (held between Paul, the Board and the RSPO Secretariat) it was clear that a wide range of ‘problems’ with the quality and credibility of the RSPO were identified and channelled to the ATF. Some were directly related to issues raised in the report and resolution – some, like developing approaches to assurance around the emerging RSPO NEXT and Jurisdictional Approach, were in addition to the resolution’s requirements. The expansion in scope reflects both the scale of the issues around assurance but also how assurance and quality relate to many other functions across the RSPO – such as the complaints process, training and capacity building – as well as directly to the development and implementation of the standard itself.

The expansion of the Terms of Reference should have been a signal that the initial timescale for the work (to be completed within 1 year) was unrealistic and that adequate skills, capacity and resources were needed to ensure it could all be delivered. It should also have signalled to the RSPO Secretariat and the Board that the scope, complexity and importance of the work attempted by the ATF should in fact have merited a more permanent response than the formulation of a time-bound taskforce.

While the scope of the ATF expanded in some directions it failed to pick up on some of the issues identified in the Who Watches the Watchmen report (see Section 3 for an account of these). The final Terms of Reference for the ATF were agreed between Paul and the RSPO Secretariat without reference to the Board which may have been a missed opportunity to either limit the scope or to allocate more resources to the work. Having said that there is no record, within the minutes of meetings at least, that ATF members or the Board felt that the scope of work was incomplete or wrongly targeted. At the end of the day the ATF was tasked with delivering against its terms of reference – whether or not that was sufficient to address all the issues facing assurance within the RSPO.

So, whilst an expanded list of complex and inter-related jobs undoubtedly contributed to the poor performance of the ATF it is clear that underlying this was a failure to progress work by the Secretariat and a failure to ensure delivery and monitor progress by the ATF. This led to frustration amongst ATF members.

Lesson:

- The ASC should manage the scope of its overall work plan, consult widely with stakeholders to ensure that it is comprehensive but make sure that it remains focussed on priorities;
- When dealing with complex and interrelated issues like Assurance the ASC should make sure that it keeps a close oversight of progress and ‘banks’ achievements in order to maintain momentum in its work.

Was it the right work to be doing?

The resolution and the ToR of the ATF focused on developing clearer guidance on a range of issues including HCV assessments, Free, Prior and Informed Consent (FPIC) and the New Plantings Procedure, and then developing and delivering training on these with growers, auditors and assessors. These objectives were to a great extent achieved.

However, some respondents pointed out that as important a barrier to better quality control in the RSPO is the capacity of the Secretariat to manage, deliver and monitor a very complex assurance systems not least one that relied on external parties (ASI and the HCVRN-ALS) to undertake much of the work. Several interviewees pointed out that this should have been as much if not more of a focus of the ATF as the development of better guidance for growers and/or assessors and auditors.

A number of respondents pointed out that a common response to challenges that the RSPO faces, particularly over the standard or systems, is to review them and 'tighten them up – often by making them more complex. This results in a constant 'moving of the goal posts' which can be frustrating for members who are struggling to keep up. There is an argument to be said for investing time and effort in building the skills and capacity of members, auditors and assessors to deliver change rather than seeking to develop 'better' systems or more change? It is arguable whether the balance of work in the ATF was enough towards capacity building as opposed to 'tightening the rules'?

Issues such as inconsistent interpretation of the standards and poor communication of this to members also hamper good performance and could have merited a greater focus by the ATF. This has to some extent been addressed by the development of the RSPO Interpretation Forum on the website where the Secretariat answer members' queries.

Another observation is that whilst the ATF produced improved guidance and started a programme of training of CBs and growers what was missing from the work programme was effective ways to ensure that these efforts lead to permanent changes in how members operated. The monitoring of the impacts of better guidance and further training as well as the 'socialisation' of change might have been equally if not more productive.

Lessons:

- The work programme of the ASC needs to be based on a rigorous analysis of the problems with Assurance and the reasons behind those problems;
- The RSPO needs to move away from necessarily thinking that the solution to a problem is to write more and better guidance alone and look at the structural and capacity reasons for why actors may not be reaching a suitable level of performance;
- While training is important this needs to be part of a strategic programme that analyses needs but also monitors the impacts of change and builds capacity and supports actors to change. There needs to be a cross-RSPO approach to training and capacity building.

Relationship with other RSPO groups

Related to the expanding role of the ATF was the question of whether the ATF was always the right group to have tried to undertake the work it was given?

Several respondents pointed out that much of the work was highly detailed, technical and complex – and that not all ATF participants were conversant with the relevant Certification Systems and Documents or experienced in the practicalities of audits. This meant that in some cases opinion replaced expertise in ATF discussions. On balance however, the strength of the RSPO is in bringing

together new and different perspectives on shared problems and while it is tempting to restrict discussion to 'those that know' the danger is that this limits discussions and novel ideas emerging.

Several other Taskforces, Working Groups and Standing Committees were also undertaking activities relevant to the objectives of the ATF. The Biodiversity and HCV Working Group (BHCVWG) was involved in work with the HCVRN on the development of the Licensing Scheme, the Human Rights Working Group was developing approaches to social issues and FPIC and the Complaints Procedure was handling some cases concerning the quality of CB work and was at the same time under review.

Other than via co-membership of these and other groups it is unclear how the coordination between all these processes, groups and reviews was achieved. When these relationships were strong information flowed and efforts were better coordinated. But when they were not or when other groupings were not being effective, or indeed were delivering to different timescales, it may have hindered progress within the ATF. Examples given are the time it took to start improving the RSPO website and the length of time taken to review the Complaints Procedure.

Two areas where co-ordination may have been of particular importance are:

That much of the work of the ATF was also the day-to-day tasks of the Secretariat. Poor communication by the Secretariat to the ATF on what it was doing is one of the reasons that there was so much frustration at ATF meetings.

Secondly, many of the key issues raised within the ATF were of a highly political nature. An example being that of de-coupling of CBs from the Growers who employ them to undertake audits. The ATF was unable to reach consensus on these issues and it may have been better to have passed such issues onto the Board to resolve. It would seem from the Board minutes however that discussion of the ATF was limited to updates on progress rather than substantive discussions even of strategic and/or political issues that were getting bogged down within the ATF.

Lessons:

- The ASC needs to identify the best people to participate – to ensure that the ASC has a mix of experience as well as opinion;
- The RSPO needs to better coordinate work across all RSPO teams, committees, working groups and taskforces. The new Secretariat and Standing Committee structures might help but the RSPO also needs to develop a coherent business plan for what it is trying to achieve.
- The flow of information and ideas between different parts of the RSPO needs to be put on a more robust footing than relying on co-membership.
- There needs to be an effective mechanism to pass on issues to the relevant body – whether that is getting the right expertise or accessing sufficient authority to make difficult decisions;
- There needs to be more systematic work planning and reporting by the Secretariat to the Board and the Standing Committees.

Did the ATF have the right structure or were the roles confused?

The establishment of the wider ATF as a three-part body – made up of an ‘executive’ Assurance Taskforce drawn from the RSPO Secretariat; a Steering Group of Board members and a Reference Panel of experts and advisors, was an interesting departure for the RSPO.

Its aim, to bring together the Secretariat with ‘advisers’ and those with new, often outside and expert perspectives, was valuable. As was an attempt to engage sometimes critical parties.

These are approaches well worth persisting with. However, it has to be acknowledged that the ATF did not provide an example of doing this well – and as a result it make take some time and work to win back some of the participants who have become disillusioned with the RSPO.

The three-part structure of the ATF seemed to cause confusion and was at least once questioned and had to be explained in the full ATF meeting. This may have been partly due to the high turnover of individuals between ATF meetings but is also likely to have been driven by frustration at the meetings and with overall progress of the ATF.

The Reference Panel expressed frustration that they were not given as much of an ‘executive role’ within the wider ATF as they could or should have. However, several of them did undertake work such as developing the guidance specific to their areas of expertise (eg: FPP and FPIC, Aidenvironment and Partial Certification and Grassroots and SEIA guidance).

There was also some concern expressed by other ATF members that the Reference Panel were sometimes using the ATF to raise individual cases and complaints within the ATF meetings rather than through the usual channels. Whether this was due to frustration with the RSPO Secretariat and Complaints Panel handling of cases is not clear but it is likely that it did not help with smooth progress or good relations within the ATF.

The process should have been much better explained to the stakeholders initially, and then better managed and facilitated than it was within the ATF. The relationship between the RSPO Secretariat and stakeholders needs to be better managed and communications more frequent. In particular better and earlier dialogue with external stakeholders, invited into RSPO processes, would allow a greater mutual understanding and anticipation of key issues that stakeholders want to raise which in turn would make meetings flow more easily.

One of the confusions created by the establishment of the ATF was that the term covered both the wider group mandated to address the resolution (the wider ATF) and also the sub-set of that group made up of the RSPO Secretariat staff. This must have in some part contributed to the confusion felt by some participants at meetings.

The establishment of a Steering Group of Board members within the wider ATF was an indication of the seriousness of the work and the desire to ensure it was addressed. To a degree the Board members within the ATF did bring a more strategic perspective to the ATF and in particular reminded the ATF of the reputational risks involved in assurance. However, it was reported that the Steering Group did not always act effectively within the ATF or in taking back contentious issues to the Board for debate.

Lessons:

- The ASC should continue to try to bring together Board members, the RSPO Secretariat and external stakeholders. My understanding is that the ASC is going to establish an Assurance

Forum of external stakeholders which will not necessarily be part of the ASC itself but a place to engage them. I am not sure that is the right approach to take and I would suggest that the ASC look to try to increase participation of outside stakeholders in the ASC rather than limit it.

- It will take effort to re-establish good relations with some of the stakeholders who participated in the ATF Reference Panel but I think this would be worthwhile;
- In general, the RSPO should invest more in developing relationships with critical external parties.
- The ASC will need to be clear from that start and with all participants about what its role is giving strategic direction to the RSPO and that of the RSPO Secretariat delivering Assurance work.
- The RSPO should look to other working group experiences to learn lessons about how to set up and run successful processes.

Turnover of individuals

Over its 3½ year life the ATF met four times (that were minuted). In total 54 individuals participated – but only three of them attended all four meetings. Each meeting was attended by between 16 and 27 people.

The high turnover of participants cannot have helped engender consistency between meetings – particularly as they were held so infrequently. This must have in some part contributed to the ongoing confusion about the set up and roles of the ATF and cannot have helped create a momentum to the work.

Lessons:

- The ASC should work to keep membership consistent;
- The ASC should have a well-designed work plan and rigorous record keeping to facilitate consistency between meetings and to allow new members to get up to speed with progress.

Chairing quality

One of the most significant criticisms of the ATF process is of the quality of the preparation and chairing of the meetings.

It has already been noted that minutes and materials for meetings were frequently only circulated immediately prior to the meetings. Responsibility for preparing meetings was shared between the Secretariat and the ATF Chair.

Meetings often did not follow the set agenda, and discussions were often not well managed. In part this was due to the frustration felt by many participants at the lack of progress and transparency and confusion about roles – but also in part due to the desire to let participants get issues off their chests at the start of meetings.

Meetings seem to have been held back by an inability to get the group to reach consensus and make decisions. This is unsurprising for some issues, like delinking, where there were deeply felt differences between members of the ATF. There is the need for such issues to be escalated to bodies that are mandated to take difficult or political decisions such as the Board. However, for much of the business good chairing can lead a group to make even difficult decisions.

The RSPO rightly aims to have its working groups chaired in most cases by members – not least to create ownership of processes and decisions. But the reality is that chairing is not easy. More effort needs to be put into selecting individuals who have the capacity and time to devote to a group, who can manage meetings well, keep to agendas and deliver decisions and progress. Good chairs need to invest time in understanding the background to issues and perspectives of the participants – so they need to have time to work outside of the meetings themselves. When appointing chairs from the membership all parties need to be honest about the skills and level of commitment that they can provide and which are needed.

Since many of the problems being addressed are so complex chairs also need to be good facilitators. It is often the case that holding a dual role in facilitating and participating in a group is impossible – in which case independent facilitation is probably needed.

Lessons:

- The RSPO needs to be realistic about the skills and time needed to be a good chair of a process and ensure that candidates know what they are taking on.
- The RSPO should support members and staff to develop the necessary skills to be effective chairs – in particular consensus building.
- The ASC should consider employing a full-time facilitator to allow members to participate fully but also to bring skills and capacity to the role.

Frequency of meetings

The full ATF only met physically around the RT and EURT. In at least one set of minutes it is noted that ATF members felt this was inadequate given the amount of work it was trying to deliver and an undertaking was made to look for ways to meet more frequently. This did not happen.

The infrequency of meetings is likely to have slowed progress, limited the amount of work that was achievable, further pushed responsibility onto the RSPO Secretariat to undertake the work and limited the amount of oversight of progress that the ATF could have had.

Other approaches to more frequent discussion such as video or teleconferencing or splitting the full ATF into sub-groups tasked with particular work might have allowed more to be achieved. However, this does rely on participants having the capacity to respond.

Lessons:

- The ASC should meet more regularly than once a year.
- The ASC should use telephone and video conferencing to meet and progress work.
- The ASC should think about splitting into smaller task orientated sub-groups to make it easier to meet and progress work.

Role of contractors

The ATF, like many RSPO working groups, relied on the use of contracted capacity to undertake some of the work. The ATF was set up with a Reference Panel of subject experts included precisely to carry out some of this work which may have led to some confusion of roles between ATF members and contractors. There is no suggestion of a material conflict of interest in the case of the ATF but that could have arisen and would need to be kept under consideration if it arises again

In at least two cases those tasked with particular jobs proved to be constrained by their own capacity to deliver. Grassroots were asked to produce the guidance on SEIA and were unable to complete the work which was completed by Aidenvironment. The HCVRN were also constrained in

the production of the HCV guidance by a lack of capacity particularly in SE Asia. This has also been an issue in relation to the wider role of the HCVRN in developing and implementing the ALS.

It seems that the terms of references for some of the work which was developed by the Secretariat was not shared with the wider ATF for comment and some reported that the method for appointing contractors was opaque. In general, the RSPO is constrained by a lack of diversity of contractors to undertake work and often ends up using 'tried and tested' ones. This might tend to limit the type of advice and services available.

Two pieces of work, addressing the possible collusion between CBs and clients, were given to consultants to explore. One report looking specifically at the issue of de-linking – cutting the direct financial relationship between CBs and clients, proved to be particularly difficult – and in fact remains unresolved.

The quality of the work was questioned by some of the wider ATF but other respondents have reported that it was not a problem and that any alterations needed were raised with the contractor and addressed in a further draft. The ATF recommended in the end that a second contract should be taken out to explore the issue further. This has not been implemented yet. The RSPO Secretariat report that they have not been able to find a suitable contractor to undertake the work.

There is a feeling amongst some respondents that the Secretariat managed the process of appointing the consultant, for this work, in order to get the 'answer they wanted'. There are other respondents however, who argue that the proponents of de-linking refused to accept the findings of the report because it did not match the outcome they wanted.

Lessons:

- Involving external parties in the Reference Panel and using them to develop documents and systems is a useful way to get more varied perspectives into the RSPO and should be continued in the ASC.
- These parties should be more directly involved in identifying needs and the early planning and development of the ideas as well as in delivering the final product.
- The RSPO Secretariat should be transparent with the ASC about how it appoints contractors and should seek where possible to expand the pool it draws from.
- Commissioning expert opinion on difficult issues is valuable but it does not make up for the ability to make difficult decisions.

RSPO approach to contentious issues

What the de-linking work illustrates is a problem with how the RSPO approaches difficult subjects. In the first instance it creates a working group or taskforce, not unreasonably, to explore a 'problem' and the options for addressing it. The ideal would be to get such groups to reach consensus. However, if consensus is not reached – it is often the case that another study is commissioned to try again almost in the hope that difficult members will get too tired to 'sustain an objection'. This seems to have happened in this case.

There is a balance to be drawn between allowing a working group to continue to try to resolve an issue and accepting that a decision may not be achievable – in which case a process of escalation to the Standing Committee or even to the full Board might be needed. It may be the case that the ATF did not achieve that balance.

Another, related, issue is how the RSPO deals with issues raised (or indeed not raised) by the membership via resolutions at the General Assembly. More than a year after the delivery of the consultant's report on delinking, and the inability of the ATF to reach a consensus on its conclusions, a resolution on the subject was tabled at GA15 in 2018. GA15-6c was rejected by the membership present but as is often the case the RSPO decided to continue to explore the issue within the ATF – and does so still under the ASC.

The opinion of respondents is equally split between those that see this as a failure in democracy within the RSPO and those that see value in addressing any and all issues raised by the GA since they reflect a significant level of concern.

Lessons:

- The RSPO should review its approach to dealing with difficult issues including those raised at GAs. It is beyond the scope of this review but I think the RSPO needs to make sure it is aware of members' feelings and it should manage expectations and fears about them.
- The draft Terms of Reference of the ASC include the option of majority voting if (of at least three quarters of members and at least one from each RSPO membership category in favour) or escalation to the Board if consensus is not reached in decisions making. This should be kept under review and at some point, the views of the wider membership should be sought on whether this improves RSPO decision making.

Discussions in the BoG – did the ATF suffer from a lack of oversight?

The Board minutes record minimal discussion of the ATF. Most Board meetings included a brief update from the Chair of the ATF but it is difficult to gauge the level of subsequent discussion. Alongside a missed opportunity to deal effectively with some of the more difficult political decisions this may also have been a missed opportunity to provide oversight of the ATF and take steps to address delays over its lifetime.

In some part the failure to do so should also fall to the Board members acting as a Steering group within the ATF. It should not just have been for the Chair to ensure that the Board took an interest in the progress of the ATF.

Lessons:

- The ASC will be made up of Board members so it is hoped that the failure to provide strategic direction to its work will not be repeated.
- The ASC should report its progress regularly to the full Board and ensure that relevant issues are discussed.

Relationships with ASI and HCVRN-ALS

Central to the credibility of the RSPO standard and systems is the use of independent, third party assurers of auditors and assessors. Therefore, the relationships with Accreditation Services International (ASI) and the High Conservation Value Resource Network – Assessors Licencing Scheme (HCVRN-ALS or ALS) are key to the RSPO. Part of that is the need to better understand the 'service' that ASI and ALS provide.

ASI provides a Certification Body (CB) accreditation service against the RSPO standards and systems. It does that by undertaking witness and compliance assessments of CBs carrying out RSPO audits. During witness assessments, ASI observes a CB while it is conducting an audit to verify that the auditors are able to apply their procedures, knowledge and skills adequately. Compliance assessments are conducted on the certificate holders rather than CBs and look back at

whether the conduct of an earlier CB audit was adequate and whether its findings reflect the reality found 'on the ground' by ASI.

The ALS provides a licencing scheme for HCV practitioners by assessing the competence of individuals to conduct HCV assessments for RSPO members. ALS will licence an assessor if they meet a certain quality level and a licenced assessor will keep their licence if a selection of their individual HCV assessments are found to be of adequate quality. The ALS also develops tools to help assessors conduct more rigorous HCV assessments including manuals, guidance, checklists and templates. ALS has no remit to look back at historic HCV assessments that were conducted before it started in 2014.

In both cases ASI and ALS cannot directly improve the quality of audits and assessments themselves they can only ensure the competence of auditors and assessors. They can indirectly help improve the quality of audits and assessments by setting a high level of competence and by removing poor performers from the available pool but also by providing tools and training as well as by signalling when particular audits (witnessed) and assessments (submitted) have fallen below an acceptable quality.

This means that the RSPO cannot rely on ASI and ALS alone to improve audits and assessments. It is essential that there is a flow of information, about the competence of assessors and auditors and about the quality of their work, to the RSPO, to members contracting them and to the auditors and assessors themselves. But even more essential is that they act on that information. Therefore, the relationship between the RSPO, its members and ASI and ALS is vital to assurance.

The day to day relationship is managed by the RSPO Secretariat and the majority of communications is between ASI and ALS and the Assurance team directly. However there seems to be a lack of strategy in the relationships which inevitably end up with ad hoc 'firefighting' of issues rather than setting a direction of travel. A good example is the pressure on the ALS to focus on HCV identification and historic HCV assessments rather than for instance developing capacity in HCV management and monitoring.

During the life of the ATF both ASI and ALS reported on activities and progress to the RSPO Secretariat and to the ATF. They both continue to report to the RSPO Secretariat via regular calls and periodic progress report but both seem unsure of the information is acted upon effectively by the RSPO. At the same time, it would seem that the RSPO Secretariat is not always sure that ASI or ALS are responding to concerns that they raise. Both ASI and ALS want to have a more strategic discussion with the RSPO about what information would be valuable but also what work will be needed in the coming years and therefore what investments they need to make in capacity and resources.

HCVRN in particular is constrained by its own capacity particularly in SE Asia and is very dependent on support from the RSPO. This is now on a better and longer-term footing under a new 2-year agreement with the RSPO than in the recent past.

Because assurance is so closely related to several other functions within the RSPO both ASI and ALS need also to retain links to a range of working groups, such as the BHCVWG and the Complaints Panels, as well as the Secretariat.

Lessons:

- The relationship between ASI, HCVRN-ALS and the RSPO should come under the strategic oversight of the ASC.
- Both organisations are vital to the quality of the RSPO standards and systems and therefore is wider credibility and success. However there seems to be a lack of long term planning about what the RSPO will require which makes it difficult for service providers to make investments in the skills, capacity and resources to deliver for the RSPO. That is particularly the case for the HCVRN which is highly dependent on the RSPO for support.
- There also seems to be some concern at the level of response from ALS and ASI to issues raised by the RSPO.
- All parties need to ensure the relationships are functioning well
- The ASC should be providing strategic direction to the work.
- To help that both ASI and the HCVRN-ALS should participate in the ASC.
- The RSPO Secretariat should continue to manage the day to day relationship with ASI and the HCVRN but should report regularly to the ASC on progress.

3. Issues that remain unaddressed, points of contention or conflict, and any other barriers to effective implementation of Resolution GA13-6h:

The objectives of the ATF were primarily drawn from the wording of the initial resolution, that is to develop guidelines on the minimum acceptable quality of HCV assessments and Free Prior and Informed Consent (FPIC) assessments in the New Planting Procedure (NPP); and to set up systems for monitoring assessment and audit quality, and assessor and auditor performance so that in turn the RSPO could sanction persistent poor performers. It also called for a system to be established to monitor RSPO members' adherence to the requirements of the NPP.

During the drafting of the Terms of Reference for the ATF additional tasks were identified. Several fell within the scope of the resolution but some arguably were in addition to it. These included reviewing how growers select CBs; how well growers themselves are implementing the standards and systems; and how well the RSPO Secretariat is managing its work with ASI and the HCVRN-ALS and supporting its members to do better.

Finally, the Terms of Reference also tried to ensure that the issues raised by the Who Watches the Watchmen report were also dealt with by the ATF. Many of these were directly captured in the Terms of Reference however there were a number that were not.

Overall, this resulted in a very complicated workplan that ended up being substantially more than was envisaged in the original resolution. Not only that but there was clearly gaps between what the Terms of Reference set out and what work the ATF actually did and what it reported on. It is hoped that the ASC will have a tighter control on its work programme and reporting.

This section attempts to collect all of these various objectives and assess the progress of the ATF in addressing each of them. Where possible it has identified when tasks still remain to be completed by the RSPO and whether they could or should come under the remit of the ASC (see Appendix 1 for specific details of what was delivered and what was not completed as well as specific recommendations for finalising the work).

The following is a summary of the analysis and identifies major pieces of work that the ASC should focus on:

The development of guidance, checklists and minimum requirements:

The ATF was tasked with developing guidance documents, minimum requirements and checklists covering HCV assessments, FPIC process within the NPP, social auditing and auditing of partial certifications. These were all delivered.

However, these are all living documents which need to be kept under review and updated as circumstances change and in particular as the requirements of the P&Cs evolve.

- ***The Assurance Unit of the RSPO Secretariat should manage the review and development of guidance and systems but the ASC should make sure it keeps oversight of progress.***

Training and capacity building around assurance and any new guidance:

The ATF was tasked with developing training modules for the new guidance, requirements and checklists that it developed. This was aimed at assessors and auditors, but also growers, workers and communities.

The specified training modules were developed, often by Reference Panel members, illustrating the value of including external expertise within the ATF.

Trainings were delivered either by the RSPO, HCVRN or ASI. These tended to focus on auditors and assessors and sometimes growers and workers. Training targeted at communities tended to be delivered to community-based organisations who were then expected to pass information onto communities themselves.

However there has been a lack of follow up to the trainings delivered.

The effectiveness of training (and the new materials) in achieving change is generally not being monitored and follow-up efforts to ensure changes are 'socialised' within the target audiences is not being conducted.

The RSPO needs to take a much more strategic, needs driven, joined up and comprehensive approach to training that includes follow up and capacity building.

The Training Department sits within the Membership Team – but it needs to build strong links across all the functions of the RSPO as well as with service providers such as the HCVRN and ASI to ensure that it understand the needs and plans to meet them.

- ***The RSPO should develop a strategic, comprehensive training and capacity building programme for members, assessors and auditors that is based on a thorough needs assessment and which includes follow up support and monitoring of outcomes;***
- ***The ASC should have strategic oversight of the programme.***

Establishing systems to ensure the quality of audits and assessments:

The ATF was tasked with establishing systems to ensure the high quality of HCV assessments and P&C audits. This needs to go beyond developing minimum standards and more comprehensive guidance and even beyond training practitioners in these new systems.

The RSPO relies heavily on ASI and HCVRN to help deliver and maintain higher quality audits and assessments but as discussed earlier they can only affect these processes indirectly by ensuring that the assessors and auditors are competent and following best practice.

The state of the relationship between the RSPO and ASI and HCVRN is essential to improving quality. Information on competence and on the quality of individual assessments and audits (when available) needs to be given to those parties that need it. And it needs to be the right information to make decisions. Information needs to flow between ASI, the HCVRN and the RSPO but also between a wider range of different Secretariat Teams, Taskforces, Working Groups and Standing Committees within the RSPO. The link between assurance and complaints is an area that needs strengthening in particular – the ATF was tasked with looking into harmonising complaints systems across the RSPO, ASI and HCVRN but the work was not completed. ASC should take this up.

- ***The ASC should take a strategic overview of the relationship between the RSPO, ASI and ALS and make sure that it is functioning and delivering the desired outcomes;***
- ***The RSPO Secretariat should handle the day to day management.***

Decide how much transparency there should be:

There are a number of areas where the ASC should take a view on how much information generated by audits and assessments as well as by quality assurance is made public.

It is the nature of auditing and assessments that they can only ever offer a snap-shot of what is happening on the ground and one which is limited by who and how much the auditor or assessor sees and knows. As such the process will always be helped by making sure that a wide range of perspectives are available. To some degree that can be helped by improved systems to ensure engagement and consultation with stakeholders. But it can also be helped by making sure that stakeholders have access to information and are able to comment on it.

In several cases the work of the ATF stalled when it confronted the issue of transparency. NPP, peat and HCV maps are still not publicly available, reports from ASI and HCVRN to the RSPO are not published and the Registry of Auditors and the Peer Review system was not made public.

- ***The ASC should also take a view on the level of transparency and publication of information that will allow stakeholder oversight that in turn will drive quality improvements.***

Decide whether the RSPO needs to focus on historic assessments and audits:

The RSPO has come under considerable pressure to look at the quality of past assessments and audits – not least due to complaints raised. One of the tasks set out in the ToR was to explore options for establishing compensatory mechanisms for past failures. Given the experience of developing the Remediation and Compensation Procedure for HCV assessments it is clear that efforts focussing on historic assessments take a great deal of time and resources and often yield lessons that are not widely applicable since the conditions (such as the standard itself or the way in which quality is assured) changes. There is an argument that it would be more productive to invest those resources in addressing current problems rather than trying to sort out past ones.

- ***The ASC should take a view on the value of assessing the quality of past assessments and audits as well as attempting to develop compensation mechanisms.***

Resolve the question of collusion and fraud:

The issue of possible collusion between auditors and assessors and the clients they work for does not seem to want to go away. The Watchmen reports clearly say that they think there is collusion but the work commissioned by the ATF states that there is little if any evidence for it. The issue is probably one where stakeholder opinion is set and unlikely to be swayed by evidence one way or the other.

The RSPO should try to build greater understanding between opposing parties on issues like this. One way would be for NGOs to participate more directly in audits and assessments. By doing so NGOs would gain a greater understanding of the process, its strengths and weaknesses – but at the same time the assessor or auditor would benefit from access to a new and different perspective and possible through the NGO access to stakeholders that they might not otherwise talk to.

In the event that consensus cannot be reached the ASC should make sure that it escalates such issues to the Board and that the ASC holds an informed debate there.

At the very least the risk represented by fraud and collusion is so great that the ASC needs to keep the issue under review and work with ASI and HCVRN to develop systems to identify it if it happens but more importantly to help prevent it occurring in the first place.

ISEAL might be a useful place to raise the issue as might looking further afield than commodity certification systems for possible strategies.

- ***The ASC should keep a watching brief on possible collusion and fraud.***

Establishing company control systems:

Although grower training and capacity building was a stated aim of the ATF Terms of Reference what was delivered in practice was mainly targeted at the new guidance and requirements developed by the ATF.

- ***The ASC should oversee work that helps member growers to internalise assurance within their standard operating procedures. Issues to explore should include those not covered by the ATF including:***
 - ***Performance reporting by growers to identify when additional requirements are evoked;***
 - ***Quality of P&C implementation within companies;***
 - ***Internal responsibility for in-house audit skills and performance gap analysis;***
 - ***Company dispute processes with CBs.***

In addition to the above, during my interviews, a number of others were raised where respondents felt that the ASC could usefully focus effort:

- **The need for guidance, support and better systems for the rest of the world.** Much of the work on assurance has focussed on Indonesia and Malaysia but the ASC should explore whether it is always appropriate for the conditions found in the rest of the world – in particular in ‘new geographies’ where auditors, assessors and the RSPO itself may have less understanding and appreciation of local conditions around stakeholder engagement or HCVs. The ASC should explore ways to help increase the participation of stakeholders in these areas in the RSPO.
- **Increase the pool of high-quality assessors and auditors.** The ASC should explore ways in which the RSPO can help to grow and make more diverse the types of auditors and assessors (as well as consultants and contractors) that undertake work for the RSPO and its members. The ASC should consider whether a strategic training and capacity building programme developed by the RSPO should target potential new auditors, assessors and contractors as much as existing ones.
- **Risk-based approaches to certification and quality control.** The pressure to address poor quality by improving systems tends to make them more complex and burdensome. NGOs seek to increase audit length and team size in response to errors and poor performance in the past. But this makes the audit and assessment cost higher and clients are reluctant to take them on. The ASC should learn from the RSPO’s own experience with the review of past non-conformances, its lessons from developing the Jurisdictional Approach and what other certification systems have learnt from developing risk-based approaches to certification to explore whether there are ways to reduce the burden of

assessments and audits overall but continue to focus effort on issues where the risk of problems arising is greatest.

- **Labour.** Refining and better understanding how to verify issues around labour, terms and conditions should continue to be a particular focus for the work of the ASC.

Appendix 1:

Current status of work undertaken by the ATF and recommendations for taking it forward

References:

- i <https://eia-international.org/report/who-watches-the-watchmen/>
- ii <https://www.rspo.org/file/ga12/GA12-Resolution6h.pdf>
- iii <https://rspo.org/resources/archive/750>
- iv <https://www.rspo.org/ga/ga15/Resolutions/ResolutionGA15-6c.pdf>
- v <https://eia-international.org/report/who-watches-the-watchmen-2/>
- vi <https://www.rspo.org/ga16/Resolutions/ResolutionGA16-6b.pdf>
- vii https://drive.google.com/drive/folders/12sR5_ckj-UpLdK-wVdz_HUWDuwgvrFX8