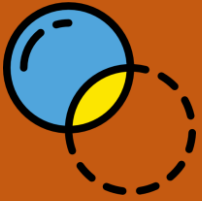


5 PRINCIPLES OF BILATERAL ENGAGEMENT

Bilateral engagement is any process by which the parties to a complaint attempt to resolve their differences through discussions without involving a third party as a mediator.



TRANSPARENCY

Both parties **MUST** exercise transparency at all times during the process. The 'without prejudice rule' does **NOT** apply here. Disputing parties must ensure full and frank disclosure of the information requested in a timely fashion.



COMPLIANCE WITH LAW & RSPO KEY DOCs.

Agreement achieved must be legally enforceable and in compliance with RSPO's standards. Complaint Panel is at liberty to reject terms deemed to contravene with local laws or the provisions of RSPO's Key Documents.



GOOD FAITH

Both parties must **NOT** resort to threats, violence, oppression, undue influence, duress, retaliation and/or any other forms of misconduct in order to achieve their own agenda during the process or risk getting the whole process declared void.



INDEPENDENCE

Should an expert be engaged to facilitate the Bilateral Engagement process, such expert must remain independent and must exercise impartiality in his or her own opinion, view, conduct and/or reports.



SANCTITY OF CONTRACT

The disputants are required to honour their obligations pursuant to the terms of agreement upon completion of the process. If breached, the aggrieved party would be advised to seek legal recourse in a Court of Competent Jurisdiction.

8 RULES OF BILATERAL ENGAGEMENT

A breach of any of these rules by any one of the disputants or their representatives shall cause the whole bilateral engagement process to be deemed as void.

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Upon acceptance of a formal complaint, the Secretariat shall advise disputing parties of the availability of the Bilateral Engagement. The Complaint Panel could proceed or adjourn the hearing of a Complaint pending disposal of the Bilateral Engagement.



Must be mutually agreed by all parties and consent must be obtained in writing, confirming all parties' participation in the Bilateral Engagement.

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Bilateral Engagement may only be attempted **ONCE**, failing which the dispute will then be assessed by the Complaints Panel or parties may choose to mediate the dispute through RSPO's Dispute Settlement Facility (DSF)



Conducted in 3 phases: (1) Proposal of terms within 10 days from decision to enter BE; then (2) Enter negotiation, ensuring any information is disposed to Complaint Panel within 2 days; then (3) Update outcome of process to Secretariat and Complaint Panel for its assessment.

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5

Unless otherwise directed by the Complaint Panel, the process must not exceed **60 days** from the decision by parties to mutually enter into Bilateral Engagement.



Both parties must ensure full and frank disclosure of any information regarding the BE when requested by the Secretariat within **TWO working days**.

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7

Once an amicable resolution is achieved, both parties must inform the Secretariat in writing the terms of the resolution to be considered by the Complaint Panel.



Nothing could prevent the Complaint Panel from declaring the process void if there is **NON-COMPLIANCE** by a party and/or its representative of any of the principles and/or rules of Bilateral Engagement.

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