

RSPO DISPUTE SETTLEMENT FACILITY (DSF)

DSF PROFESSIONAL MEDIATOR: QUALIFICATIONS and RESPONSIBILITIES (Effective from 7th March 2019)

DSF will build a network of Professional Mediators in areas where RSPO members are active. The Mediators will have proven sound experience of multi-stakeholder dispute resolution which includes skills in process management.

Where possible, DSF will appoint a Mediator with requisite skills from the country or region where the case is located. If such a Mediator is not available, DSF will appoint whomever is believed to be the most suitable. In some cases, a DSF-qualified mediator will work with a less qualified mediator in the field in order to build his/her capacity so that s/he may take on some of the responsibilities over the course of the Process.

Qualifications and criteria for appointment

DSF is responsible for the selection of DSF Mediators whose appointment shall follow an accreditation process whereby the criteria set out below are met. Neither the RSPO Secretariat nor the DSF Advisers will have any influence or authority in the selection and appointment process.

DSF Mediators will be able to demonstrate the following skills and qualifications:

- Tertiary education in a subject related to problem solving, conflict management, mediation, dispute resolution or other similar field; or sound professional experience of multi-stakeholder dispute resolution preferably with a Bachelor's degree
- Training in mediation plus demonstrated continuing professional development either through further training or consistent and progressive experience
- At least 5 years experience of managing and designing dispute resolution processes, and mediating or facilitating agreements between parties in dispute
- Experience of managing multi-stakeholder processes, particularly those concerning community, private sector and government interests
- An ability to manage disbursement of funds efficiently in the field, and to report accordingly
- An ability to use independent and sound judgement over matters of confidentiality, whether during meetings or with documentation and information.
- An ability to build and train a local support team, including resource and logistics persons
- Experience of working in developing countries plus residence in or facility to travel
- An extremely high level of independence, integrity and impartiality with an ability to work under intense pressure
- Strong interpersonal skills and an ability to navigate all levels of stakeholders
- Ability to exercise tact and discretion in dealing with the parties and stakeholders
- Sensitivity to the context in which they are working, in particular towards local traditions and politics
- Familiarity with working through an interpreter and a sensitivity to challenges of interpretation and translation for both parties and interpreter
- Inquisitive and alert mind that will encourage parties explore a range of options when seeking settlement

- Demonstrated writing skills and an ability to draft succinct agreements and reports in particular when these documents may be translated
- Fluency in the lingua franca of their own country with at least a working knowledge of English. Fluency in other languages is helpful
- A willingness to abide by the DSF Professional Mediator Code of Conduct

Tasks and responsibilities

- Familiarise her/himself with the RSPO Key Documents, the DSF Framework, Principles and Terms of Reference 2019 and the RSPO Guide to FPIC
- Be familiar with the UN Guiding Principles on Business and Human Rights
- Review documentation relating to the specific complaint and other background information
- Conduct comprehensive stakeholder mapping and participate in the Intake phase with the parties so as to understand the issues and the context
- Understand and be able to explain the RSPO Complaints System and the potential for DSF Mediation
- Design the DSF Mediation process in consultation with the parties and prepare the Process Agreement for their signature
- Check the mandate of any representation. Ensure that the parties understand fully the role and responsibilities of representation in order to secure effective and diverse participation in the process
- Provide or support capacity building for the parties as may be necessary for their active participation
- Directly engage with the parties during the process in close coordination with the DSF Case Manager
- Manage the process and serve as primary mediator between the parties in the complaint
- Organise and conduct site visits, bilateral and joint meetings as necessary to impel the process
- Assist parties overcome impasse in the process
- Facilitate agreements and draft staged agreements or framework agreements if appropriate
- Assist parties with drafting the Settlement Agreement and ensure actions and timelines are clearly recorded, and monitoring arrangements agreed
- Maintain close contact with the DSF Case Manager throughout the process and submit concise internal and confidential DSF reports after each mission including action points
- Draft a Report at the conclusion of the DSF Mediation process, plus any progress reports should they be required. These will be shared with the parties for their comments before publication
- Be available to the parties during IMU Monitoring in the event that the parties would benefit from additional mediation, facilitated dialogue or any other support
- Be available for any additional tasks relating to the complaint as may be requested by DSF
- Assist the DSF by identifying Lessons Learned or sharing Insights from the process.

Appointment as DSF Mediator

Interested candidates will be asked to present references relating to their work in dispute resolution and mediation, and requested to participate in a web-based interview.

It is a condition of appointment to the network that DSF Mediators sign the DSF Professional Mediator Code of Conduct before being appointed formally to the network.

Appointment to the DSF Mediator network is by no means a guarantee of contract. A DSF standard contract will be issued only when the Mediator is invited to engage in work with the DSF. Remuneration will be discussed only at that time with the DSF Manager, according to the individual DSF Mediator's locus and experience.



Roundtable on Sustainable Palm Oil

Conditions

The following conditions will apply:

- Current and former RSPO employees and officers, outside the DSF office, may be precluded from appointment as a DSF Mediator
- Should a DSF Mediator assume employment or accept any function in the RSPO other than with DSF, the DSF Mediator will notify DSF and not undertake any work with the RSPO that, in the view of the DSF, may create a conflict of interest with the work of the DSF.