



# Stakeholder Engagement Report

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# INTRODUCTION

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SEPA, BCI and Partners's feedback report provides the RSPO Secretariat and partners with important information on what our stakeholders have shared with us about their expectations and experiences of the Malaysian Outreach Programme conducted between August 2019 and April 2021.

This report looks at all of the comments, suggestions and feedback received from the 78 workshops and comments that have been recorded by the team handling the Stakeholder Engagement Process.

Whilst, we have achieved a lot with regards to the RSPO Malaysian Outreach Programme, it is our aim to ensure that the RSPO Secretariat and the IMOs on the ground continue to respond and manage the rising expectations and demands. To achieve this, the RSPO Secretariat and its Partners, including the NGOs on the ground, need to listen to what our stakeholders are telling us, manage their expectations and continuously improve RSPO's services.

The feedback obtained during the Stakeholder Engagement/Consultation sessions provides important and valuable insight for RSPO to eventually respond to the plight of these stakeholders.

## VALUE OF STAKEHOLDER FEEDBACK/CONSULTATION

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Stakeholder feedback is a great way for us to understand and manage how stakeholders experience and what RSPO is providing. It enables us to monitor our performance against the values that are really important to us.

This part of the report takes a look at the important points that were raised

and received from our stakeholders about the Outreach Programme and should be included in RSPO's decision making processes. This includes but is not limited to

- Issues faced on the ground
- Perception of RSPO

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### Key Questions



#### Knowledge

Whether they learnt anything new and how that new knowledge helped them



#### Materials

Whether they found the provided materials useful



#### Website

Whether they knew of the RSPO website and did they access it



#### Problems

Whether they encountered problems with RSPO member

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# IMO 1: Sabah Plantation Industry Employees Union (SPIEU)

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## KNOWLEDGE

SPIEU secretary Murni had heard of RSPO prior to the outreach programme through the Gender Committee. However, she obtained a better understanding, particularly following the Train the Trainer (TTT) programme in August 2019. She was grateful for the newfound knowledge on the function of auditing and certification.

SPIEU began workshops immediately following the TTT, and many workers who had heard of the workshops began to request for more workshops for workers from surrounding areas. Those who had attended the workshops desired follow-ups as well.

She felt more confident going out and conducting workshops with the support of SEPA and partners. She realised that resolving problems under SPIEU was difficult as their abilities are limited to members only, whereas under RSPO, the reach is much wider.

## MATERIALS

The materials provided, particularly the infographics, aided in reinforcing the points, making things easier to understand. The infographics that explained human rights had been characterised as 'strong'.

## WEBSITE

Unfortunately, Murni found the need to access the website a bit tedious due to problems with the Internet. Furthermore, she said the RSPO website is not user friendly.

## PROBLEMS

Most RSPO companies, while not admitting it, usually discourage employees from being unionised and will set up internal groups so that workers can be controlled. As for the workers, they will not complain internally as they do not trust the system. Murni admitted that RSPO Complaints system will only be used as the last resort as she felt it is easier to engage with the companies directly on behalf of the workers. Furthermore, she said workers do not have the capacity to fill in the complaints form and need a simpler way to make themselves heard by RSPO. The evidence-based system also makes it difficult for workers to make complaints. The system set up by the company such as Suara Kami is rarely used, probably because not many are aware of it. Workers do not even dare use it for complaints and only for daily non-serious problems. RSPO auditors never asked about collective agreements. She suggested that RSPO makes the complaint system easier using a 'stepwise approach'. However, she noted that most of the problems are caused by middle management while the top management are usually ignorant of these issues. The outreach programme was a good avenue and had indirectly helped solve issues on the ground.

## IMO 2: KOMUNITAS SAHABAT TKI

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Komunitas Sahabat TKI is a loose WhatsApp network set up by point person Riswan for workers in plantations. It aims to help educate Indonesian workers (TKI stands for Tenaga Kerja Indonesia) about their rights.

### KNOWLEDGE

Riswan said he only heard of RSPO but no comprehension of it. He only made sense of RSPO after attending the TTT organised by SEPA in August 2019.

### MATERIALS

While all of the materials are beneficial and useful when conducting workshops, he believes that the infographics should include more information about workers' rights and responsibilities and that these infographics should be made mandatory for companies to distribute to workers.

### WEBSITE

Accessing the website is impossible since workers are stationed deep within the plantations and have no means to access the Internet, let alone download the forms to file complaints.

## PROBLEMS

Riswan has become a point person for complaints, and workers from all over Sabah flock to visit him. While he agrees that some issues are resolved, the vast majority are not, and he fears for his job. Companies provide a mechanism for workers to file complaints through the RSPO complaint boxes, but workers do not use them since they know the managers will read their complaints. In the end, the boxes are simply used to make requests. Managers would pre-select workers and brief them on what to say during the audit. Meanwhile, all undocumented workers would be relocated deep within the plantation or hidden from auditors.

Things were OK before the pandemic, but they are no longer the same. There have been reports, supported by facts, of child labour and an increase in the number of undocumented individuals hired illegally. Riswan, who described the situation as 'gruesome', said he had no idea the standard of the plantation he works in had fallen so low. Many legal workers are leaving, and estate managers have been obliged to hire undocumented workers. The illegal workers were paid using legal workers ID. The latter will be paid extra, but the money must be given to the undocumented. These illegal workers are referred to as 'ghosts' because they are not 'seen' in the company's books.

Riswan discovered the problem to be prevalent after he and his team conducted the Malaysian Outreach Programme in other estates, and workers are being denied their rights under the RSPO.

Since the outreach programme, Riswan has encountered these issues:

- Workers involved in a work-related accident but employer did not assist with insurance or pay for medical treatment or days off during medical leave
- Underage workers
- Underpaid workers (not according to minimum wage)
- Workers and their families hidden away during an audit

## PROPOSED SOLUTIONS

Riswan proposed that a permanent and independent intermediary should be established between workers and RSPO who are invested in resolving the issues. This platform should be easily available to workers and trusted by them, particularly in terms of their anonymity.

He believed that workers have been anxious until now because while they are aware that their rights have been violated, they are scared to speak up for fear of losing their jobs and their families.



Figure 1: Child labour in a RSPO-certified plantation



Figure 2: Undocumented workers and their families hidden during audit



Figure 3: Worker paralysed after a work-related accident but no insurance from employer



## IMO 3: CIVICA Research

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### KNOWLEDGE

Prior to the Train the Trainer (TTT), CIVICA Research trainer Izzatul Afina Daud had never heard of RSPO and knew nothing about the certification. Even CIVICA Research founder Dr Andrew Aeria confessed that he knows very little about RSPO. After the TTT, Izzatul said her knowledge of the subject had grown. She believes RSPO is important, particularly in defending human rights and workers' rights not just at RSPO members' plantations, but also in other plantations that are part of the RSPO members' supply chain. At the same time, she said local communities are becoming increasingly interested in RSPO and how it may help them.

### MATERIALS

The materials provided during and after the training are incredibly useful and accurate and supplied trainers with further information regarding RSPO.

### WEBSITE

Izzatul thought the RSPO website is easily accessible, but communities have difficulty using technology and would require a lot of help to file a complaint if they wanted to. She also suggested that the website be translated into Bahasa Malaysia.

### PROBLEMS

Some communities are eager in becoming RSPO certified, but the process is too hard for them. They want RSPO to come and advise them on the matter and possibly even open an office in Sarawak and Sabah to make it easier for them to become certified. Alternatively, collaborate with the governments of both territories to help smallholders in becoming certified.



Figure 4: RSPO Outreach Programme in RH Jalun, Suai (2020)

## IMO 4: TKI Sabah – Keningau/Tenom and Beaufort

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### KNOWLEDGE

Yohnes Ile Tokan Thomas is an Indonesian teacher who has worked with Indonesian workers in Beaufort and Tenom. He had never heard of RSPO until SEPA presented it to him in 2019. After learning more about RSPO, he returned to the RSPO plantations to promote it, including holding workshops for workers to teach them about their labour rights. Generally, he said many workers have heard of RSPO, but it means nothing to them. However, after several rounds of workshops, these same workers are requesting follow-up workshops to understand their rights better.

### MATERIALS

The materials are easy and simple to understand for him, but he had to clarify some of the terminologies to the workers.

### WEBSITE

He has seen the website, but it has turned him off because it is complicated, and he does not believe any of the workers would be able to access the complaint form without assistance. Some form of support is required.

### PROBLEMS

Yohnes found that RSPO companies generally follow the RSPO Principles and Criteria. This involves paying fair wages and providing decent living conditions for their workers. However, he found that workers are unfairly billed for electricity and water. For example, the companies will charge electricity bill equally among all workers, regardless of usage. Workers in some RSPO plantations are not compensated accordingly when asked to work on public holidays. The overtime rate is likewise not consistent. He also pointed out that workers are afraid to file a complaint because they fear being fired if they do. Even with the assurance of anonymity, the workers are sceptical because their companies are aware of the RSPO Outreach Programme workshops and that anyone who attended the workshops might be targeted because the workers are the ones who are familiar with the complaint mechanism thanks to their participation in the programme. As a result, the workers would prefer if there was some sort of intermediary between them and RSPO to help them file their complaints. When it comes to child labour, Yohnes claims that it occurs even in RSPO plantations. However, the parents would claim that their children are bored at home and would rather follow them despite the fact that the youngsters are also working, albeit unofficially for the company. Yohnes felt their managers had coached the parents to say these things when asked by auditors or NGOs. The children usually do light work, such as collecting loose FFBs.



## IMO 5: JKOASM - Hamzan bin Aming

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Hamzan bin Aming was an Orang Asli from Johor who attended the TTT in August 2019. He was one of the few who fully embraced and tested the new knowledge he learned over the five-day training. During an interview in 2020, he expressed his appreciation for the information taught during the TTT. He confessed it was the first time he had heard about RSPO and optimistic about the future for his community.

### THE BACKGROUND STORY

For decades, Hamzan and his fellow villagers have suffered because their river was allegedly polluted by a slew of RSPO and non-RSPO plantation companies. Numerous letters had been sent to the companies requesting that they stop but to no avail.

### PUTTING HIS KNOWLEDGE TO THE TEST

After the TTT, Hamzan returned to his village and wrote another letter of complaint to the RSPO companies. When he arrived at the office, as usual, he was told to leave the letter and sent on his way. However, this time, Hamzan informed the clerk that the company had 14 days to respond to his letter. If not, he would bring the matter up with RSPO Secretariat.

The manager upon hearing Hamzan's mention of RSPO, immediately came



out and asked Hamzan to sit down and discuss the matter. Hamzan stated that it was the first time ever that he had been asked to sit down and offered a cup of coffee. The manager and Hamzan discussed the lack of feedback from 2 years of complaint letters that Hamzan and his community had sent. The Company provided written feedback on an ongoing issue.

After the bad floods in Dec 2019, Hamzan also managed to sort out his community issues on the flooding and damage in their adat lands amicably.

### WHAT IT MEANT TO HIM

The event further solidified Hamzan's confidence in RSPO, and he planned several workshops for the Orang Asli communities, beginning in Kuala Pilah, Negeri Sembilan and later, in his village. He would share his experiences with his communities, giving them hope that RSPO is a platform that could help them get their voices heard.

### TRAGEDY STRUCK

Hamzan had already lined up a number of workshops for Orang Asli communities in Peninsular Malaysia and was eager to get started once the lockdown was lifted. Unfortunately, he was involved in an accident at his home, went into a comma, and passed away on 15 April 2020.



## IMO 6: Jaringan Orang Asal Se-Malaysia (JOAS) (1)

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### KNOWLEDGE

This individual had already heard of RSPO before attending the workshop but agreed that the Outreach Programme is an effective approach to spread the information especially to the indigenous local communities affected by oil palm plantations. He believed the initiative should be continued but with a greater emphasis on local communities and smallholders. There are also communities that do not have oil palm but are directly affected by oil palm companies' activities such as pollution and land grabbing.

### MATERIALS

The materials and information provided are sufficient yet a little difficult to understand due to the use of Bahasa Indonesia (P&C). The infographics, on the other hand, made things easier and simpler.

### WEBSITE

The information on the RSPO website is adequate and it is easily accessible but he is unsure whether the rural communities would agree with him.

### PROBLEMS

The majority of the issues that the communities face are related to land ownership, environmental impact and the price of FFBs for those who also own oil palm smallholdings. He requested that future workshops be longer to allow participants more time to ask questions and better grasp RSPO. The one-day workshop was insufficient to learn everything there is to know. He also requested that the modules be simplified so participants such as the Orang Asli communities could understand better.

He believed now that the communities who attended the workshop were aware of the RSPO P&C, it would be easier for them to monitor whether or not the RSPO companies were abiding by the P&C.

In terms of accessing the complaint desk, he believed it is unrealistic to expect local communities to understand how to access the form, gather evidence and submit their complaints to RSPO. This may be achievable in areas with high telecommunication coverage but many other communities do not have this luxury. Hence, he urged that RSPO set up offices or hire personnel to assist local communities in filling out forms and submitting complaints to the relevant department.

## IMO 7: Jaringan Orang Asal Se-Malaysia (JOAS) (2)

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### KNOWLEDGE

This individual attended the workshop held in Peninsular Malaysia in April 2021. During the interview, he told SEPA-BCI that it was not the first time he heard of RSPO, and he had even filed a complaint with RSPO against a company that had blocked road access to an Orang Asli village. However, the workshop taught him so much more, and he promised what he had learnt with his Orang Asli communities in Pahang. He believed the workshop should be continued and expanded to the grassroots level. More Orang Asli should be trained so they can share the information with their respective communities. RSPO and their members should also participate in future workshops and visit local communities to witness themselves the issues they face. He also wanted future workshops to include local community leaders such as the Tok Batin and PJKK and be held in the Orang Asli villages. However, he understood the logistical problem during the pandemic lockdown in Malaysia.

### MATERIALS

The notes and materials are excellent, especially for future references but he noticed not all the Orang Asli participants used them fully throughout the workshop.

### WEBSITE

He has never used or accessed the website, but he thought the website is good for future reference.

### PROBLEMS

He and his community were having issues with an RSPO certified company. Their village is located within the plantation company and is only accessible through the company's gate. Simultaneously, the company turned the village's roads into ditches, notably on properties adjacent to the Orang Asli lands. The company denied them access to their plantations and prohibited them from crossing, and even accusing them of stealing the company's FFBs. The villagers were also charged RM5 each time they brought their FFBs out to sell. Because it was the only road out of their village, the villagers were forced to pay. The villagers have asked the company to support their request to upgrade the access road. While the company stated it had no objections to the request, no official letter was ever issued. However, following a letter to RSPO and discussions with the company, villagers are no longer charged RM5 when bringing out their FFBs. The company has also repaired the village water pipes. He also stated that no documents were ever notarised in the company's dealings with the Orang Asli and the company usually only invited the Orang Asli communities to informally discuss issues pertaining to them.



## IMO 8: Jaringan Orang Asal Se-Malaysia (JOAS) (3)

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### KNOWLEDGE

This individual is a former deputy president of JOAS who knew about RSPO through his dealings with problems faced by Orang Asli affected by oil palm plantations activities. He thought the Outreach Programme was a good initiative that should be continued, possibly by RSPO itself. The workshop also broadened his horizons and piqued his interest in utilising the RSPO complaints and appeal system.

### MATERIALS

The materials are extremely helpful but not comprehensive enough. If at all possible, the materials should take into account the unique challenges that Orang Asli experience and user-friendly so that information can be delivered more effectively.

### PROBLEMS

For years, Orang Asli communities in Negeri Sembilan and Pahang have had issues with an RSPO company. One village in Negeri Sembilan, in particular, is nestled within the company's plantation. During the BN administration, the villagers and others from 14 other villages were to be relocated to make room for the Projek Mega Malaysian Vision Valley (MVV)

but the Orang Asli communities objected to the plan. They ask if RSPO can intervene because the Orang Asli are resolute about not giving up their ancestral land. He claimed that the company had never wanted to negotiate with the Orang Asli communities and they were shocked to learn that JAKOA, who posed as Orang Asli representatives, had told the company that the village would only last ten years. According to him, there is a Sakai Reserve land inside the plantation that has been gazetted since the British rule. The status of the MVV project is uncertain, and the Orang Asli communities are hoping for the best. Another issue is deforestation by the Yayasan Majlis Agama Islam Negeri Sembilan (MAIS), and he wondered if RSPO could help. To better assist the Orang Asli affected by the oil palm industry, he urged RSPO to include Orang Asli departments Orang Asli and NGOs that work with the communities in any discussions pertaining to the Orang Asli. He said RSPO must demonstrate their commitment to addressing Orang Asli problems. This is because he has witnessed how Orang Asli have been marginalised, and their voices have gone unheard despite various international policies that could have assisted in resolving their issues. He would also like to get in touch directly with RSPO staff and anyone who can help him with the RSPO complaints and appeal system.



## IMO 9: Orang Asli - ADIDAS

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### KNOWLEDGE

Adidas was a participant in the Outreach Programme workshop held in April 2021. He learned about the workshop through his network and chose to attend in Perak. For him, the programme is eye-opening, and RSPO is an entirely new concept. The modules piqued his curiosity and proved valuable to him and his community. He asked for a similar workshop to help him reinforce his knowledge and understanding. He is especially excited about the RSPO complaints system, as well as the extensive list of Principles and Criteria under RSPO. Equipped with the PnC RSPO 2018, he vowed to scrutinise RSPO companies that have failed to conform to their own standard. Following the workshop, he returned to his village and conducted one workshop attended by local communities and workers. He did it because he was motivated to reach as many people as possible with his knowledge. However, he admitted it was not fantastic compared to the workshop held by SEPA-BCI.

### MATERIALS

All of the workshop materials were useful and helpful. Unfortunately, Adidas said, meaningful knowledge such as that offered during the workshop is scarce outside of the workshop.

### WEBSITE

Adidas did not access the website but believed it would be a good reference point in the future.

### PROBLEMS

There is an urgent need to provide RSPO knowledge to all Orang Asli communities. This includes the NGOs who work with Orang Asli and oil palm plantation workers. The problem is the programme is limited and has already ended. However, Adidas is adamant that there should be some form of continuity to the programme to develop expertise and genuinely comprehend the issues on the ground. Orang Asli youths and community leaders should play a more active role in obtaining and disseminating this information. He also urged NGOs working with Orang Asli to learn more about RSPO because it is a very important topic for the community. So far, he said his community has no issues with RSPO companies, but they do have problems with smallholders. His community previously had a problem with one RSPO company, but instead of contacting RSPO, they approached SUHAKAM. Another option for resolving their problem was to stage a peaceful demonstration against the offending company.

## IMI 10: Galus Ahtoi

### KNOWLEDGE

Galus first heard of RSPO when helping a community with their complaint to RSPO in 2012. But after the TTT, his knowledge of the subject has increased. He believes the programme is critical for raising awareness among local communities, especially those impacted by oil palm companies. He found that majority of the local communities were unaware of RSPO.

### MATERIALS

The materials provided are extremely helpful because the contents are concise and easily understood. However, it would be more practical if all of the material were compiled into a single pamphlet.

### WEBSITE

So far, Galus said no community has ever used the complaint mechanism due to the lack of awareness of the matter. Although the website is thorough, it is difficult to navigate and equally tricky to find information. Furthermore, local communities in the rural areas almost always do not have telecommunication access. The website should also have a Malay version.

### PROBLEMS

Local communities face three major problems: the loss of customary lands

(lands included in companies' land titles or companies cleared the communities' NCR), water pollution (oil palm trees planted too close to the river, use of poisonous herbicides, sewerage), and road access (companies build gates, preventing easy access to the villages that happen to be located within the plantation). However, Galus said he has not attempted to use the RSPO complaint mechanism because he still has a lot to learn. He thought it was a good option for dealing with challenges on the ground, particularly those involving RSPO companies. Unfortunately, he said the system might be too complicated for the local communities, making it difficult for them to use the system, no matter how good it is. Among the challenges faced during the programme were logistical issues, the organisation of workshops and the constantly changing SOP with regards to inter-district crossing due to the COVID-19 pandemic. Most of the roads leading to the villages were in poor condition especially after rain. Due to a poor telecommunication network, some villages cannot be contacted, which means organising a workshop may take weeks if not months of meticulous planning. Galus said he had also planned multiple workshops in many villages only to cancel them at the last minute due to COVID-19 restrictions. Outsiders, particularly those from cities, were also forbidden from accessing several villages.

## PROPOSALS

1. This Outreach Programme should not be the end of the road as many participants have requested for follow up workshops.
2. If RSPO is serious about developing the capacity of these communities, they should consider continuing such programmes to assist communities in preparing themselves for the negotiation process.
3. Local communities lack the ability to use the RSPO complaint system. There must be an intermediary or an NGO that can help hold their hands and support them. That means an organisation focusing on communities impacted by oil palm plantations is required. There is currently no such organisation.
4. RSPO must be able to engage with the local communities, possibly by forming a Community Organisation and Development Committee for this purpose.



## IMO 11: Jaringan Kampung Orang Asli Semenanjung Malaysia (JKOASM)

### KNOWLEDGE

Tijah Yok Chopil is a coordinator of JKOASM. Before the TTT, she said though she had heard of RSPO, she knew little about it and has always confused it with MSPO. The programme is effective because it raises much-needed information about RSPO and addresses basic rights that the Orang Asli are unaware of.

### MATERIALS

The workshop materials are useful, but she frequently does not need them when conducting workshops.

### PROBLEMS

Tijah found difficulty in implementing the RSPO Outreach, as SEPA requires her to submit workshop reports and expenditure listings and provide receipts. It was too regimented, and JKOASM did not have the time to do this. Furthermore, bigger NGOs are usually willing to help and always provide stipends. Aside from that, Orang Asli communities are disunited, making organising them difficult. Some companies are disdainful of the Orang Asli, claiming that Orang Asli should know their place.





# Community Feedback from Orang Asli in Peninsular Malaysia

## KNOWLEDGE

The vast majority of participants in the Outreach Programme workshops had never heard of RSPO. Several participants were directly involved with land issues and land resources with RSPO members. However, they have never used the RSPO platform to solve their problems. Participants are grateful for the knowledge, particularly in the area of human rights. The sharing of experiences by some of the participants also encouraged them to continue fighting for their rights.

## EXPERIENCE

Among the participants, a few shared their experience in Kg Sungai Mai, Pahang, where RSPO P&C were applied to solve their problem. The company intended to charge a fee for using their road. The villagers were dissatisfied and wrote a letter of complaint to RSPO. The proposal was soon cancelled, and the company even supported the village building their infrastructure. This event taught the villagers that only through RSPO would companies work together with local communities.

## WAY FORWARD

Participants stated that the workshops provided them with fresh options and alternatives for resolving their problems and assisting them in their struggle. This is especially true when it comes to oil palm plantations issues.

Following the workshop, Orang Asli from Ipoh and Kuantan opined that there is an urgent need to establish an NGO to assist Orang Asli in addressing their problems and challenges through the RSPO platform.





# Community Feedback from 9 Community Representatives in Sabah

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## KNOWLEDGE

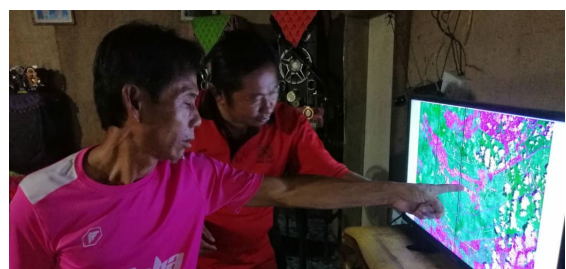
Communities in these nine villages have never heard of RSPO except for villagers who work in RSPO plantations. However, the latter know about RSPO in name only but not what it means or how it could help resolve problems faced by their own villages. Thanks to the Outreach Programme, their knowledge on the subject has increased.

## PROBLEMS ON THE GROUND

So far, only one Paitan village (Kg Mononood) has sought to resolve their issues through RSPO. The villagers there are having problems with an MoU they signed, which they feel is unjust to them. Both parties are still trying to reach an agreement through dialogue. Despite having problems with RSPO companies, the rest of the villages have remained silent as they are too preoccupied with internal politics (changing of local community leaders). Among the pressing issues include an RSPO member in Kota Marudu charging locals in Kg Lombiding a RM5 fee for road access and imposing fees for using the road in Kg Pelipikan based on the weight of goods carried by the villagers.

## WAY FORWARD

Local communities need assistance because many of them do not take the initiative to tackle their problems. They are overly dependent on the leaders of their community. Some sort of capacity building programme must be held to help them in elevating and organising themselves better. This includes the setting up of special committees of individuals tasked with resolving issues involving oil palm plantations. All representatives expressed a need for follow up workshops, stating that the previous workshops held in their villages were incredibly beneficial yet insufficient.



# MEASURES OF SUCCESS

Stakeholders are **SATISFIED** with the programme. Their knowledge on the subject has increased and raised awareness especially on **HUMAN RIGHTS ISSUE**



KNOWLEDGE

Only one-third of the stakeholders accessed the website but they all predicted that the local communities and workers would struggle due to language barriers and a lack of technological know-how.

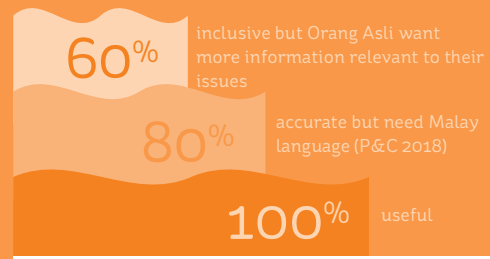
33%

67%

Majority have not accessed the website and believe it would be equally difficult for the target groups to do so.

WEBSITE

Stakeholders found the materials useful but **NOT INCLUSIVE** especially for the **ORANG ASLI**



MATERIALS

Human rights violations

Unfair wages



Land encroachment

Child labours



Limited access to road

Job security concerns



Water Pollution



PROBLEMS

## Grower 1

Growers interviewed for this report were participants of the FPIC training conducted by SEPA-BCI in April 2021 and RSPO member companies who came to us for advice on FPIC.

### KNOWLEDGE

Thanks to the workshop, we now have a better understanding of FPIC. We had never gone through the entire FPIC process, so this workshop was very beneficial. It would have been preferable if we could have visited local communities to see how the FPIC process has changed their minds and to observe the benefits of land development on or near their lands. We also wanted to delve into 3D mapping, which I learned about for the first time at the workshop. This programme taught us how to interact with the locals. Respectful, knowledgeable, and diplomatic are essential. As a result, negotiation and communication skills are critical to the process' success.

### FPIC PROBLEM

The question is when to begin the FPIC process, whether it is before or after land acquisition and whether companies are willing to start the FPIC process when the land has not yet been acquired, or a lease from the government has not yet been obtained. Furthermore, if the FPIC process fails, what will happen to the land as oil palm companies may face penalties if the terms of the land lease are not met.

## RSPO ROLES

If FPIC is incorporated into the Sabah Land Ordinance, NGOs should be able to persuade the State government to recognise it. Simultaneously, RSPO should continue to engage with the government with the participation of the growers. To engage in communication with government agencies, RSPO could enlist other organisations such as EMPA. RSPO should not be perceived as having failed to spearhead a solution or intervention on illegal plantation workers, which is an industry-wide issue that has yet to be resolved.



## Grower 2

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Growers interviewed for this report were participants of the FPIC training conducted by SEPA-BCI in April 2021 and RSPO member companies who came to us for advice on FPIC.

### KNOWLEDGE

Prior to the training, we were quite unfamiliar with the whole process and all the details that go into doing an actual FPIC, but after going through the training, it definitely helped us understand it more.

I also can see how the session with communities would have been very useful though we could not do it this time around. Perhaps we can plan for one in the near future.

For those of us that were attending this remotely, it was the group work that was particularly helpful for us. Overall, it was a good learning and sharing session.

## Grower 3

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Growers interviewed for this report were participants of the FPIC training conducted by SEPA-BCI in April 2021 and RSPO member companies who came to us for advice on FPIC.

### KNOWLEDGE

The presentation and PowerPoint slides are great and informative with lots of opportunities for Q&A session in-between course.

Looking forward to future training or trip to the local communities where we can see ourselves how the FPIC process is conducted especially the 3D mapping. That will be interesting to learn and how to deal with the communities in real situations.

Perhaps SEPA-BCI could produce a simple but informative guidebook as flow chart (Mind map), different situations, and the steps we need to take. Other than that, it will be nice if in future training, there will be role play to learn how to negotiate with local communities on FPIC. Participants can take the roles of orang kampung, the developer and government bodies. It can be a way to practise how to talk or deal with orang kampung.



## Grower 4

Growers interviewed for this report were participants of the FPIC training conducted by SEPA-BCI in April 2021 and RSPO member companies who came to us for advice on FPIC.

### KNOWLEDGE

We were aware that we did not know much, but we thought it enough to survive and get by for certification. I personally also found the position of certain NGOs to be somewhat unreasonable.

Following the workshops, however, it became obviously clear that what we thought we knew was very superficial. We “knew” what FPIC is, how it is defined, but very little on how to apply/use/conduct it. A major eye-opener for me is the need to ensure that communities actually know what we are talking about when we say FPIC, native rights, land use rights, etc. and the need for not only companies but also communities to be trained on this before they can even get to negotiating.

It was also quite eye-opening how companies seem to barge straight into negotiations and when communities and companies can use the same words but mean totally different things.

Understanding that companies need to not only negotiate but also to obtain permission/ consent at every step leading up to negotiation is also very different to what companies normally do.

After this workshop, my perspective on FPIC has changed quite drastically. I now understand better the position of the NGOs and do not think them quite as unreasonable as before. I am also aware of problems with the legal perspective and how the statutes can potentially be infringing on the rights of communities. It is the realisation that NCR is an inherent right as much as the right to life, liberty and property and not merely a right constructed of law or NGO demands. I also realised the importance of understanding and documenting the communities’ representation and decision-making processes.

### ROLE OF RSPO

RSPO outreach has to get to more communities to help them understand their rights.

RSPO needs to ensure that companies are well trained in community issues and FPIC. It is not enough to just “know” what FPIC is. Companies need to know how it is applied, how to conduct it properly. Do not expect companies to find “good” consultants as there are too many conmen posing as experts and taking companies for a ride.

RSPO needs to bridge the gap between NGOs and companies understanding of FPIC. RSPO should not take sides but remain neutral and serve as a resource centre for companies to obtain a correct understanding of FPIC. It could also serve as an NGO temperance forum to help NGOs put forth their views in a coherent and less confrontational manner. NGOs should realise that their crying, screaming,



shouting, moaning and whining is rather off-putting.

Finally, RSPO MUST engage with recalcitrant governments as the current statutes sometimes disadvantage FPIC and native rights.

## ON THE WORKSHOP

The online session was rubbish and left us thinking it is a waste of time and reinforced my opinion that the NGOs were unreasonable and just making noise.

The workshop session was completely different. Much better, and most importantly, there was real learning. It was a lot of the time thought provoking. The presenters often answered our questions with questions that made us think. It gave me clarity on the issues surrounding FPIC and native rights. I appreciate good logical reasoning and abhor emotional calls to “do the right thing” by self-righteous despots. I appreciate that this was not an NGO “preaching” session but a workshop with real learning and thinking. I also appreciate that this is not a workshop where we are simply taught out of a book like the [REDACTED] lead auditor course.

What I found lacking (due to COVID-19 circumstances) was that there was no practical. I think it would be very useful if we could try this and receive feedback on it. If not, try it ourselves at least see this being done.

The workshop was very useful in helping us understand but is also the opening of a “Pandora’s box”. Realising that some companies may have erred in

their understanding, applying and conducting FPIC would require us to scrutinise more their engagements with communities. In the past, our engagements with communities had been to just find out about their relationship with the company, how they were treated, any problems they faced, whether they thought they had a fair deal. I now think that we would also have to check on their understanding of FPIC and their rights as well as how the FPIC process was conducted. Not enough to see agreements and minutes of meetings – need to dig deeper.

We hope that we may get the opportunity to try what we learnt (even if just a mock-up), observe the process being done for real or even to visit a place where this has been done (ideally both community and company). Or at least get to see the 3D map and learn how to get the community to make them and also learn how to make them.

I hope that this feedback is useful to you and RSPO, and on behalf of Wilmar, we wish to express our gratitude to the trainers, BCI, RSPO & SEPA. Thank you. We look forward to more learnings in the future.



# CONCLUSION

The stakeholders found the Malaysian Outreach Programme to be very beneficial with different wants and needs from the different regions:-

SABAH	SARAWAK	PENINSULAR MALAYSIA	WORKERS
Follow-ups were requested, a one of Outreach Programme was not enough	More on smallholder workshops were requested	Many who had never heard of RSPO, requested for workshops to be conducted at the village level (issue with this was the late uptake, and due to political interference and police warnings, it was decided together with JOAS, that it would be safer to bring the participants out rather than at the village level.	Wanted continued support and requested RSPO to formalise the CPP and WRTF.

# Stakeholder Engagement Report

**RSPO Malaysian Outreach Programme 2019-2021**

