

## **Summary report**

# **RSPO Human Rights Working Group Meeting**

**RT 13 Kuala Lumpur**

**19<sup>th</sup> November 2015**

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## 1. INTRODUCTION

During the Annual Conference of the Roundtable on Sustainable Palm Oil (RSPO) in Kuala Lumpur (17-19<sup>th</sup> November 2015) the third face to face meeting of the Human Rights Working Group took place.

**Objective** of the meeting was to review the HRWG progress made during the year 2014-2015 and define the work plan for the year 2015-2016.

**Specific objectives** of the meeting included:

- To identify the objectives, milestones, activities and RASCI for each of the sub-groups
- To have clarity on available RSPO budget for the HRWG activities
- To agree on communication mechanisms, frequency of (skype) meetings

## 2. SUMMARY

### 2.1 PROGRESS 2014-2015

The year 2014-2015 showed much turn over within the RSPO Human Rights Working Group both at the level of the RSPO Secretariat and the level of the organisations of the co-chairs, Oxfam Novib and Cargill. This meeting was used to express and confirm renewed leadership and commitment to address urgent human rights issues in the palm oil sector.

Short presentations were given on progress of the sub-groups by the sub-group leads on FPIC, social auditing and labour issues.

#### I. Labor issues, presented by Ms. Mel Asuncion, Vérité SEA

- a. Vérité obtained funding from Solidaridad to develop and implement training modules on awareness raising re gender, ethics and labour. Trainings took place for growers and CBs. The training included socialisation on the P&C. As the funding has not come from RSPO Secretariat the materials or the results cannot be shared/disseminated.
- b. A smallholders assessment on labor was undertaken.
- c. A large coalition of 26 NGOs developed the Principles and Implementation Guide on Free and Fair Labor in Palm Oil Production.
- d. Contribution to RSPO next was made.
- e. It was stressed that labor representatives needed training to document labor risks. More generally there is a large need for outreach on P&C especially of Principle 6.

It was further mentioned that labor groups expect much more attention on labor from RSPO. Some organisations want to go for a full fledged working group on Decent labor.

**II. Social Auditing**, presented by Ms. Daryll Delgado, Vérité SEA

Some of the progress below was also mentioned under the sub-group on labor issues. Where this is the case it is indicated.

- a. The Oxfam-commissioned assessment of social auditing conducted by Verite has been completed, and copy forwarded to the HRWG. Recommendations include strengthening standards, qualifications of CBs, and audit protocols.
- b. A draft audit tool elaborating on Principle 6 of the P&C was developed by the RSPO Secretariat and sent to Verite for review and revision. This has been sent to the Secretariat, but no response on it has been received from the Secretariat. (Also mentioned under labor issues)
- c. A meeting with Accreditation Services International (ASI) was arranged, along with other non-RSPO labor advocates, to discuss the serious issues and gaps identified in the assessment done by ASI on Felda, particularly in screening labor issues. ASI admitted to the gaps pointed out, and requested for consultation or a workshop session to go through standards, agree on audit protocols and specific guidelines.
- d. A documentation of social auditing practices on the ground – including both good and bad practices– should be done, and form part of learning tools.
- e. A training of a small group of Indonesian and Malaysian grassroots organizations was conducted through independently-sourced funds.

The following issues were also mentioned:

- More such training of grassroot organization/local NGOs is needed. There is a severe lack of awareness on RSPO, its P&C and mechanisms for auditing. Outreach to various stakeholders is insufficient.

**III. Free Prior Informed Consent (FPIC)**, presented by sub group lead Dr. Marcus Colchester (FPP)

- a) FPIC guide was finalised last year but after objections by Indonesian growers went through a further focus group discussion and the text was then finalised in June.
- b) RSPO Secretariat has taken the revised FPIC guide to board for adoption of the text; (the Guide was adopted on Friday)
- c) Many of the Indonesian growers comments on the FPIC guide concerned how to apply FPIC in Indonesia. These comments were passed to the National interpretation which is itself delayed.
- d) The staff has already asked FPP to help develop outreach materials such as videos and training materials (for companies) and proposed a series of training workshops; a translation of the Guide into Bahasa Indonesia needs editing to include the edits in June. French and Spanish translation are yet to be undertaken.

- e) Extra guidance to the Complaints Panel has been proposed due to the Panel's unfamiliarity with FPIC procedures resulting in slow decision making at the CP.
- f) Mr. Colchester stressed that human rights violations are proliferating. In particular in the field of land grabs. Special attention needs to be paid to the situation in Latin America.
- g) Resolution 6h, that was to be voted on during the GA, calls for minimal standards for RSPO assessments while including minimal FPIC requirements for assessors.

## **2.2 WORK PLANS 2015-2016**

During the meeting three breakout sessions took place in which the work plans for each of the three sub-groups (labour, social auditing and FPIC) were discussed and prepared. Participants were asked to discuss the objective of their sub-group for next year, the milestones, activities, challenges related to them, RASCI, time bound plan, budget needed. The work plans of each of the sub-groups were subsequently presented plenary. During the plenary presentations, some of the topics were not fully agreed upon. These topics are listed below under 'what needs to be further discussed'.

### **I. Sub-group on Labour issues: work plan 2015-2016**

**Objective:** to strengthen the RSPO system on workers' protection through a risk assessment and its mitigation and through the implementation of guidance on labor. The expected outputs in 2015-2016 are the following:

1. Development of a TOR and research methodology for drafting the labor implementation guidance
2. Development of a labor implementation guidance, referencing the P&C, RSPO Next, Fair Labor Principles, National Interpretation and relevant data from growers, NGOs, trade unions, CBs, retailers and other stakeholder groups;
3. Public consultations for the adoption of the labor implementation guidance; and
4. Adoption of the labor implementation guidance by the RSPO BoG

The sub-group will mark the release of the draft as a milestone to work towards the establishment of a Labor Working Group.

The following persons have committed to the work plan '15-16':

- Thomas van Ursem, Rabobank
- Cecilia Tan Sime Darby
- Jessie Ooi, ASI
- Emmanuelle Cheyns, Cirad
- Chris Wangkay, Oxfam

**Resources Needed:**

1. Funding
2. RSPO Secretariat Support
3. Expanded membership of the Labor Task Force, especially grower-members

**II. Sub-group on Social Auditing: work plan 2015-2016**

**Objective:** To improve RSPO social auditing through the provision of guidance, the development of tools, protocols, procedures and capacity building.

The key issues in the field of social auditing are: land, community's rights/interests, labor and gender.

**Activities:**

- Workshops on standards, protocols and procedures will be organised
- Relevant documents will be drafted, reviewed also through the organisation of validation sessions
- Assignment to be undertaken by a consultancy firm commissioned by Oxfam Novib on the identification of further guidance on recruitment of social auditors by CBs, their training, the P&C etc.
- A workshop with ASI will take place in January 2016, to focus on proper understanding and interpretation of critical P&C social standards; and to adopt audit protocols.

**Challenges include:**

- Qualifications of auditors (level of skills)
- RSPO grievance mechanisms currently do not include non-retaliation against workers/communities who participate in audits
- Alignment with RSPO Next and with FLP
- Inclusion of workers' voice
- Role of RSPO Secretariat

**What needs to be further discussed:**

- RASCI overview  
Persons responsible:
  - Social Auditing lead - (a) draft proposal for capacity-building activities (workshops, training, etc.) over a period of 1 year, targeting key stakeholder groups; (b) request for January consultation-workshop with ASI
  - HRWG leads - (a) review and follow up with secretariat (NOTE: the second proposal needs to move fast as ASI will be resuming assessments in early 2016); (b) assist in identifying other social auditing experts who can provide input to the January workshop
  - RSPO Secretariat - to organize the consultation session/workshop with ASI

- Milestones
  - January workshop with ASI
  - At least 3 other capacity-building activities throughout the year
  - Finalized guidance on social auditing
- Budget
  - Allocations to each of the three sub-groups of the HRWG determined

### III. Sub-group on FPIC: work plan 2015-2016

**Objective FPIC sub-group:** To implement the use of the FPIC guide while engaging with national governments, securing transparency and measurement of its effectiveness.

**Milestones:**

- a. The development of set of videos - chalk and talk, for communities –will be continued to visually explain the guide highlighting steps; 5 modules have been finalised, 13 modules to go.
- b. A training plan for companies will be further detailed (work in progress) ;further steps will be determined towards an adequate FPIC procedure;
- c. A simplified handout on the FPIC guide is to be further developed (work in progress);
- d. A simplified guide for communities will be developed by FPP (in progress);
- e. The resource list of existing tools will be updated.
- f. RSPO Secretariat will take care of the translations of the FPIC guide into French and Spanish and the revision of the Bahasa Indonesia translation;
- g. Further clarification of what ‘users’ rights’ need to be recognised by companies, will be provided, possibly through pilot applications in Liberia;
- h. A plan for trials has been made: GVL offered to pilot application of the FPIC Guide in Liberia with the involvement of NGOs and second a pilot on application of the Guide in the context of the Jurisdictional Approach in Sabah during 2016. A plan for this will be developed by March 2016.
- i. Minimum requirements for assessors/auditors/Certifying Bodies will be developed. Simple indicators will be formulated. [This is now part of the work of the new Task Force established by the General Assembly to put into effect Resolution 6h).

Some of the milestones had a time indication, however an overall time bound plan as in integrated part of the work plan, related to all milestones, will need to be worked out by the FPIC sub-group. Also information/decisions on RASCI are yet to be taken by the sub-group.

**What needs to be further discussed:**

- a. National Interpretations: no agreement was reached as to the need on how to apply FPIC and whether the application needs to be addressed through a National Interpretation in particular for Indonesia or that a generic guide would suffice.

**2.3 GENERAL DISCUSSION POINTS**

**POLICY DEVELOPMENT**

For the year 2014-2015 also a sub-group on policy development was established. However the work plan was not endorsed by the sub-group. So no activity was undertaken under that sub-group. The sub-group will not become active until there is a real need coming from the other sub-groups. The lead of the sub-group stressed the importance of the engagement of government and community.

**MEETINGS**

- Sub-groups: Monthly meetings or as required by teams
- Entire Human Rights Working Group
  - Quarterly video conference (Skype or Google)
  - Twice-yearly face to face meetings
  - Location of F2F meeting in June preferably Asia. Suggested venues:
    - Jakarta
    - Singapore
    - Next RSPO event location

**COMMUNICATIONS**

- Space for HRWG communications will be created on the RSPO Web site for the ToR, summary of RT13 HRWG meeting, quarterly updates on progress of the sub-groups etc.
- The co-leads of the HRWG will arrange for the space on the RSPO website in close coordination with Secretariat.

**MEMBERSHIP OF THE HRWG**

- No agreement was reached on the HRWG membership. Some participants were in favour of RSPO members only, other would allow non-RSPO members to have an observers role and yet others proposed to involve non-members as resource persons/experts.
- It was agreed that co-leads would ask other RSPO working groups on their membership rules and also ask some of the members of the Board of Governors.

**RSPO AVAILABLE BUDGET**

- For each fiscal year April-May RSPO Secretariat makes available a minimum of Ringgit 100,000 for the Human Rights Working Group.
- For the year of implementation 2015-2016 Ringgit 100,000 plus a proportion of the budget for the fiscal year 2016-2017 is available.



- The RSPO Secretariat budgets can be accessed through the submission of ToRs plus related budgets.

### **3. LIST OF ACTIONS FOR FOLLOW-UP**

#### **HRWG Co-leads:**

- a. Communications: Request RSPO Secretariat to establish HRWG chapter on the website.  
Deadline: mid December 2015
- b. Membership of HRWG: obtain info from other working groups on rules/best practices and communicate back to HRWG.  
Deadline mid December 2015
- c. See under sub-group social auditing - (a) review proposals and follow up with secretariat (NOTE: the second proposal needs to move fast as ASI will be resuming assessments in early 2016); (b) assist in identifying other social auditing experts who can provide input to the January workshop

#### **Sub-group Labor:**

- d. Time bound plan related to milestones, RASCI overview, budget request from RSPO Secretariat. Deadline mid January 2016

#### **Sub-group Social Auditing**

- e. Agreement on the milestones, time bound plan, RASCI overview, budget request from RSPO Secretariat.  
Deadline mid January 2016
- f. RASCI overview  
Persons responsible:
  - Social Auditing lead - (a) draft proposal for capacity-building activities (workshops, training, etc.) over a period of 1 year, targeting key stakeholder groups; (b) request for January consultation-workshop with ASI
  - HRWG leads -(a) review proposals and follow up with secretariat (NOTE: the second proposal needs to move fast as ASI will be resuming assessments in early 2016); (b) assist in identifying other social auditing experts who can provide input to the January workshop
  - RSPO Secretariat - to organize the consultation session/workshop with ASI

#### **Sub-group FPIC**

- g. Time bound plan as related to the milestones, RASCI, budget request from RSPO Secretariat.  
Deadline mid January 2016.



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