

RSPO

Roundtable on Sustainable Palm Oil

Conflict Resolution Mechanism- A Grower's Perspective - The Wilmar Experience

By Simon Siburat



10 Years Of Driving Sustainability.
A Business Model For The Future.



RSPO

Roundtable on Sustainable Palm Oil

Introduction

- Why Conflict Arises?
- In search for a conflict resolution ?
- Hallmark of a Successful Resolution
- Process of Drawing a Conflict Resolution
- Challenges of Implementing a Resolution..



10 Years Of Driving Sustainability.
A Business Model For The Future.



Why Conflict Arise?

- Inherited from previous management
- Lack of Understanding of Community Structure in regard to Providing Consent.
- Undefined Village Boundaries (Wrong compensation)
- Overlapping Land Rights (Ownership Status)
- Conflict within local community themselves
- Ignorant – E.g Graveyard Desecration

Who Has Rights to Land?



Spot the Grave?



Importance of a Conflict Resolution

- Conflict Resolution Process is one of the Major Component of the RSPO P&C
- Specifically Mentioned in the following criteria
- C 2.2 – Major Indicator- Where there are, or have been, disputes, proof of resolution or progress towards resolution by conflict resolution processes acceptable to all parties are implemented
- C 6.3 Major Indicator - An open system, which is accepted by affected parties, to receive complaints and to resolve dispute in an effective, timely and appropriate manner.)

Hallmarks of A Successful Conflict Resolution

- An Outcome acceptable by both parties, is implemented and recognized by local government.
- The Outcome cannot be contested by a third party or parties.
- The Resolution will accord a Social License for the Company to Operate in the area.



10 Years Of Driving Sustainability.
A Business Model For The Future.

Pre-requisite of A Conflict Resolution

- Are the Parties Ready to Negotiate ?
- What is the Subject of Conflict.
- Who are the Complainant or Claimant.
- Do they have rights of some form to substantiate their claim or complain.
- Negotiators must receive a written mandate from the community or company that they are representing.

Process of Establishing a Conflict Resolution

- Done through Consensus between two parties
- Model of Conflict Resolution Mechanism
 - Consultation – Seeking advise from Elders/Leaders
 - Mediation - An Individual appointed by two parties who can facilitate
 - Arbitration – An Individual appointed by two parties who can Decide
 - Adjudication – Formal Court of Law.

Process of Establishing a Conflict Resolution

- Time line for the Process of Negotiation
- Review Process once Timeline has been reached
- Role of Facilitator
- Who are the Observers. Role of Observers
- Role of Local Government in the Process
- Code of Conduct
- Terms of Reference.

Process of Establishing a Conflict Resolution

- Time line for the Process of Negotiation
- Review Process once Timeline has been reached
 - Do not let the process drag on and on until both parties loss faith in the process.
 - In between the formal negotiations, Informal Pre-meetings between the conflicting parties should be encouraged. This process is critical to establish a conducive environment during the formal negotiation.
 - The process need to be reviewed once the time line has been reached on what needs to be done in going forward.

Process of Establishing a Conflict Resolution

- Who are the Observers. Role of Observers
 - Observers Role : to ensure that both parties adhere to the code of conduct and terms of reference and to see that the negotiation is done in a fair manner.
 - Observers Role : should encourage both parties to agree terms and not to agreviate the situation leading to a more tense environment.
 - Observer Role : can provide inputs (upon request or when approved by both parties)

Process of Establishing a Conflict Resolution



Role of Local Government in the Process

- Very Critical when it comes to land matters or customary rights land claim.
- Government involvement is critical to ensure the agreed solutions are in line with the local regulations

Process of Establishing a Conflict Resolution



Code of Conduct

- Defining the role for the relevant parties involved in the conflict such as affected parties, mediators and observers.
- Emphasis on the manner in which the negotiation should be conducted.
 - e.g Do not blame either parties, instead negotiate and reconcile. Avoid confrontational attitude. Create a conducive environment to promote a healthy atmosphere.

Process of Establishing a Conflict Resolution



Terms of Reference

- Ideas, concept or decision that must be agreed upon prior to the commencement of a process.
e.g Do not make unilateral decision that might compromise one of the parties.
- There should not be another parallel process while the current mediation is on going.
- There should not be any further land claim within the area of conflict.

Challenges in Implementations



Expect the Unexpected.

- Community going against terms of reference such as Abandoning the process, doing a parallel negotiation with other parties such as government
- Other community claiming the same plot of land and this can derail the process.

Challenges in Implementations



Contingency Plan.

- Needs to hold meeting with the affected parties on the next best move to address the challenges
- As far as practicable we should use a consensus to arrive at a decision to save the current effort of mediation. Bearing in mind the time, and resources invested in the current process.
- Bearing in mind that a Unilateral decision normally does not yield a Positive Outcome.

Challenges in Implementations



Managing Expectation.

- Needs to informed all parties that they are always limitations in the process. So we need to manage the expectations and both parties need to reach a compromise.
- Both Parties should strive to understand each other point of views. Seeking common ground
- Should look forward for long term goal rather than short term gain.

Challenges in Implementations



Success is not Guranteed.

- "You may never know what results come of your action, but if you do nothing there will be no result." Mahatma Gandhi

RSPO

Roundtable on Sustainable Palm Oil

THANK YOU



10 Years Of Driving Sustainability.
A Business Model For The Future.

