

## **Resolving Land Disputes: emerging lessons from the RSPO**

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A central challenge facing all expanding agribusinesses is the acquisition of land. Especially where land tenure systems are unclear or contested and where governance mechanisms are weak or subject to undue manipulation, companies seeking to acquire lands encounter difficulties. Disputes are common and indeed proliferating and imply serious costs for all parties, for communities in terms of damages and loss of lands and livelihoods and for growers in terms of lost production, costly remediation and damaged reputations.

In line with international law and in order to avoid conflicts, the RSPO standard requires growers to respect both legal and customary rights and to only acquire lands with the free, prior and informed consent of indigenous peoples' and local communities. The New Plantings Procedure provides an early opportunity to resolve disputes before they become chronic and more difficult to resolve. The RSPO standard also provides for four mechanisms by which disputes should be addressed: the company's own grievance procedures; the complaints mechanism of certification bodies; the formal Complaints System and; the RSPO's new Dispute Settlement Facility. In addition, RSPO members and communities have also had recourse to the courts, to local government officials and to the International Finance Corporation's Compliance Advisory Ombudsman.

Based on field studies of some twenty current and past cases from Africa and Southeast Asia, where RSPO members have sought to resolve land conflicts using all these approaches, this presentation seeks to summarise the results and elucidate the advantages and disadvantages of the various approaches. The cases teach a great number of lessons. The very different situations do require a variety of dispute resolution mechanisms. However, some shortcomings in RSPO modalities and procedures are identified and improvements recommended, while common underlying principles are drawn out. The aim of the presentation is bring out these lessons and so improve prospects for both avoiding and resolving conflicts in the future.