

MINUTES OF MEETING
Standard Standing Committee

Time : 1500 - 1800 (MYT)

Date : Thursday, 15th October 2020

Venue : Conference Call (Zoom)

Attendees:

Name	Initial	Organisation	Representative Category
Lee Kuan Yee	LKY	MPOA/KLK	Grower (MY) (Substantive)
Lim Sian Choo	LCS	Bumitama Agri	Grower (INA) (Substantive)
Ian Orrell	IO	NBPOL	Grower (Smallholder)(Substantive)
Olivier Tichit	OT	Musim Mas	P&T (Substantive)
Masui Nobuhiko	MN	KAO Group	CGM (Alternate)
Jenny Walther	JW	Sustainable Biomass Program	ENGO (Substantive)
Yvon Phillips-Meltzer	YPM	NN Investment Partners	Financial Institution (Alternate)
Nurul Hasanah	NH	MPOA (FELDA)	Grower (MY) (Alternate)
Beverly Postma	BP	RSPO Secretariat	
Julia Majail	JM	RSPO Secretariat	
Aminah Ang	AAN	RSPO Secretariat	
Ashwin Selvaraj	AS	RSPO Secretariat	
Dede Herland Vitajaya	DV	RSPO Secretariat	
Kamini Visvananthan	KV	RSPO Secretariat	
Kenny Lee	KL	RSPO Secretariat	
Wan Muqtadir	WM	RSPO Secretariat	
Amir Afham	AA	RSPO Secretariat	
King Su Li	KSL	RSPO Secretariat	
Javin Tan	JT	RSPO Secretariat	
Sander van den Ende	SD	Co-Chair, JA WG	
Glyn Davies	BR	Co-Chair, JA WG	

Absent with apologies:

Name	Initial	Organisation	Representative Category
Paula de Hartog	PdH	Rainforest Alliance	ENGO (Substantive)
Audrey Lee	AL	Olam Group	Grower (RoW) (Substantive)
Anne Rosenbarger	AR	WRI	ENGO (Substantive)
Mohamed Dao	MD	Olam Group	Grower (RoW) (Alternate)
Koji Sato	KS	Kao Corporation	CGM (Substantive)

Agenda:

Time	Topic	PIC
1500 - 1505	1. Opening 1.1 RSPO Antitrust Law 1.2 RSPO consensus-based decision making 1.3 Acceptance of Agenda	Co-Chairs
1505 - 1510	2. Confirmation of 12th MOM on 11 Sept 2020 2.1 Matters arising from the previous meeting (<i>See Action Trackers</i>)	Co-Chairs/JM
1510 - 1520	3. NDJSG – updates from the discussion with the NDJSG Co-Chairs	Co-Chairs
1520 - 1550	4. National Interpretation – for approval 4.1 NI Colombia 4.2 NI Nigeria	JM
1550 - 1610	5. Child Rights Guidance – for approval	KV
1610 - 1630	6. Certification System Document for P&C 2018 and RISS	AA
1630 - 1715	7. Jurisdictional Approach Certification System Document – <i>updates</i>	GD/ Sander
1650 - 1720	8. Proposal for the LUCA process (submission & review of LUCA) to be shifted after membership application is approved – for approval	KL/KSL
1720 - 1730	9. AOB	

Updates on Action Points from the last meeting:

No.	Action Point	Status
1	Governance Structure/ Standing Committees To share the chart for comments and create a session to walk through it for better understanding. The Secretariat is taking action on this. Plan to have a meeting with all the Co-Chairs/ Board Link in Sept 2020, organised by Secretariat.	Ongoing
2	NDJSG a. SSC Co-Chairs to meet up with NDJSG Co-Chairs to discuss the matter; The co-Chair will update the SSC the outcome from the meeting held recently with the Co-Chairs of NDJSG in today's meeting.	Ongoing
3	NDTF / RSPO Position on Adoption of HCSA into P&C 2018 a) To finalize gap analysis to identify gaps and/or overlaps of relevant RSPO requirements (P&C 2018 and NPP) with HCSA requirements.	Ongoing

	<p>b) To set up criteria, process and procedure of integration of any new HCSA requirements, for SSC to approve. To include public consultation and a transitioning period.</p> <p>Concept note on criteria, process and procedure of integration of any new HCSA requirements is ready and will be discussed by the NDTF prior approval by SSC. NDTF is scheduled to meet in Oct 2020.</p>	
4	<p>HCVRN ALS (on multi-checklist) Secretariat/HCVRN ALS to set up a separate review process of integrated assessments, for SSC, to approve. AA shared the notes with the SSC. Pending meeting with HCVRN ALS.</p>	Ongoing
5	<p>Metrication Template To finalize the outstanding metrics.</p>	Ongoing
6	<p>Decent Living Wage Secretariat has started recruiting members for DLWTF. The link to the DLW members recruitment has been emailed to SSC members.</p>	Ongoing
7	<p>NI Colombia Colombia NITF has resubmitted the Colombia NI draft document for SSC approval. It will be discussed in today's meeting.</p>	Ongoing
8	<p>SSC signing of CoC Secretariat has sent the SSC ToR/CoC to SSC members and to be returned back to Secretariat by 01 Oct 2020.</p>	Ongoing

DISCUSSION:

No.	Description	Action Points (PIC)
1.0	Opening and Welcome	
1.1	The Co-Chair informed the Standard Standing Committee of the RSPO's Antitrust Law.	
1.2	The Co-Chair also informed the Committee of the consensus-based decision making and acknowledged by the Members.	

2.0 Adoption of Previous Meeting Minutes		
2.1	<p>Minor edits were made for the 12th Minutes of Meeting on 11 Sept 2020</p> <p>a. To remove the sentence “SSC has reached consensus to disband the NDJSG” and replace with “SSC would inform the BOG and would discuss again in October after SSC had a meeting with Co-Chairs of NDJSG”.</p> <p>b. JW commented on AOB point (d) on SSC memberships. She highlighted the importance of securing a representative for a Social NGO as a Member of the SSC. Secretariat has sent out an announcement calling for interest to join SSC and will share the nominations received at the next SSC meeting.</p>	<p>Secretariat to amend the wording on Decision (a).</p> <p>Secretariat will compile all the names received and to be shared with the SSC for acceptance.</p>
3.0 NDJSG Updates		
3.1	<p>The SSC Co-Chairs updated the Committee on the outcome from the meeting with Co-Chairs of NDJSG on 24th September 2020.</p> <p>Both parties have agreed on the following:</p> <ul style="list-style-type: none"> ● The NDJSG to work on the details and progress on items which are not stuck while respective organisations consult internally on issues where the NDJSG cannot agree on. ● The NDJSG shall reflect on its previous work and decide on the sticking points so that the objective of the group may be achieved. ● NDJSG shall conduct 2 more meetings until 31 December 2020. ● SSC shall review the NDJSG progress after the provided period (31 December 2020). Failure to progress up to the expectation of the SSC may amount to the dissolution of the NDJSG. <p>Under the legacy cases regarding limited development on Young Regenerating Forest (YRF) area, it is classified as deforestation.</p> <p>A question was raised on the meaning of “development by communities” and RSPO member can help, however at the moment the definition/interpretation is still unclear. This is part of the task of the NDJSG to come up with clarity on the matter.</p> <p>It was highlighted by the Committee to discuss the relevance and efficiency of the NDJSG as the progress has been time-consuming with no adequate results.</p>	<p>Secretariat to share the slides with SSC members. To remove the word ‘grievance’ in the slide.</p>

	<p>Decision:</p> <ol style="list-style-type: none"> 1. NDJSG proposed to have 2 more meetings until the end of December 2020. The meeting is proposed to be conducted in the afternoon KL time to allow those in Europe to join. Secretariat to update on the progress of NDJSG meeting to SSC i.e. regarding the outstanding tasks. 2. SSC will review its progress of NDJSG by January 2021 and will decide whether to continue or discontinue the group. 	
<p>4.0 National Interpretation Approval</p>		
<p>4.1</p>	<p>National Interpretation for Colombia All comments have been actioned and incorporated into the latest version.</p> <p>Decision: The SSC is satisfied with the final version and has reached consensus to approve the document. The approved draft will be tabled at the next BoG meeting for endorsement.</p>	
<p>4.2</p>	<p>National Interpretation for Nigeria</p> <ol style="list-style-type: none"> a. Guidance 4.1 - Guidance section criteria 4.1 and proposal clause of 4.1.2 regarding the use of “government security forces”. Criteria 4.1 is about the responsibility of business enterprises to respect human rights. Guidance for 4.1.2 mentioned the use of government security forces due to the security challenges in the areas where most of the growers operate in Nigeria. The proposed Guidance for the 4.1.2 is in contradiction with the Indicator 4.1.2 which stated, “the unit of certification does not instigate violence or use any form of harassment, including the use of mercenaries and paramilitaries in their operations.” Nigeria NI TF to provide the context and clarity whether this is within the laws, regulations and if there any other alternatives. b. Guidance 4.4 - “The unit of certification should have a policy on the FPIC process and should demonstrate the implementation of CSR”, whereby demonstrating CSR cannot substitute FPIC. Criteria 4.4 is about FPIC. It should not be written together with FPIC. CSR could be under other different indicators/guidance but not 4.4. The sentence has to be reconstructed. c. Guidance 5.1 - “Decision making should involve the middlemen, women, representatives and all relevant stakeholders” – the use 	

	<p>of middlemen would jeopardies the fair pricing. The use of middlemen may influence and/or jeopardies fair pricing. To rephrase/reconstruct the sentence. The word ‘middlemen’ could be written in a separate sentence.</p> <p>d. Guidance 5.1.7 - “The weigh verification process should be done at a defined interval and whenever the unit of certification observes any variations/malfunction of the weighing equipment”. The weighing calibration should follow industry standards which usually done annually. Improper calibration could lead to missing weighing and a loss to smallholders. It was proposed to explicitly mention in the guidance that weighing calibration should follow industry standards and clearly defined interval time for verification.</p> <p>e. Overall general observation - To ensure the draft follow exactly the formatting and numbering of the generic P&C 2018 document. The draft needs a thorough review and improvement.</p> <p>f. Indicator 2.3.2 - To correct the sentence.</p> <p>Decision: Nigeria NI TF to revise it accordingly then submit back to SSC for review and approval.</p>	
<p>5.0 Child’s Rights Guidance Approval</p>		
	<p>A collaboration between UNICEF and RSPO to promote children’s rights in the palm oil sector based on MoU signed in 2016.</p> <p>The guidance documents were introduced and explained to the Committee. There are 4 documents, each targeting a specific actor in the supply chain:</p> <ul style="list-style-type: none"> i. Palm oil producers ii. Supply chain actors iii. Auditors and certification bodies iv. Smallholders and group managers <p>The issue raised in the public consultation was the clarity on the applicability of the guidance document, whether as a normative or prescriptive document in which has been clarified that guidance is good practices example. The detail clarification stated in the introduction that it is not additional criteria beyond the RSPO P&C hence members will not be audited against it.</p>	

	<p>The guidelines do not add additional criteria or present new compliance requirements or processes beyond existing RSPO certification requirements.</p> <p>SSC concern on the guidance for the auditor as it is an informative document. Apart from that the document is thick, proposed to be concise and easier to be applied.</p> <p>Decision:</p> <ol style="list-style-type: none"> 1. SSC does not endorse it now, in particular on the Guidance for Auditor which will need further reading. SSC will get back to the Secretariat with some comments then scheduled to endorse it before the end of October over email correspondence. 	<p>Guidance documents will be recirculated and endorsed before the end of October.</p>
<p>6.0 Update on Jurisdictional Approach Certification System Document</p>		
	<p>The Co-Chairs of JA WG briefed the SSC on the progress and updates of HAWG to-date, including timelines, details on the first and second public consultations, the certification framework and key requirements.</p> <p>Government representatives attended and involved during the public consultations. By having government engagement, it provides the political level support which allows public policy on the business process which bring benefit to the producers.</p> <p>The Co-Chairs also raised further required development as the following:</p> <ol style="list-style-type: none"> I. New RSPO Membership Category and Rules – Jurisdictional Entity and its industry participants II. Enhancement in PalmTrace – trading license that can be assigned to compliant participants of the JE certificate III. Development of relevant RSPO procedures and mechanisms – ACOP reporting; checklist of JE compliance to Step 1 and 2; Remediation and Compensation mechanism (not exhaustive) IV. Development of guidance documents – Landscape level HCV-HCS mapping V. Development of audit checklist VI. Update of P&C Certification System Document to include elements of JA audits. VII. Rules for sanction and termination (individual participants vs the whole of JE) <p>Decision:</p> <ol style="list-style-type: none"> 1. The Secretariat will take another look at the document (i.e. on the governance, procedurals) before re-submitting it at the 	

	<p>Committee next meeting.</p> <p>2. A decision was made by the Committee to delay approval of the document in its current form.</p> <p>The SSC acknowledged the works and significant steps taken by the JA WG in coming up with the 2nd Draft of the JA document, with much clearer framework.</p>	
<p>7.0 RSPO Certification Systems for P&C and RSPO Independent Smallholder Standard (RISS)</p>		
	<p>The Committee went through the document in depth. The correct date of the Document Review paper is 15 October 2020, and not 15 November 2020.</p> <p>Page 7, on the definition of “subcontractor” and “technical support” – to check consistency with other RSPO documents while ensuring the correct context for the purpose in this document.</p> <p>Page 10, the Jurisdictional Approach (JA) clause – to relook whether to include it in or not in view that the JA document is not ready.</p> <p>Page 29, on recurring non-compliance under Clause 594a seems, contradicts Clause 595. To relook and improve the clause.</p> <p>Page 10, to remove the word National Interpretation for the RISS to avoid confusion as no National Interpretation on RISS.</p> <p>Decision: The documents will be revised based on the feedback given by the Committee and recirculate it to SSC before submitting the same for BoG endorsement.</p>	<p>The documents will be revised based on the feedback given by the Committee and recirculate it before sending it for BoG endorsement.</p>
<p>8.0 Proposal for the LUCA Process (Submission & Review of Luca) to be Shifted After the Membership Application</p>		
	<p>The proposal was presented in detail to members of The Committee.</p> <p>At the moment, the procedure for Growers applying for RSPO membership requiring them to do the Land Use Change Analysis (LUCA) to be passed by the RSPO (if LUCA is needed).</p> <p>RSPO Secretariat is seeking the approval from SSC on the proposal that the LUCA process (submission & review of LUCA) to be shifted after the membership application have been approved.</p>	

	<p>In line with the proposed changes to be made in the membership application procedure (for Growers), the following process would be implemented:</p> <ul style="list-style-type: none"> • Disclosure forms and shapefile submissions by companies at membership applications; • RSPO Secretariat to perform Google Earth checks against the disclosure form and check on submission on social liability documentations; • If there is non-compliant land clearance, the RSPO Secretariat provides a notification of the presence of non-compliant land clearing. • The LUCA, concept note and compensation plan to be addressed after membership is approved, working towards certification. <p>This option is considered under very strict caveat i.e. growers shall not develop any land areas and/or conduct any planting without undertaking HCV assessment before land clearing and/or associated development during the membership application process.</p> <p>As a reminder, the spirit of the LUCA at the membership application was to use the tool as due diligence to identify the extent of the non-compliant land clearing after Nov 2005 without prior HCV assessment and the type of vegetation cleared. The rapid check shall not replace LUCA as a tool for verification, and that the timeframes based on the LUCA review should be referred to.</p> <p>The Secretariat suggested to pilot the proposal and to be implemented at developing market such as Africa where technical consultant availability is limited. The pilot timeframe is one year. The Secretariat will need 3 months to plan (including to review resources, develop SOP with adequate check and balance including identifying a new pool of LUCA consultants). The Secretariat will update the SSC on the progress, indicators and challenges (half-yearly).</p> <p>Decision: The Committee unanimously approved the proposal to pilot the improvement plan for membership application concerning LUCA process requirement.</p>	<p>Secretariat to come up with the plan for the pilot. To update SSC in the next 3 months.</p>
<p>9.0 Any Other Business</p>		

<p>9.1</p>	<p>The Committee recommended that the NDPE is adopted by all actors including that under the supply chain certification requirement, in particular the traders and processors.</p> <p>SSC propose the Secretariat to look into this matter and come up with recommendation back to SSC.</p>	<p>The Secretariat will bring this matter up to the Supply Chain Team and get back to the SSC.</p>
<p>9.2</p>	<p>It was suggested that the next meeting (13th of November) will not be a full-day meeting. Members agreed to block for 3 hours meeting from 3pm – 6pm on 13th Nov 2020. Secretariat to send the calendar invitation.</p>	<p>An invitation will be sent out to block the slot for the meeting.</p>

Meeting ends at 06:07pm.

ANNEX:

In alphabetical order:

- CSR - Corporate Social Responsibility
- FPIC - Free, Prior, and Informed Consent
- LUCA - Land Use Change Analysis
- NDJSG - No Deforestation Joint Steering Group
- NDPE - No Deforestation, Peat, Exploitation
- NI - National Interpretation
- P&C - Principles & Criteria
- RSPO - Roundtable on Sustainable Palm Oil
- SSC - Standard Standing Committee
- UNICEF - United Nations International Children's Emergency Fund