

## MINUTES OF MEETING JURISDICTION WORKING GROUP MEETING #14 (VIRTUAL)

**Date : 27 November 2022 (Sunday) 1:30 pm to 5:30 pm (MYT)**

<u>Attendance:</u>	<u>Absent with Apologies</u>
<p><b><u>Members and alternates</u></b></p> <ol style="list-style-type: none"> <li>1. John Watts (Kaleka)*</li> <li>2. Rob Nicholls (Musim Mas)</li> <li>3. Lee Kuan Chun (P&amp;G)</li> <li>4. Sander van den Ende (SIPEF)*</li> <li>5. Marcus Colchester (FPP)</li> <li>6. Glyn Davies (WWF Malaysia)*</li> <li>7. Lim Sian Choo (Bumitama)</li> <li>8. Chin Kai Xiang (Bunge)</li> <li>9. Rauf Prasodjo (Unilever)</li> <li>10. Paul Wolvekamp (Bothends)</li> <li>11. Tri Padukan Purba (Rainforest Alliance)</li> <li>12. Javin Tan (RSPO)</li> <li>13. Daniel Liew (RSPO)</li> <li>14. Radda Larpnun (RSPO – observer)</li> </ol>	<ol style="list-style-type: none"> <li>1. Wahyu Wijayanti (Sinarmas)</li> <li>2. Quentin Meunier (Olam)</li> <li>3. Tom Lomax (FPP)</li> <li>4. Eza Nurain Abdullah (Sime Darby)</li> <li>5. Maria Amparo (Ecuador CISPS)</li> <li>6. Jon Hixson (YUM)</li> </ol>

\*Co-chairs of JWG

### Agenda

Jurisdictional Working Group

Meeting Agenda - 27 Nov 2022

Venue - Shangri La Hotel, Kuala Lumpur

Item	Time (MYT)	Duration (minutes)	Agenda	P.I.C
1 - Admin matters	1330 - 1335	5	1.1 - Opening	Glyn / Sander Secretariat
	1335 - 1340	5	1.2 - RSPO Antitrust Guidelines, Conflict of Interests Declaration, and Chatham House Rules	
			1.3 - Acceptance of minutes - JWG meeting #13 - Oct22	
2 - Work plan discussions	1340 - 1350	10	2.1 - Message by co-chairs - JWG work plan	
	1350 - 1400	10	2.2 - Workplan timeline	
	1400 - 1445	45	2.3 - RSPO membership for jurisdiction entity	
	1445 - 1530	45	2.4 - HCV/HCS screening for jurisdiction	
	1530 - 1600	30	Coffee break	
	1600 - 1700	60	2.5 - Other action points	
3 - Other JWG matters	1700 - 1710	10	3.1 - Voting for new JWG co-chair	
	1710 - 1720	10	3.2 - Call for JWG membership	
	1720 - 1730	10	3.4 - Any other business	

**Minutes of Meeting:**

Item	Description	Action
<p>1.1 1.2</p>	<p><b>Opening</b> <b>Antitrust guidelines, Conflict of interests declaration and Chatham House Rule</b></p> <p>The meeting started at 1:40 pm Malaysian time. The Secretariat briefly explained the agenda for the meeting</p> <p>Members accepted the Antitrust guidelines and Chatham House Rule and that there was no conflict of interests</p>	
<p>2.1         2.2          2.3</p>	<p><b>Message by co-chairs</b></p> <p>Co-chair reminded the JWG members that a lot of other commodities are also developing jurisdictional approaches. Although we used to think of ourselves as forerunner, it might no longer be the case. We should move from theory to implementation so that we'll know what is possible</p> <p>It was also highlighted that we lost energy during the pandemic and now need to drive the project forward.</p> <p><b>Work plan timeline</b></p> <p>The Secretariat presented a 2023-2025 JWG work plan that focused on meeting the technical requirements of JA Piloting Framework Stepwise approach</p> <p>Members commented that the JWG should work towards more ambitious work plan. A separate meeting was scheduled on 30 Nov 2022 to rework the work plan with members</p> <p><b>RSPO membership for jurisdictional entity</b></p> <p>Co-chair explained that JA is new for RSPO as it has involvement of government whereas RSPO has traditionally been a business-to-business forum. Government involvement is necessary to push the uptake of RSPO, beyond 20%</p> <p>A member, who is on BoG pointed out that the BoG has not fully grasped the concept of JA. It was noted that we were already working on second draft of JWG strategy paper which included an action point to promote better understanding of JA concept by stakeholders.</p> <p>The member agreed to conduct a deep dive with the BoG regarding JA in the Jun23 board meeting</p>	<p>Separate work plan meeting took place on 30 Nov 22, revised documents to be shared later</p> <p>2<sup>nd</sup> draft strategy paper to be ready by mid Dec22</p>

<p><b>2.4 HCV/HCS screening for jurisdiction</b></p>	<p>The Secretariat added that it does make progress reports to Standard Standing Committee (SSC) and SSC to BoG. But information on JA might not have gone through due to the selection process of items to report to BoG</p> <p>Members agreed that information for BoG would also be important to ensure that the JA development is properly resourced</p> <p>The group agreed that it is ok to have two types of membership under a JE – individual RSPO members and those under the group management of the JE</p> <p>On the issue of fair representation, the group agreed that the fairness is decided at the JE level by their members and when it comes up to RSPO level, it is taken as already been dealt with hence no longer a concern for RSPO.</p> <p>Specifically on JE membership, the group has agreed that a paper is to be produced to inform the BoG by Mar23</p> <p>Referring to the last JA-BHCV sub working group meeting, we would develop an integrated HCV-HCS screening approach for jurisdiction and HCVN was going to engage HCSA for the development process.</p> <p>The Secretariat was to request that HCVN revise the earlier proposal to include HCS element in the development of integrated screening tool. The JWG would assess the revised proposal and if the goals were aligned, RSPO would contract HCVN to work with HCSA to develop the tools.</p> <p>The Secretariat further explained that with the conventional approach, RSPO looked to HCVN for guidance and governance of the integrated assessment tools, JA should follow similar setup so it was best for HCVN to reach out to HCSA directly for the development process.</p> <p>For information, it was pointed out that 30% of Sabah is totally protected area, 20% is oil palm area, 30% is HCV area</p> <p>It was mentioned that HCVN could look into opportunity to compensate by land swap, instead of cash.</p> <p>To a concern raised about restrictive nature of ALS, a member explained that the need for ALS does not arise as it is only a “screening” map. However, if the plan was to do away with ALS altogether, then we would need an alternative model for quality assurance, which could come from external parties or the government unit in JE</p>	<p>JE membership paper for BoG by Mar23</p> <p>The Secretariat to share revised proposal with JWG members</p>
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<p><b>2.5 Other action points</b></p>	<p>It was pointed out that discussion in subgroup agreed that the role for HCVN is to provide quality assurance process to mapping done in jurisdictions using their legally approved process. Alternatively, the integrated tool is to provide guidelines to jurisdictions on how to apply its own mapping methodology that would conform with RSPO standards</p> <p><u>Treatment of non-compliance and JA pilot progress reporting</u> It was pointed out that a JE does not have to include areas that is non-compliant. And the question should be how to deal with non-compliances that are discovered by auditor during audit.</p> <p>The Secretariat added another scenario where non-RSPO members of JE are found to be non-compliant. The JWG is yet to come to consensus for its treatment</p> <p>Based on the JA piloting framework document, the Secretariat summarised the treatment of non-compliance as follows: Upwardly delegated criteria – the entire JE fails Non-upwardly delegated criteria – suspension / expulsion of individual JE members When JE fails, compliant individual members can convert to individual certificate</p> <p>A question was raised on what to do in scenario where a company is compliant and want to join jurisdictional certification but is subject to complaints at group level.</p> <p>Co-chair mentioned that such information should be included in a short briefing sheet to inform our stakeholders</p> <p>The group agreed that it is important to have pilots report on their progress in every JWG meeting. This would help highlight the gaps in implementing the Stepwise Approach so JWG could provide support.</p> <p><u>Sabah progress summary</u> Six working groups formed under JCSC (multi stakeholder board) Nature WG - public consultation of HCV 1-2-3 is happening in Dec22, Smallholders WG - growers lack full land title Labour WG - significant migrant workers population and lack proper working papers</p>	<p>Standing agenda item for JWG meeting – progress report by pilots</p>
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<p>It was pointed out that the MB model is a disincentive for companies / jurisdictions to move towards certification and the issue needs to be addressed. It was also noted that the Shared Responsibility working group is looking into the issue of MB. However there needs to be a transition period to allow for the supply chain inefficiencies</p> <p><u>Coordination of new JA pilots</u> A member brought up the concerns of proliferation of new pilots some of which were going on its own directions, not necessarily consistent with RSPO JA. How can the group consolidate all lessons learnt and disseminate to interested pilots ?</p> <p>It was explained that unless they follow the steps as per the RSPO JA piloting framework document, these pilots would not be recognised as RSPO JA pilots. RSPO is not stopping new pilots, just need to get interested parties to follow the prescribed steps</p> <p>This issue relates back to the deep dive with BoG planned for the July 2023 board meeting and the subsequent rollout to wider audience to promote better understanding of the RSPO JA concept</p> <p><u>P&amp;C Standards review and JA</u> Does the Jurisdictional Approach require the RSPO P&amp;C Standards to be modified ?</p> <p>Taking ALS as an example, the Secretariat explained that if the intention is to remove ALS completely from RSPO certification, it would be a standard issue and needs to be in the standard review process. If the issue is to use non-ALS system for JA, then it is a system issue that can be dealt with at certification system document level</p> <p>It was suggested that in order to avoid RSPO Standards from preventing changes in JA certification system documents that are different from the management unit CSD, we need to flag JA specific issues in the current standard review process</p> <p>JWG members who wish to comment on JA related issue in the standard review process are required to send the Secretariat their comments by 31 Dec 2021. The Secretariat to provide members with standard format – P&amp;C indicator number, JA-related comments and name of commenter. The Secretariat will compile the comments, share with the group, before submitting to the official portal on behalf of the JWG</p>	<p>Agenda for next JWG meeting – impact of MB to JA</p> <p>The Secretariat to look into East Kutai declaration as JA pilot</p> <p>The Secretariat already shared standard format for commenting</p> <p>Comments to reach the Secretariat latest by 31 Dec 22</p>
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<p><b>3.1</b></p> <p><b>Voting for new co-chair</b></p> <p>A new co-chair was elected by unanimous decision of the JWG The group recorded its appreciation for the services provided the retiring co-chair</p> <p><b>3.2</b></p> <p><b>Call for JWG membership</b></p> <p>It was highlighted that RSPO needs to pay more attention to medium size grower (50-500 ha) as they do not get enough support from RSPO for certification</p> <p>A medium-size grower from Sabah should be a good fit for the smallholder vacancy in JWG</p> <p>Question was raised about possibility of non-RSPO member joining the JWG The Secretariat checked the JWG ToR and confirmed that non-RSPO members (technical experts, govt rep) can indeed be JWG members to provide relevant advice. These special members do not have voting rights.</p> <p>For financial institution, HSBC Hong Kong was suggested as the head of sustainability is based there. CIMB was also mentioned as a potential candidate. Rep from financial institutions could advise on de-risking in JA</p> <p>For replacement of E-NGO vacancy, a rep from the same organisation was nominated. The Secretariat has reached out to him and he accepted the invitation to join JWG</p> <p>The members had no objection for Conservation International (Ecuador) to join JWG as alternate of E-NGO as their inputs would be useful for the Ecuador pilot</p> <p>The meeting ended at 5:55 pm Malaysian time.</p>		<p>Co-chair to check for interests</p> <p>Co-chair contacted potential candidate, awaiting reply</p> <p>The Secretariat to reach out to CI to formalise the arrangement</p>