

MINUTES OF MEETING JURISDICTION WORKING GROUP MEETING #20 (VIRTUAL)

Date: 27 September 2023 (Wednesday) 4:00 pm to 6:00 pm (MYT)

Attendance: Members and alternates **Absent with Apologies** 1. Sander van den Ende (SIPEF)* 1. Quentin Meunier (Olam) 2. Chin Kai Xiang (Bunge) 2. Tom Lomax (FPP) 3. Eza Nurain Abdullah (Sime Darby) 3. Silvia Irawan (Kaleka)* 4. Max Donysius (WWF Malaysia) 4. Rauf Prasodjo (Unilever) 5. Alfred Yee (LKSS) 5. Aprilianto Nugroho (Sinarmas) 6. Lim Sian Choo (Bumitama) 6. Jon Hixson (YUM) 7. Marcus Colchester (FPP) 7. Melissa Thomas (CI) 8. Paul Wolvekamp (Bothends) 8. Eleanor Spencer (ZSL) 9. Lee Kuan Chun (P&G) 9. Maria Amparo (CISPS) 10. Daniel Liew (RSPO) 10. Rob Nicholls (Musim Mas) 11. Javin Tan (RSPO) 11. Tri Padukan Purba (Rainforest Alliance)

Agenda

Item	Time (MYT)	Duration (minutes)	Agenda
1 – Admin matters	1600 - 1615	15	 1.1 – Opening 1.2 – Antitrust Guidelines, Conflict of Interest Declaration, Chatham House Rules 1.3 – Acceptance of Minutes – Meeting #18 & Meeting #19
2 - Updates	1615 - 1650	35	2.1 – JE Membership: Public Consultation 2.2 – RT 2023: JA Breakout 2.3 – Download of Bali workshop
3 - Discussions	1650 - 1750	60	3.1 – JA Pilot Acknowledgement Mechanism 3.2 – Landscape HCV/HCS Mapping 3.3 – Landscape RaCP
4 - Discussions	1750 - 1800	10	4.1 – AOB

^{*}Co-chairs of JWG

Minutes of Meeting:

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Item	Description	Action / Remark
1.1	Opening	
	The meeting started at 4:06 pm Malaysian time.	
1.2	RSPO Antitrust Guidelines, Conflict of Interests Declaration and Chatham House Rules	
	There was no question regarding the guidelines and the rules. And no conflict was declared.	
1.3	Acceptance of minutes – Meeting #18 & Meeting #19	
	Minutes of the JWG Meeting #18 & Meeting #19 was adopted by members.	
2.0	Project updates by the Secretariat	
2.1	JE Membership: Public Consultation The Secretariat provided an update on the Public Consultation for JE Membership that was launched on 12 September and will end on 11 October 2023. The survey was available in five languages: English, French, Spanish, Bahasa Indonesia and Bahasa Malaysia. There was no Thai version available due to the lack of resources and time. 14 surveys were submitted to this date in which 13 of them were completed and 1 was incomplete. According to the results, most agreed that the Jurisdictional Entity (JE) should be bound by the Code of Conduct. 3 of them disagreed and think that JE should be paying a fee, have a representative in the BoG and have voting rights in GA. There was one who disagreed on the separate membership category with regards to the existing RSPO members within the jurisdiction with concerns regarding whether the existing RSPO members have to go to the JE as a member. An Excel file with the comments received was shared with the members prior to this meeting. The Secretariat will share the full results after the survey ends on 11 October. Members suggested having analytics to get insights on what is the membership category for those who disagreed. Secretariat responded that more detailed analysis will be done once the survey is closed. Those who disagreed are mostly from the consultants or agencies working on jurisdiction, not from RSPO members. Similar concerns were raised as there is a lot of learning that goes into the decision making of the RSPO processes, which is why they think that they need to have a seat and voting rights at GA or Board level. Only with the fees imposed on them, will they take more commitment.	

Members raised a question on how to reconcile the differences or prevent these different opinions from stopping the process entirely once the consultation period is over.

Secretariat responded that usually the working group will look at the disagreements and see if the concerns raised were valid. If the group can collectively make a decision that the concerns can be addressed without affecting the JE membership, the group can then decide not to incorporate the concerns into the proposal. It is important for the group to present to the SSC that they have analysed all the concerns, and they think that it can be dealt with which does not affect the current proposal. We also have to come back with a response and justifications to the disagreement and post them on the RSPO website.

The Secretariat suggested for JWG to have a meeting on 12 October at 5pm MYT to discuss the JE membership public consultation comments to make it in time for SSC's endorsement on 13 October 2023. If there is no quorum during the meeting, the Secretariat will send an email to the members regarding the decisions should there be any objections to the final decision made.

2.2 | RT 2023: JA Breakout

The Secretariat provided an update on the RT 2023 Planning for JA. A breakout session has been approved by the RT Organising Committee, and the session is scheduled on 21 November 2023 at 2.15 – 3.15 pm JKT time. As discussed during the Bali meeting, the JA session will start first and followed by the Shared Responsibility session. Both sessions will be in the same room.

The description of the session has been updated on the RT website. For this RT session, it will focus more on getting support from the level of market access to funding support, the role of the private sector especially RSPO members, and what can be done through shared responsibility. The co-chair of JWG, Silvia has agreed to be the moderator of the session.

The proposed structure of the session is to start with a brief progress update of the JA Journey by the 3 pilots. Next, there will be 5 panellists who are the key stakeholders within a jurisdiction, that will come forward to let us know what kind of support they want, the challenges and their support in the jurisdictional initiative moving forward. The Secretariat proposed to have one panellist from the government sector (Seruyan), supply chain actors (have reached out to Unilever as they have supported quite a few of the jurisdictional initiatives on the ground), indigenous farmers (to be discussed further), Grower/Miller and NGO. This is yet to be confirmed. Current confirmed speakers are from the NGO and grower perspective. After the panel sessions, there will be a marketplace session to obtain inputs from the participants on their suggestions in terms of the role of private sectors, banks/financial institutes/investors, aid agencies/conservation fund and the RSPO Shared Responsibility.

Members highlighted that government representation is very important. Was the invitation sent out to all the governments in the jurisdictional pilots or only Seruyan showed interest?

Secretariat explained that there were some restrictions in RT this time due to funding as all the speakers will only be granted a RT pass but are not provided with accommodation and flight support. Kaleka is able to support the government to go to RT. The Seruyan government is also more advanced to inform on the exact support they require from the understanding of market access and the support from RSPO members within their jurisdictional initiatives. This is open for any further suggestions as the invitations are yet to be sent out and this is just an initial proposal.

Members raised a question on the limited time as there are a lot of speakers. We need to ensure that we can get the message across from both the jurisdiction and shared responsibility side. Although funding is very important, support is the most important. Suggest amending to "Support and Funding".

The Secretariat agreed with the amendment of the word. Secretariat will have a session with all the panellists to inform them on to tell us directly what kind of support they require and make sure everyone has a clear message and their active role in the entire initiative. This is why the Secretariat is trying to select all the panellists who have been in this journey, e.g., government and NGO from the pilot, supply chain actors is Unilever who has been supporting the jurisdictional initiatives. One of the proposals from the co-chair is that there will be no presentation during the breakout session to ensure that the panellist does not go over the time.

Members suggested having indigenous farmers from Ecuador or Papua New Guinea but there are concerns about funding. It is important for the indigenous farmer to come from an area where they're experiencing a JA pilot. We cannot be sure if the indigenous farmers from PNG work for this session as they do not necessarily know enough about what JA implies for them. It seems like the political situation in Ecuador is holding up the JA, and we may have to recalibrate the whole process. Members suggested to try to look for indigenous farmers from Seruyan, FPP might be able to sponsor that participant. The Secretariat will reach out to Sabah and Seruyan for the indigenous farmers.

Secretariat updated that there are some proposals to have the Shared Responsibility members to attend the JA session as there is an underlying recommendation through the Shared Responsibility on the support to JA. They can promote discussion on the shared responsibility elements to ensure there is support for the JA.

Members asked whether the acknowledgement for the pilot will be during the side meetings or the award night. Secretariat is currently discussing with the Comms team to screen the video at the RSPO booth at certain times, or during the award excellence night. The intent is to have more visibility on the video for more people wanting to understand JA.

2.3 Download of Bali Workshop

The Secretariat provided updates on the Bali Workshop which was attended by representatives from the three pilots: Ecuador, Sabah and Seruyan; members from BoG, SSC, MDSC and JWG.

During the meeting, the pilots gave inputs on the government's role in JE and how it leads back to RSPO membership. HCVN was also present to cover the practical landscape level mapping of 'go and no-go' zone, liability identification and compensation.

Plenary discussion on requests from the pilots:

- How can the jurisdictions be a RSPO member now? Are there some forms of acknowledgement? Having this acknowledgement is important to continue the momentum and interest, not just on government level but also the stakeholder areas within the jurisdictions. Members commented that it is important for JWG to move forward and the question on membership needs to be eradicated as quickly as possible to move ahead with the membership category for JE. It would not be fair for the pilots as they have put in so much effort throughout the years. The Secretariat takes note of this and will put more emphasis on the membership level and acknowledgement.
- Having an RSPO implementation guidance document to have a clear timeline for the completion of RSPO JA CSD to ensure JA for Certification is a reality to move ahead and achieve.
- Support needed to the JE includes funding, direct participation of RSPO members, capacity building, partnerships, market access and pushing the initiative together with them.
- Communication/awareness raising to increase communication on RSPO JA, pilot progress and initiatives, and increase smallholders' inclusion and participation across RSPO and the industry.

Members raised a question on the process towards these objectives as the public consultation is currently happening. Can we facilitate a dialogue with those whose vision is different from ours on the membership model? It is important to understand their views and feedback to JWG before the meeting on 12 October as the membership acknowledgement cannot be resolved and will not be able to be presented to the SSC and BoG.

The Secretariat clarified that those who are not supportive are non-RSPO members. It is good to have a more targeted engagement for those who will be affected by the decisions but there is limited time with a lot of matters to focus on. We do not want to overly commit from the Secretariat.

Members asked whether it was clear that the suggestion of JE having no position in the BoG was considered an interim position. Secretariat responded that all the recommendations will be revised once more learning is done. For now, it will be kept as simple as possible to bring them in. It may be a bit challenging to expect the JE who has a very tight budget and may not fully understand RSPO to join the Board.

3.1 JA Pilot Acknowledgement Mechanism

The Secretariat presented the JA pilot stepwise progress assessment. The objectives of the assessment are to recognise the pilot's work that has been consistent with JA piloting framework. The assessment also aims to provide standardised and systematic procedures to assess new pilot applications and to sustain momentum of multi-stakeholder collaboration especially on the government side.

A stepwise progress assessment format has been developed by the Secretariat to guide the self-assessment process and information submission of pilots (existing and new).

The assessment process is as follows:

- Pilot to self-assess its work and submit supporting info using the format.
- Pilots submit their assessment to the Secretariat for review by an independent panel.
- The review result, if all in order, would be recommended to SSC for final approval.
- Upon approval by SSC, the Secretariat will issue formal written recognition to pilot on its achieving Step 1 (or subsequent steps)

Next steps:

- The Secretariat and JWG are planning to proceed immediately with the assessment for Sabah, Seruyan and Ecuador.
- The three assessments are to be submitted for approval in the upcoming SSC meeting on 13 October.
- The assessment process needs to be completed and results submitted to SSC by 4 October.
- The Secretariat requested for JWG members (max 5 persons) to participate in the panel review.

Note of caution by the Secretariat: As this is going to the SSC for approval, please take note that JWG members who are also an SSC member can either be the approver in SSC or review panel but not both. Non-SSC members in JWG are encouraged to volunteer as quorum is needed in SSC.

Members raised a question on the status of the JA initiative in Surat Thani which was announced in RSPO news but this seems to be not considered anymore. The Secretariat clarified that after the initial visit to Seruyan, there have not been any further interaction from them. This may be partly because they are still unclear on the membership. If we wish to proceed

further with the Surat Thani initiative, they will be subjected to the same format we are currently using.

The Secretariat would appreciate it if the JWG members could revert to the Secretariat tomorrow regarding the panel review.

3.2

Landscape HCV/HCS Mapping

The Secretariat presented updates from HCVN on the proposed methodology for the Jurisdictional Screening Tool. HCVN proposed to use overlaying "threat" and "probability maps" to produce "priority" maps. Priority maps would then guide further verification work to verify indicative HCV-HCS presence in a jurisdiction. Indicative jurisdictional HCV-HCS maps would help the jurisdiction with its integrated conservation planning and thereby identify No-Go zones. QA process to be included in priority maps and indicative maps.

The process flow starts with available data to come up with a priority map, where they need to go in the jurisdiction to verify some of the HCV/HCS areas. After having the quality assured HCV and HCS map, this can be used by the jurisdiction for their planning and developing the No Go-Zone which will be used for spatial planning. This still needs to be discussed further with HCVN but the idea is after having QA HCV and HCS map and then there will be no further work needed in the jurisdiction. This would save time for individual certification units to conduct further assessment. More discussion is needed for HCV 5 and 6, on whether HCV 5 and 6 can be done at a screening level or detailed fieldwork is required. One idea that came up during the Bali discussion was if there is already availability of good usable high-quality data in the jurisdiction, it could work, otherwise field work will still be required as discussed at the initial stage. In order to help save time and cost on the detailed fieldwork of HCV 5 and 6, we can focus first on where development interest is existing and have a future development plan for the area.

Members raised concerns on how to deal with HCV 5 and 6. Does the flowchart diagram go on to show how to deal with community interest and land implementation? This needs to be included so everybody can see that it is not being left out and just being left to a later stage for possible-go areas. These are the areas that could be developed but other aspects still need to be looked at such as livelihood, water, culture, which requires a participatory approach. Members suggested having the diagram to show the next stage.

Secretariat explained that the detailed fieldwork in HCV 5 and 6 in areas where the jurisdictions have identified development interest now or future, the fieldwork will be done at the "Targeted validation fieldwork /consultation" stage.

Members stated that it is confusing as that is the last step to take when there is an expression of interest to go to the field at that level to do HCV 5 and 6 through consultative process, which is hard as it is not seen in the

diagram. Members suggested looking at it again to emphasise the necessary last steps for HCV5 and 6 and FPIC validation. Secretariat agreed that this needs to be further expanded to provide more clarity and better illustrate the fieldwork.

Members disagreed with the process and said that the level of detail and consultation required to verify HCV5, 6 and FPIC is impossible to do for all jurisdictions in one go. It has to be by necessity when the community comes forward with an expression of interest, and it is viable, then the second phase of the study will be initiated and fieldwork with participatory mapping and FPIC validation will take place.

The Secretariat takes note of these concerns and will revert to HCVN. HCVN agrees that actual ground implementation will be beyond the diagram, and the need to talk about when the actual certification comes on a certain area and still required to do HCV 5 and 6, FPIC and NPP. During the "Targeted validation fieldwork" stage, it is for after the desk studies where a first map is produced. The maps can be considered valid to give guidance on what can be better to ensure trustworthy data is used. There will be validation from RSPO to ensure the first tier of map development is at a certain quality. To identify which areas are a go or no-go zone, that is when a second tier field consultation is needed. In terms of HCV 5 and 6 where local communities are involved, that would need more warrant thinking. There are 2 sides of the argument; does it make sense to look at the high level of assessment for HCV5 and 6 now? What if some jurisdictions do not have sufficient data? HCV5 and 6 will then have to go down to management unit level. This still requires more discussion.

Members also commented that this still has to do with JE who will be the one implementing it. There may be some policies the government needs to check but it still has a direct relationship to the role and responsibility of JE. We need to be careful on how we intend to draw a line on what we can cover and what we cannot as the government is a part of the JE.

Secretariat will reconvene the JA-BHCV subgroup to have a more direct discussion with HCVN regarding this. An invite will be sent out to the subgroup members.

Secretariat has come up with a proposed way forward below:

- Disaggregation of the screening process is suggested, HCV 1-4 first and HCV5 and 6 later.
- If disaggregation is allowed, RSPO membership rules need to be reviewed as it currently requires full HCV1-6 results for membership application.
- Possibility high level screening of HCV5-6 is subject to availability of data within the jurisdiction. Otherwise, detailed screening field work is still required where existing and future development interests exist.

3.3

Landscape RaCP

The Secretariat gave a recap of proposals from PT Hijau Daun (consultant):

- Option 1. Negotiated Outcomes: Landscape level liability identification and compensation.
- Option 2. Analytical Approach: Management Unit level liability identification and compensation, with JE acting as facilitator or assisting in providing data (existing RSPO Certification Approach)

Secretariat highlighted that there are some decision points needed, namely whether JWG can accept the report by the consultant. The Secretariat will give JWG members a deadline of next Wednesday, should there be no feedback the Secretariat will close the consultancy.

As discussed at the Bali Workshop, all members agreed that option 1 is the way forward but with additional points to be added on the Conservation Liability Identification (LUCA) to have a more simplified LUCA process and avoid using any external LUCA reviewer. This looks at only two cut-off dates: November 2005 (no deforestation cut-off date) and date of which landscape HCV/HCS map produced. There will be no multiplier or coefficient calculation. There is still distinction between corporate and non-corporate clearance, whichever clearance it is will be the total final liability. There are concerns raised that it may result in 'too high' liability, which could in turn lead to high compensation. The compensation will need to be relooked at. Also, what about corporate non-palm clearance and new development after? If non corporate clearance is taken out, it is not a liability.

Next Step:

- Simulation exercise will be carried out by using both recommendations: i) no multiplier; and ii) existing multipliers (the challenge is RSPO member versus non-RSPO member) It will be challenging for Secretariat to put in more calculations of coefficient and multiplier. The Secretariat will work with pilots.
- The proposal by the consultant is only on conservation liability. Next step will explore how to identify social liability, and whether this should be dealt with at the Management Unit level only. The JA-BHCV subgroup will be reconvened to look at both the jurisdictional screening tool and RaCP.

Members agreed with the negotiated approach but raised concern about making the social aspect the second stage of thinking. There are concerns that the development outcome is deemed less important than the environmental outcome. It needs to be understood that where land is being developed without considerations of HCV 4,5 and 6, it is likely that not enough land has been set aside for ecosystem services, livelihoods, and cultural identity. That is why in those areas where this kind of approach has not been used, there has been so much land conflict as people are not secured in their land. They need to view RaCP as a critical part of social development and is a good outcome for people and thus resolving the

conflict in the land. More priority should be given to the social aspect and see it as part of the solution and not just a burden.

Secretariat takes note of this and will bring this to the subgroup and get more advice from the subject expert. The idea is to start identifying where the development outcome is affected from the past and what kind of remediation can be done. As there has been so much focus on the conservation liability, it is time to make sure the social liability is looked at together as one package.

Members commented regarding the cut-off date for social liability and remediation. Looking at it retrospectively, it is rather complicated on how to assess and deal with the timeline and implications.

Secretariat presented another additional point to be added to Option 1 which is the compensation part (RaCP). An innovative approach for compensation is needed, including promoting efforts for existing protection or conservation initiatives contributing to jurisdiction's commitment. Monetary compensation is not an option at jurisdictional level but probably within the jurisdiction. An area of land is equal to the final conservation liability. Compensation project criteria, especially on the additionality will also need to be further defined. It is not practical to implement on a jurisdictional level. Compensation mechanism approach to promote enhancement on existing conservation commitments or projects is suggested (i.e., CBD, Climate Commitments), or to include supporting ISH inclusion as part of the compensation efforts.

Next Step:

The subgroup will look at the social liability and review the applicability of RSPO RaCP 2015 compensation project criteria. Secretariat will work with the pilots to list down the existing pilot's commitments, conservation projects and ISH support needs.

Some questions or suggestions recorded at Bali:

- Looking at Nov 2005 which is the 'no deforestation' cut-off, can the same cut-off date for compensation be applied (i.e., new protected areas declared shall be allowed for hectare-hectare compensation)?
- Can village remediation projects that are currently underway related to replanting and soil health be considered a compensation?

Secretariat also presented some challenges regarding the liability:

- How is liability assigned? Who will pay?
- How about compensated liabilities by RSPO members? May have duplication in identifying the liabilities.
- What is the timeline for compensation of all liabilities?
- Who should be responsible for monitoring implementation?

Members commented that these are good ideas but any negotiation with the government should be done with an open mind, with the objective to maintain our principles in identifying HCV areas that were lost and how to make the most out of the jurisdictional collaboration with the government. We need to work in a collaborative way with the government and be flexible. We should not make any definitive decisions on how compensation should look now.

Members also asked whether the idea to include the simulation exercise is a thinking or probing around the complex issue of having RSPO and non-RSPO members involved? How would this work out?

Secretariat clarified that the simulation exercise needs to take into consideration that once the big liability of the jurisdiction has been identified, the liabilities that have already been identified or compensated need to be deliberated and what kind of mechanism will allow that. Moving forward also takes into consideration non-RSPO members who want to be RSPO members, or RSPO members within the jurisdictions that are yet to be certified. The objective of the simulation exercise is to let them see what kind of liability comes out and what are the complexity involved as there are now non RSPO and RSPO members, as well as certified and non-certified.

Members asked whether there is already a plan to meet up with the government for suggestions or innovative ideas. The Secretariat explained that there is no solid plan yet, but it can happen concurrently. First stage is mainly to understand what the liability is and the current compensation commitment on the ground. It will then go to the JE for suggestions.

Next Step

The JWG-BHCVWG subgroup will be resumed to provide technical assistance and oversight for completion of HCV/HCS mapping and landscape RaCP.

JWG members: Rob, Max, Silvia, Sander, Kuan Chun, Marcus BHCVWG members: Eleanor Spencer, Sian Choo, Michelle Desilets

The subgroup will meet frequently and work with HCVN in completing the landscape level mapping. The Secretariat will work with the pilot through this subgroup to complete the RaCP guidance draft 1 and this will be presented to the JWG for approval before going out for endorsement. Secretariat will reach out to the members to resume this subgroup.

The RSPO membership for JE will be presented to the SSC for endorsement on 13 October and BoG endorsement on 17 October. The JA pilot acknowledgement is also targeted for SSC endorsement on 13 October.

Secretariat requested for the members' commitment to attend the JE membership updates meeting on 12 October and come forward to be on the panel review.

	In terms of the communication strategy for JA, the Secretariat will look at the partnerships for pilot level awareness raising and the communication around the entire JA approach and progress of pilots.	
4.1	AOB	
	Members enquired on the accessible videos or animation for JA for the public and whether it will be available to be shown during RT. Silvia has developed some storyboards for the video and this will be communicated to the RSPO Comms team. A strategy paper has been developed and shared with the JWG members. There are two videos; the first one is a 3-minute video with general explanation on what JA is about while the second video consists of stories from the pilots and interviews with stakeholders. The video is targeted to be completed before the RT so that it can be shown during the acknowledgement night. Members emphasised that it is important to strike a balance on how much to inform while not overwhelming them.	
	The meeting ended at 5:48 pm.	