

MINUTES OF MEETING RSPO CTF2 Call (22 March 2022)

Attendance:

12. Syahrial Anhar (Wilmar)13. Vivi Anita (Musim Mas)

Membe	ers and Alternates	RSPO Secretariat
1.	Lee Swee Yin (SDP)	Khing Su Li
2.	Ambang Wijaya (GAR)	Kaw Kar Mun
3.	Chin Sing Yun (Wilmar)	
4.	Eleanor Spencer (ZSL)	
5.	Fanny Roussel (SIPEF)	
6.	Kalindi Lorenzo (Planting Naturals)	
7.	Lanash Thanda (SEPA)	
8.	Lim Sian Choo (Bumitama)	
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10.	Octyanto Bagus (WWF)	
	with apologies	
	Harjinder Kler (HUTAN)	
2.	Anne Rosenbarger (WRI)	
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5.	Bukti Bagja (WRI)	
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7.	(-)	
8.	Martin Mach (Bumitama)	
9.	Michelle Desilets (OLT)	
	Olivier Tichit (Musim Mas)	
11.	Quentin Meunier (Olam)	



No.	Details	Action
1	Updates on Resolution GA18-2d	
	 On 8 March 2022, a call meeting was held between the Secretariat, the co-chairs of BHCVWG, the co-chairs of Smallholder Standing Committee (SHSC), and the Resolution proponents. 	
	 In the call meeting, the draft of the public announcement, the Terms of Reference (ToR) for rapid scoping study and the ToR for review of barriers & simplification of the process of RaCP for scheme smallholders were presented to the Resolution proponents. 	
	 Proposals from the Resolution proponents: 1. For the scheme smallholders that had been certified, they could continue with certification and provided if there were different requirements, they could resubmit the disclosure and Land Use Change Analysis (LUCA) when the revised Remediation and Compensation Procedure (RaCP) was published. 2. For the scheme smallholders that were yet to submit disclosure and LUCA and not yet certified, these groups could wait for the new revised RaCP for scheme smallholders. 	
	 Clarification was sought from the Resolution proponents for the scope of countries for the reprieve as the Resolution did not specify any countries and because of the Resolution was adopted at the GA- 18, it could be deemed by the other members that were applied globally. 	
	 According to the outcome of the meeting, the Secretariat to assist in tabulating the information on the member countries that have scheme smallholder arrangements, the scale and the extent of the smallholder oil palm plantations. The Secretariat had listed a few countries based on the point of identifying and tabulating some member countries where there was indication of scheme smallholders coupled with literature review and requested feedback from the CTF2 members on the scope of countries. 	
	 Feedback from the members: The scheme smallholders were defined by legal structure on how they were set up. Concern on missing out the countries that had scheme smallholders. Expressed difficulty in determining which countries to be on the list for sampling due to lack of criteria to choose from. Suggested the first step of the study to include all countries and come out with selection criteria to narrow down the countries with scheme smallholders to ensure that sampling was more accurate. Another suggestion was where a benchmark could be produced by sampling in Indonesia and Malaysia as both countries accounted for most of the world's planted area and Indonesia had a plasma scheme. Based in this benchmark, the template could be adapted in countries with lesser scheme smallholders by incorporating their specific nuances. Members agreed to not define a list of countries at this stage and 	RSPO Secretariat to update the ToR for the review of barriers & simplification of the process of RaCP for scheme smallholders based on the feedback from the members.
	could start off the sampling with Indonesia. Due to the Resolution	



was on global application, consultants were to come up with some selection criteria of how to narrow down the countries of interest as the first step of the study and from there, the consultants could start sampling and focus on the different countries.

• If there were unanticipated variations in the context / sampling points, Phase 2 to be added to close the gaps.

2 Integrating considerations from the RaCP review (2021): Social liability

- Based on the RaCP review report, the Secretariat extracted two key elements that were related to the next actions for social liability:
 - For quality assurance of social liability reports, a protocol to check the future submissions of the social liability of HCVs 4 to 6 was to be developed.
 - For conservation compensation, the table on the environmental remediation and social liability was to be split into two components to ensure that each addressed in its own right.

a. Quality assurance of social liability reports

- A draft guidance to guide the RSPO Secretariat staff in checking the submission of social liability information for RaCP was developed and trialled with a few of the Secretariat staff.
- The draft guidance was developed by collating information from different reference documents:
 - 1. Final guidance in social HCV identification (15 April 2016)
 - 2. FAO (2014). Respecting free, prior and informed consent: Practical guidance for governments, companies, NGOs, indigenous people and local communities in relation to land acquisition. Governance of Tenure: Technical Guide 3'
- The draft guidance was to be used together with the "Guidance on Identifying Social Liability for the loss of HCVs 4, 5, & 6 (15 April 2016)".
- The Secretariat requested help from the members to read through the draft guidance for Secretariat and asked the members whether the guidance on identifying social liability for members should also be reviewed.

Feedback from members:

- Agreed to review and align the guidance for members and draft guidance for Secretariat.
- Suggested to map out the process and what was the actual intention for the request of submission.
- Suggested to produce screening criteria for growers and also smallholders to enable them to submit accurate documentations.
- Suggested to identify the assumptions made during the development of the draft guidance, and if the Secretariat had captured the relevant points.
- Suggested to check whether the guidance for members had been useful to the growers as the guidance assumed that FPIC had been undertaken at the beginning, but ground conditions reflected slightly different realities.

RSPO Secretariat to have a separate discussion with CTF2 subgroup members based on the feedback from the CTF2 members.



- Suggested to conduct a short survey to identify if the guidance for members had been useful, what improvements users were hoping to see.
- Reminded that the guidance for members to be put in abeyance when the process of reviewing was initiated.
- Suggested to have one external facing document to explain or to guide about social liability, rather than having multiple documents.

b. Conservation compensation

- Currently, the environmental and social components were combined together in remediation section, i.e. concept note and compensation plan.
- The RaCP review report suggested to separate both of the components to avoid confusion.
- The Secretariat informed that the draft revised templates were produced and would like to ask for volunteers from the members to test and tweak the revised draft versions.
- Further details of the testing / discussion would be conducted through a subgroup with the volunteered members.

Feedback from members:

- Expressed need to improvise the content of the templates to avoid overlapping and confusion.
- Expressed willingness to volunteer to test the draft revised templates for further suggestion/feedback/clarification/refinement .
- Suggested to look into digitizing the forms for the ease of processing for long term wise.

RSPO Secretariat to organise a separate discussion with the subgroup members (SIPEF, Planting Naturals, Bumitama).

3 <u>Integrating considerations from the RaCP review (2021): Compensation</u> Projects Requirements

a. Leakages to the criterion of additionality

- Based on the RaCP review report, overall, the additionality criterion had been appropriately applied in the case studies that the reviewer had looked in, in relation to the RaCP guidance.
- One gap in the RaCP guidance was the consideration of leakage which was defined as the shifting of environmental impacts away from the project area to another area.
- Also, net additionality was introduced in the review report.
- The Secretariat informed the members that the current term used in RaCP requirements was "additionality".
- The Secretariat asked the members for their comment / feedback / inputs / thoughts on leakage and net additionality whether to consider include it in RaCP v2.

Feedback from members:

• The definition of leakage was looking at things in a simplistically manner, while the realities on the ground were complex due to the



land legality, permits by the governments and availability of the land resulted additionally difficult to be obtained.

- Control could be established within the boundaries / sites managed by company, but not the surrounding areas.
- Expressed disagreement in looking at leakages and net additionality at this stage due to the complexity of RaCP, and adding in net additionality would complicate the process further.
- · Longevity may address the issue of leakages.
- Suggested to assess ways on how existing process could address leakages, e.g., through government or stakeholder engagement, looking into concept note to establish safeguards and etc.
- Suggested to start collecting and documenting data points for leakages to get data ready for future discussion, rather than dismissing the idea now.
- A note to be inserted which stated that the CTF2 was made aware on the criteria of leakages and net additionality, however, these criteria were not ready to be addressed at the moment due to the pros and cons of the realistic of implementing in the actual context.
- Definition of additionality to be used in RaCP v2 and not net additionality because of the difficulties in assigning correlation and causation and also not enough projects approved.
- Interim reports of the approved projects will be reviewed and data will be tapped in order to map out if there are potential leakages.
 Analysis will then be conducted on the data to build safeguards. On the caveat that compensation approvals were not hold back.
- Defining data points for the collection of data in order to analyze the potential leakages / net additionality to be put on the to-do list.
- Members will come back to the Secretariat on the matter of identifying the list of data points.
- Raised a question on whether leakages could be addressed at the prioritization of compensation projects.
- The Secretariat responded that prioritization of projects was evaluated on a different set of considerations but highlighted that the potential of mapping out leakages from these projects.

The Secretariat informed that the discussion on the leakages and data points collection will be revisit in the next CTF2 meeting.

The Secretariat to find out more on the leakage criterion and present on 13 April 2022.

b. Clarification of the criteria for 'knowledge-based'

- Based on the review report, the knowledge-based criterion for compensation plans was relatively straightforward.
- However, there were many different interpretations of what knowledge-based criterion was, including that the plan must be based on science, logical, and including adequate monitoring procedures.
- The definition of knowledge-based in the RaCP was based on sound scientific and/or traditional knowledge with results widely



- disseminated and communicated to stakeholders and partners in a transparent and timely manner.
- Inconsistencies in the guidance in particular on how the emphasis on publicly available sources related to the recognition of traditional knowledge as a valid knowledge base.
- The Secretariat asked the members to share any experiences related to the knowledge-based criterion in reference to past concept note and compensation plan.

Feedback from the members:

- Expressed difficulty in the knowledge-based criterion for small compensation projects.
- Scientific knowledge base could be applied globally, while traditional knowledge base required multiple stakeholders' engagement in the project and it might differ geographically as well as invaluable.
- The integration of scientific and traditional knowledge base could help to solve problems / issues on the ground.

Building on the inputs from the members, the Secretariat to find out a bit more on this criterion to articulate it clearer and will come back to the CTF2 again.

c. Revision of the guidance on equity and prioritization of this criterion in socialization and training

- According to the review report, it revealed that not only stakeholders had very low-level understanding of what was meant by equity, but also amongst technical advisors, RSPO Secretariat staff and NGOs.
- Reasons being they did not know what it meant, only relevant for community projects and this criterion was fulfilled simply because there had been some community involvement.
- For on-site projects, it was difficult to distinguish between treatment of equity (related to conservation compensation) and treatment of social impacts and liability (related to non-compliant land clearance).
- In off-site cases which involved displacement of local people and / or restrictions of their use of resources - there was insufficient information in the documentation examined to assess whether the requirements for equity had been met.
- RaCP's definition on being equitable was defined through engaging and involving affected stakeholders in project planning, decisionmaking and implementation, fair and balanced sharing of responsibilities and rewards, and through respect for legal and customary arrangements.
- The Secretariat asked for comments / feedback on the call for clearer guidance on what equity meant, was there a possible framework / outline / process that growers could leverage on to design their projects and to make sure that the equity portion was met.

Feedback from the members:

- Expressed struggles to interpret and understand this criterion.
- Expressed the need for clarity.



- Suggested to put some sort of guidance which should also form part of this equity.
- Equity was basically making sure that the engagement process was done in the compensation and remediation process and should not be more complicated that that.
- Equity was also partly governance of the projects, e.g., proper documentation of engagement, grievance mechanism and etc.
- Added delivery / implementation, apart from engagement and governance.
- Suggested to articulate this criterion in a language that was easier to understand and interpreted to avoid confusion among the growers.

Building on the inputs from the members, the Secretariat to find out a bit more on this criterion to articulate it clearer and will come back to the CTF2 again.

d. Human rights protection in RaCP compensation projects

- The Secretariat presented an ideation on human rights protection in RaCP compensation projects.
- The draft paper was prepared based on the context of company might not be looking at the same consideration of RSPO principles or the shared principles of responsibility on human rights as projects were to be extended for more than 25 years.
- There might be potential for violation of human rights because some of these projects were run off-site, whether it was by growers, or third parties.
- It should be on the radar of growers to make sure that the human rights, accorded equally in the compensation projects.
- The Secretariat asked for feedback / inputs / comments from the members on this draft paper.

Feedback from the members:

- Asked for clarification on whether this component was at project implementation or project design level. The Secretariat responded that it was more towards project implementation.
- Suggested to address it in a simpler manner by embedding it in the conformance to human rights in the revision of RaCP.
- Concerns were raised on what if non-RSPO members did not comply to this component and what if there was no process of monitoring.
- Informed that code of conduct was being reviewed based on Resolution GA18-2b.

Based on the feedback from the members, this item of discussion will be put in abeyance by the Secretariat until clearer ideas came in to revisit this item. The Secretariat highlighted that this item was not something in review, it was just for ideation.

4 Environmental remediation and FPIC considerations for smallholders

Asked about whether there was an RSPO manual on best

Expressed the worthiness to look into this matter further.

management practices on peat.

End of meeting



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 The Secretariat informed that the FPIC guidance was being reviewed by the FPIC subgroup for independent smallholders. There were questions on the minimal requirements for smallholders with planted plots within the narrow strip of the riparian zones. The Secretariat asked the members if there was a need to have a clear articulation on the minimum requirements for on-site remediation for smallholders in RaCP v2. The Secretariat extracted the management practices prescribed for smallholders from the RSPO Manual on Best Management Practices for the Management and Rehabilitation of Riparian Reserves to aid the discussion. 	
 Feedback from members: Expressed struggle to see the remediation in the plots of smallholders (especially independent smallholders) as it might give an impact on their livelihood. Suggested to distinguish between scheme and independent smallholders for easier implementation as scheme smallholders (plasma in Indonesia) managed by companies. 	
 Asked for confirmation on whether smallholders were not eligible to be certified as RSPO members if they did not remediate their planted plots in the riparian zones. Asked about whether there was an RSPO manual on best 	The Secretariat to check with smallholder unit for the prescription. The Secretariat to check

on the draft

development stage.



MINUTES OF MEETING RSPO CTF2 Call (23 March 2022)

Attendance:

33. Syahrial Anhar (Wilmar)

Members and Alternates	RSPO Secretariat
11. Lee Swee Yin (SDP)	Khing Su Li
12. Ambang Wijaya (GAR)	Kaw Kar Mun
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15. Kalindi Lorenzo (Planting Naturals)	
16. Lanash Thanda (SEPA)	
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17. Mahendra Pimajati (FFI)	
18. Martin Mach (Bumitama)	
19. Lim Sian Choo (Bumitama)	
20. Octyanto Bagus (WWF)	
21. Vivi Anita (Musim Mas)	
Absent with apologies	
22. Harjinder Kler (HUTAN)	
23. Anne Rosenbarger (WRI)	
24. Arnina Hussin (SDP)	
25. Benjamin Loh (WWF)	
26. Bukti Bagja (WRI)	
27. Cahyo Nugroho (FFI)	
28. Eleanor Spencer (ZSL)	
29. Gotz Martin (GAR)	
30. Michelle Desilets (OLT)	
31. Olivier Tichit (Musim Mas)	
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No.	Details	Action
1	Integrating considerations from the RaCP review (2021)	
	a. Target turnaround times and cut-off dates for documents submission	
	The Secretariat presented two key pathways of the publication of	
	turnaround times based on the independent review of the RaCP	
	study:	
	i. Publishing the target turnaround time in terms of processing of	
	submissions by RSPO Secretariat.	
	ii. Publishing the target turnaround times and cut off dates for	
	submission of documents by growers.	
	The review report highlighted that there was no stipulation of the	
	time of review on the submission of RaCP documents.	
	The Secretariat listed the possible variables in reviewing the RaCP	
	documents submission (e.g., Secretariat manpower, approach used	
	by growers in the documents submission – precautionary vs actual,	
	in-house capacity vs external consultant and stakeholder	
	consultation on project design).	
	The Secretariat asked the members for feedback on whether to	
	consider to publish an indicative time of review and submission of	
	RaCP documents.	
	Feedback from members:	
	Commented to insert a cut-off date to differentiate existing cases.	
	Followed up on the previously discussed topic on simplifying and	
	automation of the RaCP process. The Secretariat responded that	The Secretariat to
	would follow up with GIS unit on further exploring the idea on	follow up with GIS unit.
	automation of the LUCA process.	
	Raised concern on the application of automation of LUCA process as	
	companies would prefer to check and review the liability internally.	
	Also, added that automation of LUCA would be an additional step of	
	checking for the company which might resulted in lengthening the	
	process.	
	 Commented that automation of LUCA could not trace the 	
	historical path of the land and detect the values of social HCV	
	of the land cleared.	
	 The automation of LUCA process might be useful for 	
	members who have challenges (e.g., limited resources) to	
	conduct LUCA and suggested to insert a disclaimer on the	
	limitation of the automation process.	
	 Suggested that calibration of all the LUCA reviewers would 	
	be needed to address inconsistencies in reviewing the report	
	(e.g., common checklist)	
	Perceived the feasibility on adding turnaround time for LUCA but	
	expressed the challenge of applying it to RaCP process.	
	 Timeline could be added for documents review (e.g., 	
	checking the completeness of the submission should not be	
	more than 7 days) but perceived difficulties to add timeline	
	to the process of development (e.g., compensation project).	
	However, it would be fair to have timelines for two parties	



- (i.e., reviewers to review and growers to revert/resubmission).
- Suggested to identify specific steps within the process where it would be feasible to have turnaround timelines. For the steps that would involve external factors, suggested to put an approximate timeline and an approval mechanism could be in place to review a company's justification on the causality and delay in submission, but on a case-by-case basis.
- Suggested to model HCV/HCS report submission for the RaCP documents submission (e.g. first submission, second submission and so on).
- Expressed in favour of adding timeline to the documents review process to provide certainty to the company as well as timeline for company to provide feedback. Also, suggested to add status of reviews in RaCP tracker (RSPO.org).
- Pointed out the Compensation Panel's workloads would need to be considered in setting the document review timeline as the review of concept note was on voluntary basis.
- Indicated that adding in turnaround timeline might not work due to limited capacity in the Secretariat, however, agreed to put the turnaround timeline if it would help the Secretariat towards solving the problem.
- Suggested to have a trial period to test out the timelines and the target turnaround times for the processing of RaCP documents upon submission to the Secretariat. SDP volunteered to be tester.

The Secretariat will compile all the discussion points and send to members via email and more thoughts could be established.

2 Integrating considerations from the RaCP review (2021)

b. Revision of fees for compensation plan evaluators

- The Secretariat presented that the service fee for the compensation plan evaluators was set by the BHCVWG in August 2017. It was a one-time fee of USD1,800 per remediation and compensation plan where the stipulated timeframe was four man-days for evaluation, including the time for the evaluator to respond to questions / comments after completion of work and submission of final evaluation documents to the Compensation Panel. There was also clause stating that should there be significant variation of work, the additional costs will enter into a separate agreement.
- Updated that the current issue where some compensation plans went into three to four times of resubmission and the evaluator would have to review the document again. The Secretariat did not increase the fees for evaluators despite of additional time and more man-days were committed.
- This issue was captured in the independent review where the reviewers had called for revised fee structure and the second and third draft should incur additional charge to companies and appropriate supplementary payments to evaluators.



• The Secretariat invited members to provide feedback and inputs on this matter.

Feedback from members:

- Expressed agreement to the new structure of paying the evaluators to make clear that USD1,800 would be for the first review and suggested to include one round of back and forth or maximum two times of feedback with the company. Should there be more than two round of review and feedback, company would bear the extra fee, on the condition that the company would have an incentive for addressing all the questions in a proper manner.
- Emphasized that there was a need to calibrate the evaluators to address the inconsistencies in the review process.
- Asked for a clarification on how many man-days to review the plan.
 The Secretariat clarified that an average plan would take up to three times of review and it would be between eight to ten days in total for the time of review.
- Suggested to increase the service fee in order to encourage better quality of review and avoid having to pay more incentives to the evaluators.
 - Commented that it would be much straightforward in reviewing the remediation plan only, whereby compensation plan would be more difficult in terms of review. Should there be an increase in service fee, then it should be depending on the type / complexity of plan to review.
 - Highlighted that increasing the service fee would affect the smallholders.
- Suggested that Secretariat to coordinate a call or provide an avenue between grower and evaluator to clarify questions / technicalities raised based on the review of documents.
 - The Secretariat responded that multiple approach could be explored, for the first being the calibration of the evaluators, and secondly, on the exploration of the mechanics of how and if there is a possibility to contact the evaluator directly and maintain anonymity.
- Suggested the Secretariat to get in touch with the evaluators to get feedback in order to have a more amenable fee structure.

The Secretariat will compile all the feedback from the members and discuss further in the next meeting.

3 RSPO project portfolio approach for small liability

- Following up on Item No. 4 from the previous CTF2 meeting held on 24 February 2022, the Secretariat provided the outline of the scope of work for setting up the subgroup to look into setting up a mechanism, e.g., project portfolio management system for compensation projects with small liability.
- The scope of work:



- 1. To develop the principles of framework (e.g., strategic conservation objectives, governance, decision making for selection and approval, monitoring project status & project risks).
- 2. To outline the expectations of projects and criteria for evaluation projects.
- 3. Define the obligations of project providers.
- 4. Define the extent of service / value that the system will offer (e.g. networking or matchmaking mechanism) where the intention is to avoid conflict of interest and identify more service providers.
- 5. Pilot test some projects
- The Secretariat asked for feedback from the members to further refine the scope of work.

Feedback from members:

- Expressed the establishment of this management system would be more viable for monetary compensation (off-site).
- Subgroup to further discuss and determine the threshold of what small liability constitutes and whether the threshold is for entire grouping or individual management unit.
- Preferred networking at this point in consideration of the lack of capacity in RSPO and linkages could be built between the NGOs and growers.
- Pilot testing to be conducted to test the mechanism / management system.

The Secretariat to organise a separate subgroup meeting.

4 Jurisdictional Working Group (JWG) – CTF2 subgroup for JA RaCP

- The Secretariat provided an update that the JWG has drafted and circulated the ToR of the formation of a CTF2 subgroup to work on the topic of jurisdictional scale remediation and compensation mechanism.
- The Secretariat also clarified the intention of the formation of the subgroup members who would look into the different pilot projects and map out what has worked, what has not quite worked, the lessons that could be taken and then come up with a draft for RaCP mechanism at jurisdictional level.
- The Secretariat asked for feedback and any volunteers for the subgroup members.

Feedback from the members:

 Expressed the needs of getting more information from JWG to guide the formation of the subgroup.

The Secretariat would assist the member to seek clarification on the following questions from the JWG:

- Focus of work is the expectation of the members on developing technical content only, or there is expectation also for the members to be involved in governance and negotiations with stakeholders (incl. officials, land users, etc.).
- Is there a minimum number for participants in the subgroup?



	 On the point of developing drafts of RSPO requirements, do the subgroup have an outline / framework to work on further development, or are the subgroup starting from scratch? For the jurisdictional HCV/HCS mapping, is the expectation for the subgroup to develop the process from start to finish? If not, appreciate the assistance to provide a bit more specifics on the expected level of input from the subgroup required. On the point of HCV/HCS mapping, there is mention of pilot projects. Is there any technical documentation capturing the process/method of mapping? The Secretariat will revert to the members via email once received the feedback from JWG. 	
5	Next meeting for CTF2 The next meeting is scheduled on 13 April 2022.	
6	End of meeting	