

**Roundtable on Sustainable Palm Oil (RSPO)
Malaysia National Interpretation (MY- NI)**

**Indicators and Guidance to establish the RSPO Principles & Criteria
Approved on 26 April 2008**

Preamble

This document categorised smallholders into 3 main categories which are the organised smallholders, independent smallholders and small-growers. Organised smallholders are defined as smallholdings managed by government agencies such as FELDA, FELCRA, RISDA and SALCRA and those managed by other organisations such as state land development schemes. Independent smallholders are individuals who own plantations of less than 40 ha. Small-growers are defined as plantation owners of more than 40 ha but below 500 ha.

PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

Criterion 1.1

Oil palm growers and millers provide adequate information to other stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages and forms to allow for effective participation in decision making

Indicators:

- 1.1.1 Records of requests and responses must be maintained.
Major compliance

Guidance:

Growers and millers should respond constructively and promptly to requests for information from stakeholders.

Specific National Guidance for Smallholders and Small-growers

Scheme managers are responsible for compliance by their organized smallholders. Independent smallholders and small-growers are required to comply in a manner appropriate to their respective organizations.

Criterion 1.2

Management documents are publicly available, except where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.

This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria. Documents that **must** be publicly available include, but are not necessarily limited to:-

- 1.2.1 Land titles / user rights (C 2.2)
- 1.2.2 Safety and health plan (C 4.7)
- 1.2.3 Plans and impact assessments relating to environmental and social impacts (C 5.1, 6.1, 7.1, 7.3)
- 1.2.4 Pollution prevention plans (C 5.6)
- 1.2.5 Details of complaints and grievances (C 6.3)
- 1.2.6 Negotiation procedures (C 6.4)
- 1.2.7 Continuous improvement plan (C 8.1)

Guidance:

Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.

Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites, which a community wishes to maintain as private.

Specific National Guidance for Smallholders and Small-growers:

Scheme managers should ensure that appropriate systems are in place for their organized smallholders to comply with the above.

Independent smallholders and small-growers can make documents available demonstrating their rights in land use such as land title, user rights and survey/locality plan as per land title.

PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

Criterion 2.1

There is compliance with all applicable local, national and ratified international laws and regulations

Indicators:

- 2.1.1 Evidence of compliance with legal requirements.
Major compliance
- 2.1.2 A documented system, which includes written information on legal requirements.
Minor compliance
- 2.1.3 A mechanism for ensuring that they are implemented.
Minor compliance
- 2.1.4 A system for tracking any changes in the law.
Minor compliance

Guidance:

1. Lists down all applicable laws including international laws and conventions ratified by the Malaysian government.
2. Identify the person(s) responsible to monitor this compliance.
3. Display applicable licenses and permits.
4. Unit responsible to monitor these will also be responsible to track and update changes.

Specific National Guidance for Smallholders and Small-growers:

The systems used should be appropriate to the scale of the organization. Scheme managers should ensure that their organized smallholders are aware of and comply with relevant legal requirements. Small-growers and independent smallholders should be aware of and comply with the relevant legal requirements.

Criterion 2.2

The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.

Indicators:

- 2.2.1 Evidence of legal ownership of the land including history of land tenure.
Major compliance
- 2.2.2 Growers must show that they comply with the terms of the land title.
[This indicator is to be read with Guidance 2]
Major compliance

- 2.2.3 Evidence that boundary stones along the perimeter adjacent to state land and other reserves are being located and visibly maintained.
Minor compliance

Specific Guidance:

Growers should attempt to comply with the above indicator within 15 months from date of announcement of first audit. Refer to State Land Office for examples of other reserves.

- 2.2.4 Where there are, or have been, disputes, proof of resolution or progress towards resolution by conflict resolution processes acceptable to all parties are implemented. Cross ref. to 2.3.3, 6.4.1 and 6.4.2.
Minor compliance

Guidance:

1. For any conflict or dispute over the land, the extent of the disputed area should be mapped out in a participatory way.
2. Where there is a conflict to the condition of land use as per land title, growers must show evidence that necessary action has been taken to resolve the conflict with the relevant authorities.
3. Ensure a mechanism to solve the dispute (Refer to C 6.3 and C6.4)
4. Evidence must be demonstrated that the dispute has been resolved.
5. All operations shall cease on land planted beyond the legal boundary.

Criterion 2.3

Use of the land for oil palm does not diminish the legal rights, or customary rights, of other users, without their free, prior and informed consent.

Indicators:

- 2.3.1 Where lands are encumbered by customary rights, participatory mapping should be conducted to construct maps that show the extent of these rights.
Major compliance
- 2.3.2 Map of appropriate scale showing extent of claims under dispute.
Major compliance
- 2.3.3 Copies of negotiated agreements detailing process of consent (C2.2, 7.5 and 7.6).
Minor compliance

Guidance:

Where lands are encumbered by legal or customary rights, the grower must demonstrate that these rights are understood and are not being threatened or reduced. This criterion should be considered in conjunction with Criteria 6.4, 7.5 and 7.6.

Where customary rights areas are unclear these are best established through participatory mapping exercises involving affected and neighbouring communities.

This criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements.

Communities must be permitted to seek legal counsel if they so choose. Communities must be represented through institutions or representatives of their own choosing, operating transparently and in open communication with other community members.

Adequate time must be given for customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is of long-term benefit for all parties.

Specific National Guidance for Smallholders and Small-growers:

Scheme managers show that their organized smallholders comply as above. Independent smallholders and small-growers can demonstrate rights to their landholdings. Where others' customary or legally owned lands have been taken-over, there is documentary proof of transfer of rights that are within the legal framework of the state (e.g. sale/sub-lease) and of payment or provision of agreed compensation.

PRINCIPLE 3: COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY

Criterion 3.1

There is an implemented management plan that aims to achieve long-term economic and financial viability.

Indicators:

- 3.1.1 Annual budget with a minimum 2 years of projection
Major compliance

Specific Guidance:

Annual budget may include FFB yield/ha, OER, CPO yield/ha and cost of production that is not required to be publicly available.

- 3.1.2 Annual replanting programme projected for a minimum of 5 years with yearly review.
Minor compliance

Guidance:

Individual organization is to define its own management unit i.e. mill, estate or group as per definition on unit of certification explained in Item 4.2.3 and 4.2.4 in the RSPO Certification Systems document located at:
http://www.rspo.org/RSPO_Certification_Systems.aspx

Specific National Guidance Smallholders and Small-growers:

For organized smallholders, scheme managers and small-growers, the content of the above would vary. This criterion is not applicable for independent smallholders.

PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

Criterion 4.1

Operating procedures are appropriately documented and consistently implemented and monitored.

Indicators:

- 4.1.1 Documented Standard Operating Procedures (SOP) for estates and mills
Major compliance
- 4.1.2 Records of monitoring and the actions taken are maintained and kept for a minimum of 12 months.
Minor compliance

Specific National Guidance for Smallholders and Small-growers:

For independent smallholders, organized smallholders and small-growers, working practices will have to be consistent with documented procedures provided by customers or related government agencies and organisations.

Criterion 4.2

Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.

MY-NIWG recommends that the indicators in criterion 4.2 and 4.3 are linked

- 4.2.1 Monitoring of fertilizer inputs through annual fertilizer recommendations.
Minor compliance
- 4.2.2 Evidence of periodic tissue and soil sampling to monitor changes in nutrient status.
Minor compliance
- 4.2.3 Monitor the area on which EFB, POME and zero-burn replanting is applied.
Minor compliance

Guidance:

Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Managers should ensure that best agricultural practice is followed. Nutrient efficiency must take account of the age of plantations and soil conditions.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers and small-growers are able to demonstrate that they have an understanding of the techniques required to maintain soil fertility and that they are being implemented. Independent smallholders are exempted.

Criterion 4.3

Practices minimise and control erosion and degradation of soils.

Indicators:

- 4.3.1 Documented evidence of practices minimizing soil erosion and degradation (including maps).
Minor compliance

Specific Guidance:

Replanting on sloping land must be in compliance with MSGAP Part 2: OP (4.4.2.2)

For Sarawak, steep slopes are considered high risk erosion areas and cannot undergo replanting unless specified in the EIA report and approved by the Natural Resources and Environment Board (NREB).

For Sabah, slopes 25 degree and steeper are considered high risk erosion areas and cannot undergo replanting unless specified in the EIA report [Environment Protection (Prescribed Activities)(Environment Impact Assessment) Order 2005] and approved by the Environmental Protection Department (EPD).

Slope determination methodology (slope analysis) should be based on average slope using topographic maps or topographical surveys.

- 4.3.2 Avoid or minimize bare or exposed soil within estates.
Minor compliance

Specific Guidance:

Appropriate conservation practices should be adopted.

- 4.3.3 Presence of road maintenance programme.
Minor compliance

- 4.3.4 Subsidence of peat soils should be minimised through an effective and documented water management programme.
Minor compliance

Specific Guidance:

Maintaining water table at a mean of 60 cm (within a range of 50-75cm) below ground surface through a network of weirs, sandbags, etc. in fields and watergates at the discharge points of main drains.

- 4.3.5 Best management practices should be in place for other fragile and problem soils (e.g. sandy, low organic matter and acid sulphate soils).
Minor compliance

Guidance:

Techniques that minimise soil erosion are well-known and should be adopted, wherever appropriate. These may include practices such as:

1. Expediting establishment of ground cover upon completion of land preparation for new replant.
2. Maximizing palm biomass retention/ recycling.
3. Maintaining good non-competitive ground covers in mature areas.
4. Encouraging the establishment/regeneration of non-competitive vegetation to avoid bare ground.
5. Construction of conservation terraces for slopes $>15^{\circ}$
6. Advocating proper frond heap stacking such as contour/L-shaped stacking. for straight line planting and stacking along the terrace edges for terrace planting.
7. Appropriate road design and regular maintenance.
8. Diversion of water runoff from the field roads into terraces or silt pits.
9. Construction of stop bunds to retain water within the terrace.
10. Maintaining and restoring riparian areas in order to minimize erosion of stream and river banks.

Specific National Guidance for Smallholders and Small-growers:

Smallholders and small-growers should be able to demonstrate that they have an understanding of the techniques required to manage their soils and that they are being implemented.

Criterion 4.4

Practices maintain the quality and availability of surface and ground water.

Indicators:

- 4.4.1 Protection of water courses and wetlands, including maintaining and restoring appropriate riparian buffer zones at or before replanting along all natural waterways within the estate.
Major compliance

Specific Guidance:

Riparian buffer zones: Reference to be made to relevant national regulations or guidelines from state authorities e.g. Department of Irrigation and Drainage (DID), whichever is more stringent.

- 4.4.2 No construction of bunds/weirs/dams across the main rivers or waterways passing through an estate.
Major compliance
- 4.4.3 Outgoing water into main natural waterways should be monitored at a frequency that reflects the estates and mills current activities which may have negative impacts (Cross reference to C 5.1 and 8.1).
Major compliance

- 4.4.4 Monitoring rainfall data for proper water management.
Minor compliance
- 4.4.5 Monitoring of water usage in mills (tonnage water use/tonne FFB processed).
Minor compliance

Specific Guidance:

Data trended where possible over 3 years to look into resource utilization

- 4.4.6 Water drainage into protected areas is avoided wherever possible. Appropriate mitigating measures will be implemented following consultation with relevant stakeholders.
Minor compliance
- 4.4.7 Evidence of water management plans.
Minor compliance

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should provide appropriate training for their organized smallholders on the importance of maintaining the quality and availability of surface and ground water.

Independent smallholders can demonstrate that they understand the need to maintain the quality and availability of surface and ground water.

Small-growers should comply with Indicators 4.4.1, 4.4.2 and 4.4.6.

Criterion 4.5

Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques.

Indicators:

- 4.5.1 Documented IPM system.
Minor compliance
- 4.5.2 Monitoring extent of IPM implementation for major pests.
Minor compliance

Specific Guidance:

Major pests include leaf eating caterpillars, rhinoceros beetle and rats.

- 4.5.3 Recording areas where pesticides have been used.
Minor compliance
- 4.5.4 Monitoring of pesticide usage units per hectare or per ton crop e.g. total quantity of active ingredient (a.i.) used/ tonne of oil.
Minor compliance

Guidance:

Growers should apply recognised IPM techniques, incorporating cultural, biological, mechanical or physical methods to minimise use of chemicals. Native species should be used in biological control wherever possible.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should provide training for their organized smallholders in IPM techniques and provide appropriate assistance on agrochemical application. An appreciation or training on IPM techniques is advocated for all independent smallholders and small-growers.

Criterion 4.6

Agrochemicals are used in a way that does not endanger health or the environment. There is no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines. Where agrochemicals are used that are categorised as World Health Organisation Type 1A or 1B, or are listed by the Stockholm or Rotterdam Conventions, growers are actively seeking to identify alternatives, and this is documented.

Indicators:

- 4.6.1 Written justification in Standard Operating Procedures (SOP) of all agrochemicals use.
Major compliance
- 4.6.2 Pesticides selected for use are those officially registered under the Pesticides Act 1974 (Act 149) and the relevant provision (Section 53A); and in accordance with USECHH Regulations (2000).
Major compliance

Specific Guidance:

Reference shall also be made to CHRA (Chemical Health Risk Assessment)

- 4.6.3 Pesticides shall be stored in accordance to the Occupational Safety and Health Act 1994 (Act 514) and Regulations and Orders and Pesticides Act 1974 (Act 149) and Regulations.
Major compliance

Specific guidance:

Unless participating in established recycling programmes or with expressed permission from the authorities, triple rinsed containers shall be pierced to prevent misuse. Disposal or destruction of containers shall be in accordance with the Pesticide Act 1974 (Act 149) and Environmental Quality Act 1974 (Scheduled Wastes) Regulations 2005.

- 4.6.4 All information regarding the chemicals and its usage, hazards, trade and generic names must be available in language understood by workers or explained carefully to them by a plantation management official at operating unit level.
Major compliance
- 4.6.5 Annual medical surveillance as per CHRA for plantation pesticide operators.
Major compliance
- 4.6.6 No work with pesticides for confirmed pregnant and breast-feeding women.
Major compliance
- 4.6.7 Documentary evidence that use of chemicals categorised as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions and paraquat, is reduced and/or eliminated. Adoption of suitable economic alternative to paraquat as suggested by the EB pending outcome of the RSPO study on IWM.
Minor compliance
- 4.6.8 Documented justification of any aerial application of agrochemicals. No aerial spraying unless approved by relevant authorities.
Major compliance
- 4.6.9 Evidence of chemical residues in CPO testing, as requested and conducted by the buyers.
Minor compliance
- 4.6.10 Records of pesticide use (including active ingredients used, area treated, amount applied per ha and number of applications) are maintained for either a minimum of 5 years or starting November 2007.
Minor compliance

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should provide regular training to their organized smallholders on agrochemical use.

Independent smallholders and small-growers must be able to identify and justify chemical applications as well as adopt appropriate safety precautions.

Criterion 4.7

An occupational health and safety plan is documented, effectively communicated and implemented.

Indicators:

- 4.7.1 Evidence of documented Occupational Safety Health (OSH) plan which is in compliance with OSH Act 1994 and Factory and Machinery Act 1967 (Act139).
Major compliance

The safety and health (OSH) plan shall cover the following:

- a. A safety and health policy, which is communicated and implemented.
 - b. All operations have been risk assessed and documented.
 - c. An awareness and training programme which includes the following specifics for pesticides :
 - i. to ensure all workers involved have been adequately trained in a safe working practices (See also C 4.8)
 - ii. all precautions attached to products should be properly observed and applied to the workers.
 - d. The appropriate personal protective equipment (PPE) are used for each risk assessed operation.
 - i. Companies to provide the appropriate PPE at the place of work to cover all potentially hazardous operations such as pesticide application, land preparation, harvesting and if used, burning.
 - e. The responsible person (s) should be identified.
 - f. There are records of regular meetings between the responsible person(s) and workers where concerns of workers about health and safety are discussed.
 - g. Accident and emergency procedures should exist and instructions should be clearly understood by all workers.
 - h. Workers trained in First Aid should be present in both field and mill operations.
 - i. First Aid equipment should be available at worksites.
- 4.7.2 Records should be kept of all accidents and periodically reviewed at quarterly intervals.
Major compliance

Specific Guidance:

Record of safety performance is monitored through Lost Time Accident (LTA) rate.

- 4.7.3 Workers should be covered by accident insurance.
Major compliance

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should implement a health and safety plan for their organized smallholders.

Independent smallholders and small-growers need not have a formal health and safety plan but should ensure working practices for all workers are safe and workers are covered by accident insurance.

Criteria 4.8

All staff, workers, smallholders and contractors are appropriately trained.

Indicator:

- 4.8.1 A training programme (appropriate to the scale of the organization) that includes regular assessment of training needs and documentation, including records of training for employees are kept.
Major compliance

Guidance:

Appropriate training should be given to all staff, workers and contractors by growers and millers to enable them to fulfill their jobs and responsibilities in accordance with documented procedures. All Estate Hospital Assistants (EHA) are trained on the chemicals used and related laws.

Specific National Guidance for Smallholders and Small-growers:

Workers on smallholder's and small-grower's plots are provided adequate training and skills and this can be achieved through extension activities of growers, FFB dealers or mills that purchase fruit from them, by smallholders' organizations, or through collaboration with relevant government agencies. For independent smallholders and small-growers, training records are not required but anyone working on the landholding should be adequately trained for the job they are doing.

PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

Criterion 5.1

Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continuous improvement.

Indicator:

- 5.1.1 Documented aspects and impacts risk assessment that is periodically reviewed and updated.
Major compliance
- 5.1.2 Environmental improvement plan to mitigate the negative impacts and promote the positive ones, is developed, implemented and monitored.
Minor compliance

Guidance:

Non-restrictive format e.g. ISO 14001 EMS and/or EIA report incorporating elements spelt out in this criterion and raised through stakeholder consultation.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should undertake and document aspects and impacts risk assessment, developed with the participation of the representatives of organized smallholders that sets out appropriate management planning and operational procedures for each impact identified.

Independent smallholders are expected to be aware of their environmental impacts but are not expected to undertake formal impact assessments (unless there is a legal requirement). Small-growers should undertake aspects and impacts risk assessment and implement appropriate mitigation measures for each impact identified.

Criterion 5.2

The status of rare, threatened or endangered species (ERTs) and high conservation value habitats, if any, that exists in the plantation or that could be affected by plantation or mill management, shall be identified and their conservation taken into account in management plans and operations.

Indicators:

- 5.2.1 Identification and assessment of HCV habitats and protected areas within landholdings; and attempt assessments of HCV habitats and protected areas surrounding landholdings.
Major compliance
- 5.2.2 Management plan for HCV habitats (including ERTs) and their conservation.
Major compliance

- 5.2.3 Evidence of a commitment to discourage any illegal or inappropriate hunting fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts.
Minor compliance

Specific Guidance:

Identify ERTs and establish their conservation status based on national and state conservation schedules; and should provide evidence of attempts to do likewise for immediate adjacent areas.

In the event that the conservation status of a species has not been assessed locally, the IUCN list should be used to determine and report conservation status. Management plans to include areas for improvement.

Where appropriate, the above activities to be conducted involving relevant stakeholders

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should compile information about the status of these aspects for their organized smallholders, as well as the associated mill and directly managed estate (if any). If ERTs or HCV habitats are present, appropriate measures for management planning and operations should be conducted, depending on the size of the scheme.

Independent smallholders and small-growers show a basic understanding of any applicable species or habitats, together with their conservation needs. If rare, threatened or endangered species or high conservation value habitats are present, appropriate measures for its conservation should be conducted.

Criterion 5.3

Waste is reduced, recycled, re-used and disposed off in an environmentally and socially responsible manner.

Indicators:

- 5.3.1 Documented identification of all waste products and sources of pollution.
Major compliance
- 5.3.2 Having identified wastes and pollutants, an operational plan should be developed and implemented, to avoid or reduce pollution.
Minor compliance

Specific Guidance:

Schedule waste to be disposed as per EQA 1974 (Scheduled Wastes) Regulations, 2005.

Reference to be made to the national programme on recycling of used HDPE pesticide containers.

Municipal waste disposal as per local authority or district council in accordance to the Ministry of Health guidelines (i.e. specifications on landfills, licensed contractors, etc) or Workers' Minimum Standards of Housing and Amenities Act 1990 (Act 446).

- 5.3.3 Evidence that crop residues / biomass are recycled (Cross ref. C 4.2).
Minor compliance

Specific Guidance:

POME should be discharged in compliance with the Environmental Quality Act 1974 (Act 127) and Regulations.

For Sabah and Sarawak, POME should be discharged according to the respective state policies.

Specific National Guidance for Smallholders and Small-growers:

Scheme managers should develop and implement an appropriate plan for the management and disposal of waste from smallholdings including the safe disposal of pesticide containers.

Independent smallholders and small-growers should be encouraged to adopt appropriate disposal measures (triple rinsing, puncturing and storage) for used chemical containers and ensure that waste from their land holdings are disposed off without burning and without causing a public nuisance.

Criterion 5.4

Efficiency of energy use and use of renewable energy is maximized.

Indicators:

- 5.4.1 Monitoring of renewable energy use per tonne of CPO or palm product in the mill.
Minor compliance
- 5.4.2 Monitoring of direct fossil fuel use per tonne of CPO or kW per tonne palm product in the mill (or FFB where the grower has no mill).
Minor compliance

Guidance:

To establish baseline values and observe trends within appropriate time-frame. Growers and millers should assess the energy use including fuel and electricity, and energy efficiency of their operations. The feasibility of collecting and using biogas, biodiesel and biofuels should be studied if possible.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers and small-growers should be encouraged to develop appropriate action plan for improving the efficiency of energy use in their schemes and land holdings. Not applicable to independent smallholders.

Criterion 5.5

Use of fire for waste disposal and for preparing land for replanting is avoided except in specific situations, as identified in the ASEAN Guidance or other regional best practice.

Indicators:

- 5.5.1 No evidence of open burning. Where controlled burning occurs, it is as prescribed by the Environmental Quality (Declared Activities) (Open Burning) Order 2003.
Major compliance
- 5.5.2 Previous crop should be felled/mowed down, chipped/shredded, windrowed or pulverized/ ploughed and mulched.
Minor compliance

Specific Guidance:

A special dispensation from the relevant authorities should be sought in areas where the previous crop or stand is highly diseased and there is a significant risk of disease spread or continuation into the next crop.

- 5.5.3 No evidence of burning waste (including domestic waste).
Minor compliance

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should carry out training and provide extension support to their organized smallholders to enhance awareness that open burning is not used except in accordance with ASEAN guidelines or other regional best practice. Independent smallholders and small-growers should not practise open burning during replanting.

Criterion 5.6

Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.

Indicators:

- 5.6.1 Documented plans to mitigate all polluting activities (Cross ref to C 5.1).
Major compliance
- 5.6.2 Plans are reviewed annually.
Minor compliance

Specific Guidance:

Pollutants and emissions are identified and plans to reduce them are developed in conformance to national regulations and guidance.

- 5.6.3 Monitor and reduce peat subsidence rate through water table management. (Within ranges specified in C 4.3).
Minor compliance

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should include an assessment of all polluting activities by their organized smallholders and develop a plan for pollution and emissions abatement arising from oil palm cultivation.

Small-growers should be aware of their polluting activities and implement plans to reduce them.

Not applicable to independent smallholders.

PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES BY GROWERS AND MILLERS

Criterion 6.1

Aspects of plantation and mill management, including replanting, that have social impacts are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continuous improvement.

Indicators:

- 6.1.1 A documented social impact assessment including records of meetings.
Major compliance

Specific Guidance:

Non-restrictive format incorporating elements spelt out in this criterion and raised through stakeholder consultation including local expertise.

- 6.1.2 Evidence that the assessment has been done with the participation of affected parties.
Minor compliance

Specific Guidance:

Participation in this context means that affected parties or their official representatives or freely chosen spokespersons are able to express their views during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.

- 6.1.3 A timetable with responsibilities for mitigation and monitoring is reviewed and updated as necessary.
Minor compliance

Guidance:

Identification of social impacts may be carried out by the grower in consultation with other affected parties, including women and migrant workers as appropriate to the situation. The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.

Particular attention should be paid to the impacts of outgrower schemes (where the plantation includes such a scheme).

Plantation and mill management may have social impacts on factors such as:

1. Access and use rights.
2. Economic livelihoods (e.g. paid employment) and working conditions.
3. Subsistence activities.
4. Cultural and religious values.
5. Health and education facilities.
6. Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should be able to demonstrate that their representatives of organized smallholders participated in the development of management plans for their schemes, including a documented social impact assessment. Small-growers and independent smallholders need not have a documented system but should be able to explain social impacts of their operations and respond constructively to complaints, if any.

Criterion 6.2

There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.

Indicators:

- 6.2.1 Documented consultation and communication procedures.
Major compliance
- 6.2.2 A nominated plantation management official at the operating unit responsible for these issues.
Minor compliance
- 6.2.3 Maintenance of a list of stakeholders, records of all communication and records of actions taken in response to input from stakeholders.
Minor compliance

Specific Guidance:

Decisions that the growers or mills are planning to make should be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation.

Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These should consider the use of existing local mechanisms and languages. Consideration should be given to the existence/ formation of a multi-stakeholder forum.

Communications should take into account differential access to information of women as compared to men, village leaders as compared to day workers, new versus established community groups, and different ethnic groups.

Consideration should be given to involving third parties, such as disinterested community groups, NGOs, or government (or a combination of these), to facilitate smallholder schemes and communities, and others as appropriate, in these communications.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should provide the necessary mechanism for consultation and communication with the representatives of organized smallholders and other stakeholders.

Small-growers and independent smallholders should be able to respond constructively to their respective stakeholders.

Criterion 6.3

There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.

Indicators:

- 6.3.1 Documentation of the process by which a dispute was resolved and the outcome.
Major compliance

Specific Guidance:

Records are to be kept for 3 years.

- 6.3.2 The system resolves disputes in an effective, timely and appropriate manner.
Minor compliance
- 6.3.3 The system is open to any affected parties.
Minor compliance

Guidance:

Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.

Complaints may be dealt with by mechanisms such as Joint Consultative Committees (JCC) with gender representation. Grievances may be internal (employees) or external.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should provide the necessary mechanism to deal with complaints and grievances by their organized smallholders and other stakeholders. Small-growers and independent smallholders need not have a documented system but should be able to respond constructively to any complaint or issue raised by their stakeholders.

Criterion 6.4

Any negotiations concerning compensation for loss of legal or customary rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

Indicators:

- 6.4.1 Establishment of a procedure for identifying legal and customary rights and a procedure for identifying people entitled to compensation.
Major compliance
- 6.4.2 A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented. This takes into account gender differences in the power to claim rights, ownership and access to land; and long-established communities; differences in ethnic groups' proof of legal versus communal ownership of land.
Minor compliance
- 6.4.3 The process and outcome of any compensation claims is documented and made publicly available.
Minor compliance

Specific Guidance:

This criterion should be considered in conjunction with Criterion 2.3.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should be able to show that they have acquired and/or allocated land for their organized smallholdings in compliance with this criterion, if applicable. Where applicable, small-growers and independent smallholders can demonstrate that they have paid compensation to prior legal or customary rights-holders (Cross ref C 2.3).

Criterion 6.5

Pay and conditions for employees and for employees of contractors always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.

Indicators:

- 6.5.1 Documentation of pay and conditions.
Major compliance
- 6.5.2 Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc) are available in the language understood by the workers or explained carefully to them by a plantation management official in the operating unit.
Minor compliance

- 6.5.3 Growers and millers provide adequate housing, water supplies, medical, educational and welfare amenities in accordance with Workers' Minimum Standard of Housing and Amenities Act 1990 (Act 446) or above, where no such public facilities are available or accessible (not applicable to smallholders).
Minor compliance

Guidance:

Where temporary or migrant workers are employed, a special labour policy should be established. This labour policy would state the non discriminatory practices; no contract substitution of original contract, post arrival orientation program to focus especially on language, safety, labour laws, cultural practices etc; decent living conditions to be provided. Migrant workers are legalised, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers, and international standards, if ratified.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers, independent smallholders and small-growers should comply with national legislation protecting workers' rights, pay and working conditions.

Criterion 6.6

The employer respects the right of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.

Indicators:

- 6.6.1 Documented minutes of meetings with main trade unions or workers representatives.
Major compliance
- 6.6.2 A published statement in local languages recognizing freedom of association.
Minor compliance

Guidance:

The right of employees and contractors to form associations and bargain collectively with their employer should be respected. Documented company policy recognizing freedom of association.

Labour laws and union agreements or in their absence, direct contracts of employment detailing payments and other conditions are available in the languages understood by the workers or explained carefully to them by a plantation management official in the operating unit.

Specific National Guidance for Smallholders and Small-growers:

This criterion applies to scheme smallholdings. Not applicable for independent smallholders and small-growers.

Criterion 6.7

Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision, and when not interfering with education programmes. Children are not exposed to hazardous working conditions.

Indicator:

- 6.7.1 Documented evidence that minimum age requirement is met.
Major compliance

Guidance:

Growers and millers should clearly define the minimum working age, together with working hours. Only workers 16 years and older may be employed, with the stated exception of family farms. Smallholders should allow work by children only if permitted by national regulations.

The minimum age of workers should be not less than 16 years, or the minimum school leaving age, or the minimum age permitted under national regulations, where higher.

Specific National Guidance for Smallholders and Small-growers:

Children should only be allowed work in schemes and individual land holdings if permitted by national regulations and not interfering with education programmes.

Criterion 6.8

Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.

Indicators:

- 6.8.1 A publicly available equal opportunities policy.
Major compliance
- 6.8.2 Evidence that employees and groups including migrant workers have not been discriminated against.
Minor compliance

Guidance:

The grievance procedures detailed in 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers, independent smallholders and small-growers need only comply with Indicator 6.8.2.

Criterion 6.9

A policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive rights is developed and applied.

Indicator:

- 6.9.1 A policy on sexual harassment and violence and records of implementation.
Major compliance
- 6.9.2 A specific grievance mechanism is established.
Major compliance

Guidance:

There should be a clear policy developed in consultation with employees, contractors and other relevant stakeholders, which should be publicly available. The policy is applicable within the boundaries of the plantation/mills or while on duty outside the premises. Progress in implementing the policy should be regularly monitored and the results of monitoring activities should be recorded.

A committee specifically to address concerns of women may be required to comply with the criterion. This committee will consider matters such as; training on women's rights, counselling for women affected by violence and child care facilities to be provided by the growers and millers. The activities of the committee should be documented.

Specific National Guidance for Smallholders and Small-growers:

Scheme managers should adopt this policy for all their organized smallholders and workers.
Independent smallholders and small-growers should observe the above criterion.

Criterion 6.10

Growers and mills deal fairly and transparently with smallholders and other local businesses.

Indicators:

- 6.10.1 Pricing mechanisms for FFB and inputs/services shall be documented.
Major compliance
- 6.10.2 Current and past prices paid for FFB shall be publicly available.
Minor compliance

- 6.10.3 Evidence that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.
Minor compliance
- 6.10.4 Agreed payments shall be made in a timely manner.
Minor compliance

Guidance:

Transactions with smallholders should consider issues such as the role of middlemen, transport and storage of FFB, quality and grading.

Smallholders must have access to the grievance procedure under Criterion 6.3, if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.

The need for a fair and transparent pricing mechanism is particularly important for outgrowers, who are contractually obliged to sell all FFB to a particular mill. If mills require smallholders to change practices to meet the RSPO criteria, consideration must be given to the costs of such changes, and the possibility of advance payments for FFB could be considered.

Criterion 6.11

Growers and millers contribute to local sustainable development wherever appropriate.

Indicator:

- 6.11.1 Demonstrable contributions to local development that are based on the results of consultation with local communities.
Minor compliance

Guidance:

Contributions to local development should be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation should be based on the principles of transparency, openness and participation and should encourage communities to identify their own priorities and needs, including the different needs of men and women.

Where candidates for employment are of equal merit, preference should always be given to members of local communities in accordance to national policy. Positive discrimination should not be recognized as conflicting with Criterion 6.8.

Specific National Guidance for Smallholders and Small-growers:

For organized smallholders' schemes and small-growers, contributions to local development should be based on the results of consultation with local communities, depending on scale of organization. Not applicable to independent smallholders.

PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS

Criterion 7.1

A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations.

Indicators:

- 7.1.1 An independent and participatory social and environmental impact assessment (SEIA) to be conducted and documented (Cross ref. to C 7.2, 7.3, 7.4, 7.5, 7.6).
Major compliance

Specific Guidance:

SEIAs to include previous land use / history and involve independent consultation as per national and state regulations, via participatory methodology which includes external stakeholders.

For Sabah, slopes 25 degrees and above are considered high risk erosion areas and cannot undergo replanting unless specified in the EIA report [Environment Impact Assessment (Order 2005)] and approved by the Environmental Protection Department (EPD).

For Sarawak, steep slopes are considered high risk erosion areas and cannot undergo replanting unless specified in the EIA report [Natural Resources and Environment (Prescribed Activities) Order 1994] and approved by the Natural Resources and Environment Board (NREB).

- 7.1.2 The results of the SEIA to be incorporated into an appropriate management plan and operational procedures developed, implemented, monitored and reviewed.
Minor compliance
- 7.1.3 Where the development includes smallholder schemes of above 500ha in total, the impacts and implications of how it is managed should be documented and a plan to manage the impacts produced.
Minor compliance

Guidance:

The terms of reference should be defined and impact assessment should be carried out by accredited independent experts, in order to ensure an objective process. Both should not be done by the same body. See also C 5.1 and C 6.1.

This indicator is not applicable to development of smallholder schemes below 500ha.

For Sabah, new planting or replanting of area 500ha or more requires EIA. For areas below 500ha but above 100ha, proposal for mitigation measures (PMM) is required. For Sarawak, only new planting of area 500ha and above requires EIA. Onus is on the company to report back to the DOE on the mitigation efforts being put in place arising out of the EIA.

Assessment of above and below ground carbon storage is important but beyond the scope of an EIA. Note: This aspect will be considered by an RSPO Greenhouse Gas Working Group.

Specific National Guidance for Smallholders and Small-growers:

This criterion applies to scheme smallholders but is not applicable to development of smallholder schemes or individual land holdings below 500ha. Small-growers and independent smallholders should consult relevant stakeholders on the impacts prior to developing new plantings or replanting and mitigating measures are implemented in accordance to state legislations.

Criterion 7.2

Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.

Indicators:

- 7.2.1 Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation should be available.
Major compliance
- 7.2.2 Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure should be available.
Minor compliance

Guidance:

These activities may be linked to the SEIA (C7.1) but need not be done by independent experts.

Soil surveys should be adequate to establish the long-term suitability of land for oil palm cultivation. Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, soil depth, moisture availability, stoniness, fertility and long-term soil sustainability. Soils unsuitable for planting or those requiring special treatment should be identified.

This information should be used to plan planting programmes, etc. Measures should be planned to minimise erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.

Specific National Guidance for Smallholders and Small-growers:

This criterion applies to organized smallholder schemes more than 500 ha. Assessing soil suitability is also important for independent smallholders and small-growers, particularly where there are significant numbers operating in a particular location. Information may be collected and provided by relevant government agencies or mill that purchases FFB from independent smallholders.

Criterion 7.3

New plantings since November 2005, have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.

Indicators:

- 7.3.1 A HCV assessment, including stakeholder consultation, is conducted prior to any conversion.
Major compliance

Guidance:

HCV assessments to be documented and included as part of the SEIA (C7.1). Reference should be made to EIA to indicate the extent of the HCV areas as determined by relevant experts, with priority given to the locals.

This criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place after this date. High Conservation Values (HCVs) may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced.

Specific Guidance to the above indicator are listed below:

1. New plantings within Nov 05 and Nov 07 must be in compliance with existing regulatory requirements that relate to social and environmental impacts assessment i.e. SEIA (ref.C7.1) and also comply with the legalized land spatial planning.
2. Where it can be proven that the land did not contain HCV after Nov 2005, the land can enter the RSPO certification programme.
3. Where the HCV status of the land is unknown and/or disputed, the land will be excluded from the RSPO certification programme, until an acceptable solution for HCV compensation has been developed.
4. Companies owning such land can enter other estates in the programme.

This arrangement is valid only for land development between Nov 05 and Nov 07 which was the RSPO P&C initial pilot implementation period.

- 7.3.2 No conversion of Environmentally Sensitive Areas (ESAs) to oil palm as per Peninsular Malaysia's National Physical Plan (NPP) and Sabah Forest Management Unit under the Sabah Forest Management License Agreement.
Major compliance

Specific Guidance:

ESA rankings and management criteria as per the NPP are listed in Appendix 3.

- 7.3.3 No new plantings on floodplains (reference to be made to State DID).
Major compliance
- 7.3.4 Dates of land preparation and commencement are recorded.
Minor compliance

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers, independent small-growers and smallholders should avoid establishing plantings on primary forests and land with high conservation value.

Criterion 7.4

Extensive planting (to be determined by SEIA) on steep terrain, and/or on marginal and fragile soils, is avoided.

Indicators:

- 7.4.1 All new plantings should not be cultivated on land more than 300m above sea level and on land more than 25 degrees slope unless specified by local legislation (Ref: MSGAP Part 2: OP 4.4.1.3 & 4.4.1.4)
Major compliance
- 7.4.2 Where planting on fragile and marginal soils is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts (e.g. hydrological) or significantly increased risks (e.g. fire risk) in areas outside the plantation.
Minor compliance

Guidance:

This activity should be subjected to a comprehensive EIA as required by C 7.1.

Marginal and fragile soils, including excessive gradients and peat soils, should be identified prior to conversion to plantation.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers, small-growers and individual smallholders should avoid establishing new plantings on steep terrain and/or on marginal and fragile soils. If it's the only source of livelihood, it should be developed with the use of appropriate conservation measures.

Criterion 7.5

No new plantings are established on local peoples' land without their free, prior and informed consent, dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

Indicator:

- 7.5.1 This activity should be integrated with SEIA required by C 7.1
Major compliance

Guidance:

Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites. Agreements with local communities should be made without coercion or other undue influence (see guidance for C 2.3) Relevant stakeholders include those affected by or concerned with the new plantings. Refer also to C 2.2, 2.3, 6.2, 6.4 and 7.6 for indicators of compliance.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers can show that lands acquired for their organized smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken-over, there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation. For small-growers and independent smallholders, see C2.2 and 2.3.

Criterion 7.6

Local people are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreement.

Indicators:

- 7.6.1 Documented identification and assessment of legal and customary rights.
Major compliance

Specific Guidance:

Auditors to be aware of land acquisition in relation to native customary land.

- 7.6.2 Establishment of a system for identifying people entitled to compensation.
Major compliance
- 7.6.3 This activity should be integrated with the SEIA required by C 7.1.
Major compliance
- 7.6.4 Establishment of a system for calculating and distributing fair compensation (monetary or otherwise).
Major compliance

- 7.6.5 The process and outcome of any compensation claims should be documented and made publicly available.
Major compliance
- 7.6.6 Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development.
Minor compliance

Guidance:

Refer also to C 2.2, 2.3 and 6.4 and associated guidance. This requirement includes indigenous peoples.

Specific National Guidance for Smallholders and Small-growers:

Applicable to Scheme Managers, small-growers and independent smallholders. Evidence may be in the form of letter of agreement from indigenous people and local communities, which is acknowledged or approved by the head of indigenous people/village head or in accordance with local regulations. See C7.5 above.

Criterion 7.7

Use of fire in the preparation of new plantings is avoided other than in specific cases as identified in the ASEAN Guidance or other regional best practice.

Indicators:

- 7.7.1 No evidence of clearing by burning. This activity should be integrated with the SEIA required by C 7.1
Major compliance
- 7.7.2 Evidence of approval for controlled burning, as per Environmental Quality (Declared Activities) (Open Burning) Order 2003.
Major compliance

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers, small-growers and independent smallholders should ensure that no open burning is being used to establish new plantings. Training and education to independent smallholders and small-growers should be facilitated by the relevant organisations.

PRINCIPLE 8: COMMITMENT TO CONTINUOUS IMPROVEMENT IN KEY AREAS OF ACTIVITY

Criterion 8.1

Growers and millers regularly monitor and review their activities and develop and implement action plans that allow demonstrable continuous improvement in key operations.

MY NIWG commits to demonstrate progressive improvement to the following but not limited to:

- 8.1.1 Minimise use of certain pesticides (C4.6)
Major compliance
- 8.1.2 Environmental impacts (C5.1)
Major compliance
- 8.1.3 Maximizing recycling and minimizing waste or by-products generation.
Major compliance

Specific Guidance:

To work towards zero-waste (C5.3)

- 8.1.4 Pollution prevention plans (C5.6)
Major compliance
- 8.1.5 Social impacts (C6.1)
Major compliance
- 8.1.6 A mechanism to capture the performance and expenditure in social and environmental aspects.
Minor compliance

Guidance:

Specific minimum performance thresholds for key indicators should be established. (See also C 4.2, 4.3, 4.4, and 4.5).

Growers should have a system to improve practices in line with new information and techniques and a mechanism for disseminating this information throughout the workforce.

For smallholders, there should be systematic guidance and training for continuous improvement.

Specific National Guidance for Smallholders and Small-growers:

Scheme Managers should develop an action plan for continual improvement in a participatory manner with their organized smallholder representatives, based on consideration of the main social and environmental impacts and opportunities for improvement.

Independent smallholders and small-growers should be aware of the need to understand the importance of continuous improvement.

Appendix 1

Definitions

Customary rights: Patterns of long standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical use rather than formal legal title to land and resources issued by the State. (From World Bank Operational Policy 4.10).

Environmental Impact Assessment: a process of predicting and evaluating the effects of an action or series of actions on the environment, then using the conclusions as a tool in planning and decision-making.

High Conservation Value Forest (HCVF): The forest necessary to maintain or enhance one or more High Conservation Values (HCVs):

- HCV1. Forest areas containing globally, regionally or nationally significant concentrations of biodiversity values (e.g. endemism, endangered species).
- HCV2. Forest areas containing globally, regionally or nationally significant large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance.
- HCV3. Forest areas that are in or contain rare, threatened or endangered ecosystems.
- HCV4. Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control).
- HCV5. Forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health).
- HCV6. Forest areas critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

(See: 'The HCVF Toolkit' – available from www.hcvnetwork.org)

ISO Standards: Standards developed by the International Organization for Standardization (ISO: see <http://www.iso.ch/iso>).

Natural vegetation: Areas where many of the principal characteristics and key elements of native ecosystems such as complexity, structure and diversity are present.

Plantation: The land containing oil palm and associated land uses such as infrastructure (e.g., roads), riparian zones and conservation set-asides.

Primary Forest: A primary forest is a forest that has never been logged and has developed following natural disturbances and under natural processes, regardless of its age. Also included as primary, are forests that are used inconsequentially by indigenous and local communities living traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The present cover is normally relatively close to the natural composition and has arisen (predominantly) through natural regeneration. National interpretations should consider whether a more specific definition is required. (From FAO Second Expert Meeting On Harmonizing Forest-related Definitions for Use by Various Stakeholders, 2001, http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y4171E/Y4171E11.htm).

Prophylactic: A treatment or course of action applied as a preventive measure.

Restore: Returning degraded or converted areas within the plantation to a semi-natural state.

Smallholders: Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labour and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 hectares in size.

Stakeholders: An individual or group with a legitimate and/or demonstrable interest in, or who is directly affected by, the activities of an organisation and the consequences of those activities.

Outgrowers: Farmers, where the sale of FFB is exclusively contracted to the grower/miller. Outgrowers may be smallholders.

Undue influence: The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.

Use rights: Rights for the use of forest resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights. These rights may restrict the use of particular resources to specific levels of consumption or particular harvesting techniques.

Appendix 2

List of related International Standards

Principles	International Standards	Key provisions	Summary of Protections
Just Land Acquisition	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 13-19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 25, 26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.
	UN Convention on Biological Diversity (1992)	Article 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.
Fair Representation and Participation of Indigenous and Tribal Peoples	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 6-9	Represent themselves through their own representative institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve offences according to customary law (compatible with international human rights).
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).	Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.
	Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System.	UN CERD Committee, UN Committee on Social Cultural and Economic Rights, Inter-American Commission on Human Rights. ¹	Free, Prior and Informed Consent for decisions that may affect indigenous peoples. (This standard has been widely accepted as a 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN and WWF).
No Forced Labour	ILO Convention 29 (1930) Forced	Article 5	No concession to companies shall involve any form of

¹ For details see www.forestpeoples.org

	Labour		forced or compulsory labour.
	ILO Convention 105 (1957) Abolition of Forced Labour	Article 1	Not make use of any form of forced or compulsory labour.
Protection of Children	ILO Convention 138 (1973) Minimum Age	Articles 1-3	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).
	ILO Convention 182 (1999) Worst Forms of Child Labour	Articles 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children
Freedom of Association and Collective Bargaining	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise	Articles 2-11	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.
	ILO Convention 98 (1949) Right to Organise and Collective Bargaining	Articles 1-4	Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.
	ILO Convention 141 (1975) Rural Workers' Organisations	Articles 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom of association; free from interference and coercion.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Article 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development.
Non-Discrimination and Equal Remuneration	ILO Convention 100 (1951) Equal Remuneration	Articles 1-3	Equal remuneration for men and women for work of equal value.
	ILO Convention 111 (1958) Discrimination (Employment and Occupation)	Articles 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of

			indigenous women.
Just Employment of Migrants	ILO Convention 97 (1949) Migration for Employment	Articles 1-9	Provision of information; no obstacles to travel; provision of health care; non-discrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.
	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)	Articles 1-12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.
Protection of Plantation Workers ²	ILO Convention 110 (1958) Plantations	Articles 5-91	Protection of members of families of recruited workers; protection of workers' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation to use company stores; adequate accommodation and conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organise and collective bargaining; proper labour inspection; decent housing and medical care.
Protection of Tenants and Sharecroppers	ILO Recommendation 132 (1968) Tenants and Sharecroppers	Articles 4-8	Fair rents; adequate payment for crops; provisions for well-being; voluntary organisation; fair contracts; procedures for the settlement of disputes.
Protection of Smallholders	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)	Article 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards.
Health and Safety	ILO Convention 184 (2001) Safety and Health in Agriculture	Articles 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect

² Convention 110 Article 1(1) defines a plantation as '*an agricultural undertaking regularly employing hired workers... concerned with the cultivation or production of ... [inter alia] palm oil....*'

			to workplaces, machinery, equipment, chemicals, tools and processes; ensure dissemination of information, appropriate training, supervision and compliance; special protections for youth and women workers; coverage against occupational injuries and disease.
Control or Eliminate Use of Dangerous Chemicals and Pesticides	Stockholm Convention on Persistent Organic Pollutants (2001)	Articles 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane, PCB); restrict production and use of chemicals in Annex B (e.g. DDT); reduce or eliminate releases of chemicals listed in Annex C (e.g. Hexachlorobenzene).
	FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002)	Article 5	Curtail use of dangerous pesticides where control is difficult; ensure use of protective equipment and techniques; provide guidance for workers on safety measures; provide extension service to smallholders and farmers; protect workers and bystanders; make available full information on risks and protections; protect biodiversity and minimize impacts on environment; ensure safe disposal of waste and equipment; make provisions for emergency treatment for poisoning.
	Rotterdam Conventions on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)	Articles 1, 5 and 6	Curb trade in banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 21(1), 23, 24, 29(3)	Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain traditional health systems; effective monitoring of health.

Appendix 3

Related Laws, Regulations & Guidelines Used in Malaysian Palm Oil Industry

Criterion	Related Laws, Regulations & Guidelines
1.2	<ul style="list-style-type: none"> • National Land Code 1965 • Federal Territory Land Rules, 1975 • Johore Land Rules 1966 • Kedah Land Rules 1966 • Kedah Provisional Titles (Transitional) Rules 1967 • Kelantan Land Rules 1966 • Malacca Land Rules 1966 • Land Titles Rules (Malacca) 1966 • Negeri Sembilan Land Rules 1966 • Pahang Land Rules 1966 • Pahang Land Rules 1986 • Penang Land Rules 1965 • Land Titles Rules (Penang) 1965 • Perak Land Rules 1966 • Perlis Land Rules 1987 • Sabah Land Ordinance 1930 • Sarawak Land Code (Sarawak Cap.81) • Selangor Land Rules 1966 • Terengganu Land Rules 1966
2.2	<p><u>Sabah</u></p> <ul style="list-style-type: none"> • Land (Subsidiary Title) Enactment 1972-Sabah No.9 of 1972 • Land Acquisition Ordinance (Cap.69) Together with the subsidiary legislation made thereunder • Land Ordinance Cap.68 Together with the subsidiary legislation made thereunder <p><u>Sarawak</u></p> <ul style="list-style-type: none"> • Sarawak Land Code (Sarawak Cap.81)
4.1	<ul style="list-style-type: none"> • MPOB Code of Good Agricultural Practice for Oil Palm • MSGAP Part2 : OP
4.3	<ul style="list-style-type: none"> • Street, Drainage & Building Act 1974 (Act 133) • MSGAP-Part 2 OP (4.4.2.2) <p><u>Sabah</u></p> <ul style="list-style-type: none"> • Environment Impact Assessment (Order 2005) <p><u>Sarawak</u></p> <ul style="list-style-type: none"> • Natural Resources and Environment (Amendment) Ordinance, 1997 • Natural Resources and Environment Board (NREB) • Natural Resources and Environment (Prescribed Activities) Order 1994 (Incorporating all amendments up to May 1997)
4.4	<ul style="list-style-type: none"> • Irrigation Areas Act 1953 (Revised 1989) • Garis Panduan Pembangunan Melibatkan Sungai dan Rizab Sungai, Department of Irrigation and Drainage Malaysia

	<p>Regulations on width of river reserves in Peninsular Malaysia, Sabah & Sarawak</p> <table border="1"> <thead> <tr> <th rowspan="2">River Width (m)</th> <th colspan="3">River Reserve</th> </tr> <tr> <th>Peninsular Malaysia</th> <th>Sabah</th> <th>Sarawak</th> </tr> </thead> <tbody> <tr> <td>>40</td> <td>50</td> <td>-</td> <td>50</td> </tr> <tr> <td>20-40</td> <td>40</td> <td>-</td> <td>40</td> </tr> <tr> <td>10-20</td> <td>20</td> <td>-</td> <td>20</td> </tr> <tr> <td>5-10</td> <td>10</td> <td>-</td> <td>10</td> </tr> <tr> <td><5</td> <td>5</td> <td>-</td> <td>5</td> </tr> <tr> <td>>3</td> <td>-</td> <td>20</td> <td>-</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Environmental Quality (Prescribed Premises)(Crude Palm Oil) Order 1977 <p><u>Sabah</u></p> <ul style="list-style-type: none"> Drainage & Irrigation Ordinance 1956 (Sabah No.15 of 1956) Sabah Water Resources Enactment 1998 <p><u>Sarawak</u></p> <ul style="list-style-type: none"> Natural Resources and Environment (Prescribed Activities) Order 1994 (Incorporating all amendments up to May 1997) 	River Width (m)	River Reserve			Peninsular Malaysia	Sabah	Sarawak	>40	50	-	50	20-40	40	-	40	10-20	20	-	20	5-10	10	-	10	<5	5	-	5	>3	-	20	-
River Width (m)	River Reserve																															
	Peninsular Malaysia	Sabah	Sarawak																													
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5-10	10	-	10																													
<5	5	-	5																													
>3	-	20	-																													
4.5	<ul style="list-style-type: none"> Destruction of Disease-Bearing Insects (1975) IPM definition in accordance to FAO (1968) 																															
	<p>FAO 1968: defines IPM as “A pest management system that, in the context of the associated environment and the population dynamics of the pests species, utilizes all suitable techniques and methods in as compatible a manner as possible and maintains the pest population at levels below those causing economic injury”.</p> <p>Bahasa Malaysia Definition: Takrifan FAO (1968) untuk IPM sebagai sistem pengurusan makhluk perosak di mana dalam konteks hubungkait antara alam sekitar dengan dinamik populasi spesies makhluk perosak, penggunaan kesemua teknik dan kaedah yang bersesuaian serta mengekalkan populasi makhluk perosak di bawah peringkat yang dapat menjejaskan ekonomi.</p>																															
4.6	<ul style="list-style-type: none"> WHO Type 1A or 1B or Stockholm & Rotterdam Conventions Pesticides Act 1974 (Act 149) and Regulations Food Act 1983 (Act 281) Food Regulations, 1985 OSH Act 1994 (Act 514) Regulations and Orders Environment Quality Act 1974 (Scheduled Wastes), Use & Standards Exposure of Chemicals Hazardous to Health (USECHH) Regulations 2000 Chemical Health Risk Assessment (CHRA) Poison Act & Regulations 1952 Malaysian Laws on Poisons & Sale of Drugs Estate Hospital Assistants (Registration) Act 1965 																															
4.7	<ul style="list-style-type: none"> OSH Act 1994 																															

	<ul style="list-style-type: none"> • Factories & Machinery Act 1967 (Act 139) & Regulations and Rules
4.8	<ul style="list-style-type: none"> • Factories & Machinery Act 1967 (Act 139) & Regulations and Rules
5.1	<ul style="list-style-type: none"> • ISO 14001 Environmental Management System (EMS)
5.2	<ul style="list-style-type: none"> • IUCN 2007 Red List of Threatened Species • Wildlife Protection Act 1972 • Wildlife Protection Act 1972 (Revised 1976) & State Ordinances related to this Act • HCV Guidelines : “The HCVF Toolkit” available from www.proforest.net <p><u>Sabah</u></p> <ul style="list-style-type: none"> • Enakmen Biodiversiti Sabah 2000 • Wildlife Conservation Enactment 1997 <p><u>Sarawak</u></p> <ul style="list-style-type: none"> • Biodiversity Centre Ordinance, 1996 • Wildlife Protection Ordinance, 1998
5.3	<ul style="list-style-type: none"> • Environmental Quality Act 1974 (Scheduled Wastes), Regulations, 2005 • Environmental Quality Act 1974(Act 127) and Regulations • Ministry of Health Guidelines-Municipal Waste Disposal
5.5	<ul style="list-style-type: none"> • Guidelines for implementation of ASEAN policy on zero-burning, 2004 • Environment Quality (Declared Activities)(Open Burning) Order 2003
5.6	<ul style="list-style-type: none"> • Road Transport Act 1987(Act 334) • Street, Drainage & Building Act 1974 (Act 133) • Water Act 1920 (Act 418) • Environmental Quality (Clean Air Regulation) 1978 • Environmental Quality (Control of Emission from Diesel Engines) Regulation 1996 • Environmental Quality (Control of Emission from Petrol Engines) Regulation 1996 • Environmental Quality (Control of Emission from Motorcycles Engines) Regulation 1996
6.1	<ul style="list-style-type: none"> • (Ref: Women & Family Development Ministry)
6.2	<ul style="list-style-type: none"> • Aboriginal People Act 1954 (Revised 1974) • Human Rights Commission
6.4	<ul style="list-style-type: none"> • Children & Young Persons (Employment) Act 1966
6.5	<ul style="list-style-type: none"> • Employment Act (1955) • Employment Acts & Regulations (Act 265) 2003 • Employment (Restriction) Act 1968 • Private Employment Agency Act 1981 • Employees Provident Fund Act 1951(Act 272) • Immigration Act 1959/1963 (Act 155)

	<ul style="list-style-type: none"> Workers' Minimum Standards of Housing & Amenities Act 1990 (Act 446) Employment Information Act 1953 Employees Social Security Act 1969 (Amended 2003) Workmen's Compensation Act 1952 (Act 273) Estate Workers Minimum Standards Housing Act (1966) Employment (Restriction)(Exemption) Order 1983 Employment Provident Fund Rules 1991 Workmen's Compensation Regulations 1953 Wages Council Act 1947 <p><u>Sabah</u></p> <ul style="list-style-type: none"> Sabah Labour Ordinance
6.6	<ul style="list-style-type: none"> Trade Unions Act 1959
6.7	<ul style="list-style-type: none"> Children & Young Persons (Employment) Act 1966
6.9	<ul style="list-style-type: none"> Sexual Harassment In The Workplace (Guidelines) Code of Practice on Sexual Harassment In The Workplace (A Guide to the Malaysian)
6.10	<ul style="list-style-type: none"> Sales Tax Act 1972 (Act 64) & Regulations
7.1	<ul style="list-style-type: none"> Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987) <p><u>Sabah</u></p> <ul style="list-style-type: none"> Environment Protection Enactment 2002 Environment Protection (Prescribed Activities) Order 2005 (Environmental Impact Assessment) Order 2005 <p><u>Sarawak</u></p> <ul style="list-style-type: none"> Natural Resources and Environment (Prescribed Activities) Order 1994 (Incorporating all amendments up to May 1997) The Natural Resources & Environment Ordinance (Cap.84-Laws of Sarawak 1958 ed.) Natural Resources and Environment (Amendment) Ordinance, 1997
7.3	<ul style="list-style-type: none"> Environmentally Sensitive Areas (ESAs) Ranking in National Physical Plan (NPP) <p><u>ESA component :</u></p> <p>ESA Rank 1 - All protected areas, potential protected areas (wetlands, turtle landing sites), catchment areas of existing and proposed dams and all areas above 1000m.</p> <p>ESA Rank 2 - All other forests, corridors linking important protected areas, buffer zone around Rank 1 areas and all areas between 300m - 1000m.</p> <p>ESA Rank 3 - All marine park islands, buffer zone around Rank 2 areas, catchment areas for water intakes, areas for groundwater extraction (well fields),</p>

	<p>all areas between 150m – 300m, all areas with erosion risk greater than 150 ton / ha / yr, all areas experiencing critical or significant coastal erosion.</p> <p><u>Management criteria for each ranking:</u></p> <p>ESA Rank 1 – No development, agriculture or logging shall be permitted except for low-impact nature tourism, research and education activities)</p> <p>ESA Rank 2 – No development or agriculture. Sustainable logging and low impact nature tourism may be permitted subject to local constraints.</p> <p>ESA Rank 3 – Controlled development where the type and intensity of the development shall be strictly controlled depending on the nature of the constraints.</p> <p>ESA Rankings in Bahasa Malaysia</p> <p>KSAS Tahap 1: Semua kawasan perlindungan, kawasan perlindungan yang berpotensi, tanah lembab dan tapak pendaratan penyu, kawasan tadahan empangan sedia ada dan cadangan serta kawasan berkontor melebihi 1000m</p> <p>Nota: Kawasan perancangan empangan tadahan air masih boleh diteruskan dengan aktiviti pembalakan, tertakluk pada perundangan tempatan sehinggalah pembinaan empangan sebenar dilakukan.</p> <p>KSAS Tahap 2: Lain-lain kawasan hutan, koridor penghubung kawasan perlindungan, zon penampian di sekitar KSAS Tahap 1 serta semua kawasan berkontor antara 300-1000 meter.</p> <p>KSAS Tahap 3: Semua pulau di dalam taman laut, zon penampian di sekitar KSAS Tahap 2, Kawasan tadahan takat pengambilan air (water intakes), kawasan tadahan air bertanah (telaga) serta semua kawasan antara 150m-300m, semua kawasan berisiko hakisan melebihi 150 tan/hek/tahun, semua kawasan berhakisan pantai kritikal atau signifikan.</p> <p>Pengurusan KSAS perlu berpandukan kepada kriteria berikut:</p> <p>KSAS Tahap 1- Tiada pembangunan, pertanian atau pembalakan akan dibenarkan kecuali bagi aktiviti pelancongan alam semula jadi berimpak rendah, penyelidikan dan pendidikan.</p> <p>KSAS Tahap 2- Tiada pembangunan atau pertanian. Pembalakan mampan dan pelancongan alam semula jadi berimpak rendah akan dibenarkan bergantung kepada halangan setempat.</p> <p>KSAS Tahap 3- Pembangunan terkawal di mana jenis dan intensiti pembangunan akan dikawal bergantung kepada ciri-ciri halangan.</p>
<p>7.4</p>	<ul style="list-style-type: none"> • MSGAP Part2 : OP (4.4.1.3 & 4.4.1.4) • Garis Panduan Pembangunan di Kawasan Tanah Tinggi, Kem. Sains, Teknologi dan Alam Sekitar, 22 Jun 2002.

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GLOSSARY	
a.i	Active Ingredient
ASEAN	Association of South East Asian Nations
CHRA	Chemical Health Risk Assessment
CPO	Crude Palm Oil
DID	Department of Drainage and Irrigation, Malaysia
DOE	Department of Environment, Malaysia
EIA	Environment Impact Assessment
EMS	Environmental Management System
ERT	Endangered, Rare and Threatened species
ESA	Environmentally Sensitive Area
FFB	Fresh Fruit Bunch
HCV	High Conservation Value
HDPE	High Density Polyethylene
IPM	Integrated Pest Management
IUCN	International Union for Conservation of Nature and Natural Resources
JCC	Joint Consultative Committee
K	Potassium
kW	kilo Watt
Mg	Magnesium
MSGAP-OP	Malaysian Standard Good Agriculture Practices-Oil Palm
N	Nitrogen
NPP	National Physical Plan
OER	Oil Extraction Rate
OSH	Occupational Safety & Health
P	Phosphate
POME	Palm Oil Mill Effluent
PPE	Personal Protective Equipment
SEIA	Social and Environment Impact Assessment
SOP	Standard Operating Procedures
USECHH	Use and Standards of Exposure of Chemicals Hazardous to Health