

RSPO Principles and Criteria for Sustainable Palm Oil Production

Papua New Guinea National Interpretation

Using the International Generic Criteria as the basis of this National
Interpretation for Papua New Guinea

PNG National Interpretation Task Force
07 April 2017

Preamble

The Papua New Guinea National Interpretation 2017 is based on the generic document of the Principles and Criteria for Sustainable Palm Oil 2013 (P&C 2013), which will be used as a standard for palm oil mills and plantations attaining certification under RSPO.

In line with ISEAL best practices, this document (RSPO P&C 2013) will be completely reviewed again and subsequently submitted for ratification by the General Assembly of RSPO by November 2018. Prior to the revision in 2018, any changes to the standard must be through recommendation made by the appointed RSPO working group or Taskforce and approved by the General Assembly of the RSPO.

This National Interpretation has been prepared by the PNGNI Task Force which has been assembled with representation from the Palm Oil Industry, Smallholders, the Government of PNG, NGOs and the Financial Sector.

Papua New Guinea (PNG) is a small producing country contributing about 1.1% of Global CPO production (2013). All production is exported. Due to the scale and nature of Papua New Guinea's palm oil industry, and its in-country stakeholders, it was not possible to establish a National Interpretation Working Group that engaged all of the RSPO's membership categories. As consumer goods manufacturing, retailing or trading is not carried out within PNG, there were no task force members from those industry sectors.

In developing this National Interpretation, the Task Force was very conscious of not diminishing in any way the high standards set for palm oil production by the generic Principles and Criteria and believes that in some areas this document is even more stringent.

The Task Force has, however, been very conscious of the unique structure of the Industry in PNG and has taken great care to recognise the geographical and infrastructure limitations that result in geographically associated Smallholders often effectively having only one possible customer.

As a developing country with long established and very effective customary mechanisms for recognising the right to use the land, a government that is still developing its ability to maintain "western" land ownership systems and literacy levels that are lower than more developed countries, PNG has presented a challenge to the Task Force. We believe that we have established a robust approach to demonstrating compliance utilising the most effective of customary and legislated requirements and have verified this approach through extensive consultation with Smallholders and local peoples.

In recognition of specific compliance requirements that Smallholders must address, this National Interpretation makes clear the obligations on Smallholders for those indicators that are directly applicable to them and provides guidance to them for verification of compliance. Where no guidance for Smallholders is provided, the requirements apply to producer companies only.

The PNG Oil Palm Industry Corporation (OPIC) is a levy funded agency of the PNG Government responsible for a range of industry support activities including providing advice, disseminating information and educating small-holders regarding oil palm production methods

No.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
PRINCIPLE 1: COMMITMENT TO TRANSPARENCY		
1.1	<p>Growers and millers provide adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages and forms to allow for effective participation in decision-making.</p>	<p>Indicators:</p> <p>1.1.1 There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to relevant stakeholders for effective participation in decision-making. [Minor]</p> <p>1.1.2 Records of requests for information and responses shall be maintained. [Major]</p> <p>Specific Guidance:</p> <p>For 1.1.1: Evidence should be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.</p> <p>Guidance:</p> <p>Growers and millers should have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe to respond to requests for information. Growers and millers should respond constructively and promptly to requests for information from stakeholders. Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate. See Criterion 1.2 for requirements relating to publicly</p>

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<p>1.2</p>	<p>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.</p>	<p>Indicators:</p> <p>1.2.1 Publicly available documents shall include, but are not necessarily limited to [Major]:</p> <ul style="list-style-type: none"> • Evidence of the right to use the land/user rights (Criterion 2.2); • Occupational health and safety plans (Criterion 4.7); • Plans and impact assessments relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8); • HCV documentation (Criteria 5.2 and 7.3); • Pollution prevention and reduction plans (Criterion 5.6); • Details of complaints and grievances (Criterion 6.3); • Negotiation procedures (Criterion 6.4); • Continual improvement plans (Criterion 8.1); • Public summary of certification assessment report; Human Rights Policy (Criterion 6.13). <p>Associated Smallholder Requirement: Oil Palm Industry Corporation (OPIC) to hold relevant documents and make available to interested parties on request.</p> <p>Guidance:</p> <p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents will include monitoring reports. The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report.</p> <p>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.</p> <p>Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information.</p> <p>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.</p> <p>Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.</p> <p>The right to use the land may be demonstrated by formal means such as land lease or by traditional means recognised in PNG.</p>
<p>1.3</p>	<p>Growers and millers commit to ethical conduct in all business operations and transactions.</p>	<p>Indicators:</p> <p>1.3.1 There shall be a written policy committing to a code of ethical conduct and integrity in all operations and transactions, which shall be documented and communicated to all levels of the workforce and operations. [Minor]</p>

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		<p>Associated Smallholder Requirement: Oil Palm Industry Corporation (OPIC) required to have a written policy committing to a code of ethical conduct and integrity in all operations and transactions</p> <p>Guidance: All levels of the operations will include contracted third parties (e.g those involved in security).</p> <ul style="list-style-type: none"> • The policy should include as a minimum: • A respect for fair conduct of business; • A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources; • A proper disclosure of information in accordance with applicable regulations and accepted industry practices. <p>The policy should be set within the framework of the UN Convention Against Corruption, in particular Article 12.</p>

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PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS		
2.1	There is compliance with all applicable local, national and ratified international laws and regulations.	<p>Indicators:</p> <p>2.1.1 Evidence of compliance with relevant legal requirements shall be available. [Major]</p> <p>2.1.2 A documented system, which includes written information on legal requirements, shall be maintained. [Minor]</p> <p>2.1.3 A mechanism for ensuring compliance shall be implemented. [Minor]</p> <p>2.1.4 A system, appropriate to the scale of the organisation, for tracking any changes in the law shall be implemented. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>2.1.1 Associated Smallholders are to comply with all applicable PNG legal requirements.</p> <p>2.1.2 Does not apply to individual associated Smallholders however OPIC to provide information as part of their extension activities.</p> <p>2.1.3 OPIC and Companies to monitor compliance during extension activities. Block inspection reports to provide evidence of compliance.</p> <p>2.1.4 OPIC to disseminate information on legal changes to associated Smallholders. Company Smallholder departments to disseminate this information in locations where OPIC is not represented.</p> <p>Guidance:</p> <p>Complying with relevant legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes, but is not limited to: regulations governing land tenure and land-use rights, labour, agricultural practices (e.g. chemical use), environment (e.g. wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Key international laws and conventions are set out in Annex 1</p> <p>Contradictions and inconsistencies should be identified and solutions suggested.</p> <p>All relevant legislation will be identified, and any particularly important requirements identified.</p>
2.2	The right to use the land is demonstrated, and is not legitimately contested by local people who can demonstrate that they have legal, customary or user rights.	<p>Indicators:</p> <p>2.2.1 For companies, documents that demonstrate legal ownership or lease and permitted use of the land must be available. [Major]</p> <p>2.2.2 For Company owned or leased land, Legal boundaries shall be clearly demarcated by identifiable markers. [Minor]</p> <p>2.2.3 Where there are or have been disputes over the right to use the land or the position of a boundary, for Company land, additional proof of legal acquisition of title and evidence that</p>

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		<p>fair value has been paid to previous owners and/or occupants shall be available, and that these have been accepted with free, prior and informed consent (FPIC). [Minor]</p> <p>2.2.4 There shall be an absence of significant land conflict, unless requirements for acceptable conflict resolution processes (see Criteria 6.3 and 6.4) are implemented and accepted by the parties involved. [Major]</p> <p>2.2.5 For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable). [Minor]</p> <p>2.2.6 To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence in maintaining peace and order in their current and planned operations. [Major]</p> <p>Associated Smallholder Requirement:</p> <p>2.2.1 For associated Smallholders, evidence of the “Right to use the land” will be demonstrated by compliance with the following:</p> <p>a) Land title or lease <u>OR</u> uncontested occupancy where</p> <ul style="list-style-type: none"> • boundaries have been defined by a registered surveyor and portion numbers allocated by the Surveyor General <u>or</u> boundaries have been defined by traditional means and agreed between neighbours with common boundaries and other interested parties; <u>AND</u> • there is no significant dispute over tenure (see 2.2.4); <p>2.2.2 For Smallholder allotments, boundaries may be identified by traditional means provided that boundary locations are agreed by all neighbouring parties that share common boundaries.</p> <p>2.2.3 For Smallholder land, agreement of resolution of disputes shall be demonstrated by appropriate documentation or by demonstrated agreement of interested parties.</p> <p>2.2.4, 2.2.5 & 2.2.6 These indicators apply to Smallholders.</p> <p>Specific Guidance:</p> <p>For 2.2.1: Principle 2.2 states that the “Right to use the land” must be demonstrated. In PNG, land that has not been alienated and is subject to customary ownership is recognised and protected with boundaries often being defined by traditional means without titles being issued. The national Government is moving towards surveying land and issuing titles, however the process is occurring very slowly. Whilst the preferred indicator remains the availability of Land Titles or leases, other evidence of the right to use the land is acceptable including Clan Land Use Agreements (CLUAs) and Planting Approval Forms which are authorised only after appropriate FPIC has been achieved. Where documentation is not available, recognition of the right to use the land and the boundary locations of any Smallholder must be verified by consensus of neighbouring Smallholders and local people.</p> <p>For 2.2.2: Evidence should be provided that Smallholder boundaries are clearly understood and agreed between neighbours and delineated using clearly visible (permanent or semi-permanent) markers. Such markers may include concrete pegs or galvanised pipe planting of specific trees (Coconut, Betel Nut), and edible or flowering shrubs or crops along the boundaries or corners, and/or clean clearing of the boundaries</p>

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		<p>clearly visible (permanent or semi-permanent) markers, such as pegs, planting of specific trees, shrubs or crops along the boundaries or at corners, and/or clean clearing of the boundaries.</p> <p>For 2.2.3: For Smallholder land, agreement of resolution shall be demonstrated by appropriate documentation or by demonstrated agreement of interested parties.</p> <p>For 2.2.6: Company policy should prohibit the use of mercenaries and para-militaries in their operations. Company policy should prohibit extra-judicial intimidation and harassment by contracted security forces (see Criterion 6.13).</p> <p>Guidance</p> <p>Where there is a conflict on the condition of land use as per land title, growers should show evidence that necessary action has been taken to resolve the conflict with relevant parties. A mechanism should be in place to resolve any conflict (Criteria 6.3 and 6.4). Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p>
<p>2.3</p>	<p>Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their free, prior and informed consent.</p>	<p>Indicators:</p> <p>2.3.1 Maps of an appropriate scale showing the extent of recognised legal, customary or user rights (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities). [Major]</p> <p>2.3.2 Copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available and shall include:</p> <ul style="list-style-type: none"> a) Evidence that a plan has been developed through consultation and discussion with all affected groups in the communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making; b) Evidence that the company has respected communities' decisions to give or withhold their consent to the operation at the time that this decision was taken; c) Evidence that the legal, economic, environmental and social implications for permitting operations on their land have been understood and accepted by affected communities, including the implications for the legal status of their land at the expiry of the company's title, concession or lease on the land. [Minor] <p>2.3.3 All relevant information shall be available in appropriate forms and the English language including assessments of impacts, proposed benefit sharing, and legal arrangements. Where understanding of the English language is limited, translations or summaries in the Tok Pisin language must be provided. [Minor]</p> <p>2.3.4 Evidence shall be available to show that communities are represented through institutions or representatives of their own choosing, including legal counsel. [Major]</p> <p>Specific Guidance:</p> <p>For 2.2.2, Companies must have this information available.</p>

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		<p>For 2,3,3, English and Tok Pisin are the most widely used official languages of PNG with Tok Pisin being the lingua franca. In some areas, literacy rates are low and the ability to read is limited so it may be necessary to verify, by interview, that relevant information has been communicated verbally and is understood</p> <p>For 2.3.4: Evidence should be available from the companies, communities or other relevant stakeholders.</p> <p>Guidance:</p> <p>All indicators will apply to current operations, but there are exceptions for long- established plantations which may not have records dating back to the time of the decision making, in particular for compliance with Indicators 2.3.1 and 2.3.2.</p> <p>Where there are legal or customary rights over land, the grower should 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 should be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).</p> <p>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. The representation of communities should be transparent and in open communication with other community members. Adequate time should 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.</p> <p>Companies should be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as ‘eminent domain’).</p> <p>Growers and millers should refer to the RSPO approved FPIC guidance (<i>‘FPIC and the RSPO: A Guide for Companies’, October 2008</i>).</p>

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PRINCIPLE 3: COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY		
3.1	There is an implemented management plan that aims to achieve long-term economic and financial viability.	<p>Indicators:</p> <p>3.1.1 A business or management plan (minimum three years) shall be documented that includes, where appropriate, the projected production contribution from associated Smallholders. [Major]</p> <p>3.1.2 An annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>3.1.2 OPIC to provide replanting program for Associated Smallholders</p> <p>Specific Guidance:</p> <p>For 3.1.1: The business or management plan should contain:</p> <ul style="list-style-type: none"> • Attention to quality of planting materials; • Crop projection = Fresh Fruit Bunches (FFB) yield trends; • Mill extraction rates = Oil Extraction Rate (OER) trends; • Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends; • Forecast prices; • Financial indicators. <p>Suggested calculation: trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programmes).</p> <p>Guidance:</p> <p>Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning. There should be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).</p> <p>Consideration of Smallholders should be inherent in all management planning where applicable (see also Criteria 6.10 and 6.11). For scheme Smallholders the content will vary from that suggested (refer to RSPO Guidance On Scheme Smallholders, July 2009).</p> <p>Growers should have a system to improve practices in line with new information and techniques. For Smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements.</p> <p>This Criterion is not applicable to independent Smallholders (<i>refer to RSPO Guidance for Independent Smallholders under Group Certification, June 2010.</i></p>

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PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS		
4.1	Operating procedures are appropriately documented, consistently implemented and monitored.	<p>Indicators:</p> <p>4.1.1 Standard Operating Procedures (SOPs) for estates and mills shall be documented. [Major]</p> <p>4.1.2 A mechanism to check consistent implementation of procedures shall be in place. [Minor]</p> <p>4.1.3 Records of monitoring and any actions taken shall be maintained and available, as appropriate. [Minor]</p> <p>4.1.4 The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB). [Major]</p> <p>Associated Smallholder Requirement:</p> <p>4.1.2 OPIC and Companies to maintain production records and field day attendance records as evidence of improved performance.</p> <p>Specific Guidance:</p> <p>For 4.1.1 and 4.1.4: SOP and documentation for mills should include relevant supply chain requirements (see RSPO Supply Chain Certification Standard, Nov 2011).</p> <p>Guidance:</p> <p>Mechanisms to check implementations could include documentation management systems and internal control procedures.</p>
4.2	Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	<p>Indicators:</p> <p>4.2.1 There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield, where possible. [Minor]</p> <p>4.2.2 Records of fertiliser inputs shall be maintained. [Minor]</p> <p>4.2.3 There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status. [Minor]</p> <p>4.2.4 A nutrient recycling strategy shall be in place, and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>4.2.1 Associated Smallholders to implement good agriculture practices as communicated through extension services delivered by OPIC and Company Smallholder departments.</p> <p>4.2.2 OPIC and/or Company Smallholder Departments to maintain records of fertiliser distribution.</p> <p>4.2.3 Oil Palm Research Association (OPRA) to take tissue samples from representative Associated Smallholders annually</p> <p>Guidance:</p> <p>Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for by-products or energy production.</p>
4.3	Practices minimise and control erosion and degradation of soils.	<p>Indicators:</p> <p>4.3.1 Maps of any fragile soils shall be available. [Major]</p>

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		<p>4.3.2 A management strategy shall be in place for plantings on slopes above a certain limit (this needs to be soil and climate specific). [Minor]</p> <p>4.3.3 A road maintenance programme shall be in place. [Minor]</p> <p>4.3.4 Subsidence of peat soils shall be minimised and monitored. A documented water and ground cover management programme shall be in place. [Major]</p> <p>4.3.5 Drainability assessments shall be required prior to replanting on peat to determine the long-term viability of the necessary drainage for oil palm growing. [Minor]</p> <p>4.3.6 A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils). [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>4.3.2 Associated Smallholders not to plant on unsuitable slopes. OPIC and Companies to advise.</p> <p>4.3.3 OPIC and/or Company Smallholder Departments to maintain records of road maintenance</p> <p>Specific Guidance:</p> <p>For 4.3.4: For existing plantings on peat, the water table should be maintained at an average of 50cm (between 40 - 60cm) below ground surface measured with groundwater piezometer readings, or an average of 60cm (between 50 - 70cm) below ground surface as measured in water collection drains, through a network of appropriate water control structures e.g. weirs, sandbags, etc. in fields, and watergates at the discharge points of main drains (Criteria 4.4 and 7.4).</p> <p>For 4.3.5: Where drainability assessments have identified areas unsuitable for oil palm replanting, plans should be in place for appropriate rehabilitation or alternative use of such areas. If the assessment indicates high risk of serious flooding and/or salt water intrusion within two crop cycles, growers and planters should consider ceasing replanting and implementing rehabilitation.</p> <p>For 4.3.6: Where limited plantings (Criteria 7.4) on marginal, problem and/or fragile soils occur, there must be plans in place, and implemented, that protect them without incurring adverse impacts.</p> <p>Guidance:</p> <p>Plantations on peat should be managed at least to the standard set out in the <i>'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat'</i>, June 2012 (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover).</p> <p>Techniques that minimise soil erosion are well known and should be adopted, where appropriate. These should include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replanting.</p>
4.4	Practices maintain the quality and availability of surface and ground water.	<p>Indicators:</p> <p>4.4.1 An implemented water management plan shall be in place. [Minor]</p> <p>4.4.2 Protection of water courses and wetlands, including maintaining and restoring appropriate riparian and other</p>

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		<p>buffer zones (refer to PNG Conservation and Environment Protection Authority (CEPA) requirements and other applicable guidelines) shall be demonstrated. For Smallholders, the status quo shall be maintained where it can be demonstrated that environmental damage is not being caused. [Major]</p> <p>4.4.3 Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations (Criteria 2.1 and 5.6). [Minor]</p> <p>4.4.4 Mill water use per tonne of Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored and recorded with information presented to permit identification of trends. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>4.4.2 Smallholders must protect water courses and wetlands by not polluting with rubbish or other waste.</p> <p>Specific Guidance:</p> <p>For 4.4.1: The water management plan will:</p> <ul style="list-style-type: none"> • Take account of the efficiency of use and renewability of sources; • Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users; • Aim to ensure local communities, workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes; • Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME). <p>For 4.4.2: Refer to the <i>'RSPO Manual On Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat'</i>, July 2012.</p> <p>Guidance: Growers and millers should address the effects of their use of water and the effects of their activities on local water resources. In applying the flexibility permitted by the CEPA guidelines, growers and producers should take into account the social and economic consequences that may result from reduction in arable area of Smallholder allotments where there is no evidence of environmental harm resulting from established operations. Processors should present water use data in rolling five-year graphical format where practicable.</p>
4.5	Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.	<p>Indicators:</p> <p>4.5.1 Implementation of Integrated Pest Management (IPM) plans shall be monitored. [Major]</p> <p>4.5.2 Training of those involved in IPM implementation shall be demonstrated. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>4.5.1 Companies to manage IPM program for Associated</p>

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PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS		
		<p>Smallholders.</p> <p>4.5.2 Companies to manage IPM for Associated Smallholders</p> <p>Guidance:</p> <p>Growers should apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals. Monitoring should be carried out on representative blocks every six months with more frequent monitoring where there is evidence of increasing pest infestation.</p> <p>Native species should be used in biological control where possible.</p>
<p>4.6</p>	<p>Pesticides are used in ways that do not endanger health or the environment</p>	<p>Indicators:</p> <p>4.6.1 Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available. [Major]</p> <p>4.6.2 Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided. [Major]</p> <p>4.6.3 Any use of pesticides shall be minimised as part of a plan, and in accordance with Integrated Pest Management (IPM) plans. The routine prophylactic use of pesticides is prohibited unless there is a legal requirement to do so. [Major]</p> <p>4.6.4 The use of pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, shall be minimized and eliminated as part of a plan, and shall only be used in exceptional circumstances (see Specific Guidance). [Minor]</p> <p>4.6.5 Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion 4.7). [Major]</p> <p>4.6.6 Storage of all pesticides shall be according to Safety Data Sheet requirements and recognised best practices. Used herbicide containers may, after triple rinsing, be used for transporting pre-mixed herbicide to spraying operations in the plantation. At the end of their useful lives, they shall be properly disposed of and not used for other purposes (see Criterion 5.3). [Major]</p> <p>4.6.7 Application of pesticides shall be by proven methods that minimise risk and impacts. [Minor]</p> <p>4.6.8 There shall be no aerial application of pesticides. [Major]</p> <p>4.6.9 Maintenance of employee and associated Smallholder knowledge and skills on pesticide handling shall be demonstrated, including provision of appropriate information materials (see Criterion 4.8). [Minor]</p> <p>4.6.10 Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3). [Minor]</p>

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		<p>4.6.11 Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated. [Major]</p> <p>4.6.12 No work with pesticides shall be undertaken by pregnant or breast-feeding women. [Major]</p> <p>Associated Smallholder Requirement:</p> <p>4.6.2 Company to maintain records of herbicide issue to Associated Smallholders.</p> <p>4.6.3 Company to manage IPM for Associated Smallholders.</p> <p>4.6.4 Applies to associated Smallholders.</p> <p>4.6.5 Associated Smallholders using and/or storing pesticides must demonstrate knowledge of the correct handling, storage, application and disposal requirements.</p> <p>4.6.6 – 4.6.10 Applies to associated Smallholders</p> <p>Specific Guidance:</p> <p>For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification should consider less harmful alternatives and IPM.</p> <p>For 4.6.3: Justification of the use of such pesticides will be included in the public summary report.</p> <p>For 4.6.4: Such exceptional circumstances may include sudden invasions or infestations of pests, weeds, certain fungal diseases, or dramatic changes in vegetation composition, which threaten ecological stability and/or the long-term functioning of the natural ecosystem, human well-being and/or plantation, and which cannot feasibly be controlled by pesticides not categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and/ or paraquat.</p> <p>RSPO members may exceptionally use such pesticides where:</p> <ul style="list-style-type: none"> a) There is a demonstrated need to use the named pesticide as the only socially, environmentally and economically feasible way of controlling specific organisms which are causing severe damage in natural forests, plantations or nurseries in Papua New Guinea (as indicated by documented evidence of current feasibility study reports: field-trials of alternative non-chemical or less toxic pest-management methods, cost-benefit analysis, social and environmental impact assessment); b) Controls are specified to prevent, minimise and mitigate negative social and environmental impacts associated with the use of the pesticide in question (for example restrictions related to weather conditions, soil types, application method, waters courses); <p>Justification of the use of such pesticides will be included in the RSPO public summary audit report.</p> <p>For 4.6.5: In circumstances where Companies issue chemicals to associated Smallholders, that may only be done after appropriate training is given by a certified training provider or chemical supplier and endorsed by the Company and OPIC. Associated Smallholders who have received training must be able to demonstrate evidence of</p>

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		<p>that training.</p> <p>For 4.6.6: Recognised best practice includes: Storage of all pesticides as prescribed in the FAO International Code of Conduct on the distribution and use of pesticides and its guidelines, and supplemented by relevant industry guidelines in support of the International Code (see Annex 1).</p> <p>Guidance:</p> <p>The RSPO has identified some examples of alternatives to pesticide use, which include those listed in the ‘Research project on Integrated Weed Management Strategies for Oil Palm; CABl, April 2011’. Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent Smallholders (refer to ‘Guidance for Independent Smallholders under Group Certification’, June 2010).</p>
4.7	An occupational health and safety plan is documented, effectively communicated and implemented.	<p>Indicators:</p> <p>The health and safety plan shall cover the following:</p> <p>4.7.1 A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored. [Major]</p> <p>4.7.2 All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers. [Major]</p> <p>4.7.3 All workers involved in the operation shall be adequately trained in safe working practices (see Criterion 4.8). Protective equipment as defined in Safety Data Sheets or Standard Operating Procedures shall be available to, and used by, all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, and land preparation and harvesting. [Major]</p> <p>4.7.4 The responsible person/persons shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded. [Major]</p> <p>4.7.5 Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall be available in the English and Tok Pisin languages. Assigned operatives trained in First Aid should be present in both field and other operations, and first aid equipment shall be available from Divisional and Mill offices to all teams or groups of workers. Records of all accidents shall be kept and periodically reviewed. [Minor]</p> <p>4.7.6 All workers shall be provided with medical care, and covered by accident insurance. [Minor]</p> <p>4.7.7 Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics. [Minor]</p> <p>Specific Guidance for 4.7.7: Growers will determine their own metrics however, once selected, metrics must remain unchanged to allow valid identification of trends on a year by year basis.</p> <p>Associated Smallholder Requirement:</p>

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		<p>4.7.2 OPIC and/or Company Smallholder Departments to provide advice and training on identification and control of risks through extension activities.</p> <p>Guidance:</p> <p>Growers and millers should ensure that the workplace, machinery, equipment, transport and processes under their control are safe and without undue risk to health. Growers and millers should ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken. All indicators apply to all workers regardless of status.</p> <p>The health and safety plan should also reflect guidance in ILO Convention 184 (see Annex 1).</p>
<p>4.8</p>	<p>All staff, workers, Smallholders and contract workers are appropriately trained.</p>	<p>Indicators:</p> <p>4.8.1 A formal competency based training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme. [Major]</p> <p>4.8.2 Records of training undertaken and competency achieved shall be maintained for each employee. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>4.8.1 OPIC and Company Smallholder departments to provide advice and ongoing support to associated Smallholders through field days and visits to Smallholder blocks.</p> <p>Guidance:</p> <p>Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.</p> <p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organisation.</p> <p>Training should be given to all staff and workers by growers and millers to enable them to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>Contract workers should be selected for their ability to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO Principles, Criteria, Indicators and Guidance.</p> <p>Growers and millers should demonstrate training activities for schemes Smallholders who provide Fresh Fruit Bunches (FFB) on a contracted basis.</p> <p>Workers on Smallholder plots also need adequate training and skills, and this can be achieved through extension activities of growers or millers that purchase fruit from them, by Smallholders' organisations, or through collaboration with other institutions and organisations (<i>refer to 'Guidance for Independent Smallholders under Group</i></p>

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		<p><i>Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009)</i> For individual Smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing (<i>refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009)</i></p>

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PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY		
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 continual improvement.	<p>Indicator:</p> <p>5.1.1 An environmental impact assessment (EIA) shall be documented and updated every ten years. [Major]</p> <p>5.1.2 Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a comprehensive management plan. The management plan shall identify the responsible person/persons. [Minor]</p> <p>5.1.3 This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>5.1.2 Improvements suggested at the pre-planting inspection should be noted on the inspection form.</p> <p>5.1.3 Environmental management improvements suggested by OPIC and/or Company Smallholder Departments during routine block inspections shall be implemented as practicable.</p> <p>Guidance:</p> <ul style="list-style-type: none"> • The EIA should cover the following activities, where they are undertaken: • Building new roads, processing mills or other infrastructure; • Putting in drainage or irrigation systems; • Replanting and/or expansion of planting areas; • Management of mill effluents (Criterion 4.4); • Clearing of remaining natural vegetation; • Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7). <p>Impact assessment can be a non-restrictive format e.g. ISO 14001 EMS and/or EIA report incorporating elements spelt out in this Criterion and raised through stakeholder consultation. Environmental impacts should be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and people's amenity (Criterion 6.1), both on and off-site.</p> <p>Stakeholder consultation has a key role in identifying environmental impacts. The inclusion of consultation should result in improved processes to identify impacts and to develop any required mitigation measures.</p> <p>For individual associated Smallholder allotments, the potential environmental impact of an individual allotment development is very limited due to the small area involved and an inspection by OPIC is acceptable. A full EIA conducted every ten years will identify the cumulative impact of multiple small allotments to support future policy development.</p> <p>For Smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results (refer to 'Guidance for</p>

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		<i>Independent Smallholders under Group Certification’, June 2010, and ‘Guidance on Scheme Smallholders’, July 2009).</i>
5.2	The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.	<p>Indicator:</p> <p>5.2.1 Information shall be collated in a High Conservation Value (HCV) assessment that includes both the planted area itself and relevant wider landscape-level considerations (such as wildlife corridors). [Major]</p> <p>5.2.2 Where rare, threatened or endangered (RTE) species, or HCVs, are present or are affected by plantation or mill operations, appropriate measures that are expected to maintain and/or enhance them shall be implemented through a management plan. [Major]</p> <p>5.2.3 There shall be a programme to regularly educate the workforce about the status of these RTE species, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species. [Minor]</p> <p>5.2.4 Where a management plan has been created there shall be ongoing monitoring: • The status of HCV and RTE species that are affected by plantation or mill operations shall be documented and reported; • Outcomes of monitoring shall be fed back into the management plan. [Minor]</p> <p>5.2.5 Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these rights. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>5.2.3 OPIC and Company Smallholder departments to provide advice and support to associated Smallholders through field days and visits to Smallholder blocks as part of their routine extension activities.</p> <p>Specific Guidance:</p> <p>For 5.2.1: This information will cover:</p> <ul style="list-style-type: none"> • Presence of protected areas that could be significantly affected by the grower or miller; • Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered (RTE) species that could be significantly affected by the grower or miller; • Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller; <p>For 5.2.2: These measures will include:</p> <ul style="list-style-type: none"> • Ensuring that any legal requirements relating to the protection of the species or habitat are met; • Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created; • Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human- wildlife conflicts (e.g.

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		<p>incursions by elephants).</p> <p>For 5.2.5: If a negotiated agreement cannot be reached, there should be evidence of sustained efforts to achieve such an agreement. These could include third party arbitration (see Criteria 2.3, 6.3 and 6.4).</p> <p>Guidance:</p> <p>This information gathering should include checking available biological records and consultation with relevant government departments, research institutes and interested NGOs if appropriate. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.</p> <p>Wherever HCV benefits can be realised outside of the management unit, collaboration and cooperation between other growers, governments and organisations should be considered.</p> <p>Note: Operators need to consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures, in other cases co- management options can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained or enhanced by the companies or State agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3).</p>
5.3	Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.	<p>Indicators:</p> <p>5.3.1 All waste products and sources of pollution shall be identified and documented by Companies. [Major]</p> <p>5.3.2 All chemicals and their containers shall be disposed of in accordance with the requirements of the applicable Safety Data Sheet. At a minimum, containers shall be triple rinsed with clean water and punctured to prevent re-use for liquid storage. Where triple rinsing is demonstrated to eliminate a risk to safety or the environment, re-use may be permitted for carrying pre-mix to the field, cutting down and using as waste bins and even using non-pesticide containers for non-potable water storage. [Major]</p> <p>5.3.3 A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>5.3.2 Applies to associated Smallholders.</p> <p>5.3.3 Smallholders must demonstrate planned waste management and disposal by disposing of waste products in a designated waste pit.</p> <p>Guidance:</p> <p>The waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> • Identifying and monitoring sources of waste and pollution.

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		<ul style="list-style-type: none"> Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes). Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to. Use of open fire for waste disposal should be avoided.
5.4	Efficiency of fossil fuel use and the use of renewable energy is optimised.	<p>Indicators:</p> <p>5.4.1 A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy shall be in place and monitored. [Minor]</p> <p>Guidance:</p> <p>Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill should be monitored.</p> <p>Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) should be monitored. Energy efficiency should be taken into account in the construction or upgrading of all operations.</p> <p>Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations.</p> <p>The feasibility of collecting and using biogas should be studied if possible.</p>
5.5	Use of fire for preparing land or replanting is avoided, except in specific situations as identified in the ASEAN guidelines or other regional best practice.	<p>Indicators:</p> <p>5.5.1 There shall be no land preparation by burning. [Major]</p> <p>5.5.2 Fire shall not be used for preparing land for replanting. (Major),</p> <p>Associated Smallholder Requirement:</p> <p>5.5.1 Applies to associated Smallholders.</p> <p>5.5.2 Applies to associated Smallholders.</p> <p>Guidance:</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution should be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for associated Smallholders may be necessary.</p>

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5.6	<i>Preamble</i>	<p><i>Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognised that it is not always feasible or practical to reduce or minimise these emissions.</i></p> <p><i>Growers and millers have committed to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.</i></p>
5.6	Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.	<p>Indicators:</p> <p>5.6.1 An assessment of all polluting activities shall be conducted, including gaseous emissions, particulate/soot emissions and effluent (see Criterion 4.4). [Major]</p> <p>5.6.2 Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimise them implemented. [Major]</p> <p>5.6.3 A monitoring system shall be in place, with regular reporting on progress for these significant pollutants and emissions from estate and mill operations, using appropriate tools. Monitoring of mill smoke emissions must be in accordance with the requirements of the PNG Oil Palm Processing Industry Environmental Code of Practice. [Minor]</p> <p>Specific Guidance:</p> <p>For 5.6.2: Plans will include objectives, targets and timelines. These should be responsive to context and any changes should be justified.</p> <p>For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded. For 5.6.3 (GHG): For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including land use practices) can be used as a monitoring tool.</p> <p>For 5.6.3: In addition, during the implementation period, growers will start to assess, monitor and report emissions arising from changes in carbon stocks within their operations, using the land use in November 2005 as the baseline. The implementation period for Indicator 5.6.3 is the same implementation period for Criterion 7.8.</p> <p>During the implementation period, reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance for the process. Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognising the challenges associated with measuring GHG and carbon stock.</p> <p>PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions. Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>Guidance:</p> <p>Where practically feasible, operations should follow best management practices to measure and reduce emissions. Advice on this is available from the RSPO.</p>

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PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS		
6.1	Aspects of plantation and mill management that have social impacts, including replanting, 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 continual improvement.	<p>Indicators</p> <p>6.1.1 A social impact assessment (SIA) including records of meetings shall be documented. [Major]</p> <p>6.1.2 There shall be evidence that the assessment has been done with the participation of affected parties. [Major]</p> <p>6.1.3 Plans for avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, shall be developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation. [Major]</p> <p>6.1.4 The plans shall be reviewed as a minimum once every two years and updated as necessary, in those cases where the review has concluded that changes should be made to current practices. In any case, the plans should be updated at least every ten years. There shall be evidence that the review includes the participation of affected parties. [Minor]</p> <p>6.1.5 Particular attention shall be paid to the impacts of Smallholder schemes (where the plantation includes such a scheme). [Minor]</p> <p>Guidance:</p> <p>Identification of social impacts should be carried out by the grower with the participation of 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.</p> <p>Participation in this context means that affected parties are able to express their views through their own representative institutions, or freely chosen spokespersons, during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.</p> <p>Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms; Smallholder schemes.</p> <p>Plantation and mill management may have social impacts (positive or negative) on factors such as:</p> <ul style="list-style-type: none"> • Access and use rights; • Economic livelihoods (e.g. paid employment) and working conditions; • Subsistence activities; • Cultural and religious values; • Health and education facilities; • Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force. <p>The review can be done (once every two years) internally or externally.</p>

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		A Social Management Plan shall be in place based on the latest SIA. This will document the mitigation of negative impacts and the promotion of positive impacts. This must be timetabled and have responsibilities for implementation clearly identified,
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.	<p>Indicators:</p> <p>6.2.1 Consultation and communication procedures shall be documented. [Major]</p> <p>6.2.2 A management official responsible for these issues shall be nominated. [Minor]</p> <p>6.2.3 A list of stakeholders, records of all communication, including confirmation of receipt and that efforts are made to ensure understanding by affected parties, and records of actions taken in response to input from stakeholders, shall be maintained. [Minor]</p> <p>Guidance:</p> <p>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 appropriate existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum.</p> <p>Communications should take into account differential access to information by women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.</p> <p>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.</p>
6.3	There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.	<p>Indicators:</p> <p>6.3.1 The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistleblowers, where requested. [Major]</p> <p>6.3.2 Documentation of both the process by which a dispute was resolved and the outcome shall be available. [Major]</p> <p>Specific Guidance:</p> <p>For 6.3.1: The system should aim to reduce the risks of reprisal.</p> <p>Guidance:</p> <p>See also to Criterion 1.2. Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation as necessary. Grievances may be internal (employees) or external.</p> <p>For scheme and independent Smallholders, refer to '<i>Guidance for Independent Smallholders under Group Certification</i>', June 2010, and</p>

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		<p><i>'Guidance on Scheme Smallholders'</i>, July 2009.</p> <p>Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed <i>'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework'</i>, 2011.</p>
<p>6.4</p>	<p>Any negotiations concerning compensation for loss of legal, customary or user 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.</p>	<p>Indicators:</p> <p>6.4.1 A procedure for identifying legal, customary or user rights, and a procedure for identifying people who are the rightful customary owners within the PNG legal system, shall be in place. [Major]</p> <p>6.4.2 A procedure for calculating and distributing fair payment (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, local community customary ownership of land and access to land for customary purposes. The procedure should recognise different mechanisms for agreement on the right to use the land ranging from outright purchase to leases and CLUAs of varying durations. Payments may include a land rental and royalty component based on production and the means of distribution must also be defined [Minor]</p> <p>6.4.3 The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available, with the agreement of the parties concerned, to the extent that damage to the interests of the affected parties will not result. [Major]</p> <p>Specific Guidance:</p> <p>For 6.4.2: Companies should make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in Smallholder schemes.</p> <p>Guidance:</p> <p>This criterion should be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance.</p>
<p>6.5</p>	<p>Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.</p>	<p>Indicators:</p> <p>6.5.1 Documentation of pay and conditions shall be available. [Major]</p> <p>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.) shall be available in the languages understood by the workers or explained carefully to them by a management official. [Major]</p> <p>6.5.3 Growers and millers shall provide and maintain adequate housing, water supplies, medical, educational and welfare amenities. These shall be to national standards where such standards exist and where no such public facilities are</p>

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		<p>available or accessible. [Minor]</p> <p>6.5.4 Growers and millers shall make demonstrable efforts to monitor and improve workers' access to adequate, sufficient and affordable food. [Minor]</p> <p>Guidance:</p> <p>This criterion should be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance.</p>
6.6	The employer respects the rights 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.	<p>Indicators:</p> <p>6.6.1 A published statement in English and Tok Pisin languages recognising freedom of association shall be available. [Major]</p> <p>6.6.2 Minutes of meetings with main trade unions or workers representatives shall be documented. [Minor]</p> <p>Guidance:</p> <p>The right of employees, including workers from other provinces and contract workers, to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation (ILO).</p> <p>Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, should be available in the languages understood by the workers or explained carefully to them by a management official.</p>
6.7	Children are not employed or exploited.	<p>Indicators:</p> <p>6.7.1 There shall be documentary evidence that minimum age requirements are met. [Major]</p> <p>Guidance:</p> <p>Growers and millers should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should not be done by those under 18, as per International Labour Organisation (ILO) Convention 138.</p> <p>Children may assist family members on associated Smallholder blocks provided that this is not at the expense of schooling or the physical and mental wellbeing of the children concerned.</p> <p>Please refer to '<i>Guidance for Independent Smallholders under Group Certification</i>', June 2010, and '<i>Guidance on Scheme Smallholders</i>', July 2009 for additional guidance on family farms.</p>
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.	<p>Indicators:</p> <p>6.8.1 A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented. [Major]</p> <p>6.8.2 Evidence shall be provided that employees and groups including local communities, women, and workers from other provinces have not been discriminated against. [Major]</p> <p>6.8.3 It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available. [Minor]</p>

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		<p>Guidance:</p> <p>Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers, and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p>
6.9	There is no harassment or abuse in the work place, and reproductive rights are protected.	<p>Indicators:</p> <p>6.9.1 A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce. [Major]</p> <p>6.9.2 A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce. [Major]</p> <p>6.9.3 A specific grievance mechanism which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>6.9.1 Associated Smallholders must be able to verbally explain that they understand and observe this requirement.</p> <p>6.9.2 Associated Smallholders must be able to verbally explain that they understand and observe this requirement</p> <p>Specific Guidance:</p> <p>For 6.9.1 and 6.9.2: These policies should include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which should include representatives from all areas of work, will consider matters such as: training on women’s rights; counselling for women affected by violence; child care facilities to be provided by the growers and millers; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding.</p> <p>For 6.9.2: see Indicator 4.6.12.</p> <p>Guidance:</p> <p>There should be a clear policy developed in consultation with employees, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.</p> <p>Notwithstanding national legislation and regulation, reproductive rights are respected.</p> <p>OPIC and Company Smallholder Departments to include awareness of</p>

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		these issues in their extension programs.
6.10	Growers and millers deal fairly and transparently with Smallholders and other local businesses.	<p>Indicators:</p> <p>6.10.1 Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available. [Minor]</p> <p>6.10.2 Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation). [Major]</p> <p>6.10.3 Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent. [Minor]</p> <p>6.10.4 Agreed payments shall be made within 14 days of fruit collection or delivery to the mill. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>6.10.3 Associated Smallholders must be able to verbally explain that they understand and observe their obligations and the obligations of the Company to whom they are selling their fruit.</p> <p>Guidance:</p> <p>Transactions with Smallholders should consider issues such as the role of middle-men, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 4.2) should also be considered; where it is not practicable to recycle wastes to Smallholders, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Smallholders should 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 middle-men are involved.</p> <p>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.</p> <p>If mills require Smallholders to change practices to meet the RSPO Principles and Criteria, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.</p>
6.11	Growers and millers contribute to local sustainable development where appropriate.	<p>Indicators:</p> <p>6.11.1 Contributions to local development that are based on the results of consultation with local communities shall be demonstrated. [Minor]</p> <p>6.11.2 Where there are associated Smallholders, there shall be evidence that efforts and/or resources have been allocated to improve Smallholder productivity. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>6.11.2 Associated Smallholder should participate in Field days and other extension activities delivered by OPIC and Company Smallholder departments. Companies shall maintain records of Smallholder productivity.</p> <p>Guidance:</p> <p>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,</p>

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		<p>openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognised as conflicting with Criterion 6.8. Efforts should be made to identify independent Smallholders in the supply base.</p> <p>Where sourcing of fruit is from identified independent Smallholders, efforts should be made to contribute to the improvement of their farming practices.</p>
6.12	No forms of forced or trafficked labour are used.	<p>Indicators:</p> <p>6.12.1 There shall be evidence that no forms of forced or trafficked labour are used. [Major]</p> <p>6.12.2 Where applicable, it shall be demonstrated that no contract substitution has occurred. [Minor]</p> <p>6.12.3 Company labour policies shall be established and implemented and apply to both permanent and casual labour</p> <p>Associated Smallholder Requirement:</p> <p>6.12.1 Associated Smallholders must be able to verbally explain that they understand and observe this requirement.</p> <p>Specific Guidance:</p> <p>For 6.12.1: Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.3: The special labour policy should include:</p> <ul style="list-style-type: none"> • Statement of the non-discriminatory practices; • No contract substitution; • Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.; • Decent living conditions to be provided. <p>Guidance</p> <p>Workers from other provinces should have employment agreements. Any deductions made should not jeopardise a decent living wage.</p> <p>There should be evidence of due diligence in applying this to all sub-contract workers and suppliers. National guidance should be used on contract substitution.</p>
6.13	Growers and millers respect human rights.	<p>Indicators:</p> <p>6.13.1 A policy to respect human rights shall be documented and communicated to all levels of the workforce and operations (see Criteria 1.2 and 2.1). [Major]</p> <p>Guidance:</p> <p>Extension activities by OPIC and Company Smallholder Departments shall include communication of this policy to associated Smallholders</p> <p>See also Criterion 6.3. All levels of operations will include contracted third parties (e.g those involved in security).</p> <p>Note:</p>

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		<p>From the UN Guiding Principles on Business and Human Rights:</p> <p><i>“The responsibility of business enterprises to respect human rights refers to internationally recognised human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</i></p> <p>The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.</p>

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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.	<p>Indicators:</p> <p>7.1.1 An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented. [Major]</p> <p>7.1.2 Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts. [Minor]</p> <p>7.1.3 Where the development includes an outgrower scheme, the impacts of the scheme and the implications of the way it is managed shall be given particular attention. [Minor]</p> <p>Guidance:</p> <p>See also Criteria 5.1 and 6.1. 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. A participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts. Stakeholders such as local communities, government departments and NGOs should be involved through the use of interviews and meetings, and by reviewing findings and plans for mitigation.</p> <p>It is recognised that oil palm development can cause both positive and negative impacts. These developments can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.</p> <p>The potential impacts of all major proposed activities should be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p> <ul style="list-style-type: none"> • Assessment of the impacts of all major planned activities, including planting, mill operations, roads and other infrastructure; • Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected; • Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems; • Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources; • Baseline soil surveys and topographic information, including the identification of steep slopes, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding; • Analysis of type of land to be used (forest, degraded forest, cleared land);

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		<ul style="list-style-type: none"> Analysis of land ownership and user rights; Analysis of current land use patterns; Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents; Identification of activities which may generate significant GHG emissions. <p>Plans and field operations should be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment process is that the development may not proceed because of the magnitude of potential impacts. For Smallholder schemes, the scheme management should address this Criterion. For individual Smallholders, this Criterion does not apply. Where there is no National Interpretation, for land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken.</p>
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.	<p>Indicators:</p> <p>7.2.1 Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation shall be available and taken into account in plans and operations. [Major]</p> <p>7.2.2 Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken into account in plans and operations. [Minor]</p> <p>Guidance:</p> <p>These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but need not be done by independent experts.</p> <p>Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development. Soils requiring appropriate practices should be identified (see Criteria 4.3 and 7.4). 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. Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p> <p>Assessing soil suitability is also important for Smallholders, particularly where there are significant numbers operating in a particular location. Information should be collected on soil suitability by companies planning to purchase Fresh Fruit Bunches (FFB) from potential developments of independent Smallholders in a particular location. Companies should assess this information and provide information to independent Smallholders on soil suitability, and/or in</p>

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		<p>conjunction with relevant government/public institutions and other organisations (including NGOs) provide information in order to assist independent Smallholders to grow oil palm sustainably.</p>
<p>7.3</p>	<p>New plantings since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.</p>	<p>Indicators:</p> <p>7.3.1 There shall be evidence that no new plantings have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantings shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2). [Major]</p> <p>7.3.2 A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new planting. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status. [Major]</p> <p>7.3.3 Dates of land preparation and commencement shall be recorded. [Minor]</p> <p>7.3.4 An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower’s relevant operational procedures (see Criterion 5.2). [Major]</p> <p>7.3.5 Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2). [Minor]</p> <p>Specific Guidance:</p> <p>For 7.3.1: Evidence should include historical remote sensing imagery which demonstrates that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps should be used to inform the HCV assessment.</p> <p>Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6. Decisions will be made in consultation with the affected communities.</p> <p>Guidance:</p> <p>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 since November 2005. 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.</p> <p>The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments should be conducted according to the National Interpretation of the HCV criteria or according to the Global HCV Toolkit if a National</p>

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		<p>Interpretation is not available (see Definitions).</p> <p>Developments should actively seek to utilise previously cleared and/or degraded land on mineral soil. Plantation development should not put indirect pressure on forests through the use of all available agricultural land in an area.</p> <p>Where landscape level HCV maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government land use plans.</p> <p>In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardise large areas or species, an independent assessment will be required. HCV areas can be very small.</p> <p>Once established, new developments should comply with Criterion 5.2.</p>
7.4	Extensive planting on steep terrain, and/or marginal and fragile soils, including peat, is avoided.	<p>Indicators:</p> <p>7.4.1 Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided. [Minor]</p> <p>7.4.2 Where limited planting on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts. [Major]</p> <p>Guidance:</p> <p>Guidance and definitions relating to specific controls and thresholds, such as slope limits, listing soil types on which planting should be avoided (especially peat soils), the proportion of plantation area that can include marginal/fragile soils, and definitions of ‘problem’, ‘extensive’, ‘marginal’, ‘fragile’ and ‘excessive’:</p> <p>Excessive gradients which shall be avoided are those that are 25 degrees or greater. Soil conservation measures (e.g. terracing, platforms, cover crop etc.) should be applied for terrain with gradients between 9 and 25 degrees. Soil suitability should be determined using crop and environmental Suitability criteria. Those identified as marginal and/or problematic should be avoided if the soil cannot be improved through agro-management input.</p> <p>Problem and marginal soils may include sandy soils, low organic content soils, and potential or actual acid sulphate soils. Suitability of these soils is also influenced by other factors including rainfall, terrain and management practices. These areas may only be developed for new plantations provided that adequate management plans based on best management practices are in place. Failing which extensive plantings should be avoided on these soils.</p> <p>Fragile soils on which extensive plantings shall be avoided include peat soils, mangrove sites and other wetland areas.</p> <p>Extensive planting on steep terrain; any individual contiguous planted area on steep terrain (25 degrees) greater than 25ha within the new development area and the total area of planting on steep terrain shall be no more that 1% of a new development area.</p> <p>Limited planting on steep terrain; individual areas smaller than 25ha each and in total no more than 1% of a new development area.</p> <p>Extensive planting on fragile soil; total area of planting on fragile</p>

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		<p>soil within a new development should not be greater than 100ha. Recognizing that small growers have fewer options, for the development of 500ha or less, no more than 20% of the total area should be on fragile soil.</p> <p>This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Planting on extensive areas of peat soils and other fragile soils should be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p> <p>Note: RSPO should develop technical guidance on identification of fragile soils for countries without an NI.</p>
7.5	<p>No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.</p>	<p>Indicators:</p> <p>7.5.1 Evidence shall be available that affected local peoples understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the grower/miller is signed and ratified by these local peoples. [Major]</p> <p>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p> <p>Guidance:</p> <p>This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 7.1.</p> <p>Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites. Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantings.</p> <p>Free, prior and informed consent (FPIC) is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance (<i>'FPIC and the RSPO; A Guide for Companies'</i>, October 2008).</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p>
7.6	<p>Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements.</p>	<p>Indicators:</p> <p>7.6.1 Documented identification and assessment of demonstrable legal, customary and user rights shall be available. [Major]</p> <p>7.6.2 A system for identifying people who are the rightful customary owners within the PNG legal system, shall be in place. [Major]</p> <p>7.6.3 A system for calculating and distributing fair payment (monetary or otherwise) shall be established and implemented, monitored shall be in place. This system shall take into account: gender differences in the power to claim rights, local community customary ownership of land, access to land for customary purposes and the requirements of the PNG Government's "Valuer General's Guide". The procedure</p>

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		<p>should recognise different mechanisms for agreement on the right to use the land ranging from outright purchase to leases and CLUAs of varying durations. Payments may include a royalty component based on production and the means of distribution must also be defined [Major]</p> <p>7.6.4 Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development. [Minor]</p> <p>7.6.5 The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available, with the agreement of the parties concerned, to the extent that damage to the interests of the affected parties will not result. [Minor]</p> <p>7.6.6 Evidence shall be available that the affected communities and rights holders have access to information and advice, that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands. [Minor]</p> <p>Specific Guidance:</p> <p>For 7.6.1: While no land preparation or planting may be undertaken before legal user rights (2.2.1) can be proven, the NPP documentation can be prepared and submitted if the FPIC process can be clearly demonstrated to have identified all land owning clans within the proposed area through genealogical studies and extensive consultation and no objections have been voiced. An Environmental Permit application may also be lodged (if required) as part of the due diligence process, but development must not proceed until documented legal user rights are held..</p> <p>Guidance:</p> <p>Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance. This requirement includes indigenous peoples (see Annex 1). Refer to RSPO approved FPIC guidance (<i>'FPIC and the RSPO; A Guide for Companies'</i>, October 2008)</p>
7.7	No use of fire in the preparation of new plantings other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.	<p>Indicators:</p> <p>7.7.1 There shall be no land preparation by burning.</p> <p>7.7.2 In exceptional cases where fire has to be used for preparing land for planting, there shall be evidence of prior approval of the controlled burning as specified in 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions. [Minor]</p> <p>Associated Smallholder Requirement:</p> <p>7.7.1 Associated Smallholders must be able to verbally explain that they understand and observe this requirement</p> <p>7.7.2 Associated Smallholders must be able to verbally explain that they understand and observe this requirement</p> <p>Specific Guidance:</p> <p>For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Guidance:</p>

No.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS		
7.8	<i>Preamble</i>	<p>Extension/training programmes for Smallholders may be necessary.</p> <p><i>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate RSPO's commitment to establishing a credible basis for the Principles and Criteria on GHGs.</i></p> <p><i>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognised that these emissions cannot be projected with accuracy with current knowledge and methodology.</i></p> <p><i>Growers and millers commit to plan development in such a way to minimise net GHG emissions towards a goal of low carbon development (noting the recommendations agreed by consensus of the RSPO GHG WG2).</i></p> <p><i>Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.</i></p>
7.8	New plantation developments are designed to minimise net greenhouse gas emissions.	<p>Indicators:</p> <p>7.8.1 The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated. [Major]</p> <p>7.8.2 There shall be a plan to minimise net GHG emissions which takes into account avoidance of land areas with high carbon stocks and/or sequestration options. [Minor]</p> <p>Specific Guidance:</p> <p>For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The RSPO carbon assessment tool for new plantings will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process.</p> <p>The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantings.</p> <p>Parties seeking to use an alternative tool for new plantings will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>For 7.8.2: Growers are strongly encouraged to establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Low carbon stock areas are defined as those with (above and below ground) carbon stores, where the losses as a result of conversion are equal or smaller to gains in carbon stock within the new development area including set aside areas (non-planted areas) over the period of one rotation.</p> <p>Millers are encouraged to adopt low-emission management practices</p>

No.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS		
		<p>(e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.</p> <p>Growers and millers should plan to implement RSPO best management practices for the minimisation of emissions during the development of new plantations.</p> <p>Guidance</p> <p>This Criterion covers plantations, mill operations, roads and other infrastructure. It is recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation.</p> <p>Public reporting is desirable, but remains voluntary until the end of the implementation period. During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance on the process. During the implementation period the RSPO working group will seek to further develop and continually improve the RSPO carbon assessment tool for new plantings, recognising the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.</p> <p>Thereafter growers and millers will ensure that new plantation developments are designed to minimise net GHG emissions and commit to reporting publicly on this.</p> <p>Once established, new developments should report on-going operational, land use and land use change emissions under Criterion 5.6.</p>

No.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE														
PRINCIPLE 8: COMMITMENT TO CONTINUAL IMPROVEMENT IN KEY AREAS OF ACTIVITY																
8.1	Growers and millers regularly monitor and review their activities, and develop and implement action plans that allow demonstrable continual improvement in key operations.	<p>Indicators:</p> <p>8.1.1 The action plan for continual improvement shall be implemented, based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of Indicators covered by these Principles and Criteria. [Major]</p> <p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"> • Reduction in use of pesticides(Criterion 4.6); • Environmental impacts (Criteria 4.3, 5.1 and 5.2); • Waste reduction (Criterion 5.3); • Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8); • Social impacts (Criterion 6.1); • Optimising the yield of the supply base. <p>Guidance:</p> <p>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 continual improvement.</p> <p>Specific minimum performance thresholds for key indicators (see also Criteria 4.4) to be included in an action plan for continuous improvement:</p> <p>Performance standard for Criteria 4.3:</p> <ul style="list-style-type: none"> • Maximum acceptable slope gradient for planting; conservation measures (e.g. terracing, platforms, cover crop, etc.) should be applied for terrain with gradients between 9 and 25 degrees. <p>Performance standard for Criteria 4.4:</p> <ul style="list-style-type: none"> • All permanent watercourses, wetlands and water bodies shall have buffers consisting of naturally occurring local vegetation. In the absence of national guidelines, the following should apply; <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="padding: 5px;">River width (m)</td> <td style="padding: 5px;">Width of river</td> </tr> <tr> <td style="padding: 5px;">reserve (m) 1-5</td> <td style="padding: 5px;">5</td> </tr> <tr> <td style="padding: 5px;">5-10</td> <td style="padding: 5px;">10</td> </tr> <tr> <td style="padding: 5px;">10-20</td> <td style="padding: 5px;">20</td> </tr> <tr> <td style="padding: 5px;">20-40</td> <td style="padding: 5px;">40</td> </tr> <tr> <td style="padding: 5px;">40-50</td> <td style="padding: 5px;">50</td> </tr> <tr> <td style="padding: 5px;">>50</td> <td style="padding: 5px;">100</td> </tr> </table> <p>All other permanent natural water-bodies shall have a 100m buffer on all sides.</p> <ul style="list-style-type: none"> • In the absence of national regulations, the BOD of mill discharge that enters watercourses, wetlands and water-bodies shall be below 50 mg O₂ per litre. <p>Performance standard for Criteria 4.6:</p> <ul style="list-style-type: none"> • In the absence of locally applicable best practices guidelines on the exceptional circumstances that would 	River width (m)	Width of river	reserve (m) 1-5	5	5-10	10	10-20	20	20-40	40	40-50	50	>50	100
River width (m)	Width of river															
reserve (m) 1-5	5															
5-10	10															
10-20	20															
20-40	40															
40-50	50															
>50	100															

No.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
PRINCIPLE 8: COMMITMENT TO CONTINUAL IMPROVEMENT IN KEY AREAS OF ACTIVITY		
		<p>allow use of pesticides categorized as WHO class 1A and 1B, or those listed by the Stockholm and Rotterdam Conventions, growers are allowed to adopt similar guidelines from other countries. Countries without an NI should compile a list of legally prohibited pesticides and statutory requirements on pesticide use.</p>

Definitions

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.

Family farm: a farm operated and mostly owned by a family, for the growing of oil palm, sometimes along with subsistence production of other crops, and where the family provides the majority of the labour used. Such farms provide the principal source of income, and the planted area of oil palm is below 50 hectares in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programmes; when children are part of the family and when they are not exposed to hazardous working conditions.

Grower: The person or entity that owns and/or manages an oil palm development.

High Conservation Value (HCV) Areas: The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):

- **HCV 1 – Species diversity.** Concentrations of biological diversity including endemic species, and rare, threatened or endangered species, that are significant at global, regional or national levels.
- **HCV 2 - Landscape-level ecosystems and mosaics.** Large landscape-level ecosystems and ecosystem mosaics that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.
- **HCV 3 - Ecosystems and habitats.** Rare, threatened, or endangered ecosystems, habitats or refugia.
- **HCV 4 - Critical ecosystem services.** Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.
- **HCV 5 - Community needs.** Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.
- **HCV 6 - Cultural values.** Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities.

Integrated Pest Management: IPM is the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms. [FAO 2013: <http://www.fao.org/agriculture/crops/core-themes/theme/pests/ipm/en/>]

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

Livelihood: A person's or a group's way of making a living, from their environment or in the economy, including how they provision their basic needs and assure themselves and following generations secure access to food, clean water, health, education, housing and the materials needed for their life and comfort either through their own direct use of natural resources or through exchange, barter, trade or engagement in the market.

A livelihood includes not just access to resources but the knowledge and institutions that make this possible such as time for community participation and integration, personal, local or traditional ecological knowledge, skills, endowments and practices, the assets that are intrinsic to that way of making a living (e.g. farms, fields, pastures, crops, stock, natural resources, tools, machinery and intangible cultural properties) and their position in the legal, political and social fabric of society.

The risk of livelihood failure determines the level of vulnerability of a person or a group to income, food, health and nutritional insecurity. Therefore, livelihoods are secure when they have secure ownership of, or access to, resources and income earning activities, including reserves and assets, to offset risks, ease shocks and meet contingencies.

(Compiled from various definitions of livelihoods from DfID, IDS and FAO and academic texts from <http://www.fao.org/docrep/X0051T/X0051t05.htm>).

Migrant worker: a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and does not include those workers who move within a country for the purposes of employment.

Transmigrant worker: a person who migrates from one part of the country to another with a view to being employed otherwise than on his own account

Miller: A person or entity that operates a Palm Oil Mill.

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

Origin of FFB: entering a mill (see Indicator 4.1.4). RSPO members acknowledge the need for responsible operators to practise due diligence in sourcing of FFB from third parties to reduce the risk that unsustainable products are entering the certified supply chain. However, it is also recognised that there are significant challenges in tracing all such supplies back

to their point of origin. Therefore, as a minimum the mill must record the particulars of the party from which the FFB was sourced at the mill gate. Millers should further seek to identify where the FFB was originally sourced from and in particular should take care to ensure that the FFB has not come from land that is illegally occupied for oil palm production and in particular from designated protected areas.

Pesticide: Substances or mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorized into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides.

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 FOA 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.

Rights are legal, social, or ethical principles of freedom or entitlement:

- **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 - <http://go.worldbank.org/6L01FZTD20>).

- **Legal rights:** Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations
- **User rights:** Rights for the use of land and 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. (From FSC Principles & Criteria: <https://ic.fsc.org/download.revised-fsc-pc-v-5-0-high-resolution.a-871.pdf>)
- **Demonstrable rights** are those rights that are demonstrated through participatory user mapping as part of an FPIC process.

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.

- **Scheme Smallholders** – Smallholders that may be structurally bound by contract, credit agreement or by planning to a particular mill, but the association is not necessarily limited to such linkages. Other terms commonly used for scheme Smallholders include associated and/or plasma Smallholders.
- **Independent Smallholders** – Smallholders that are not bound by any contract, credit agreement or planning to a particular mill.

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.

Operations: All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base.

Operator: A person or entity that runs a business, machine, facility etc.

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

Plan – A time-bound and detailed scheme, programme, or method for achieving objective(s) and desired outcome(s). Plans shall have clear targets with timelines for delivery, actions to be taken and a process for monitoring progress, adapting plans to changing

circumstances and reporting. Unless otherwise stipulated the RSPO assumes that reporting will be public unless there are overriding reasons for them not to be. Plans shall also include the identification of named individuals or positions responsible for the delivery of the plan. There shall be evidence that sufficient resources are available to carry out the plan and the plan is implemented in full.

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.

Workforce: The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.

Annex 1: Laws, Conventions and Treaties (LTC) Applicable to the Sustainable Production of Palm Oil in Papua New Guinea

Spheres of Activity by which legal requirements are classified:

Sphere of Activities	Including
Agriculture / Land Management	Land Ownership and Lease
	Land Use Change
	Impacts on Environment and Biodiversity
	Oil Palm cultivation
	Agrochemicals (registration, use, transport, disposal)
	Fuel-wood/Forestry
Industrial	Palm Oil mills
	Refinery
	Hydrocarbons (transport, storage, use, disposal)
Municipal / Domestic	Buildings
	Housing
	Solid waste management
	Water supply
	Shops
	Club
	Staff Welfare
	Child welfare
	Clinics/Health
	Schools
Transportation / Logistics	Lorries (off-estate)
	Airstrips and aircraft
	Tankers
	Ports
	Bulk storage
	Ships
	Security
	Buses and worker transport
	Stores
	Workshops
Corporate	Occupational Health and Safety
	Worker registrations
	Worker training
	Employment
	Finances/Audits
	Taxes

Relevant National Laws:

Sphere	Cap	Act	Regulations	Relates To
Corporate	46	Apprenticeship and Trade Testing Act (1986)	Apprenticeship and trade testing regulation 1991	Apprenticeships and Tradesmen
Corporate	46	Arbitration Act (1951)		
Municipal	301	Building Act (1971)	Building Regulation 1994	Requirement for building standards and approved Building Plans for new buildings
Corporate	145	Business Names Act (1963)	Business names regulation 1964	Business activities
Municipal	302	Cemeteries Act	Cemeteries Regulation 1956	
Municipal	276	Child Welfare Act (1961)	Child Welfare Regulation 1962	
Corporate	284	Commerce (Trade Descriptions) Act (Chapter 284)		
Corporate		Community Services Trust Act 2002		
Corporate		Companies Act 1997	Companies Regulation 1998	Registration of Companies
Agriculture	362	Conservation Areas Act (1978)		Protection of land as Conservation Areas
Agriculture	213	Crocodile Trade (Protection) Act (1974)	Crocodile Trade (Protection) Regulation 1980	Hunting and killing of crocodiles
Corporate	101	Customs Act (1951)	Customs Regulation (1951)	
Municipal	228	Dangerous Drugs Act (1952)	Dangerous Drugs Regulation 1955	
Municipal	229	Drugs Act (1952)	Drugs Regulation 1958	
Transport	369	Dumping of Waste at Sea Act (1979)		Prevents dumping of waste at sea
Municipal	163	Education Act (1983)	Education Regulation 1983	Schools and education
Industrial	78	Electricity Industry Act (Chapter 78) [Formerly Electricity Commission Act (Chapter 78)]		
Industrial	306	Electricity Supply (Government Power Stations) Act (Chapter 306)		
Corporate	373	Employment Act	Employment regulation 1980	Employment terms and conditions. See also 6.5.2
Corporate	374	Employment of Non-citizens Act (2007)	Employment of non-citizens regulation 2008	Employment of non-citizens of PNG (Expatriate workers)
Agriculture & Industrial		Environment Act 2000	Environment (Fees And Charges) Regulation 2002 Environment (Prescribed Activities) Regulation 2002 Environment (Water Quality Criteria) Regulation 2002 Environment (Permits) Regulation 2002 Environment (Council's Procedure) Regulation 2002	Permitting of Prescribed Activities – Environment Permits
Corporate	105	Excise Act (Chapter 105)		

Sphere	Cap	Act	Regulations	Relates To
Corporate		Fairness of Transactions Act 1993		Business activities – fairness and contracts
Agriculture	154	Fauna (Protection and Control) Act (1966)	Site Specific Wildlife Sanctuary Rules Site Specific Wildlife Management Area Rules	List of Protected Species (See also 5.2.1 Rare, Threatened and Endangered Species) Protection of land as Wildlife Management Areas and Wildlife Sanctuaries
Municipal	64	Fire Service Act (1962)	Fire Service Regulation 1966	Use of fires in the landscape
Agriculture		Forestry Act (1991)	Forestry Regulation 1998	Permitting and controls regarding clearance of Forest for agriculture
Corporate		Frauds and Limitations Act 1988		Business activities
Corporate	251	Goods Act (1951)		Business activities – Contracts
Corporate		Goods and Services Tax Act 2003	Goods and Services Tax Regulation 2005	GST
Transport	240	Harbours Act (1963) [Formerly Harbours Board Act (Chapter 240)]	Harbours Board (General) by-laws 1967 Harbours Board (Inflammable Liquid And Dangerous Goods) By-Laws 1976	Transport of Flammable and Dangerous Goods
Municipal		HIV/AIDS Management and Prevention Act 2003		Rights of persons affected by HIV/AIDS Management of data relating to AIDS and HIV
Corporate		Income Tax Act 1959	Income Tax Regulation 1959	Business activities – Income Tax
Corporate		Independent Consumer and Competition Commission Act 2002		Business activities - Promotion of competition, protection of consumer interest, and regulation of price for certain goods and services
Corporate		Industrial Organizations Act (Chapter 173)	Industrial Organizations Regulation 1963	Unions
Corporate	174	Industrial Relations Act (1962)	Industrial Relations Regulation 1972	Resolution of industrial disputes Minimum Wages board
Corporate		Industrial Safety, Health and Welfare Act (Chapter 175)	Industrial Safety, Health And Welfare Regulation 1965 Industrial Safety (Building Works) Order 1967 Industrial Safety (Chemical Treatment of Timber) Order 1975 Industrial Safety (Excavation Works, Shafts and Tunnels) Order 1968 Industrial Safety (Explosive-powered Tools) Order 1973 Industrial Safety (Lifts) Order 1968	OHS and welfare for workers Licensing of 'Factories' Licensing of Boilers and Pressure Vessels Licensing of tradesmen Standards for cranes and lifting devices
			Industrial Safety (Monocrotophos) Order 1971 Industrial Safety (Tractors and Earthmoving and Mobile Construction Equipment) Order 1965	

Sphere	Cap	Act	Regulations	Relates To
Industrial	311	Inflammable Liquid Act (1953)	Inflammable Liquid Regulation 1968	Licensing of stores of inflammable liquids
Agriculture	391	International Trade (Fauna and Flora) Act (1979)	International Trade (Fauna And Flora) (Fauna) Regulation 1982	Implementation of CITES into National Law
Agriculture		Land Act 1996	Land (Ownership of Freehold) act 1976 Land (ownership of Freehold) Regulations 1977 Land (Tenure Conversion) Act 1963 Land (Tenure Conversion) Regulations 1964 Land Regulations 1999	Registration and ownership of land
Agriculture	45	Land Disputes Settlement Act (Chapter 45)	Land Disputes Settlement Regulation 1975	
Agriculture	147	Land Groups Incorporation (Amended) Act 2009	Land Groups Incorporation Regulations 1974	Establishment of Incorporated Land Groups (ILGs)
Agriculture	191	Land Registration (Amended) Act 2009	Land Registration Regulations 1999	Registration and Titling of Land
Agriculture		Land Titles Commission Act 1962		Adjudicate on land disputes
Transport	367	Licensing of Heavy Vehicles Act (Chapter 367)	Licensing of Heavy Vehicles Regulations 1977	Licensing of heavy vehicles (>4,000kg carrying capacity)
Municipal	312	Liquor (Licensing) Act (Chapter 312)	Liquor (Miscellaneous Provisions) Act (Chapter 313)	Sale of liquor (recreational clubs or similar)
Corporate	258	Marine Insurance (Adopted) Act (Chapter 258)		Business activities – insurance of goods transported at sea
Corporate	241	Marking of Weight on Heavy Packages Act (Chapter 241)		Packages weighing more than 1,000kg to be marked as such
Municipal	398	Medical Registration Act (Chapter 398)	Medical Registration by laws 1984	Medical workers to be registered
Transport	242	Merchant Shipping Act (Chapter 242)		Relates to the operation and registration of ships
Transport	243	Motor Traffic Act (Chapter 243)	Motor Traffic Regulations 1967 Land Transport Board Act	Registration and operation of vehicles for public and private use
Transport	296	Motor Vehicles (Third Party Insurance) (Basic Protection Compensation) Act (Chapter 296)	Motor Vehicle (Third Party Insurance (Basic Protection Compensation) Regulation 1974 Motor Vehicles (Third Party Insurance) Act (Chapter 295)	Valid insurance for vehicles
Agriculture		National Agricultural Research Institute Act 1996		Establishment of a Research Institute
Agriculture		National Agriculture Quarantine and Inspection Authority Act 1997		Import of certain medicines and animal drugs
Municipal		National AIDS Council Act 1997		Establishment of a council for the promotion of public health and welfare
Agriculture	156	National Cultural Property (Preservation) Act (1965)	National Cultural Property (Preservation) Regulation 1965	Declaration of items or sites as National Cultural Property
Municipal		National Health Administration Act 1997		Administration of public health facilities

Sphere	Cap	Act	Regulations	Relates To
Agriculture & Industrial		National Institute of Standards and Industrial Technology Act 1993		Establishment of 'standards' for processes and products
Agriculture	357	National Land Registration Act ()		Registration of Land
Transport		National Maritime Safety Authority Act 2003		
Agriculture	157	National Parks Act ()		Protection of environment within National Parks
Corporate	377	National Provident Fund Act (Chapter 377)	National Provident Fund Rules 1981	Employer and Employee contributions
Transport		National Road Safety Council Act 1997		
Transport		National Roads Authority Act 2003		
Transport	361	National Seas Act (Chapter 361)		
Corporate		National Training Council Act 1991		
Municipal		National Water Supply and Sewerage Act 1986		Design Manual for Water Supply and Sewerage (From Water PNG)
Agriculture		Oil Palm Industry Corporation Act 1992		OPIC
Industrial	285	Packaging Act (Chapter 285)		Applies to single item packages (not bulk items)
Industrial		Patents and Industrial Designs Act 2000	Patents and Industrial Designs Regulation 2002	Patent Law
Agriculture		Physical Planning Act 1989	Physical Planning Regulation 1990	Requirement for an approved Development Plan for prescribed Developments
Agriculture	220	Plant Disease and Control Act (Chapter 220)	Plant Diseases and Control Regulations 1956	Controls for the prevention of the spread of plant disease
Agriculture	231	Poisons and Dangerous Substances Act (Chapter 231)	Poisons and Dangerous Substances Regulations	Licensing of some chemicals; including some agro- chemicals
Transport	114	Port Charges Act (Chapter 114)		Wharfage rates and port charges due
Transport	371	Prevention of Pollution of the Sea Act (Chapter 371)	Prevention Of Pollution of the Sea Regulations 1980	Prevention of pollution of the sea
Municipal	226	Public Health Act (Chapter 226)	Public health (Drinking Water) Regulations 1984 Public Health (Infectious Diseases) Regulations 1973 Public Health (Paint) Regulations 1973	Drinking Water Quality requirements Design, Construction, and operation of sewerage systems, including septic tanks
			Public Health (Sanitation and General) Regulations 1973 Public Health (Septic Tanks) Regulations 1973 Public Health (Sewerage) Regulations 1973	
Municipal	234	Quarantine Act (Chapter 234)	Quarantine Regulations 1956	Quarantine powers to prevent the spread of disease (including pant diseases)
Corporate		Radio Spectrum Act 1996	Radio Spectrum Regulation 1997	Registration of radios and frequencies in use

Sphere	Cap	Act	Regulations	Relates To
Transport	246	Roads Maintenance Act (Chapter 246)	Road Maintenance Regulations 1973	Classification of roads and design standards
Transport	395	Shipping Act (Chapter 395)	Shipping (Freight Rate) Regulations 1974	Shipping and access to Ports
Corporate		Superannuation Act (2000)	Superannuation Regulations (2003)	Employer and Employee contributions
Corporate	96	Trade Licensing Act (Chapter 96)	Trade Licensing Regulation 1974	Licensing of Welders Plumbers Gas fitters Boiler attendant
Corporate	385	Trade Marks Act (Chapter 385)		Registration and use of trade marks
Corporate	286	Trade Measurement Act (Chapter 286)	Weights and Measures Regulation 1974	Testing and calibration of weighing instruments such as weighbridges
Transport	248	Transport (Collection of Information) Act (Chapter 248)		Supply of information as requested regarding road and sea transport
Corporate	327	Valuation Act (1967)	Valuation Regulation 1967	Valuation of land and improvements
Municipal		War Cemeteries and Graves Act 1986		Management of war graves (if present within or around plantations
Corporate	179	Workers' Compensation Act (Chapter 179)	Workers Compensation Regulation 1983	Workers Compensation. See also 4.7.6

International Treaties and Conventions (from Appendix 1 of 2013 P&C with additional note on status of ratification in PNG):

Principles	International Standards	Key Provisions	Summary Of Protections	Status in PNG
Ethical business conduct	United Nations Convention Against Corruption (2000)	Article 12	<p>Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct for business activities and preventing conflicts of interest.</p> <p>Promoting transparency.</p> <p>Ensuring that companies have sufficient internal auditing controls to prevent corruption.</p>	Ratified 16 July 2007
Respect for human rights	United Nations Guiding Principles on Business and Human Rights (2011)	Principles 11 to 24	<p>Businesses should respect human rights, by avoiding and/or mitigating negative impacts regardless of their size, sector of operation or ownership.</p> <p>They should have in place policies and procedures to ensure they respect human rights including conducting human rights due diligence which should be incorporated into how they conduct their business.</p> <p>They should monitor and report on the effectiveness of their operations in preventing human rights conflicts and remediate any negative impacts caused.</p>	16 June 2001
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.	n/a
Just Land Acquisition	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.	Not legally binding
	UN Convention on Biological Diversity (1992)	Article 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.	Ratified 16 March 1993
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).	n/a
	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.	Not legally binding

Principles	International Standards	Key Provisions	Summary Of Protections	Status in PNG
	Convention on the Elimination of All Forms of Racial Discrimination (CERD)	UN CERD Committee,	Free Prior Informed Consent for decisions that may affect indigenous peoples.	Accession 27 January 1982
	International Covenant on Economic, Social and Cultural Rights (ICESR)	UN Committee on Social Cultural and Economic Rights,	(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).	Ratified 21 July 1982
	Inter American Human Rights System.	Inter- American Commission on Human Rights.		n/a
No Forced Labour	ILO Convention 29 (1930) Forced Labour	Article 5	No concession to companies shall involve any form of forced or compulsory labour.	Ratified 01 May 1976
	ILO Convention 105 (1957) Abolition of Forced Labour	Article 1	Not make use of any form of forced or compulsory labour.	Ratified 01 May 1976
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).	Ratified 02 June 2000 Minimum Age 16
	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.	Ratified 02 June 2000
	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	Not legally binding
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 organize.	Ratified 02 June 2000
	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.	Ratified 01 May 1976
	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.	n/a
	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	Not legally binding
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.	Ratified 02 June 2000

Principles	International Standards	Key Provisions	Summary Of Protections	Status in PNG
	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.	Ratified 02 June 2000
	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	Not legally binding
Just employment of Migrants	ILO Convention 97 (1949) Migration for Employment		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	n/a
	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	n/a
Protection of Plantation Workers	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.	n/a
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.	n/a
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.	n/a
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 wrt 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.	n/a

Principles	International Standards	Key Provisions	Summary Of Protections	Status in PNG
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 (e.g. 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).	Ratified 07 October 2003
	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.	“voluntary standard and point of reference for sound pesticide management practices” Revised again in June 2013
	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.	n/a
	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.	Not legally binding

Other International Treaties and conventions ratified by PNG:

Sphere of Activity	Convention Name	Details	Status in PNG
Corporate	ILO C122 - Employment Policy Convention, 1964 (No. 122)		Ratified 01 May 1976
	ILO C002 - Unemployment Convention, 1919 (No. 2)		01 May 1976
	ILO C007 - Minimum Age (Sea) Convention, 1920 (No. 7)		Denounced (Not in Force)
n/a	ILO C008 - Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)		Ratified 01 May 1976
	ILO C010 - Minimum Age (Agriculture) Convention, 1921 (No. 10)		Denounced (Not in Force)
Corporate	ILO C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)		Ratified 01 May 1976
Corporate	ILO C012 - Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)		Ratified 01 May 1976
Corporate	ILO C018 - Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)		Ratified 01 May 1976
Corporate	ILO C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)		Ratified 01 May 1976
Transport	ILO C022 - Seamen's Articles of Agreement Convention, 1926 (No. 22)		Ratified 01 May 1976
Corporate	ILO C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)		Ratified 01 May 1976
Transport	ILO C027 - Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)		Ratified 01 May 1976
Corporate	ILO C042 - Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)		Ratified 01 May 1976
n/a	ILO C045 - Underground Work (Women) Convention, 1935 (No. 45)		Ratified 01 May 1976
Corporate	ILO C085 - Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)		Ratified 01 May 1976
Corporate	ILO C099 - Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)		Ratified 01 May 1976
Corporate	ILO C103 - Maternity Protection Convention (Revised), 1952 (No. 103)		Ratified 02 Jun 2000

Sphere of Activity	Convention Name	Details	Status in PNG
Corporate	ILO C158 - Termination of Employment Convention, 1982 (No. 158)		Ratified 02 Jun 2000
Agricultural & Industrial	Waigani convention	Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Trans-boundary Movement and Management of Hazardous Wastes within the South Pacific Region	Into Force 2001
Agricultural & Industrial	Basel convention		Accession 01 September 1995
Agricultural	CITES		Into force 11 March 1976
Corporate	Convention on the Elimination of All Forms of Discrimination against Women		Accession 12 January 1995
Corporate	International Covenant on Economic, Social and Cultural Rights		Accession 21 July 2008
Agriculture	United Nations Convention to combat Desertification		In force 06 March 2001
Agriculture	Convention on Migratory species		
Agriculture & Industrial	United Nations Framework Convention on Climate Change		In Force 21 March 1994
Agriculture & Industrial	Kyoto Protocol		Ratified 28 March 2002 In Force 16 February 2005
Industrial & Municipal	Vienna Convention and Montreal Protocol		Accession 27 October 1992
Agricultural	Ramsar Convention on Wetlands		16 July 1973
Transport	MARPOL	International Convention for the Prevention of Pollution from Ships	Accession 25 January 1994
Agricultural	Apia Convention	SPREP Regional Convention on Conservation of Nature in the South Pacific	