

**DEVELOPMENT OF THE
COLOMBIAN NATIONAL INTERPRETATION
OF THE RSPO PRINCIPLES AND CRITERIA
(2013 version)**

**Report prepared by the Secretary of the
COLOMBIAN NATIONAL INTERPRETATION TASK FORCE (NITF)**

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Introduction

This report describes the main activities carried out for the development of the Colombian National Interpretation of the RSPO Principles and Criteria for the production of sustainable palm oil (2013 version). Those activities took place from September 2013 to September 2016.

This document was prepared by the Colombian National Federation of Oil Palm Growers, FEDEPALMA, as Secretary of the National Interpretation Task Force (NITF). It was approved by the President of the NITF for formal delivery to the RSPO.

This document has eight chapters. Chapter 1 describes the RSPO requirements for National Interpretations (NI), which guided this entire process. Chapters 2 through 6 chronologically summarize the activities undertaken to meet those requirements, leading to the final version of the Colombian NI.

Chapter 7 describes the RSPO review and approval process for the Colombian NI, detailing the five rounds of comments prior to its final endorsement on September 26, 2016. Chapter 8 briefly presents some general aspects of the Colombian NI document.

Background

The RSPO developed the first draft of its Principles and Criteria (P&C) for the production of sustainable palm oil in November 2005. After a two-year implementation and adjustment period, it published the final version of the P&C in November 2007.

Colombia developed a National Interpretation (NI) of the 2007 RSPO P&C; the RSPO endorsed it in November 2010.

Given its commitment to the Principle of continuous improvement, the RSPO established it would adjust its P&C standard every five years.

This process began in 2012 and watched multiple discussions among RSPO stakeholders to agree on the changes that the standard needed. It culminated in April 2013 with the adoption of the 2013 version of the P&C by the RSPO General Assembly in an extraordinary session.

Major changes featured on this new version are the inclusion of four criteria, namely: C1.3. Ethical conduct; C6.12. Forced or trafficked labor; C6.13. Respect for human rights, and C7.8. Minimizing greenhouse gas emissions (GHG) of new plantations. Additionally, the P&C 2013 version included changes in indicators and guidelines associated to the Principles and Criteria.

The RSPO established that all countries with National Interpretations should adjust them based on the new version of the P&C standard.

1 RSPO requirements for National Interpretations

The development of this new version of the Colombian National Interpretation of the RSPO P&C was framed on the specific RSPO requirements for NI processes: "*National Interpretation Task Force (NITF) –Guidelines for NITF Meetings*" (see Annex 1).

These requirements are summarized as follows:

- i. Establishment of the National Interpretation Task Force (NITF): The NITF should include members of the different RSPO stakeholders (growers and mills, traders and industry, environmental and social NGOs), government agencies and thematic experts. NITF conformation required RSPO endorsement.
- ii. NITF meetings: The RSPO established that the NITF should have at least two physical meetings. If necessary, the NITF could meet more often.
 - A President, Vice President and Secretary should be elected during the first NITF meeting. Also, its members should be briefed and sign the Terms of Reference and the Code of Conduct for their participation in the NITF. A schedule of activities should also be approved.
 - Within 10 working days after each NITF meeting, the meeting minutes and draft NI version should be sent to the RSPO.
- iii. Public Consultation: The NI process should contemplate a public consultation period of at least 60 days, after the NITF had agreed to a complete version of an adjusted NI document.
 - The RSPO should receive and approve the NI document to be subject to consultation, in Spanish and English, prior to the start of the public consultation period.
 - Suggestions and comments received during the public consultation were to be discussed by the NITF, which would approve their inclusion in the NI document.
- iv. Evaluation and endorsement by the RSPO: The final NI document for Colombia must be endorsed by the RSPO.
 - The final draft of the NI document must be sent to the RSPO in English and Spanish, for review and endorsement.
 - The RSPO might request adjustments and modifications to the document, if it deems necessary. Once endorsed by the RSPO, the final NI document for Colombia would be published on the RSPO website in English and Spanish.

2 Establishment of the National Interpretation Task Force (NITF)

Following RSPO requirements, the first step of the Colombian NI process was to establish the National Interpretation Task Force.

Felipe Guerrero, at that time Alternate Member for Latin America on the RSPO Executive Board, and Fedepalma, as a member of the RSPO and an organization that represents oil palm producers in Colombia, sent a draft list of proposed NITF members to the RSPO on September 25, 2013. This list included a distribution of members following the RSPO NI guidelines, as shown in Table 1.

Table 1. Proposed List of members of the Colombian NITF

Stakeholder category	Organisation / Company
Producers	Aceites Manuelita S.A. Aceites S.A. Asociación de Pequeños Productores de Tibú (Asogpados) Daabon Fedepalma Unipalma S.A.
Traders/Industry	C.I. Acepalma Indupalma Team Foods
Environmental NGOs	Fundación Natura The Nature Conservancy - TNC WWF
Social NGOs	Fundación Ideas para la Paz Indepaz Solidaridad
Government entities	Ministry of the Environment and Sustainable Development Humboldt Institute on Biodiversity Research
Thematic experts	CECODES Control Union ICONTEC Naturacert

Annex 2 shows the email sent by Felipe Guerrero to the RSPO, with a description and justification of each of these companies/organizations to be part of the NITF. The RSPO endorsed this NITF conformation on October 3, 2013 via email sent by Bremen Yong, at that time RSPO Certification & Training Manager (see Annex 3).

3 NITF kick-off meeting

The second step of the Colombian NI process was the NITF Kick-Off Meeting. It took place in Bogotá on October 16, 2013. Twenty of the 22 NITF members attended this meeting, as shown on Table 2 below.

Table 2. NITF Kick-Off Meeting Attendance

Category	Organisation / Company	Member
Producers	Aceites Manuelita Aceites S.A. Asociación de Pequeños Productores de Tibú (Asogpados) Daabon Fedepalma Unipalma	Leonardo Millán Diana Sepúlveda Teresa Peña Corredor Felipe Guerrero Juan Carlos Espinosa Leydy Obando
Traders and industry	Indupalma Team Foods	Gilberto Rojas Edison Bejarano
Environmental NGOs	The Nature Conservancy- TNC WWF	Carlos Manuel Chacón Ximena Barrera
Social NGOs	Fundación Ideas para la Paz- FIP Indepaz Solidaridad	Ángela Rivas Camilo González María Goretti Esquivel
Government entities	Instituto Alexander von Humboldt Ministerio de Ambiente y Desarrollo Sostenible	Ricardo Carrillo Jairo Homez
Thematic experts	CECODES Control Union ICONTEC Naturacert	Jaime Moncada Diego Pierrend Luz María Giraldo María Patricia Berrío

The following activities, among others, were carried out during this meeting, as required by the RSPO (see Annex 4):

- i. Election of the President, Vice President and Secretary of the NITF: Felipe Guerrero from Daabon Group, and at that time Alternate Member for Latin America on the RSPO Executive Board, was elected President; Maria Goretti Esquivel, from Solidaridad, was elected Vice President; and Fedepalma was elected Secretary.
- ii. Signing of Terms of Reference and Code of Conduct: The NITF objectives, scope and activities, and the Terms of Reference (ToR) and Code of Conduct (CoC) of its members, were presented and discussed. All attending NITF members signed these two documents during this meeting. Annex 5 contains all the signed ToR and CoC.
- iii. Definition of NITF activities and schedule: Based on the NITF objectives and scope, a list of activities and a timeline were agreed.
- iv. Organization of technical working groups: The NITF considered it necessary to create three technical working groups to better address environmental, social and productive issues in more detail.

4 Construction of the NI document for public consultation

The three NITF working groups held several meetings to discuss specific sections of the P&C standard before the NITF approved the NI draft document for public consultation.

Eight working group meetings and three physical meetings of the NITF (after the kick-off meeting) took place between October 2013 and March 2014 for the development of the NI document for public consultation. All the principles, criteria, indicators and guidelines of the RSPO 2013 standard were analyzed discussed and adjusted (if so considered) during these meetings.

Annex 6 contains a description of the eleven meetings mentioned above, showing the main topics addressed in each one, and listing the NITF members that attended them.

Table 3 details the number of NITF physical meetings attended by each NITF member. At least one NITF member represented every RSPO stakeholder category in each of the five NITF meetings.

Table 3. Representation of RSPO stakeholders in NITF meetings

Category	Organisation / Company	NITF Meetings				
		1	2	3	4	5
Producers	Aceites Manuelita	X	X		X	
	Aceites S.A.	X	X	X		X
	Asogpados	X				
	Daabon	X	X	X		X
	Fedepalma	X	X	X	X	X
	Unipalma	X	X	X		X
Traders / Industry	C.I. Acepalma					X
	Indupalma	X	X	X		
	Team Foods	X	X	X	X	X
Environmental NGOs	Fundación Natura		X	X		X
	The Nature Conservancy- TNC	X			X	X
	WWF	X		X	X	X
Social NGOs	Fundación Ideas para la Paz- FIP	X	X	X		
	Indepaz	X	X	X	X	X
	Solidaridad	X	X	X	X	X
Government entities	Humboldt Institute	X				
	Ministry of the Environment	X	X	X	X	
Thematic experts	CECODES	X	X	X	X	
	Control Union	X		X	X	X
	ICONTEC	X	X	X	X	X
	Naturacert	X	X	X	X	X

4.1 Second NITF Meeting

The second NITF meeting took place in Bogotá on November 26, 2013.

Previously, six working group meetings were held in order to analyze in depth the following Principles (with their respective criteria, indicators and guidelines):

- Environmental working group: Principles 5 and 8 (complete) and Principles 4 and 7 (environmental criteria).
- Social working group: Principles 1, 2, 6 and 8 (complete) and Principle 7 (social criteria).
- Productive working group: Principles 3, 4 and 8 (complete) and Principle 7 (productive criteria).

The working groups also addressed some priority issues regarding Principles 4, 5 and 6 that the NITF had identified in its Kick-Off meeting (see Annex 4).

The three main reference documents used by the NITF and the three working groups were:

- *RSPO Principles, Criteria, Indicators and Guidelines (2013 version)*
- *Colombian National Interpretation of the RSPO P&C (2007 version)*
- *RSPO Guidance on Scheme Smallholders (2009)*.

The following were the main changes approved by the NITF in its second meeting with regards to the RSPO P&C 2013 version:

- i. Definition of "smallholders" in the Colombian context: The NITF decided to adopt the official RSPO definition for smallholders (less than 50 hectares).
- ii. Applicability and scope of "customary rights" concept: The Colombian law does not recognize the concept of "customary rights"; however, a specific definition would be adopted to provide clarity to this concept.
- iii. Minimum area of new oil palm projects requiring an independent Social and Environmental Impacts Assessment (SEIA): The NITF kept the same requirement of the RSPO 2013 standard (500 hectares).

Annex 7 contains the minutes of the second NITF meeting.

4.2 Third NITF meeting

The third NITF meeting took place in Bogota on December 10, 2013. As an input, the NITF Secretariat prepared a complete draft of the Colombian NI document, incorporating all agreements made and adjustments suggested during the second NITF meeting. The purpose of this third NITF meeting was to thoroughly review and approve the NI draft document to be submitted for public consultation.

However, one of the NITF members, the social NGO Indepaz, made several substantive observations to the content of the NI document. During this meeting, the NITF discussed their comments and proposals one by one but consensus was not reached on all of them, due to differences in understanding their pertinence in the framework of a National Interpretation.

Given that no consensus was reached on a draft NI document for public consultation, the NITF decided to hold two additional working group meetings in January 2014, to further analyze Indepaz's proposals and reach a final agreement on the document to be submitted for public consultation. Annex 8 shows the minutes of the third NITF meeting.

4.3 Fourth NITF meeting

The fourth NITF meeting of the TWG took place in Bogota on March 12, 2014. As already mentioned, two working group meetings were held prior to this meeting, on January 16 and 29, 2014.

Moreover, the NITF Secretariat asked all NITF members to deliver written comments on the draft NI document that was discussed during the third NITF meeting. In addition to the comments submitted by Indepaz, the Secretariat received comments from the Ministry of Environment and Sustainable Development, and from Daabon Group.

These comments and observations were the central object of analysis of the two working group meetings. As a result, the following changes were approved by the NITF in its fourth meeting to be included in the Colombian NI:

- i. Applicability of the "Guide for the implementation of the ASEAN policy on zero burning" 2003: The NITF agreed that the ASEAN guide does not apply to Colombia, as the country has specific regulations on this subject, which identify situations where burning is permitted. While in the ASEAN guide burnings are accepted for pest and disease control, they are not allowed in Colombian regulations.
- ii. Using the phrase "significant land conflict": This concept was adapted to the Colombian context, so that the actions set out in national legislation to solve land tenure conflicts will be considered.
- iii. Conducting due diligence mechanisms in order to identify the level of adherence to international human rights standards: The Colombian NI set progressive implementation of these mechanisms.
- iv. Consulting the Land Restitution Unit¹ (URT, for its acronym in Spanish) before acquiring new properties: Given Colombia's armed conflict context, the lands that were subject to

¹The URT is an administrative body attached to the Ministry of Agriculture and Rural Development, and its main objective is: to serve as an administrative entity of the National Government for the restitution of lands to dispossessed people. It is responsible for designing and managing the Register of Dispossessed and Abandoned lands, where people and properties subject to restitution shall register. Available at <http://www.restituciondetierras.gov.co/>

violent dispossession are currently being restored to the victims. Therefore, the NI document included a requirement to verify that properties being acquired for new oil palm projects are not subject to restitution.

After discussing and addressing all of the observations, comments and critical issues, the NITF approved the draft NI document that would be submitted for public consultation by consensus. Annex 9 contains the minutes of the fourth NITF meeting.

5 Public consultation period

The draft Colombian NI document underwent a 60-day public consultation period from 18 June to 18 August 2014.

The NITF Secretariat prepared a brief report on the NI process led so far, and had the draft NI document translated into English. These two documents were sent to the RSPO for review and approval on May 30, 2014 (see Annex 10).

The RSPO approved these documents on June 18, 2014 (see Annex 11), and posted them on its website that same day, thereby initiating the 60-day public consultation period. The draft NI document and the report on the NI process were also posted in Spanish on Fedepalma's website on June 19, 2014. Annex 12 shows the draft Colombian NI document submitted for public consultation.

In order to give better clarity about the type of comments that were to be submitted during the consultation period, the draft NI document included a small section that explained the scope of the new Colombian NI process in relation to the following four objectives:

1. Adjust the Spanish translation of the RSPO P&C (2013 version), so it is appropriate to the context and language of Colombia.
2. Propose amendments to the scope of the criteria, indicators and guidelines of the RSPO standard, for them to be relevant and applicable to the Colombian context.
3. Include aspects of the Colombian regulatory framework associated with the RSPO P&C.
4. Include specific recommendations and guidelines to guide and facilitate the implementation of the RSPO P&C in Colombia.

In other words, the scope of the NI process was to interpret the RSPO P&C to the Colombian context. This did not imply the creation of a new sustainability standard for the palm oil sector in Colombia, or modifying the underlying principles of the RSPO P&C.

Given this scope, the following conditions were defined to participate in the public consultation:

- Comments had to be framed within the proposed NI scope.
- A unique format was designed to receive comments and proposals; only those received in this format would be considered.
- Comments were to be sent between June 18 and August 18, 2014.

Fourteen comments and proposals were received during the 60-day public consultation period; all of them submitted by oil palm companies.

6 Final draft of the Colombian NI for RSPO endorsement

The NITF approved by consensus a final draft of the Colombian NI on its fifth meeting, which took place in Bogotá on September 2, 2014.

During that meeting, the NITF reviewed all the comments received during the public consultation period, considering their pertinence in relation to the scope of the NI shown in section 5.1. Annex 13 shows the breakdown of all comments received and the treatment given to each one by the NITF. The NITF agreed by consensus to incorporate 11 of the 14 comments and proposals received, into the body of the NI document. Annex 14 shows the fifth NITF meeting minutes.

After this meeting, the NITF Secretary prepared the final draft of the NI document, as well as a first draft of this report of the NI process, for endorsement by the RSPO Secretariat. The NITF President sent these documents to the RSPO on December 19, 2014 (see Annex 15, Annex 16 and Annex 17)

7 RSPO review and approval

Before its final endorsement, the Colombian NI document went through five rounds of revision by the RSPO Secretariat between January 2015 and August 2016:

1. On April 1, 2015, the RSPO sent its first round of comments on the Colombian NI process and document (see Annex 18). The assessment covered three endorsement criteria:
 - a. Participation: Fullfilled.
 - b. Content: Not fulfilled. Comments were made on the content of the following criteria: 1.1, 1.3, 2.1, 2.2, 2.3, 3.1, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 5.1, 5.5, 5.6, 6.1, 6.2, 6.4, 6.5, 6.7, 6.9, 6.10, 6.12, 6.13, 7.1, 7.5, 7.6
 - c. Process: Fullfilled.

The NITF prepared a brief document responding to all RSPO inquiries, and sent it to the RSPO on May 12, 2015 (see Annex 19).

2. On July 24, 2015, the RSPO sent new comments on the NI document, covering the following indicators: 2.3.2 and 6.12.2. The NITF responded to those comments on August 11, 2015 (see Annex 20).
3. On September 4, 2015, the RSPO sent a detailed review of the NI document with comments on the following criteria: 1.3, 2.2, 2.3, 4.8, 5.2, 5.5, 6.4, 6.5, 6.12, 6.13, 7.1, 7.3, 7.5 and 7.6. The NITF answered all RSPO inquiries on October 23, 2015 (see Annex 21).
4. By early October, 2015, the RSPO required the NITF to consider additional comments made by the social NGO Indepaz to the latest version of the NI document. Several meetings were held with the NITF members representing social NGOs (including Indepaz) to discuss these issues between November 2015 and February 2016. The NITF prepared a new response to the RSPO on February 23, 2016 (see Annex 22).
5. The RSPO sent its last round of comments on March 30, 2016. They covered the following criteria: 2.3, 5.2, 7.5 and 7.6. The NITF responded to these comments on April 19, 2016 (see Annex 23), and prepared the final version of the NI document for RSPO endorsement.

The RSPO Secretariat reviewed this final version of the Colombian NI document, and approved it on September 26, 2016.

8 General aspects of the Colombian NI document

The Colombian NI document of the RSPO P&C 2013 comprises 8 Principles, 43 Criteria and 143 Indicators. Although the Colombian NI has the same Principles and Criteria as the generic RSPO P&C 2013, it added 6 new Indicators, as shown on Table 4.

Table 4. Number of Criteria and Indicators of the generic RSPO P&C 2013 and the Colombian NI

PRINCIPLES	RSPO P&C 2013		COLOMBIAN NI	
	No. Criteria	No. Indicators	No. Criteria	No. Indicators
1	3	3	3	3
2	3	14	3	14
3	1	2	1	2
4	8	41	8	41
5	6	17	6	17
6	13	36	13	40
7	8	23	8	25
8	1	1	1	1
TOTAL	43	137	43	143

The six additional indicators of the Colombian NI are shown on Table 5.

Table 5. Additional indicators of the Colombian NI compared with the generic RSPO P&C 2013

No.	Indicator
6.7.2	Guidance for companies in taking appropriate measures if they become aware of child and forced labor in their FFB supply chain
6.7.3	Evidence that children working in smallholders' family farms are in the education system.
6.13.2	Progressive implementation of due diligence mechanisms to identify the level of adherence of business practices to international human rights norms.
6.13.3	Measures to ensure that hiring private security and surveillance services does not involve people with criminal records, criminal investigations in progress, or that have committed crimes against humanity.
7.3.6	Socializing and training to employees about rare, threatened or endangered species present in the region and their management plan within the plantation.
7.5.2	Due diligence mechanisms in land acquisitions.

9 List of Annexes

- Annex 1.** RSPO guidance for NI processes - “National Interpretation Task Force (NITF) – Guidelines for NITF Meetings”.
- Annex 2.** Email: Proposed composition of the Colombian National Interpretation Task Force.
- Annex 3.** Email: RSPO approval of the Colombian NITF composition.
- Annex 4.** Minutes of the first NITF meeting.
- Annex 5.** Terms of Reference and Code of Conduct signed by the NITF members.
- Annex 6.** List of NITF and working group meetings.
- Annex 7.** Minutes of the second NITF meeting.
- Annex 8.** Minutes of the third NITF meeting.
- Annex 9.** Minutes of the fourth NITF meeting.
- Annex 10.** Documents sent to the RSPO for approval prior to the public consultation process.
- Annex 11.** Email: RSPO approval of the Colombian draft NI for public consultation.
- Annex 12.** Colombian draft NI document posted for public consultation.
- Annex 13.** Treatment given to comments received during public consultation of the Colombian NI.
- Annex 14.** Minutes of the fifth NITF meeting.
- Annex 15.** Letter to the RSPO for review and endorsement of NI document.
- Annex 16.** Draft NI document for RSPO review (in English)
- Annex 17.** Draft NI document for RSPO review (in Spanish)
- Annex 18.** RSPO comments (April 2015)
- Annex 19.** NITF response to RSPO comments (April 2015)
- Annex 20.** RSPO comments (August 2015) and NITF response
- Annex 21.** RSPO comments (September 2015) and NITF response
- Annex 22.** Adjusted response to RSPO comments (September 2015)
- Annex 23.** RSPO comments (March 2016) and NITF response