

RSPO

Roundtable on Sustainable Palm Oil



Principles and Criteria

For the production of sustainable palm oil 2018

Gabon National Interpretation developed by the National Interpretation Working Group 2019-2020 – English Translation

Endorsed by the RSPO Board of Governors on 03 September 2020



RSPO

Roundtable on Sustainable Palm Oil

Preamble

Sustainable palm oil production comprises legal, economically viable, environmentally appropriate and socially beneficial management and operations. This is delivered through the application of the following set of Principles and Criteria (P&C), and the accompanying Indicators and Guidance.

The first set of Principles & Criteria, Indicators and Guidance (RSPO P&C 2007) have been applied since November 2007. These had been subject to trial implementation from November 2005 to November 2007 and, in a number of countries, to a subsequent process of National Interpretation (NI). After five years of application by RSPO members, RSPO P&C 2007 were reviewed in 2012–2013, leading to the RSPO P&C 2013. After a further five years of application, these were reviewed and revised in 2017–2018 by the RSPO Principles and Criteria Review Task Force.

The objective of each review and revision is to improve the relevance and effectiveness of the P&C for RSPO members and in achieving the shared vision and mission of making sustainable palm oil the norm. More specifically, the most recent revision sought to align the P&C with the RSPO Theory of Change (ToC) and to increase accessibility by making them more relevant and practical.

The review process went beyond ISEAL best practices, including two public consultation periods of 60 days each and 17 physical consultation workshops in 10 countries around the world, as well as 6 physical Task Force meetings. This process resulted in the production of the revised and restructured RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C 2018).

In line with ISEAL best practices, this document (RSPO P&C 2018) will be completely reviewed again after five years, following adoption by the General Assembly (GA) of the RSPO.

The RSPO and its members recognise, support and commit to following the United Nations Universal Declaration of Human Rights [<http://www.un.org/en/documents/udhr>] and the International Labour Organization (ILO)'s Declaration on Fundamental Principles and Rights at Work [<http://www.ilo.org/declaration/lang-en/index.htm>].

This document (RSPO P&C 2018) defines Indicators for each Criterion and further Guidance where useful. Indicators are specific pieces of objective evidence that shall (must) be in place to demonstrate or verify that the Criterion is being met, i.e. they constitute the normative part of the standard together with the Principles, Criteria and definitions. Guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed. Guidance constitutes the informative part of the standard.

A separate standard has been developed for Independent Smallholders, the RSPO Independent Smallholder Standard (RISS).

This document (RSPO P&C 2018) is effective after adoption by the RSPO 15th General Assembly (GA15) on 15 November 2018. As stated in section nine of the RSPO Standard Operating Procedures (SOP) for Standard Setting, National Interpretations (NIs) must be revised to be fully consistent with the RSPO P&C 2018 within 12 months of the date of adoption (i.e. by 15 November 2019). Certificate holders must be fully compliant with the new version of an NI within one year of it being endorsed by the Board of Governors (BoG).

In countries where NIs are not updated by 15 November 2019, P&C 2018 will be effective until the NI

has been updated.

The NI process in Gabon started in November 2019, and this document represents the final version of the new NI. It combines the 2018 P&Cs as well as the elements of the 2017 Gabonese NI which are still relevant and adds to it new elements as shown through track-changes in the track-changed version of this document.

Existing certified entities can continue to be certified after the date of adoption and before the completion of any relevant NI, by conducting a maximum of one further Annual Surveillance Assessment (ASA) against P&C 2013 (or their current NI), but shall demonstrate compliance to the new RSPO P&C 2018 at the following ASA.

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e. adoption of the P&C at GA15) must be preceded by an HCV-HCS assessment. The Task Force recognises that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. Annex 5 shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

Necessary revisions shall be made to other RSPO normative documents and guidance to ensure consistency with the wording of RSPO P&C 2018 and, in that context, please note the disclaimer and procedural note for the Supply Chain requirements for mills, in criteria 3.8, at the end of Principle 3.

Annex 1 provides definitions of the technical terms used in this standard. Annex 2 contains the additional generic guidance. Key international laws and conventions applicable to the production of palm oil are set out in Annex 3.

This document identifies critical (C) Indicators proposed by the RSPO Principles and Criteria Review Task Force and endorsed by the RSPO BoG on 12 October 2018.

The English version of the RSPO P&C 2018 shall always prevail in case of any discrepancy or inconsistency between the English version and other translated versions.

Important note: When you see the  symbol in the Criteria, please refer to additional guidance in Annex 2.

Introduction to the Gabon RSPO P&C National Interpretation

If palm oil has been traditionally used for multiple purposes for a long time in Gabon, its production has experienced a new development with the first industrial plantations in the seventies. Owned by the State, these projects of plantation development mainly aimed at satisfying the national demand and thus at guaranteeing a greater self-sufficiency.

Today, the objective of the Gabonese government is to produce 'sustainable palm oil' – in other words environmentally and socially responsible, and economically viable palm oil production –, using best practices or international standards.

The Roundtable on Sustainable Palm Oil (RSPO) is an international platform of the actors involved into the palm oil sector at the global level. It was created to ensure the implementation of international best practices by defining standardized cultivation practices to reduce negative and enhance positive impacts, leading to more sustainable palm oil production.

Currently, the sector is represented in Gabon by one major international company Olam International, which develops new plantations within a joint venture framework with the Gabonese government. Olam is committed to implementing RSPO standards in order to achieve RSPO certification and is RSPO certified since 2016.

1st National interpretation process

In 2012, in order to permit palm oil certification in Gabon, the Gabonese RSPO members (Olam, SIAT, ZSL and WWF) initiated a National Interpretation process of the RSPO principles and criteria aiming at defining RSPO national indicators adapted to the Gabonese context, following the rules and guidance issues by the RSPO Secretariat.

In 2012, the Gabonese RSPO members (Olam, SIAT, ZSL and WWF) formed a Steering Committee to oversee the process. WWF facilitated the process and provided the secretarial support. So far, the Gabon NI process has gone through the following steps:

- **A legal and institutional review of the palm oil sector** has been carried out in April-May 2012 through the consultation of Gabonese legal specialists. Subsequently, the document has been reviewed by the Environmental and Agricultural department as well as the RSPO members. The legal review was reviewed and updated in December 2015. A list of relevant laws and regulations, as well as International Conventions ratified by Gabon were presented in the first NI.
- **A two-day RSPO workshop** ('RSPO Roadshow') was co-organised by the Ministry of Agriculture, the Ministry of Environment and the RSPO members in Gabon on the 6-7th June 2012 to address the lack of understanding in Gabon of palm oil related issues and the certification process. This workshop was facilitated by Proforest.

Seventy four (74) representatives of all key stakeholder groups in Gabon took part in the workshop, including: civil society organizations, national and regional organizations on pesticide management, palm oil producers, local authorities (from plantation localities), development partners (World Bank, AfDB, AFD), conservation and agricultural NGOs (WCS, ZSL, Brainforest,

Conservation Justice, IDRC Africa, CADDE), key ministries (Forest, Labour, Environment, Agriculture) and the two main national consultancy firms (Ecosphere, and TEREA)

The RSPO Roadshow provided a platform for involving all the relevant stakeholders into a shared work process. The following actions were undertaken:

- The legal review for the National Interpretation (NI) of RSPO was presented and discussed;
- Four (4) technical working groups were launched tasked with working on different thematic principles and its criteria, as follows:
 - Working Group 1: High Conservation Values (HCV) / Biodiversity;
 - Working Group 2: Pesticides and best agricultural practices;
 - Working Group 3: Land rights and traditional rights;
 - Working Group 4: Workers Rights / Health and safety in the workplace.

Participants had the opportunity to sign up to participate in (one or more) of the Working Groups (see Annex I for working group membership).

- **Working Groups** - Over two years of work, the different thematic groups identified, discussed and validated draft national RSPO.

According to the guidelines and procedures of the RSPO, a public consultation for a minimum period of 60 days is required to enable the public nationally, regionally and internationally to bear judgments, make observations and comments on the proposed national indicators. The members of RSPO in Gabon publicised the draft NI indicators in order for the public to engage freely and impartially on the relevance of these indicators. This was carried out from 15th January 2015 to 14th March 2015.

- **Validation:** A two-day validation workshop, facilitated by Proforest, was held in French at the Senate building in Libreville in November 2015 (12th/13th) attended by more than 40 members of the working groups. The National Interpretation was validated during this two-day session. After the validation workshop the validated National Interpretation was translated into English and verified by the Steering Committee, prior to submission to RSPO for endorsement. The RSPO approved this version in 2017.

2nd Gabonese National Interpretation

Following the update of the P&Cs in 2018, a review of the study on the applicable laws was conducted and a new RSPO National Interpretation Working Group (NIWG) was established in November 2019 to adapt the indicators to the national context, according to the rules of section 9 of the SOP for Standard Setting, 2017.

The NIWG is co-chaired by two of the three representatives of RSPO members in the country, i.e. WWF and Olam, and the entire project is a collaboration of WWF, Olam, Proforest and Brainforest and is co-funded by WWF, the RSPO Secretariat, Olam Palm Gabon and the Africa Palm Oil Initiative (APOI).

The NI process in Gabon followed the following steps:

- **The legal and institutional review of the palm oil sector** that had been done for the first NI was updated in 2019 in consultation with specialists in Gabonese law and with consultation of the Department of Environment and Agriculture. A list of all laws and regulations, as well as International Conventions ratified by Gabon is included in Annexes 3 and 3b.
- **Establishment of the NIWG and working meetings**

The NIWG, composed by three sectors (with the prior authorization of the RSPO): the private sector, the NGO sector and the government sector. It was established in November 2019 and started its work with a first introductory webinar, before meeting physically for three days in Libreville. At the end of this first meeting, a first version of the text of the Gabon NI was presented for public consultation. The second working group meeting, originally scheduled for early March, had to be postponed and the NIWG had to change its working methodology, due to the global Covid-19 pandemic. The NIWG succeeded in advancing through a series of webinars that were held between March 17 and July 7, and with the help of subgroup work to focus on specific sections of the document.
- **Public consultation**

From December 13 to February 10, the public consultation was held presenting the first draft written by the NIWG. An online consultation with a survey in French and English was made public via the RSPO website. In addition, 3 days of consultation workshops were carried out with the communities in the activity zones, with a total of 181 participants. The working group then further worked on the text of the NI taking into account the comments raised by the various parties during the public consultation.
- **Validation meeting**

A final online meeting was held on July 9, with the presence of all NIWG members to validate the final text. The National Interpretation was validated during this session. Following the validation workshop, the validated National Interpretation was translated into English before being sent to the RSPO for approval. The RSPO Board of Governors endorsed this NI on September 3rd 2020.

Please note that for indicator 7.12.3, the NIWG made a point of making a special note given the specific situation of Gabon regarding HCS:

Please note that Gabon is setting up a methodology to define HCS that is currently being finalised by governmental authorities with the support of partners (e.g. CAFI) and which will be approved by Gabonese stakeholders (Government, private sector, civil society, smallholders, technical and financial partners).

The Government of Gabon invited the RSPO NDJSG to come to Gabon to study this question and the NIWG is repeating this invitation and is available to discuss the technical aspects of this in the Gabonese national context with this group.”

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List of Acronyms

Acronym	Meaning
AFI	Accountability Framework Initiative
AGANOR	Agence Gabonaise de Normalisation
ALS	Assessor Licensing Scheme
ANUTTC	Agence Nationale De L'urbanisme, Des Travaux Topographiques Et Du Cadastre (Gabon)
ASA	Annual Surveillance Assessments
ASEAN	Association of Southeast Asian Nations
BHCV WG	Biodiversity & High Conservation Value Working Group
BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
BoG	Board of Governors
CABI	Centre for Agriculture and Biosciences International
CB	Certification Body
CBA	Collective Bargaining Agreement
CBD	Convention on Biological Diversity
CDS	Carte de séjour – Resident Permit in French
CPO	Crude Palm Oil
CSO	Civil Society Organisation
DfID	Department for International Development (UK government)
DLW	Decent Living Wage
EFB	Empty Fruit Bunches
FAO	Food and Agriculture Organisation
FFB	Fresh Fruit Bunch
FPIC	Free, Prior and Informed Consent
FSC	Forest Stewardship Council
GA	General Assembly
GHG	Greenhouse Gas
GLWC	Global Living Wage Coalition
H&S	Health and Safety
HCS	High Carbon Stock
HCSA	High Carbon Stock Approach
HCV	High Conservation Value
HCVRN	High Conservation Value Resource Network
HFCC	High Forest Cover Country
HFCL	High Forest Cover Landscape
HGU	Hak Guna Usaha
HRC	Human Rights Commission
HRD	Human Rights Defender
ICS	Internal Control System
IDS	Institute of Development Studies
IFC	International Finance Corporation
IFL	Intact Forest Landscape
ILO	International Labour Organization
IP	Identity Preserved
IPCC	Intergovernmental Panel on Climate Change
IPM	Integrated Pest Management

ISO	International Organization for Standardization
IUCN	International Union for Conservation of Nature
JCC	Joint Consultative Committee
KBA	Key Biodiversity Area
KPI	Key Performance Indicator
LTA	Lost Time Accident
LUCA	Land Use Change Analysis
MB	Mass Balance
NDJSG	No Deforestation Joint Steering Group
NGO	Non-Governmental Organisation
NI	National Interpretation
OER	Oil Extraction Rate
QMS	Quality Management System
P&C	RSPO Principles and Criteria (i.e. this document)
PK	Palm Kernel
PLWG	Peatland Working Group
PO	Palm Oil
POME	Palm Oil Mill Effluent
PPE	Personal Protective Equipment
RaCP	Remediation and Compensation Procedure
REDD	Reducing Emissions from Deforestation and Forest Degradation
RISS	RSPO Independent Smallholder Standard
RSPO	Roundtable on Sustainable Palm Oil
RTE	Rare, Threatened or Endangered
SCCS	RSPO Supply Chain Certification Standard
SDG	Sustainable Development Goal
SEIA	Social and Environmental Impact Assessment
SHIG	Smallholder Interim Group
SLAPP	Strategic Lawsuits against Public Participation
SOP	Standard Operating Procedure
ToC	Theory of Change
UN	United Nations

1 Scope

The RSPO Principles and Criteria (RSPO P&C) is applicable for palm oil production worldwide. The RSPO P&C cover the most significant environmental and social impacts of palm oil production and the immediate inputs to production, such as seed, chemicals and water, and social impacts related to on-farm labour and community relations.

The RSPO P&C apply to all production level companies, i.e. all mills, who do not fall under the definition of independent mill as outlined in the RSPO SCC standard; and to all growers, who do not meet the definition of Independent Smallholder or the applicability requirements as outlined in the RSPO Smallholder Standard (under development as of September 2018 with finalisation expected in 2019) and therefore cannot apply the RSPO Smallholder Standard. These are referred to as the unit of certification throughout this document.

The unit of certification is responsible for the certification of related Scheme Smallholders and outgrowers within three years of obtaining its own certificate (see section 4.1.3 in RSPO Certification Systems 2017). Guidance for implementation of the RSPO P&C 2018 for Scheme Smallholders and outgrowers will be developed.

The RSPO P&C apply to existing plantings, as well as planning, siting, development, expansion and new plantings.

Where RSPO standards differ from local laws, the higher/stricter of the two shall always prevail and NIs are required to develop a list of applicable laws (see section 9 in RSPO SOP for Standard Setting 2017).

Compliance with the RSPO P&C and all requirements as outlined in associated documents is required in order for certification to be awarded. Any non-conformities may result in suspension or loss of certification (see section 4.9 in RSPO Certification Systems 2017). Compliance must be demonstrated with the normative part of the P&C, i.e. the Principles, Criteria and Indicators. Non-conformities are raised at Indicator-level by auditors. The informative part (i.e. Annex 2 Guidance) is there to help with implementation of Indicators, but is not normative, nor can non-conformities be raised against this section.

Role of each standard element:

Term	Explanation	RSPO Standard Setting document	Category
Principle	Fundamental statements about a desired outcome	A fundamental statement about a desired outcome, often providing greater detail about the objectives.	Normative
Criteria	What implementation of the principle looks like – the pre-conditions/a means of judging whether or not a Principle has been fulfilled	The conditions that need to be met in order to fulfil a principle. Criteria add meaning and operationality to a Principle without themselves being direct measures of performance.	Normative

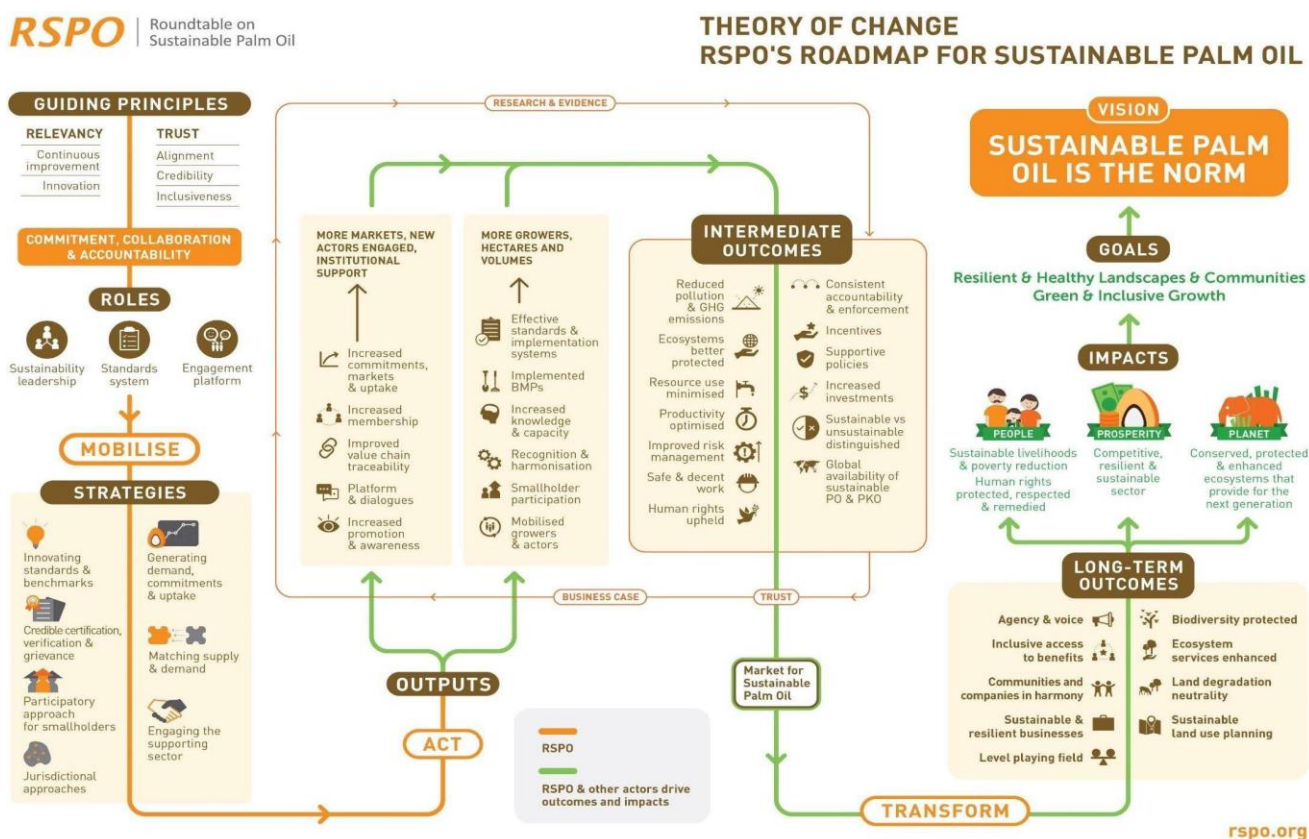
Indicator	Variable to measure the implementation (positive or negative)	The measurable states, which allow the assessment of whether or not associated Criteria, are being met. Indicators convey a single, meaningful message or piece of information.	Normative
Guidance	Additional information that assists with the understanding, implementation and auditing of the requirement (i.e. the Indicator)	Guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed.	Informative
Procedural Note	Exceptional measure to allow mention of pending developments	A note in the standard only to be used where a methodology or element of the standard is still under development to clarify terms, conditions and procedure prior to the said methodology or element being finalised	Informative

Role of Definitions:

Throughout the standard, some terms carry a specific RSPO definition, which is provided in Annex 1 – Definitions section of this standard. These definitions are binding elements of Criteria and Indicators.

2 RSPO Vision and Theory of Change

The RSPO Theory of Change (ToC) is a roadmap that demonstrates how RSPO will achieve its vision of making sustainable palm oil the norm. With the support of its members, partners and other actors, RSPO will implement key strategies and activities to trigger the transformation of the palm oil sector. These strategies are intended to bring about direct outputs in the form of increased adoption of the RSPO standards, greater transparency and inclusivity in the RSPO system, increased market uptake of sustainable palm oil, and an improved enabling environment. Over time, these outputs will lead to outcomes that are expected to improve the quality of life of oil palm farmers, create a more prosperous palm oil industry, and enable us to better conserve our planet and its resources. When the ToC is fully realised, it delivers change where it matters most – on the ground; a space where oil palm, the environment, and local communities can co-exist in harmony. It also provides a framework to monitor, evaluate and report on the effects of applying the RSPO P&C. More details on the RSPO ToC are



available here: <https://rspo.org/about/impacts/theory-of-change>.

Effective implementation and more growers' uptake of the P&C lead to the intermediate outcomes:

- Resource use minimisation (soil, water, energy), input use reduction – reduced costs
- Reduced pollution (water, air, greenhouse gas (GHG))
- Improved risk management – management plans and assessments
- Ecosystems better protected
- Productivity optimised
- Land and use rights respected
- Safe and decent work for all community members

The process for change at RSPO is characterised by a progression of “Mobilise, Act and Transform”. This is the backbone of the RSPO ToC and underpinned by the concept of shared responsibility and

accountability for results.

Commitment: All the actors commit to their contribution to transforming markets.

Collaboration: Recognising the need to work together and making that happen: transformation of markets cannot happen without collaboration.

Accountability: Commitment and collaboration are to be fulfilled with a shared responsibility for impact. The expectation of partners and members is that they commit to participate and there is mutual and agreed accountability for results.

3 Outcome Focus

The core objectives of the 2018 RSPO P&C review include:

- Incorporating elements of impacts
- Making it more relevant and practical particularly by making it metricated (measurable)
- Incorporating elements of impacts as prescribed by the ToC

It is important to keep in mind that it is simply not feasible or meaningful to propose indicator level, specific measurable outcomes because of many technical and political challenges. From research and experience with other standards these include:

- Attribution – achieving outcomes is based on a wide range of actions and context, often out of the control of the grower (weather, market forces, pests)
- Defining globally relevant outcomes
- Favour larger, more resourced growers potentially demotivating small and medium size growers
- Costs and burden for data reporting systems and management

However, outcome focused P&C can still be achieved, by showing very explicitly the links between the set of Criteria and intended outcomes. Furthermore, a requirement for reporting to RSPO has been included into the Management Principle under Criterion 3.2 for continuous improvement.

This will provide RSPO with information on the results of implementation of the P&C. This requirement refers to a small set of strategic metrics, directly related to the P&C and aligned with the ToC and RSPO organisational Key Performance Indicators (KPIs). The resulting reporting will be anonymised for analysis, marketing and impact assessment.

The selection criteria for these metrics included:

- Value added to growers
- Link to P&C requirements
- Key ToC outcomes
- Those already required for measuring, monitoring and/or reporting

4 Structure of the RSPO P&C

The RSPO P&C are organised into three impact areas according to the RSPO ToC.

Impact Goal Prosperity: Competitive, resilient and sustainable sector

Principle 1. Behave ethically and transparently

Principle 2. Operate legally and respect rights

Principle 3. Optimise productivity, efficiency, positive impacts and resilience

Impact Goal People: Sustainable livelihoods and poverty reduction

Principle 4. Respect community and human rights and deliver benefits

Principle 5. Support smallholder inclusion

Principle 6. Respect workers' rights and conditions

Impact Goal Planet: Conserved, protected and enhanced ecosystems that provide for the next generation

Principle 7. Protect, conserve and enhance ecosystems and the environment

Table 1: Overview of Restructured Outcome Focused P&C

Impact Area ToC	Objectives ToC	Principle or Theme	Criteria topic	2018 P&C criterion No	2013 P&C criterion No	Link to Theory of Change - Intermediate outcomes
Prosperity Impact Goal: Competitive, resilient, and sustainable sector	A sustainable, competitive, and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where palm oil is grown. Effective planning and management system address economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&Cs, and supports continuous improvement toward sustainable palm oil	1. Behave ethically and transparently	Information and public availability	1.1	1.11,216.10	Improved Risk Management
			Communication and consultation	1.1	6.2	Improved Risk Management
			Commitment to ethical conduct	1.2	1.316.10	Improved Risk Management
		2. Operate legally and respect rights	Legal compliance	2.1	2.116.10	Improved Risk Management
			Third party contractors legal	2.2	n.a.	Improved Risk Management
			Third party FBB legally sourced	2.3	n.a.	Improved Risk Management
		3. Optimise productivity, efficiency, positive impacts and resilience	Long term plan and economic viability	3.1	3.1	Improved Risk Management, cross cutting
			Continuous Improvement & Reporting	3.2	8.1	Improved Risk Management, cross cutting
			Standard Operating Procedures	3.3	4.1	Improved Risk Management
			SEIA and Plans	3.4	5.116.17.1	Improved Risk Management
			System for managing human resources	3.5	n.a.	Improved Risk Management, Safe and Decent work
			Occupational Health and Safety Plan	3.6	4.7 (part)	Improved Risk Management, Safe and Decent work
Training	3.7	4.8	Improved Risk Management, Safe and Decent work			
People Impact Goal: Sustainable Livelihoods & Poverty Reduction	Human Rights Protected, Respected & Remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of a sustainable livelihoods. Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfill their potential in work and community with dignity and equality and in a healthy working and living environment	4. Respect community and human rights and deliver benefits	Human Rights	4.1	6.13	human rights upheld
			Complaints and Grievances	4.2	6.3	human rights upheld
			Contribution to local sustainable development	4.3	6.11 (part)	human rights upheld
			Land Use & FPIC	4.4 & 4.5	2.317.5	human rights upheld
			Land Use: Compensation	4.6 & 4.7	6.417.6	human rights upheld
		5. Support smallholder inclusion	Land Use: Conflict	4.8	2.2	inclusive access, communities
			Fair and transparent dealings with SH	5.1	6.1	inclusive access, SH
		6. Respect workers' rights and conditions	Improved SH livelihoods	5.2	6.11 (part)	inclusive access, SH
			No discrimination	6.1	6.8	human rights upheld, safe and decent work
			Pay and working conditions	6.2	6	human rights upheld, safe and decent work
			Freedom of association	6.3	6.6	human rights upheld, safe and decent work
			No child labour	6.4	6.7	human rights upheld, safe and decent work
			No harassment	6.5	6.9	human rights upheld, safe and decent work
No forced or trafficked labour	6.6		6.12	human rights upheld, safe and decent work		
Safe working environment	6.7	4.7 (part)	safe and decent work			
Planet Impact Goal: Conserved, protected and enhanced ecosystems that provide for the next generation	Impact Goal: Conserved, protected and enhanced ecosystems that provide for the next generation. Ecosystems and their services are protected, restored, and resilient including through sustainable consumption and production and sustainable management of natural resources [sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss (SDG 15)]. Climate change is addressed through continuous GHG reductions and air and water pollution are controlled.	7. Protect, conserve and enhance ecosystems and the environment	Effective Integrated Pest Management	7.1	4.5	resource use, pollution, productivity
			Pesticide Use	7.2	4.6	resource use minimized, pollution
			Waste management	7.3	5.3	resource use minimized, pollution
			Soil health/fertility	7.5	4.217.2	productivity optimized, Ecosystems
			Soil conservation (erosion/degradation)	7.6	4.3&7.4 (parts)	reduced pollution
			Peat	7.7	4.317.4 (parts)	pollution, ecosystems
			Water quality and quantity	7.8	4.4	resource use, pollution, ecosystems
			Energy Use	7.9	5.4	resource use minimized, pollution
			Pollution and GHGs	7.10	5.117.8	reduced pollution
			Fire	7.11	5.117.7	reduced pollution
			HCV and HCS	7.12	5.117.3	ecosystems protected



Impact Goal – Prosperity: Competitive, resilient and sustainable sector

Objectives and outcomes

A sustainable, competitive, and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where palm oil is grown. An effective planning and management system addresses economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&C, and supports continuous improvement toward sustainable palm oil.

Principle 1 Behave ethically and transparently

Principle 2. Operate legally and respect rights

Principle 3. Optimise productivity, efficiency, positive impacts and resilience





Principle 1

BEHAVE ETHICALLY AND TRANSPARENTLY

Drive ethical business behaviour, build trust and transparency with stakeholders to ensure strong and healthy relationships.

2018 Criteria number	2018 Criteria wording	Indicator number	English Indicator wording	2018 ToC outcomes
1.1	The unit of certification provides adequate information to	1.1.1	(C) Management documents that are specified in the RSPO P&C are made publicly available.	Improved risk management



	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. 	1.1.2	Information is provided in appropriate languages and accessible to relevant stakeholders.	
		1.1.3	C) Records of requests for information and responses are maintained.	
		1.1.4	(C) Consultation and communication procedures are documented, disclosed, implemented, made available, and explained to all relevant stakeholders by a nominated management official.	
		1.1.5	There is a current list of contact and details of stakeholders and their nominated representatives.	
1.2	The unit of certification commits to ethical conduct in all business operations and transactions. 	1.2.1	A policy for ethical conduct is in place and implemented in all business operations and transactions, including recruitment and contracts	Improved risk management
		1.2.2	A system is in place to monitor compliance and the implementation of the policy and overall ethical business practice.	




Principle 2

OPERATE LEGALLY AND RESPECT RIGHTS

Implement legal requirements as the basic principles of operation in any jurisdiction.

2018 Criteria number	2018 Criteria wording	Indicator number	English Indicator wording	2018 ToC outcomes
2.1	There is compliance with all applicable local, national, and ratified international laws and regulations. 	2.1.1	C) The unit of certification complies with the applicable legal and regulatory requirements.	Improved risk management
		2.1.2	A documented system for ensuring legal compliance is in place. This system has a means to track changes to the laws and regulations in force, including listing and evidence of legal due diligence of all contracted third parties, recruitment agencies, service providers and labour contractors.	
		2.1.3	Legal or authorised boundaries are clearly demarcated and visibly maintained, and there is no planting beyond these legal or authorised boundaries.	
2.2	All contractors providing operational services and supplying labour, and Fresh Fruit Bunch (FFB) suppliers, comply with legal requirements. 	2.2.1	A list of contracted parties is maintained.	Improved risk management; Human rights upheld; Safe and decent work
		2.2.2	All contracts, including those for FFB supply, contain specific clauses on meeting applicable legal requirements, and this can be demonstrated by the third party.	
		2.2.3	All contracts, including those for FFB supply, contain clauses disallowing child, forced and trafficked labour.	


			Where young workers are employed, the contracts include a clause for their protection.	
2.3	All FFB supplies from outside the unit of certification are from legal sources. 	2.3.1	(C) For all directly sourced FFB, the mill requires: <ul style="list-style-type: none"> • Information on geo-location of FFB origins • Proof of the ownership status or the right/claim to the land by the grower/smallholder • Where applicable, valid commercial license, or is part of a cooperative which allows the buying and selling of FFB. <p><u>PROCEDURAL NOTE:</u> The proof of the status or the right of ownership can be considered at first by the departmental exploitation contract. See decree N ° 01497 of December 29, 2011, or the document of the ANUTTC.</p>	Improved risk management
		2.3.2	For all indirectly sourced FFB, the unit of certification obtains from the collection centres, agents or other intermediaries, the evidence as listed in Indicator 2.3.1. <p><u>PROCEDURAL NOTE:</u> For Implementation Procedure for 2.3.2 refer to Annex 4.</p>	







Principle 3

OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Implement plans, procedures and systems for continuous improvement.

2018 Criteria number	2018 Criteria wording	Indicator number	English Indicator wording	2018 ToC outcomes
3.1	There is an implemented management plan for the unit of certification that aims to achieve long-term economic and financial viability. 	3.1.1	(C) A business or management plan (minimum three years) is documented that includes, where applicable, a jointly developed business case for Scheme Smallholders.	Improved risk management; Productivity optimised
		3.1.2	An annual replanting programme projected for a minimum of five years with yearly review, is available.	
		3.1.3	The unit of certification holds management reviews at planned intervals appropriate to the scale and nature of the activities undertaken.	
3.2	The unit of certification regularly monitors and reviews their economic, social and environmental performance and develops and	3.2.1	(C) The action plan for continuous improvement is implemented, based on consideration of the main social and environmental impacts and opportunities of the unit of certification	Improved risk management

	implements action plans that allow demonstrable continuous improvement in key operations. 	3.2.2	As part of the monitoring and continuous improvement process, annual reports are submitted to the RSPO Secretariat using the RSPO metrics template.	
3.3	Operating procedures are appropriately documented, consistently implemented and monitored. 	3.3.1	C) Standard Operating Procedures (SOPs) for the unit of certification are in place.	Improved risk management
		3.3.2	A mechanism to check consistent implementation of procedures is in place.	
		3.3.3	Records of monitoring and any actions taken are maintained and available.	
3.4	A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations. 	3.4.1	(C) In new plantings or operations including mills, an independent SEIA, undertaken through a participatory methodology involving the affected stakeholders, and including the impacts of any smallholder/ outgrower scheme is documented.	Improved risk management; human rights upheld
		3.4.2	For the unit of certification, a SEIA is available and social and environmental management and monitoring plans have been developed with participation of affected stakeholders.	
		3.4.3	(C) The social and environmental management and monitoring plan is implemented, reviewed and updated regularly in a participatory way.	
3.5	A system for managing human resources is in place.	3.5.1	Employment procedures for recruitment, selection, hiring, promotion, retirement and termination are documented and made available to the workers and their representatives	Improved risk management; Safe and decent work
		3.5.2	Employment procedures are implemented and records are maintained.	
3.6	An occupational health and safety (H&S) plan is documented,	3.6.1	(C) All operations are risk assessed to identify H&S issues. Mitigation plans and procedures are documented and implemented.	Improved risk management;

	effectively communicated and implemented. 	3.6.2	(C) The effectiveness of the H&S plan to address health and safety risks to people is monitored.	Safe and decent work
3.7	All staff, workers, Scheme Smallholders, outgrowers, and contract workers are appropriately trained. 	3.7.1	(C) A documented programme that provides training is in place, which is accessible to all staff, workers, Scheme Smallholders and outgrowers and subcontractors, taking into account gender-specific needs, and which covers applicable aspects of the RSPO P&C, in a form they understand, and which includes assessments of training.	Improved risk management; Safe and decent work
		3.7.2	Records of training are maintained, where appropriate on an individual basis.	
		3.7.3	Appropriate training is provided for personnel carrying out the tasks critical to the effective implementation of the Supply Chain Certification Standard (SCCS). Training is specific and relevant to the task(s) performed.	

Supply chain requirements for mills

Preamble

The following section stipulates the requirements for mills which are identified as complying with the Identity Preserved (IP) Module and Mass Balance (MB) Module.

For independent mills, that are only required to obtain RSPO Supply Chain Certification, Compliance with modules A and/or C of the Supply Chain Certification Standard will be required. All definition in Supply Chain Certification Standard applies.

As per RSPO Principles and Criteria, all requirements are classified as Critical Indicators.

Supply Chain Requirements for Mills

3.8.1 Identity Preserved Module

A mill is deemed to be Identity Preserved (IP) if the FFB processed by the mill are sourced from plantations/estates that are certified against the RSPO Principles and Criteria (RSPO P&C), or against the Group Certification scheme.

Certification for CPO mills is necessary to verify the volumes and sources of certified FFB entering the mill, the implementation of any processing controls (for example, if physical separation is used), and volume sales of RSPO certified products. If a mill processes certified and uncertified FFB without physically separating them, then only Mass Balance Module is applicable.

3.8.2 Mass Balance Module

A mill is deemed to be Mass Balance (MB) if the mill process FFB from both RSPO certified and uncertified plantations/estates. A mill may be taking delivery of FFB from uncertified growers, in addition to those from its own and 3rd party certified supply base. In that scenario, the mill can claim only the volume of oil palm products produced from processing of the certified FFB as MB.

3.8.3 The estimated tonnage of CPO and PK products that could potentially be produced by the certified mill shall be recorded by the certification body (CB) in the public summary of the P&C certification report. This figure represents the total volume of certified oil palm product (CPO and PK) that the certified mill is allowed to deliver in a year. The actual tonnage produced shall then be recorded in each subsequent annual surveillance report.

3.8.4 The mill shall also meet all registration and reporting requirements for the appropriate supply chain through the RSPO IT platform.

3.8.5 Documented procedures

The mill shall have written procedures and/or work instructions or equivalent to ensure the implementation of all elements of the applicable supply chain model specified. This shall include at minimum the following:

- a) Complete and up to date procedures covering the implementation of all elements of the supply chain model requirements.
- b) Complete and up to date records and reports that demonstrate compliance with the supply chain model requirements (including training records).
- c) Identification of the role of the person having overall responsibility for and authority over the implementation of these requirements and compliance with all applicable requirements. This person shall be able to demonstrate awareness of the mill's procedures for the implementation of this standard.
- d) The mill shall have documented procedures for receiving and processing certified and non-certified FFBs including ensuring no contamination in the IP mill.

3.8.6 Internal Audit

- i. The mill shall have a written procedure to conduct an annual internal audit to determine whether the mill;
 - a) conforms to the requirements in the RSPO Supply Chain requirements for mills and the RSPO Rules on Market Communications and Claims.
 - b) effectively implements and maintains the standard requirements within its organisation.
- ii. Any non-conformities found as part of the internal audit shall be issued and required corrective action. The outcomes of the internal audits and all actions taken to correct non-conformities shall be subject to management review at least annually. The mill shall maintain the internal audit records and reports.

3.8.7 Purchasing and Goods in

- i. The mill shall verify and document the tonnage and sources of certified and the tonnage of non-certified FFBs received.
- ii. The mill shall inform the CB immediately if there is a projected overproduction of certified volume.
- iii. The mill shall have a mechanism in place for handling of non-conforming FFB and/or documents

3.8.8 Sales and Goods Out

The supplying mill shall ensure that the following minimum information for RSPO certified products is made available in document form. The information shall be complete and can be presented either on a single document or across a range of documents issued for RSPO certified oil palm products (for example, delivery notes, shipping documents and specification documentation):

- a) The name and address of the buyer;

- b) The name and address of the seller;
- c) The loading or shipment / delivery date;
- d) The date on which the documents were issued;
- e) RSPO certificate number;
- f) A description of the product, including the applicable supply chain model (Identity Preserved or Mass Balance or the approved abbreviations);
- g) The quantity of the products delivered;
- h) Any related transport documentation;
- i) A unique identification number.

3.8.9 Outsourcing Activities

- i. The mill shall not outsource its milling activities. In cases where the mill outsources activities to independent third parties (e.g. subcontractors for storage, transport or other outsourced activities), the mill holding the certificate shall ensure that the independent third party complies with relevant requirements of this RSPO Supply Chain Certification.
- ii. The mill shall ensure the following:
 - a) The mill has legal ownership of all input material to be included in outsourced processes
 - b) The mill has an agreement or contract covering the outsourced process with each contractor through a signed and enforceable agreement with the contractor. The onus is on the mill to ensure that certification body (CB) has access to the outsourcing contractor or operation if an audit is deemed necessary.
 - c) The mill has a documented control system with explicit procedures for the outsourced process which is communicated to the relevant contractor.
 - d) The mill shall furthermore ensure (e.g. through contractual arrangements) that independent third parties engaged provide relevant access for duly accredited CBs to their respective operations, systems, and all information, when this is announced in advance.

3.8.10 The mill shall record the names and contact details of all contractors used for the physical handling of RSPO certified oil palm products.

3.8.11 The mill shall inform its CB in advance prior to conduct of its next audit of the names and contact details of any new contractor used for the physical handling of RSPO certified oil palm products.

3.8.12 Record keeping

- i. The mill shall maintain accurate, complete, up-to-date and accessible records and reports covering all aspects of this RSPO Supply Chain Certification Standard requirements.

- ii. Retention times for all records and reports shall be a minimum of two (2) years and shall comply with relevant legal and regulatory requirements and be able to confirm the certified status of raw materials or products held in stock.
- iii. For Identity Preserved Module, the mill shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis.
- iv. For Mass Balance Module, the mill:
 - a) shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis and / or three-monthly basis.
 - b) All volumes of certified CPO and PK that are delivered are deducted from the material accounting system according to conversion ratios stated by RSPO.
 - c) The mill can only deliver Mass Balance sales from a positive stock. Positive stock can include product ordered for delivery within three (3) months. However, a mill is allowed to sell short (i.e. product can be sold before it is in stock.)

3.8.13 Extraction Rate

The oil extraction rate(OER) and the kernel extraction rate(KER) shall be applied to provide a reliable estimate of the amount of certified CPO and PK from the associated inputs. Mill shall determine and set their own extraction rates based upon past experience, documented and applied it consistently.

3.8.14 Extraction rates shall be updated periodically to ensure accuracy against actual performance or industry average if appropriate.

3.8.15 Processing

For Identity Preserved Module, the mill shall assure and verify through documented procedures and record keeping that the RSPO certified oil palm product is kept separated from non-certified oil palm products, including during transport and storage to strive for 100% separation.

3.8.16 Registration of Transactions

- i. Shipping Announcement in the RSPO IT platform shall be carried out by the mills when RSPO certified products are sold as certified to refineries, crushers, and traders not more than three months after dispatch with the dispatch date being the Bill of Lading or the dispatch documentation date.
- ii. Remove: RSPO certified volumes sold under different scheme or as conventional, or in case of underproduction, loss or damage shall be removed in the RSPO IT platform.

3.8.17 Claims

The mill shall only make claims regarding the production of RSPO certified oil that are in compliance with the RSPO Rules on Market Communications and Claims.



Impact Goal – People: Sustainable livelihoods and poverty reduction

Objectives and outcomes

Human rights protected, respected and remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of a sustainable livelihoods. Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfil their potential in work and community with dignity and equality, and in a healthy working and living environment

Principle 4: Respect community and human rights and deliver benefits

Principle 5: Support smallholder inclusion


Principle 6: Respect workers’ rights and conditions






Principle 4


RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS


Respect community rights, provide equal opportunities, maximise benefits from engagement and ensure remediation where needed.

2018 Criteria number	2018 Criteria wording	Indicator number	English Indicator wording	2018 ToC outcomes
4.1	The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders. 	4.1.1	(C) A policy to respect human rights, including prohibiting retaliation against Human Rights Defenders (HRDs), is documented and communicated to all levels of the workforce, operations, supply chain and local communities and prohibits intimidation, corruption and harassment by the unit of certification and contracted services, including contracted security forces.	Human rights upheld
		4.1.2	The unit of certification does not instigate violence or use any form of harassment, including the use of mercenaries and paramilitaries in their operations.	

4.2	<p>There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.</p> 	4.2.1	(C) The mutually agreed system, open to all affected parties, resolves disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants, HRDs, community spokespersons and whistleblowers, where requested, without risk of reprisal or intimidation and follows the RSPO policy on respect for HRDs.	Human rights upheld
		4.2.2	Procedures are in place to ensure that the system is understood by the affected parties, including by illiterate parties.	
		4.2.3	The unit of certification keeps parties affected by a grievance informed of its progress, including against agreed timeframe and the outcome is available and communicated to relevant stakeholders.	
		4.2.4	The conflict resolution mechanism includes the option of access to independent legal and technical advice, the ability for complainants to choose individuals or groups to support them and/or act as observers, as well as the option of a third-party mediator.	
4.3	<p>The unit of certification contributes to local sustainable development as agreed by local communities.</p> 	4.3.1	Contributions to community development that are based on the results of consultation with local communities are realised and documented.	Human rights upheld
4.4	<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> 	4.4.1	(C) Documents showing legal ownership or lease, or authorised use of customary land authorised by customary landowners through a Free, Prior and Informed (FPIC) process. Documents related to the history of land tenure and the actual legal or customary use of the land are available.	Human rights upheld
		4.4.2	<p>Copies of documents evidencing agreement-making processes and negotiated agreements detailing the FPIC process are available and include:</p> <p>a) Evidence that a plan has been developed through consultation and discussion in good faith with all affected groups in the communities, with particular assurance that</p>	

			<p>vulnerable, minorities' and gender groups are consulted, and that information has been provided to all affected groups, including information on the steps that are taken to involve them in decision making</p> <p>b) Evidence that the unit of certification has respected communities' decisions to give or withhold their consent to the operation at the time that these decisions were taken</p> <p>c) Evidence that the legal, economic, environmental and social implications of 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 unit of certification's title, concession or lease on the land.</p>	
		4.4.3	(C) Maps of an appropriate scale showing the extent of recognised legal, customary or user rights are developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).	
		4.4.4	All relevant information is available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.	
		4.4.5	(C) Evidence is available to show that communities are represented through institutions or representatives of their own choosing, including by legal counsel if they so choose.	
		4.4.6	There is evidence that implementation of agreements negotiated through FPIC is annually reviewed in consultation with affected parties.	
4.5	No new plantings are established on local peoples' land where it can be demonstrated that there are	4.5.1	(C) Documents showing identification and assessment of demonstrable legal, customary and user rights are available.	Human rights upheld

<p>legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.</p> 	4.5.2	C) FPIC is obtained for all oil palm development through a comprehensive process, including in particular, full respect for their legal and customary rights to the territories, lands and resources via local communities' own representative institutions, with all the relevant information and documents made available, with option of resourced access to independent advice through a documented, long-term and two-way process of consultation and negotiation.
	4.5.3	Evidence is 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 unit of certification is signed and ratified by these local peoples. Agreements have to be negotiated and entered into voluntarily prior to new operations and without coercion.
	4.5.4	To ensure local food and water security, as part of the FPIC process, participatory SEIA and participatory land-use planning with local peoples, the full range of food and water provisioning options are considered. There is transparency of the land allocation process.
	4.5.5	Evidence is available that the affected communities and rights holders have had the option to access 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.
	4.5.6	Evidence is available that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the issuance of a new concession or land title to the operator.
		<p><u>PROCEDURAL NOTE:</u> In Gabon, it is the State which grants the concessions.</p>

			<p>The operator will then identify the areas of activity with the populations and obtain consent for the implementation of the project.</p>	
		4.5.7	<p>New lands will not be acquired for plantations and mills after 15 November 2018 as a result of recent (2005 or later) expropriations in the national interest without consent (eminent domain), except in cases of smallholders benefitting from agrarian reform or anti-drug programmes.</p> <p><u>PROCEDURAL NOTE:</u> In Gabon, it is the State which grants the concessions. The operator will then identify the areas of activity with the populations and obtain consent for the implementation of the project. The promoter identifies the populations living near his concession, informs them and decides, with them, of the co-management elements in the common areas.</p>	
		4.5.8	<p>(C) New lands are not acquired in areas inhabited by communities in voluntary isolation.</p>	
4.6	<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> 	4.6.1	<p>(C) A mutually agreed procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, is in place.</p>	Human rights upheld
		4.6.2	<p>C) A mutually agreed procedure for calculating and distributing fair and gender-equal compensation (monetary or otherwise) is established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation.</p>	
		4.6.3	<p>Evidence is available that equal opportunities are provided to both men and women to hold land titles for small holdings.</p> <p><u>PROCEDURAL NOTE:</u> In Gabon, land belongs to the State. For this reason,</p>	

			operators have no influence on the allocation of land titles.	
		4.6.4	The process and outcomes of any negotiated agreements, compensation and payments are documented, with evidence of the participation of affected parties, and made publicly available to them.	
4.7	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 FPIC and negotiated agreements.	4.7.1	(C) A mutually agreed procedure for identifying people entitled to compensation is in place.	Human rights upheld
		4.7.2	(C) A mutually agreed procedure for calculating and distributing fair compensation (monetary or otherwise) is in place and documented and made available to affected parties.	
		4.7.3	Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development.	
4.8	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.	4.8.1	Where there are or have been disputes, proof of legal acquisition of title and evidence that mutually agreed compensation has been made to all people who held legal, customary, or user rights at the time of acquisition is available and provided to parties to a dispute, and that any compensation was accepted following a documented process of FPIC.	Human rights upheld
		4.8.2	(C) Land conflict is not present in the area of the unit of certification. Where land conflict exists, acceptable conflict resolution processes (see Criteria 4.2 and 4.6) are implemented and accepted by the parties involved. In the case of newly acquired plantations, the unit of certification addresses any unresolved conflict through appropriate conflict resolution mechanisms.	
		4.8.3	Where there is evidence of acquisition through dispossession or forced abandonment of customary and user rights prior to the current operations and there remain parties with demonstrable customary and land use rights, these claims will be settled using the relevant	


			requirements (Indicators 4.4.2, 4.4.3 and 4.4.4)	
		4.8.4	For any conflict or dispute over the land, the extent of the disputed area is mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).	




Principle 5

SUPPORT SMALLHOLDER INCLUSION

Include smallholders in RSPO supply chains and improve their livelihoods through fair and transparent

2018 Criteria number	2018 Criteria wording	Indicator number	English Indicator wording	2018 ToC outcomes
5.1	The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses. 	5.1.1	Current and previous period prices paid for FFB are publicly available and accessible by smallholders	Inclusive access to benefits
		5.1.2	(C) Evidence is available that the unit of certification regularly explains the FFB pricing to smallholders.	
		5.1.3	(C) Fair pricing, including premium pricing, when applicable, is agreed with smallholders in the supply base and documented.	
		5.1.4	(C) Evidence is available that all parties, including women and independent representative organisations assisting smallholders where requested, are involved in decision-making processes and understand the contracts. These include those involving finance, loans/credits, and repayments through FFB price reductions for replanting and/or other support mechanisms where applicable.	
		5.1.5	Contracts are fair, legal and transparent and have an agreed timeframe.	
		5.1.6	(C) Agreed payments are made in a timely manner and receipts specifying price, weight, deductions and amount paid are given.	
		5.1.7	Weighing equipment is verified by an independent third party on a regular basis (this can be government).	


		5.1.8	The unit of certification supports Independent Smallholders with certification, where applicable, ensuring mutual agreements between the unit of certification and the smallholders on who runs the internal control system (ICS), who holds the certificates, and who holds and sells the certified material.		
		5.1.9	(C) The unit of certification has a grievance mechanism for smallholders and all grievances raised are dealt with in a timely manner.		
5.2	<p>The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains.</p> 	5.2.1	The unit of certification consults with interested smallholders (irrespective of type) including women or other partners in their supply base to assess their needs for support to improve their livelihoods and their interest in RSPO certification.	Inclusive access to benefits	
		5.2.2	<p>The unit of certification develops and implements livelihood improvement programmes, including at least capacity building to enhance productivity, quality, organisational and managerial competencies, and specific elements of RSPO certification (including the RSPO Standard for Independent Smallholder).</p> <p>PROCEDURAL NOTE: The RSPO just developed a separate standard for Independent Smallholders and the Gabon NIWG decided to make it applicable for all Independent Smallholders in Gabon (see Annex 6).</p>		
		5.2.3	Where applicable, the unit of certification provides support to smallholders to promote legality of FFB production.		
		5.2.4	C) Evidence exists that the unit of certification trains Scheme Smallholders on pesticide handling.		
		5.2.5	The unit of certification regularly reviews and publicly reports on the progress of the smallholder support programme.		




Principle 6

RESPECT WORKERS' RIGHTS AND CONDITIONS



Protect workers' rights and ensure safe and decent working



2018 Criteria number	2018 Criteria wording	Indicator number	English Indicator wording	2018 ToC outcomes
6.1	Any form of discrimination is prohibited. 	6.1.1	(C) A publicly available non-discrimination and equal opportunity policy is implemented in such a way to prevent discrimination based on ethnic origin, caste, national origin, religion, disability, gender, sexual orientation, gender identity, union membership, political affiliation or the age legally authorized at the national level.	Human rights upheld; Safe and decent work
		6.1.2	(C) Evidence is provided that workers and groups including local communities, women, and migrant workers have not been discriminated against. Evidence includes migrant workers' non- payment of recruitment fees.	
		6.1.3	The unit of certification demonstrates that recruitment selection, hiring, access to training and promotion are based on skills, capabilities, qualities and medical fitness necessary for the jobs available.	
		6.1.4	Pregnancy testing is not conducted as a discriminatory measure and is only permissible when it is legally mandated. Alternative equivalent employment is offered for pregnant women.	
		6.1.5	(C) A gender committee is in place specifically to raise awareness, identify and address issues of concern, as well as opportunities and improvements for women.	

		6.1.6	<p>There is evidence of equal pay for the same work scope and provision of similar necessary working tools.</p> <p><u>PROCEDURAL NOTE:</u> The verification is based on the sectoral collective agreement or, failing that, a company-wide agreement, or any other document recognized by the administration which clearly stipulates the applicable salary bases.</p>	
6.2	<p>Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW).</p> 	6.2.1	<p>(C) Applicable labour laws, union and/or other collective agreements and documentation of pay (Salary grid published, same salary for the same position) and conditions are available to the workers in national languages and explained to them in a language they understand.</p> <p><u>PROCEDURAL NOTE:</u> The verification is based on the sectoral collective agreement or, failing that, a company-wide agreement, or any other document recognized by the administration which clearly stipulates the applicable salary bases.</p>	Human rights upheld; Safe and decent work
		6.2.2	<p>(C) Employment contracts and related documents detailing payments and conditions of employment (e.g. regular working hours, deductions, overtime, sick leave, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc. in compliance with national legal requirements) and payroll documents give accurate information on compensation for all work performed, including work done by family members.</p>	
		6.2.3	<p>C) There is evidence of legal compliance for regular working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice and other legal labour requirements.</p>	

		6.2.4	<p>(C) The unit of certification provides adequate housing, sanitation facilities, drinking water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible. National laws, or in their absence the ILO Guidance on Workers’ Housing Recommendation No. 115, are used. In the case of acquisitions of non-certified units, a plan is developed detailing the upgrade of infrastructure. A reasonable time (5 years) is allowed to upgrade the infrastructure.</p>	
		6.2.5	<p>The unit of certification makes efforts to improve workers’ access to adequate, sufficient and affordable food.</p>	
		6.2.6	<p>A DLW is paid to all workers, including those on piece rate/quotas, for whom the calculation is based on achievable quotas during regular work hours.</p> <p>PROCEDURAL NOTE: STATEMENT FROM THE RSPO STANDARDS STANDING COMMITTEE REGARDING INDICATOR 6.2.6 ON DECENT LIVING WAGE (Endorsed by the RSPO BoG on 7th November 2019)</p> <p>With reference to procedural note of indicator 6.2.6, the RSPO has published a guidance on the DLW calculation in June 2019. The RSPO Secretariat will endeavor to carry out DLW country benchmarks for palm oil producing countries in which RSPO members operate and for which no Global Living Wage Coalition (GLWC) benchmarks exist¹</p> <p><i>Where a GLWC living wage standard (benchmark), or one that fulfills the basic requirements of the RSPO-endorsed living wage methodology, has been established in the country or region of operation, the same should be used as benchmarks.</i></p>	

			<p>In the absence of such benchmarks, the RSPO will collaborate with the GLWC and/or local experts on developing oil palm industry benchmarks². These benchmarks will be developed in collaboration and consultation with relevant stakeholders such as palm oil industry members, workers' union, authorities and/or relevant organisations.</p> <p><i>For countries where no living wage standard is established, until such time that an RSPO endorsed benchmark for the country is in place, national minimum wages shall be paid to all workers. In addition to the payment of minimum wages, the Unit of Certification (UoC) shall conduct an assessment of the prevailing wages and in-kind benefits provided to workers in the Unit of Certification aligned with the RSPO Guidance for Implementing a Decent Living Wage³.</i></p> <p>The Gabon NIWG will, on their side, start identifying the existent national statistics necessary for the calculations as stipulated in the new RSPO-endorsed living wage methodology.</p> <p>Once these benchmarks are available, this procedural note is no longer applicable. UoC shall have an implementation plan towards the payment of a DLW with specific targets, and a phased implementation process including:</p> <ul style="list-style-type: none"> • Updated assessment on prevailing wages and in-kind benefits • There is annual progress on the implementation of living wages • Where a minimum wage, based on equivalent of baskets of goods, is stipulated in Collective 	
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			<p>Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment</p> <ul style="list-style-type: none"> The UoC may choose to implement the living wage payment in a specific section as a pilot project; the pilot will then be evaluated and adapted before eventual scale up of the living wage implementation. 	
		6.2.7	Permanent, full-time employment including contractors' workers and contracted workers is used for all core work performed by the unit of certification. Casual, temporary and day labour is limited to jobs that are temporary or seasonal.	
6.3	<p>The unit of certification 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> 	6.3.1	(C) A published statement recognising freedom of association and right to collective bargaining in national languages is available and is explained to all workers in languages that they understand, and is demonstrably implemented. The official language is the language which is recognized as such in the constitution and / or the laws of the country concerned. It is the language used in government and public services.	Human rights upheld; Safe and decent work
		6.3.2	Minutes of meetings between the unit of certification with trade unions or workers representatives, who are freely elected, are documented in national languages and made available upon request.	
		6.3.3	Management does not interfere with the formation or operation of registered unions/ labour organisations or associations, or other freely elected representatives for all workers including migrant and contract workers.	
6.4	<p>Children are not employed or exploited.</p> 	6.4.1	A formal policy for the protection of children, including prohibition of child labour and remediation is in place, and included into service contracts and supplier agreements.	Human rights upheld; Safe and decent

		6.4.2	(C) There is evidence that minimum age requirements are met. Personnel files show that all workers are above the national minimum age or above company policy minimum age, whichever is higher. There is a documented age screening verification procedure that is to say, provision of a national identity document for the national worker officially recognized at national level and a residence permit (CDS - Carte de séjour in French) for the foreign worker which is the subject of documentation.	work
		6.4.3	(C) Young workers (between 16 and 18 years old) are not employed in RSPO certified companies in Gabon. The minimum age is 18 years old.	
		6.4.4	The unit of certification demonstrates communication about its 'no child labour' policy and the negative effects of child labour, and promotes child protection to supervisors and other key staff, smallholders, FFB suppliers and communities where workers live	
6.5	There is no harassment or abuse in the workplace, and reproductive rights are protected. 	6.5.1	(C) A policy to prevent sexual and all other forms of harassment and violence is implemented and communicated to all levels of the workforce.	Human rights upheld; Safe and decent work
		6.5.2	(C) A policy to protect the reproductive rights of all, especially of women, is implemented and communicated to all levels of the workforce.	
		6.5.3	Management has assessed the needs of new mothers, in consultation with the new mothers, and actions are taken to address the needs that have been identified.	
		6.5.4	A grievance mechanism, which respects anonymity and protects complainants where requested, is established, implemented and communicated to all levels of the workforce.	
6.6	No forms of forced or trafficked labour are used. 	6.6.1	(C) All work is voluntary and the following are prohibited: <ul style="list-style-type: none"> • Retention of identity documents or passports • Payment of recruitment fees Contract substitution Involuntary overtime 	Human rights upheld; Safe and decent work

			<ul style="list-style-type: none"> • Lack of freedom of workers to resign • Penalty for termination of employment • Debt bondage • Withholding of wages 	
		6.6.2	(C) Where temporary or migrant workers are employed, a specific labour policy and procedures are established and implemented	
6.7	The unit of certification ensures that the working environment under its control is safe and without undue risk to health.	6.7.1	(C) The responsible person(s) for H&S is identified. There are records of regular meetings between the responsible person(s) and workers. Concerns of all parties about health, safety and welfare are discussed at these meetings, and any issues raised are recorded.	Safe and decent work
		6.7.2	Accident and emergency procedures are in place and instructions are clearly understood by all workers. Accident procedures are available in the appropriate language of the workforce. Assigned operatives trained in first aid are present in both field and other operations, and first aid equipment is available at worksites. Records of all accidents are kept and periodically reviewed.	
		6.7.3	(C) Workers use appropriate personal protective equipment (PPE), which is provided free of charge to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, land preparation, and harvesting. Sanitation facilities for those applying pesticides are available, so that workers can change out of PPE, wash and put on their personal clothing.	
		6.7.4	All workers are provided with medical care and covered by accident insurance. Costs incurred from work-related incidents leading to injury or sickness are covered in accordance with national law or by the unit of certification where national law does not offer protection.	
		6.7.5	Occupational injuries are recorded using Lost Time Accident (LTA)	



Impact Goal – Planet: Conserved, protected and enhanced ecosystems that provide for the next generation

Objectives and outcomes


Ecosystems and their services are protected, restored and resilient, supported by sustainable consumption and production, and sustainable management of natural resources (in line with SDG 15 – sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss). Climate change is addressed through continuous GHG reductions; air and water pollution are controlled. There is greater resilience in our food and fibre production. The water and air are cleaner, and carbon is drawn out of the air to regenerate soils for current and future generations. Inputs decrease while yields are maintained, or even improved.





Principle 7





PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Protect the environment, conserve biodiversity and ensure sustainable management of natural resources.


2018 Criteria number	2018 Criteria wording	Indicator number	English Indicator wording	2018 ToC outcomes
7.1	Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques. 	7.1.1	(C) IPM plans are implemented and monitored to ensure effective pest control.	Pollution reduced; Resource use minimised; Productivity optimised
		7.1.2	Species referenced in the Global Invasive Species Database and CABI.org are not to be used in managed areas, unless plans to prevent and monitor their spread are implemented.	
		7.1.3	There is no use of fire for pest control unless in exceptional circumstances, i.e. where no other effective methods exist, and with prior approval of government authorities. [see guidance section for NI additional	




			guidance for this process]	
7.2	Pesticides are used in ways that do not endanger health of workers, families, communities or the environment. 	7.2.1	(C) Justification of all pesticides used is demonstrated. Selective products and application methods that are specific to the target pest, weed or disease are prioritised.	Reduced pollution; Resource use minimised
		7.2.2	(C) Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) are provided.	
		7.2.3	(C) Any use of pesticides is minimised as part of a plan, eliminated where possible, in accordance with IPM plans.	
		7.2.4	There is no prophylactic use of pesticides, unless in exceptional circumstances, as identified in national best practice guidelines.	
		7.2.5	Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, unless in exceptional circumstances, as validated by a due diligence process, or when authorised by government authorities for pest outbreaks. The due diligence refers to: a) Judgment of the threat and verify why this is a major threat b) Why there is no other alternative which can be used c) Which process was applied to verify why there is no other less hazardous alternative d) What is the process to limit the negative impacts of the application e) Estimation of the timescale of the application and steps taken to limit application to the specific outbreak.	
		7.2.6	(C) Pesticides are only handled, used or applied by persons who have completed the necessary training and are always applied in accordance with the product label.	

			All precautions attached to the products are properly observed, applied, and understood by workers (see Criterion 3.6). Personnel applying pesticides must show evidence of regular updates on the knowledge about the activity they carry out.	
		7.2.7	(C) Storage of all pesticides is in accordance with recognised best practices.	
		7.2.8	All pesticide containers are properly disposed of and/or handled responsibly if used for storing or for the same purposes.	
		7.2.9	(C) Aerial spraying of pesticides is prohibited.	
		7.2.10	(C) Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, is demonstrated.	
		7.2.11	(C) No work with pesticides is undertaken by persons under the age of 18, pregnant or breastfeeding women or other people that have medical restrictions and they are offered alternative equivalent work.	
7.3	Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner. 	7.3.1	A waste management plan which includes reduction, recycling, reusing, and disposal based on toxicity and hazardous characteristics, is documented and implemented.	Reduced pollution; Resource use minimised
		7.3.2	Proper disposal of waste material, according to procedures that are fully understood by workers and managers, is demonstrated.	
		7.3.3	The unit of certification does not use open fire for waste disposal.	
7.4	Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	7.4.1	Good agricultural practices, as contained in SOPs, are followed to manage soil fertility to optimise yield and minimise environmental impacts.	Reduced pollution; Resource use minimised; Productivity
		7.4.2	Periodic tissue and soil sampling is carried out to monitor and manage	

		7.4.3	A nutrient recycling strategy is in place, which includes the recycling of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), palm residues and optimal use of inorganic fertilisers.	optimised
		7.4.4	Records of fertiliser inputs are maintained.	
7.5	Practices minimise and control erosion and degradation of soils. 	7.5.1	Practices minimise and control erosion and degradation of soils.	Ecosystems protected; Reduced pollution; Productivity optimised
		7.5.2	There is no extensive replanting of oil palm on steep terrain.	
		7.5.3	There is no new planting of oil palm on steep terrain.	
7.6	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. 	7.6.1	(C) To demonstrate the long-term suitability of land for oil palm cultivation, soil maps or soil surveys identifying marginal and fragile soils, including steep terrain, are taken into account in plans and operations.	
		7.6.2	Extensive planting on marginal and fragile soils, is avoided, or, if necessary, done in accordance with the soil management plan for best practices.	
		7.6.3	Soil surveys and topographic information guide the planning of drainage and irrigation systems, roads and other infrastructure.	
7.7	No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly.No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. 	7.7.1	(C) There is no new planting on peat regardless of depth after 15 November 2018 in existing and new development areas.	Ecosystems protected; Reduced pollution; Productivity optimised
		7.7.2	Areas of peat within the managed areas are inventoried, documented and reported (effective from 15 November 2018) to RSPO Secretariat. PROCEDURAL NOTE: Maps and other documentation of peat soils are provided, prepared and shared in line with RSPO Peatland Working Group (PLWG) audit guidance (see Procedural Note for 7.7.5 below).	
		7.7.3	(C) Subsidence of peat is monitored, documented and minimised.	

		7.7.4	(C) A documented water and ground cover management programme is in place.	
		7.7.5	<p>(C) For plantations planted on peat, drainability assessments are conducted following the RSPO Drainability Assessment Procedure, or other RSPO recognised methods, at least five years prior to replanting. The assessment result is used to set the timeframe for future replanting, as well as for phasing out of oil palm cultivation at least 40 years, or two cycles, whichever is greater, before reaching the natural gravity drainability limit for peat. When oil palm is phased out, it is replaced with crops suitable for a higher water table (paludiculture) or rehabilitated with natural vegetation.</p> <p>PROCEDURAL NOTE: Full details of the RSPO Drainability Assessment Guidelines and related concepts and detailed actions are in the manual currently being fine-tuned/tested by PLWG. A final version should be approved by PLWG in January 2019 and will include additional guidance on the steps to be followed after the decision not to replant as well as implications for other stakeholders, smallholders, local communities and the unit of certification. It is recommended that a further twelve-month methodology trial period is proposed for all related management units (i.e. those with plantations on peat) to utilise the methodology and provide feedback to the PLWG to enable further refinement of procedure as appropriate before January 2020. Units of certification have the option to defer replanting till after the availability of the revised guidelines. Additional guidance on alternative crops and rehabilitation of natural vegetation will be provided by PLWG.</p> <p>PROCEDURAL NOTE:</p>	

			PLWG and the Smallholder Interim Group (SHIG) will collaboratively develop guidance for Independent Smallholders [cross links to SHIG and GHG issues].	
		7.7.6	C) All existing plantings on peat are managed according to the 'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat', version 2 (2018) and associated audit guidance.	
		7.7.7	(C) All areas of unplanted and set-aside peatlands in the managed area (regardless of depth) are protected as "peatland conservation areas"; new drainage, road building and power lines by the unit of certification on peat soils is prohibited; peatlands are managed in accordance with the 'RSPO BMPs for Management and Rehabilitation of Natural Vegetation Associated with Oil Palm Cultivation on Peat', version 2 (2018) and associated audit guidance.	
7.8	Practices maintain the quality and availability of surface and groundwater. 	7.8.1	A water management plan is in place and implemented to promote more efficient use and continued availability of water sources and to avoid negative impacts on other users in the catchment. The plan addresses the following: a) The unit of certification does not restrict access to clean water or contribute to pollution of water used by communities b) Workers have adequate access to clean water	Ecosystems protected; Reduced pollution; Resource use minimised
		7.8.2	(C) Water courses and wetlands are protected, including maintaining and restoring appropriate riparian and other buffer zones in line with 'RSPO Manual on BMPs for the management and rehabilitation of riparian reserves' (April 2017).	
		7.8.3	Mill effluent is treated to be in compliance with national regulations. Discharge quality of mill effluent, especially Biochemical Oxygen Demand (BOD), is regularly monitored.	
		7.8.4	Mill water use per tonne of FFB is monitored and recorded.	

7.9	Efficiency of fossil fuel use and the use of renewable energy is optimised. 	7.9.1	A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy is in place, monitored and reported.	Ecosystems protected; Reduced pollution; Resource use minimised
7.10	Plans to reduce pollution and emissions, including greenhouse gases (GHG), are developed, implemented and monitored and new developments are designed to minimise GHG emissions. 	7.10.1	(C) GHG emissions are identified and assessed for the unit of certification. Plans to reduce or minimise them are implemented, monitored through the Palm GHG calculator and publicly reported.	Reduced pollution
		7.10.2	(C) Starting 2014, the carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development are estimated and a plan to minimise them prepared and implemented (following the RSPO GHG Assessment Procedure for New Development).	
		7.10.3	(C) Other significant pollutants are identified and plans to reduce or minimise them implemented and monitored.	
7.11	Fire is not used for preparing land and is prevented in the managed area. 	7.11.1	(C) Land for new planting or replanting is not prepared by burning.	Ecosystems protected; Reduced pollution
		7.11.2	The unit of certification establishes fire prevention and control measures for the areas directly managed by the unit of certification.	
		7.11.3	The unit of certification engages with adjacent stakeholders on fire prevention and control measures.	

PROCEDURAL NOTE for 7.12

The 2018 RSPO P&C include new requirements to ensure the effective contribution of RSPO to halting deforestation. This will be achieved by incorporating the High Carbon Stock Approach (HCSA) Toolkit in the revised standard.


The RSPO ToC also commits RSPO to balancing sustainable livelihoods and poverty reduction with the need to conserve, protect and enhance ecosystems.

High Forest Cover Countries (HFCCs) urgently require economic opportunities that enable communities to choose their own development path, while

providing socio-economic benefits and safeguards.

Adapted procedures will be developed to support the sustainable development of palm oil by indigenous peoples and local communities with legal or customary rights. These will apply in specific HFCCs, and within those, in High Forest Cover Landscapes (HFCLs).

The development of these procedures will be guided by a No Deforestation Joint Steering Group (NDJSG) of RSPO and HCSA members. In HFCCs, RSPO will work through national and local participatory processes with governments, communities and other stakeholders to develop these procedures. A timeframe for these activities is stipulated in the Terms of Reference for the NDJSG and publicly available.

<p>7.12</p>	<p>Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced.</p> 	<p>7.12.1</p>	<p>(C) Land clearing since November 2005 has not damaged primary forest or any area required to protect or enhance HCVs. Land clearing since 15 November 2018 has not damaged HCVs or HCS forests.</p> <p>A historic Land Use Change Analysis (LUCA) is conducted prior to any new land clearing, in accordance with the RSPO LUCA guidance document.</p>	<p>Ecosystems protected</p>
		<p>7.12.2</p>	<p>(C) HCVs, HCS forests and other conservation areas are identified as follows</p> <p>a) For existing plantations with an HCV assessment conducted by an RSPO-approved assessor and no new land clearing after 15 November 2018, the current HCV assessment of those plantations remains valid</p> <p>b) Any new land clearing (in existing plantations or new plantings) after 15 November 2018 is preceded by an HCV-HCS assessment, using the HCSA Toolkit and the HCV-HCSA Assessment Manual. This will include stakeholder consultation and take into account wider landscape-level considerations.</p> <p>PROCEDURAL NOTE for 7.12.2: For details of transitional measures, refer to Annex 5: RSPO transition from HCV assessments to HCV-HCSA assessments.</p>	
		<p>7.12.3</p>	<p>(C) In High Forest Cover Landscapes (HFCLs) within HFCCs, a specific procedure will apply for legacy cases</p>	

			<p>and development by indigenous peoples and local communities with legal or customary rights, taking into consideration regional and national multi-stakeholder processes. Until this procedure is developed and endorsed, 7.12.2 applies.</p> <p>PROCEDURAL NOTE for 7.12.3: There should be demonstrable benefits to the local community; clear recognition of legal and customary lands based on participatory land use planning; development should be proportional to the needs of the local community; with a balance between conservation and development. This procedure will also cover planting on previous or abandoned agricultural land / plantations. All other P&C requirements apply, including FPIC and HCV requirements.</p>	
		7.12.4	<p>(C) Where HCVs, HCS forests after 15 November 2018, peatland and other conservation areas have been identified, they are protected and/ or enhanced. An integrated management plan to protect and/or enhance HCVs, HCS forests, peatland and other conservation areas is developed, implemented and adapted where necessary, and contains monitoring requirements. The integrated management plan is reviewed at least once every five years. The integrated management plan is developed in consultation with relevant stakeholders and includes the directly managed area and any relevant wider landscape level considerations (where these are identified).</p>	
		7.12.5	<p>Where rights of local communities have been identified in HCV areas, HCS forest after 15 November 2018, peatland and other conservation areas, there is no reduction of these rights without evidence of a negotiated agreement, obtained through FPIC, encouraging their involvement in the maintenance and management of these conservation</p>	

			areas.	
		7.12.6	All rare, threatened or endangered (RTE) species are protected, whether or not they are identified in an HCV assessment. A programme to regularly educate the workforce about the status of RTE species is in place. Appropriate disciplinary measures are taken and documented in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect, trade, possess or kill these species.	
		7.12.7	The status of HCVs, HCS forests after 15 November 2018, other natural ecosystems, peatland conservation areas and RTE species is monitored. Outcomes of this monitoring are fed back into the management plan.	
		7.12.8	(C) Where there has been land clearing without prior HCV assessment since November 2005, or without prior HCV-HCSA assessment since 15 November 2018, the Remediation and Compensation Procedure (RaCP) applies.	

Annex 1 – Definitions

The definitions list below includes definitions from the P&C 2013 and new terms that were identified in the 2017/2018 P&C Review process.

Term	Definition	Source
Adequate Food	The qualitative aspect is determined by local food habits. Legal food properly conditioned, unspoiled / non-expired and balanced (Proteins-Carbohydrates -lipids and fibers).	Gabon NI working Group
Affordable Prices	Prices as per free market in the closest town.	Gabon NI Working group
Carbon neutrality	Carbon neutrality refers to achieving net zero GHG emissions by balancing a measured amount of carbon dioxide equivalent (CO2e) emissions released with an equivalent amount sequestered or offset. (The term "climate neutral" reflects the broader inclusiveness of other greenhouse gases in addition to carbon dioxide in climate change. The terms are used interchangeably.)	P&C Review 2018
Child	The term child applies to all persons under the age of 18.	ILO Minimum Age Convention, 1973 (No. 138) Worst Forms of Child Labour Convention, 1999 (No. 182)
Child labour	Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. The term applies to: All children under 18 involved in the “worst forms of child labour” (as per ILO Convention No. 182) All children aged under 12 taking part in economic activity; and All 12 to 14-year-olds engaged in more than light work. The ILO defines light work as work that is not likely to be harmful to children’s health or development and not likely to be detrimental to their attendance at school or vocational training.	ILO Minimum Age Convention, 1973 (No. 138)

	Those under 18 years old should not engage in hazardous work that might jeopardise their physical, mental or moral well-being, either because of its nature or the conditions under which it is carried out. For young workers above the legal minimum age but below 18, there should be restrictions on hours of work and overtime; working at dangerous heights; with dangerous machinery, equipment and tools; transport of heavy loads; exposure to hazardous substances or processes; and difficult conditions such as night work at night.	
Contract substitution	The practice of substituting or changing the terms of employment to which the worker originally agreed, either in writing or verbally, which results in worse conditions or less benefits. Changes to the employment agreement or contract are prohibited unless these changes are made to meet local law and provide equal or better terms.	<u>ILO Report</u> to the Committee examining alleged non-compliance by Qatar of Forced Labour Convention 29; paragraph 9
Contract worker	Contract worker refers to persons engaged in temporary work, or work for a specific period of time. It also refers to workers who are not employed directly by the company, but employed by a contractor or consultant with whom the company has a direct contract.	<u>ILO, Non-Standard Forms of Employment</u>
Core work	<p>The primary area or activity that a company was founded to do or focuses on in its business operations. Core work pertains to work that is essential and desirable to the growth of the organisation.</p> <p>All agricultural and milling activities are considered core work, e.g. planting, harvesting, fertilising, maintenance; FFB sorting and grading; machine-technical maintenance; and machine operation.</p>	P&C Review 2018
Debt bondage	The status or condition of debt bondage when their labour, or the labour of a third party under their control, is demanded as repayment of a loan or of money given in advance, and the value of their labour is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined.	<u>UN GA Human Rights Council</u> : Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. July 2016.
Decent living wage	The remuneration received by a worker, for work performed on regular hours, in a particular place sufficient to afford a decent standard of living for the worker and her or his family.	Adapted from GLWC

Deforestation	Loss of natural forest as a result of: i) conversion to agriculture or other non-forest land use; ii) conversion to a plantation forest; or iii) severe and sustained degradation.	Draft Accountability Framework Initiative (AFI) (July 2018). Refer to latest AFI definition
Due diligence	A risk management process implemented by a company to identify, prevent, mitigate, and account for how it addresses environmental and social risks and impacts in its operations, supply chains, and investments.	Draft AFI (July 2018). Always refer to latest AFI definition
Eminent domain and expropriation	Eminent domain is the statutory power of governments to expropriate private property for public use or in the national interest, usually with the payment of compensation according to rates defined by law. Expropriation implies divesting persons of their property without requiring their agreement or consent.	P&C Review 2018
Extensive replanting on steep terrain	Any individual, contiguous planted area on steep terrain (>25 degrees) greater than 25 ha within the re-planting area.	P&C 2013, Annex 2, NI Guidance
Facilitation payment	Bribes paid to facilitate routine government action [1]. A common example is where a government official is given money or goods to perform (or speed up the performance of) an existing duty [2].	^[1] UK Bribery Act 2010 Guidance ^[2] UK Serious Fraud Office Bribery Act Guidance
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 ha 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.	P&C 2013
Food security	Food security is achieved when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Four dimensions of food security are commonly identified: food availability, food access, utilisation and stability.	FAO World Food Summit, 1996. See FAO Policy Brief Issue 2 , June 2006 for further detail.

<p>Forced labour</p>	<p>All work or service which is exacted from any person under the menace of any penalty and for which said person has not offered him or herself voluntarily.</p> <p>This definition consists of three elements: Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy. Menace of any penalty refers to a wide range of penalties used to compel someone to work. Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted.</p>	<p><u>ILO Forced Labour Definition</u></p> <p>ILO, Forced Labour Convention, 1930 (No. 29)</p> <p>ILO, Protocol of 2014 to the Forced Labour Convention, 1930 (P029)</p> <p>ILO, Abolition of Forced Labour Convention, 1957 (No. 105)</p> <p>ILO, Forced Labour Recommendation 2014 (No. 203)</p>
<p>Fragile soil</p>	<p>A soil that is susceptible to degradation (reduction in fertility) when disturbed. A soil is particularly fragile if the degradation rapidly leads to an unacceptably low level of fertility or if it is irreversible using economically feasible management inputs. (See also definition for ‘marginal soil’)</p>	<p>P&C Review 2018</p>
<p>Gender equal</p>	<p>This refers to the equal rights, responsibilities and opportunities of women and men, and girls and boys.</p>	<p><u>UN Women, OSAGI Gender Mainstreaming - Concepts and definitions</u></p>

<p>Greenhouse gas</p>	<p>Greenhouse gases (GHGs) are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of thermal infrared radiation emitted by the Earth's surface, the atmosphere itself, and by clouds.</p> <p>GHGs are measured in terms of their global warming potential – the impact a GHG has on the atmosphere expressed in the equivalent amount of carbon dioxide CO₂ (CO₂-e). Greenhouse gases regulated by the Kyoto Protocol include: carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), Hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulphur hexafluoride (SF₃).</p>	<p>Intergovernmental Panel on Climate Change (IPCC) Data Distribution Centre</p>
<p>Hazardous work</p>	<p>Hazardous work is work performed in hazardous conditions; or “in the most hazardous sectors and occupations, such as agriculture, construction, mining, or ship-breaking, or where working relationships or conditions create particular risks, such as exposure to hazardous agents, such as chemical substances or radiation, or in the informal economy.” (https://www.ilo.org/safework/areasofwork/hazardous-work/lang--en/index.htm)</p> <p>Hazardous work is also defined as “any work which is likely to jeopardise children’s physical, mental or moral health, safety or morals” and which “should not be done by anyone under the age of 18.” (https://www.ilo.org/ipecc/facts/ILConventionsonchildlabour/lang--en/index.htm)</p>	<p>Article 3 (d) of ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)</p>
<p>High Carbon Stock forest</p>	<p>Forests that have been identified using the High Carbon Stock Approach (HCSA) Toolkit</p>	<p>HCSA website www.highcarbonstock.org</p>
<p>High Forest Cover Country (HFCC)</p>	<p>Countries defined as having >60% forest cover (based on recent, trusted REDD+ and national data); <1% oil palm cover; a deforestation trajectory that is historically low but increasing or constant; and a known frontier area for oil palm or where major areas have been allocated for development</p>	<p>RSPO No Deforestation consultancy: HFCC Proforest, 2018</p>

<p>High Forest Cover Landscape (HFCL)</p>	<p>Landscapes having >80% forest cover. Landscape as defined under HCSA Toolkit (Module 5): “The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (for instance, the planned concession).”</p>	<p>HCSA Toolkit (v2)</p>
<p>High Conservation Value (HCV) areas:</p>	<p>The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):</p> <p>HCV 1 – Species diversity; Concentrations of biological diversity including endemic species, and rare, threatened or endangered (RTE) species, that are significant at global, regional or national levels.</p> <p>HCV 2 – Landscape-level ecosystems, ecosystem mosaics and Intact Forest Landscapes (IFL); Large landscape-level ecosystems, ecosystem mosaics and IFL 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.</p> <p>HCV 3 – Ecosystems and habitats; RTE ecosystems, habitats or refugia.</p> <p>HCV 4 – Ecosystem services; Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.</p> <p>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.</p> <p>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 or indigenous peoples, identified through engagement with these local communities or indigenous peoples.</p>	<p>High Conservation Value Network (HCVRN) Common Guidance for Identification of HCVs 2017</p>
<p>Human Rights Defenders (HRD)</p>	<p>Individuals, groups and associations who promote and protect universally recognised human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental HRD, whistleblowers, complainants and community spokespersons. This definition does not include those individuals who commit or propagate violence.</p>	<p>RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 Sept 2018)</p>

Independent Smallholder	All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers.	Smallholder Interim Group (SHIG)
Indigenous peoples	<p>Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.</p> <p>Indigenous peoples have sought recognition of their identities, way of life and their right to traditional lands, territories and natural resources for years, yet throughout history, their rights have always been violated. Indigenous peoples today, are arguably among the most disadvantaged and vulnerable groups of people in the world. The international community now recognises that special measures are required to protect their rights and maintain their distinct cultures and way of life.</p>	<u>UNDESA, Division for Inclusive Social Development, Indigenous Peoples</u>
In good faith	The principle of good faith implies that the parties make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and applied in good faith, and give sufficient time to discuss and settle collective disputes. In the case of multinational enterprises, such companies should not threaten to transfer the whole or part of an operating unit from the country concerned in order to unfairly influence negotiations.	<u>ILO Q&As on business and collective bargaining</u>
Integrated Pest Management (IPM)	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 minimise risks to human health and the environment. IPM emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms.	<p>P&C 2013</p> <p>FAO 2013 http://www.fao.org/agriculture/cr_ops/thematic-sitemap/theme/p_ests/ipm/en/</p>

Intimidation and harassment	Intimidation and harassment include loss of income due to/resulting in organisational restrictions, threats of dismissal from employment, restrictions on travel, restrictions to the environment in which the HRDs operate, deliberate obstruction to holding of meetings between HRDs, hostility within the community the HRDs lives as claims may be seen to jeopardise the community’s honour and culture (this may especially be the case with women HRDs). More serious measures include character assassination of HRDs, discrediting, defamation campaigns, arbitrary use of security forces, surveillance, SLAPP suits (Strategic Lawsuits against Public Participation) due to his or her work and/or in the course of his/her activities, threats of physical violence and death threats. Special attention is needed to avoid gender-specific violence such as rape or threats of sexual violence used to silence women.	P&C Review 2018
ISO Standards	Standards developed by the International Organization for Standardization.	P&C 2013 ISO: www.iso.org
Land clearing	Conversion of land from one land use to another. Clearing actively managed oil palm plantation to replant oil palm is not considered land clearing. Within existing certified units, clearing of less than 10 ha is <u>not</u> considered new land clearing.	P&C Review 2018
Landscape	A geographical mosaic composed of interacting ecosystems resulting from the influence of geological, topographical, soil, climatic, biotic and human interactions in a given area.	IUCN https://www.iucn
Landscape level	The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (i.e. planned concession boundaries).	HCV-HCSA Assessment Manual 2017

<p>Livelihood</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>(Compiled from various definitions of livelihoods from Department for International Development (DfID), Institute of Development Studies (IDS) and FAO and academic texts from: http://www.fao.org/docrep/X0051T/X0051t05.htm).</p>	<p>P&C 2013</p>
<p>Managed area</p>	<p>The land containing oil palm and associated land uses such as infrastructure (e.g. roads), riparian zones and conservation set- asides.</p>	<p>P&C Review 2018</p>
<p>Management documents</p>	<p>Management documents are documented information and evidence to interact with the RSPO P&C. It shall be in the form of manual, working procedures, report and records that subject to be audited and reviewed periodically.</p>	<p>ISO 9001 QMS – https://advisera.com</p>

Marginal soil	A soil that is unlikely to produce acceptable economic returns for the proposed crop at reasonable projections of crop value and costs of amelioration. Degraded soils are not marginal soils if their amelioration and resulting productivity is cost effective. (See also definition for 'fragile soil'.)	P&C Review 2018
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 do not include those workers who move within a country for the purposes of employment.	P&C 2013
Natural ecosystems	All land with natural, native vegetation, including but not limited to native forests, riparian vegetation, natural wetlands, peatlands, grasslands, savannahs, and prairies.	P&C Review 2018
New planting	Planned or proposed planting on land not previously cultivated with oil palm.	NPP 2015
Non-hazardous work	See definition for hazardous work	
Operations	All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base.	P&C 2013
Other conservation areas	Areas (in addition to HCV, HCS forests and peatland conservation areas) that are required to be conserved by the RSPO P&C (such as riparian areas and steep slopes) and other areas allocated by the unit of certification.	P&C Review 2018
Outgrowers	Farmers, where the sale of FFB is exclusively contracted to the unit of certification. Outgrowers may be smallholders.	P&C 2013

Peat	A soil with cumulative organic layer(s) comprising more than half of the upper 80 cm or 100 cm of the soil surface containing 35% or more of organic matter (35% or more Loss on Ignition) or 18% or more organic carbon. Note for management of existing plantations in Malaysia and Indonesia, a narrower definition has been used, based on national regulations: namely soil with an organic layer of more than 50% in the top 100 cm containing more than 65% organic matter.	PLWG2 July 2018 Derived from FAO and USDA definition for histosols (organic soils) (FAO 1998, 2006/7; USDA 2014)
Pesticide	Substances or a mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorised into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides.	P&C 2013
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. 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.	P&C 2013
Plantation	The land on which oil palm is grown. (See also definition for 'managed area'.)	P&C Review 2018
Prophylactic	A treatment or course of action applied as a preventive measure.	P&C 2013
Rare, threatened or endangered (RTE) species	Species as defined by the High Conservation Value Resource Network (HCVRN).	HCVRN Common Guidance for the Identification of HCVs
Recruitment fees	Recruitment fees pertain to costs and expenses associated with the recruitment and hiring of the worker, i.e. recruiter and agent service fees, documents processing, employer-required skills and medical testing, training, documentation, visa, work permits, transportation (from sending country to point of entry, and return), administrative and overhead costs.	<u>Dhaka Principles</u> and ILO 181.
Restore	Returning degraded or converted areas within a plantation to a semi-natural state.	P&C 2013

<p>Rights</p>	<p>Rights are legal, social, or ethical principles of freedom or entitlement, in accordance with the International Bill of Rights, and other relevant international human rights instruments including the UN Declaration on the Rights of Indigenous Peoples, UN Guiding Principles on Business and Human Rights, The Global Compact for Safe, Orderly and Regular Migration.</p> <p>1. 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.</p> <p>Legal rights: Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations.</p> <p>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.</p> <p>Demonstrable rights: Indigenous peoples, local communities and users may have informal or customary rights in land that are not registered or recognised by the government or national laws. Demonstrable rights are distinguished from spurious claims by direct engagement with local communities, so they have adequate opportunities to justify their claims, and are best ascertained through participatory mapping with the involvement of neighbouring communities.</p>	<p>P&C 2013</p> <p>UN Refugees & Migrants, <u>Global Compact for Safe, Orderly and Regular Migration</u> , 2018</p> <p><u>World Bank Operational Policy 4.10</u></p> <p>From <u>FSC Principles & Criteria</u></p>
<p>Risk assessment</p>	<p>A systematic process of identifying and evaluating the potential risks that may be involved in a projected activity or undertaking.</p> <p>It enables a weighing up of whether enough precautions are in place or whether more should be done to prevent harm to those at risk, including workers and members of the public.</p>	<p>Adapted from ILO, <u>A 5 step guide for employers, workers and their representatives on conducting workplace risk assessments</u>, 2014</p>
<p>Scheme Smallholder</p>	<p>Farmers, landowners or their delegates that <u>do not</u> have the: Enforceable decision-making power on the operation of the land and production practices; and/or Freedom to choose how they utilise their lands, type of crops to plant, and how they manage them (whether and how they organise, manage and finance the land). (See also smallholder and Independent Smallholder).</p>	<p>SHIG</p>

Significant pollutant	Chemical or biological substances which have a substantial adverse impact on water, air or land quality including POME, sewage, and other wastewater, sediment, fertiliser, pesticides, fuels and oil, air pollutants, as guided by national regulations and international standards.	P&C Review 2018
Site	A single functional unit of an organisation or a combination of units situated at one locality, which is geographically distinct from other units.	RSPO 2017 SCCS Standard
Smallholder	<p>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 ha in size.</p> <p>Scheme Smallholder: Farmers, landowners or their delegates that <u>do not</u> have the:</p> <ul style="list-style-type: none"> • Enforceable decision-making power on the operation of the land and production practices; and/or • Freedom to choose how they utilise their lands, type of crops to plant, and how they manage them (whether and how they organise, manage and finance the land). <p>Independent Smallholder: All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers.</p>	<p>P&C 2013</p> <p>SHIG</p> <p>SHIG</p>
Social and Environmental Impact Assessment (SEIA)	An analysis and planning process to be carried out prior to new plantings or operations. This process incorporates relevant environmental and social data, as well as stakeholder consultations, in order to identify potential impacts (both direct and indirect) and to determine whether these impacts can be satisfactorily addressed, in which case the proponent also defines specific actions to minimise and mitigate potential negative impacts.	P&C Review 2018
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.	P&C 2013
Steep terrain	Areas above 25 degrees or based on a National Interpretation (NI) process.	P&C 2013 Annex 2 Guidance NI

Trafficked labour	Trafficked labour is a form of exploitation that results from the recruitment, transport, transfer, harbouring, and receipt of individuals to perform labour or services through the use of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits.	The UN Palermo Protocols to Prevent, Suppress and Punish Trafficking in Persons.
Transmigrant	A person who migrates from one part of the country to another with a view to being employed otherwise than on his own account.	P&C 2013
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.	P&C 2013
Unit of certification	The unit of certification shall be the mill and its supply base and shall include both directly managed land (and estates) and Scheme Smallholders and outgrowers, where estates have been legally established with proportions of lands allocated to each.	RSPO Certification Systems 2017
Voluntary isolation	Indigenous peoples in voluntary isolation are indigenous peoples or segments of indigenous peoples who do not maintain sustained contacts with the majority non-indigenous population, and who generally reject any type of contact with persons not part of their own people. They may also be peoples or segments of peoples previously contacted and who, after intermittent contact with the nonindigenous societies, have returned to a situation of isolation and break the relations of contact that they may have had with those societies. In line with the principle of FPIC, RSPO prohibits oil palm expansion in these peoples' territories.	Inter-American Commission on Human Rights, <u>Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas</u> , 2013
Vulnerable groups	Any group or sector of society that is at higher risk or being subjected to social exclusion, discriminatory practices, violence, natural or environmental disaster, or economic hardship than other groups, such as indigenous peoples, ethnic minorities, migrants, disabled people, the homeless, isolated elderly people, women and children.	P&C Review 2018
Water security	The capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development; for ensuring protection against water-borne pollution and water-related disasters; and for preserving ecosystems in a climate of peace and political stability.	UN Water, <u>Water Security Infographic</u>

Whistleblower	Individuals who are employees or former employees who report on illegal, irregular, dangerous or unethical practices or actions by employers which contravene RSPO Code of Conduct and related key documents and who may potentially be at risk of reprisal. This includes individuals who are outside the traditional employee- employer relationship, such as contract workers, temporary workers, consultants, contractors, trainees/interns, volunteers, student workers and former employees.	RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 th Sept 2018)
Worker	Men and women, migrants, transmigrants, contract workers, casual workers and employees from all levels of the organisation.	P&C Review 2018
Workforce	The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.	P&C 2013
Young person	Young workers are aged 15, or above the minimum age of employment, but under the age of 18. According to the ILO, “these workers are considered ‘children’ even where they may legally perform certain jobs.”	ILO Minimum Age Convention, 1973 (No. 138), Article 3 ILO Safety and Health in Agriculture Convention, 2001 (No. 184), Article 16

Annex 2 – Guidance

Principle 1: Behave ethically and transparently

Criterion (new)	GUIDANCE
1.1	<p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents comprise the results of FPIC processes, SEIAs, Human Rights Policies including a policy on protection of HRDs/whistleblowers, social programmes avoiding or mitigating negative social impact, social programmes advancing livelihoods, figures of gender distribution within all workers categorised by management, administrative staff and workers (both permanent casual workers, piece rate workers), partnership programmes for Independent Smallholders, education and health in the communities.</p> <p>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. The unit of certification 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>For 1.1.3: Establishment of a procedure for request for information by the unit of certification.</p> <p>For 1.1.5: Applicable data privacy laws should be considered in the gathering, storage, use and distribution and publication of personal information.</p> <p>The following documents should be available at the unit of certification (but not necessarily limited to) upon request:</p> <ul style="list-style-type: none"> • Land titles/user rights (Criterion 4.4) • Occupational health and safety plans (Criterion 3.6) • Plans and impact assessments relating to environmental and social impacts (Criterion 3.4) • HCV & HCS documentation (Criterion 7.12) • Pollution prevention and reduction plans (Criterion 7.10) • Details of complaints and grievances (Criterion 4.2) • Negotiation procedures (Criterion 4.6) • Continuous improvement plans (Criterion 3.2) • Public summary of certification assessment report • Human Rights Policy (Criterion 4.1)
<p>1.2</p>	<p>All levels of the operations will include contractors (e.g. those involved in security).</p> <p>The policy should include as a minimum:</p> <ul style="list-style-type: none"> • 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> <p>The policy should cover elements such as: bribery; facilitation payments; guidance and procedure for gifts and hospitality; disclosure of political contributions; guidelines for charitable donations and sponsorships; respect for fair conduct of business; proper disclosure of information in accordance with applicable regulations and accepted industry practices; compliance with existing anti-corruption legislation.</p> <p>Commitment to company ethical policies is incorporated in all service contracts.</p>

There are due diligence procedures in place for the selection and contracting of recruitment agencies and labour intermediaries or suppliers.

Unethical conduct includes: charging fees to workers, recovering cost of recruitment and transportation against workers' wages, receiving gifts and commissions from labour intermediaries or suppliers.

Principle 2: Operate legally and respect rights

Criterion (new)	GUIDANCE
2.1	<p>Implementing all 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 3.</p> <p>Include communication and public access in compliance with the regulations in force.</p> <p>Contradictions and inconsistencies should be identified, and solutions suggested. Evidence should be incorporated as part of implementation of Criterion 2.3.</p> <p>See Indicator 4.4.1 for requirements on legal ownership or lease and authorised use of customary lands.</p> <p>For Indicator 2.1.2: A ‘documented system for ensuring legal compliance’ can take the form of physical or virtual filing cabinet of applicable laws, regulations and rules with elements of how these laws are interpreted and followed in the running of the operations.</p> <p>For indicator 2.1.3: The legal limits of the unit of certification shall be marked, georeferenced and communicated to all stakeholders</p> <p>Gabon Regulatory Context</p>

A full list of relevant regulations for Gabon is in Annex II, and a list of International Treaties ratified by Gabon in Annex 3; and an actualised Gabon's Laws, Treaties and Conventions Review (as required by RSPO) is attached to Gabon's NI (Annexes 3 and 3b).

Listing of some key laws relevant to the palm oil sector:

- Law No. 14 /63 of May 8th 1963 establishing the composition area of the State and the rules that determine the modes of management and disposition;
- Ordinance No. 50/70/PR/MFB/DE of September 30th 1970 regulating long leases granted by the state on land belonging to the private domain;
- Law No. 15 /63 of May 8th 1963 laying down the system of land ownership (requiring registration in the land register);
- Law no 12/78 of December 7th 1978 amending Articles 3 and 42 of Law No. 15/63 on the arrangements of the land;
- Law no 03/2012 of August 13th 2012 amending ordonnances 05/2-12 of February 13th 2012 on the Report Land Registration and Real Estate Rights Advertising
- Law no 12/2000 laying down the principles to guide the establishment of a professional environment;
- Law No 7/2014 1 August 2014 on environmental protection in the Republic of Gabon, with the Decree;
- Law No. 03/07 of August 27th, 2007 on the National Parks;
- Law No. 16/2001 of December 31th, 2001 on the Forest Code in the Gabonese Republic with the Decree;
- Law No. 22 /2008 of December 10th, 2008 laying out the agricultural code in the Gabonese Republic;
- Law No. 23/2008 of December 10th 2008 on the policy of sustainable agricultural development;
- Law No. 15/05 of August 8th 2005 on sustainable fisheries
- Law No 002/2014 of August 1st 2014 concerning Sustainability;
- Law No. 002/2014 of February 6th 2017 obliging any person working in Gabon to subscribe to the Social Security Regime.

The Gabonese Labour Code stipulates that children may not be employed in any business before the age of 16 years, unless an exception is granted by decree on a joint proposal by the Minister of Labour, Minister for Public Health and the Minister of National Education (art 177). Decree 01495/PR/MAEPDR guiding agribusiness operation in Gabonese Republic states in Article 13 that "no person shall be employed as a worker in a family farm if he has not attained the age of sixteen years. This provision does not apply to agricultural apprentice in a family farm". (Cr 6.4)

The constitution of Gabon in Article 1 states that: "(...) Any act of racial, ethnic or religious, as well as any regionalist propaganda

prejudicial to the internal or external security of the State or the integrity of the Republic shall be punished by law. (...) "And Article 2 that " (...) the Gabonese Republic guarantees the equality of all citizens before the law, without distinction of origin, race, sex, opinion or religion. (...)" (Cr 6.1)

The implementation of national laws and regulations is a core requirement for any operators, regardless of their geographic location or size. Relevant laws include, but are not limited to, regulations governing land tenure and use-rights of land, labour, agricultural practices (e.g. use of chemicals), the environment (e.g. laws on the protection of flora and wildlife, pollution, environmental management and forestry), storage, transportation and processing procedures. This criterion also includes international conventions, such as the Convention on Biodiversity (CBD).

All oil palm operations in Gabon shall be in compliance with all laws and international conventions (listed in Annexes 3 and 3B).

All oil palm producers and millers shall keep a publicly available registry of laws applicable (see also Principle 1) to their activities, and how the company / operation is in compliance. This registry shall include a system of continuous screening of all new laws, regulations and policies.

2.2

Contracted parties include:

- Temporary employment, whereby workers are engaged only for a specific period of time, includes fixed-term, project- or task-based contracts, as well as seasonal or casual work, including day labour
- Short-term contracts; renewable contract
- Fixed-term, project, or task-based contracts are contractual employment arrangements between one employer and one employee characterised by a limited duration or a pre-specified event to end the contract
- Casual work is the engagement of workers on a very short term or on an occasional and intermittent basis, often for a specific number of hours, days or weeks, in return for a wage set by the terms of the daily or periodic work agreement. Casual work is a prominent feature of informal wage employment in low-income developing countries, but it has also emerged more recently in industrialised economies, particularly in jobs associated with the “on-demand” or ‘gig economy’.
(https://www.ilo.org/global/topics/non-standard-employment/WCMS_534826/lang--en/index.htm)

For indicator 2.2.3:

No work is practiced by children under 18 years of age.

2.3	<p>For consideration of FFB legality, NIs should also consider commonly accepted local practices and customs that are generally accepted to be on a par with legal standing or accepted by authorities (e.g. native courts).</p> <p>For indicator 2.3.1: The Decree No.01496/PR/MAEPDR laying down the legal status of the farmer in the Gabonese Republic Order No. 00006/MAEPDR/SG/DGDR of March 25 2013 , laying down the modalities for issuing the technical agreement of farmers.</p>
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Principle 3: Optimise productivity, efficiency, positive impacts and resilience

Criterion new	GUIDANCE
3.1	<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.</p> <p>For plantations on peat, a longer time frame for the projection of the annual replanting programme is needed per Criterion 7.7.</p> <p>The unit of certification 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. This Criterion is not applicable to Independent Smallholders.</p> <p>The business or management plan should contain:</p> <ol style="list-style-type: none"> 1. Attention to quality of planting materials 2. Crop projection = Fresh Fruit Bunches (FFB) yield trends 3. Mill extraction rates = Oil Extraction Rate (OER) trends 4. Cost of production = cost per tonne of Crude Palm Oil (CPO) trends 5. Forecast prices 6. 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>Consideration of smallholders should be inherent in all management planning where applicable (see also Principle 5). For Scheme Smallholders, the content of the business plan may vary from that suggested.</p> <p>Where the specific financial details are not known, an estimate of these amounts or structures for defining those estimates will be</p>

	<p>made clear within the contract.</p> <p>Management reviews (Indicator 3.1.3) should include:</p> <ol style="list-style-type: none"> 1. Results of internal audits 2. Customer feedback 3. Process performance and product conformity 4. Status of preventive and corrective actions 5. Follow-up actions from management reviews 6. Changes that could affect the management system 7. Recommendations for improvement
<p>3.2</p>	<p>For the action plan for continuous improvement, indicators may include but not be limited to:</p> <ol style="list-style-type: none"> 1. Optimising the yield of the supply base. 2. Reduction in use of pesticides (Criterion 7.2) 3. Environmental impacts (Criteria 3.4, 7.6 and 7.7) 4. Waste reduction (Criterion 7.3) 5. Pollution and greenhouse gas (GHG) emissions (Criterion 7.10) 6. Impacts on communities, workers and smallholders (Principle 6) 7. Integrated management of HCV-HCS, peatland and other conservation areas (Criteria 7.7 and 7.12) <p>Where applicable, review should include Scheme Smallholders.</p> <p>The unit of certification should have a system to improve practices in line with new information and techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continuous improvement.</p>
<p>3.3</p>	<p>Mechanisms to check implementation could include documentation of management systems and internal control procedures (see Criterion 2.1).</p> <p>SOP and documentation for mills should include relevant supply chain requirements (see SCCS section under Principle 3).</p> <p>The unit of certification, while working with third party suppliers of FFB on traceability and legality, should use the opportunity to</p>

	distribute suitable information on BMPs.
3.4	<p>The terms of reference of the SEIA should be defined. Ideally, the SEIA should be carried out by accredited independent experts, in order to ensure an objective process. The assessment (SEIA) should include, but is not limited to:</p> <ol style="list-style-type: none"> 1. Assessment of the impacts of all major planned activities, including land clearing, planting, replanting, pesticide and fertiliser use, mill operations, roads, drainage and irrigation systems and other infrastructure 2. Assessment of the impacts on HCVs, biodiversity and RTE species, including beyond concession boundaries and any measures for the conservation and/or enhancement of these 3. Assessment of the potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems 4. 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 5. Baseline soil surveys and topographic information, including the identification of steep terrain, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding 6. Analysis of the type of land to be used (forest, degraded forest, peatlands, cleared land, etc.) 7. Assessment of land ownership and user rights 8. Assessment of current land use patterns 9. Assessment of impacts on people's amenity 10. Assess impacts on employment, employment opportunities or from changes of employment terms 11. A cost-benefit analysis on social aspects 12. 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 13. Assessment of salient risk of human rights violations 14. Assessment of the impacts on all dimensions of food and water security including the right to adequate food, and monitoring food and water security for affected communities 15. Assessment of activities which may impact air quality or generate significant GHG emissions <p>For smallholder schemes, the scheme management has the responsibility to undertake an impact assessment and to plan and operate in accordance with the results.</p>

Additional information on SEIA can be found in various external sources such as HCSA Toolkit Module 3 and the International Finance Corporation (IFC)'s *Guide to Biodiversity for Private Sector: The Social and Environmental Impact Process*.

The review of the monitoring and management plan should be done (once every two years) internally or externally.

Management documents may comprise social programmes avoiding or mitigating adverse social impact including human rights, social programmes advancing community livelihoods and gender equality, partnership programmes for Independent Smallholders, education and health in the communities.

Affected stakeholders 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.

Gabon Regulatory Context

National regulations regarding environmental assessments and management are governed by law n°07/2014 of 01 August 2014 concerning the protection of the environment, as well as other decrees where the most pertinent are:

- Decree N°539/PR/MEFEPEPN of July 15th 2005 regulating the Environmental Impact assessments;
- Decree N°43/PR/MEFEPEPN of July 15th 2005 laying down the legal regime for classified Installations for the protection of the Environment

A documented environmental and social impact assessment (ESIA) report including Environment and Social Management Plan (ESMP) shall be developed and available .

The Environment and Social Management Plan (ESMP) shall clearly identify the position in the organisation responsible for delivery of the ESMP, timetable for implementation and resources to implement the mitigation plans

All activities related to the production of palm oil must be implemented as recommended by the Environmental and Social Management Plan (ESMP) and shall be reviewed as required by the relevant authority or failing that at least every two years to

incorporate the results of on-going monitoring.

The ESIA shall describe the detailed impacts of the proposed activities on the physical environments, biological resources and local population, as well as recommendations for minimizing negative impacts and reinforcement of the positive impacts. The ESIA process shall be participative (3.4.2)

Oil palm development may have impacts on the following (non-exclusive list):

- Cultural and religious values;
- Health and education facilities;
- Transport / communications facilities and immigration trends;
- Competition for natural resource use.

Reference shall be made to customary rights in criterion 2.2 / 2.3

Social Impacts Assessment (SIA) report findings, including measures for social mitigation and compensation, shall be integrated into the local sustainable development plan, where possible.

Local people will be consulted during the preparation of the ESIA. The results of the ESIA and the ESMP will be presented in all affected / concerned villages. Public consultations will take place in the presence of local authorities and other relevant stakeholders to integrate stakeholder comments before validation of the ESIA study.

The ESMP shall be implemented with the participation of the relevant stakeholders and all monitoring reports shall be available.

For the exploitations of sites greater than 100 hectares, in addition to the ESIA, a full independent HCV Assessment and a carbon assessment shall be conducted. If the area of exploitation is less than 100 hectares, an independent HCV Assessment and a carbon assessment do not need to be conducted, but an internal HCV assessment by a competent employee of the grower shall be required.

The Certificate of Validity for the ESIA granted by the administration shall be available.

	<p>ESMP shall integrate specific management measures (such as mitigation, compensation or avoidance etc.) of negative impacts identified in the ESIA.</p> <p>The Environmental and Social Management Plan (ESMP) shall be reviewed as required by the relevant authority or failing that at least every two years to incorporate the results of on-going monitoring.</p> <p>The Order 00937/MEFEDD/SG/DGFAP/ establishing Wildlife Plan in forest, agribusiness, mining and petroleum leases.</p> <p>For indicator 3.4.3: In order to make the revision process of the ESMP in a participatory manner, the unit of certification should consult all stakeholders.</p>
<p>3.6</p>	<p>Refer to National Law/Regulation or ILO Convention 155 for those countries without national Occupational Safety and Health Law/Regulation at a minimum.</p>
<p>3.7</p>	<p>Training content: 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. The programme should enable everyone to fulfil their jobs and responsibilities in accordance with documented procedure.</p> <p>Training participants: Training should be given to all staff and workers including women smallholders and women plantation workers, within the unit of certification, as well as contract workers.</p> <p>The unit of certification should demonstrate training activities for Scheme Smallholders who provide 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 the unit of certification that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations.</p>

For individual scheme 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.

Continuous professional training for employees is a requirement of employers (ref Article. 2 and 99, Labour Code).

All new employees should have appropriate training in the field of Health & safety in order to be able to prevent any risk (art. 201, Labour Code)

Regular internal meetings and awareness raising campaigns on RSPO are organised on operational sites (3.7.1).

Principle 4: Respect community and human rights and deliver benefits

Criterion new	GUIDANCE
4.1	<p>All levels of operations will include contractors (e.g. those involved in security). The UN Guiding Principles on Business and Human Rights notes that:</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.”</i></p> <p>The UN Guiding Principles on Business and Human Rights also note that the responsibility of business enterprises to respect human rights exists independently of nation states’ abilities and/or willingness to fulfil their own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights. (See “The corporate responsibility to respect human rights” in the UN Guiding Principles on Business and Human Rights).</p> <p>The RSPO Human Rights Working Group will provide additional guidance to identify, prevent, mitigate and address human rights issues and impacts.</p> <p>The resulting guide will identify the relevant issues on human rights to all RSPO members.</p> <p>Details on requirements to protect the rights of HRDs, including complainants, whistleblowers and community spokespersons, are set out in the RSPO Policy on the Protection of Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons.</p> <ul style="list-style-type: none"> • Law No. 3/91 of March 26, 1991, on the constitution in the Gabonese Republic which preamble affirms its attachment to human rights and fundamental freedoms: • Declaration of the Rights of Man and of the Citizen of August 26, 1789; • Universal Declaration of Human Rights of 10 December 1948; • African Charter on Human and Peoples' Rights of June 26, 1981 • Law No. 019/2005 of 3 January 2006 establishing the National Commission for Human Rights (CNDH). • Law 03/94 of 21 November 1994 on the Labor Code in the Gabonese Republic

	<p>For indicator 4.1.1: The terms “corruption”, “intimidation” and “harassment” are understood as follows:</p> <p>Corruption: Any action which aims at the purchase of consciences, and / or of the consent of the populations.</p> <p>Bullying: A set of actions aimed at influencing, scaring, causing a person or a community to change their mind; and / or not to assert their right.</p> <p>Harassment: Acts or remarks made against a person or a community with the aim of causing them to change their position or opinion. Harassment can be physical or moral.</p>
<p>4.2</p>	<p>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 and, where relevant, migrant worker representation. Grievances may be internal (employees) or external.</p> <p>For Scheme and Independent Smallholders, refer to the current RSPO Guidance Documents for Scheme and Independent Smallholders.</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 UN Human Rights Commission (HRC) endorsed ‘Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework’, 2011.</p> <p>The unit of certification should ensure that a mechanism for settling disputes between subcontractors and communities is put in place. The subcontractor will identify the appropriate mechanism for settling disputes with the communities or refer to the mechanism used by the unit of certification. The unit of certification should make the list of its subcontractors available to the communities; this list includes the identity of the person responsible and its address.</p>
<p>4.3</p>	<p>Contributions to local sustainable development should be based on the results of consultation with local communities and should have long term economic, social and/or environmental benefits. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men, women and minority/vulnerable groups.</p>

	<p>The unit of certification may also seek partnerships from non-governmental organisations (NGOs) and civil society organisations (CSOs), unions, religious denominations, to identify key environmental and/or social issues that are prevalent in the community and develop and implement solutions to address these issues as part of their contributions to sustainable development. The unit of certification can set up a chronogram of achievements by consulting the communities and a mechanism for monitoring and controlling the social contract.</p> <p>The unit of certification should ensure that the delivery deadlines for social achievements agreed with the communities are respected.</p> <p>Some examples of contributions to local sustainable development could be, but are not limited to:</p> <ul style="list-style-type: none"> a) Poverty reduction b) Access to health and wellbeing c) Access to quality education d) Access to clean water and sanitation e) Conservation or restoration of natural resources f) Gender equality programmes g) Support/enhance/secure food and water security <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.</p>
4.4	<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 4.4.2 and 4.4.3.</p> <p>Where there are legal or customary rights over land, the unit of certification should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criterion 4.5, 4.6 and 4.7. 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 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</p>

communication with other community members.

Relevant legal arrangements may include negotiated benefit-sharing agreements, joint venture agreements, legal representation on management boards, restrictions on prior land use, co-management arrangements, smallholder contracts, rental and leasehold arrangements, royalty payments, and the implications of land acquisition and permits for community land tenure, use and access rights.

Gabon regulatory context

The formal recognition of customary rights and the modalities of consultation, participation and free, prior and informed consent (FPIC), has come about in practice in Gabon in several contexts as indicated below:

Forestry: for the identification of reserved customary user right zones in the context of zonal planning as required by the Forestry Code for the development of forest management plans; the process of conducting environmental and social impact studies in Gabon (see description in criterion 7.1) includes a mandatory step for public consultation: (i) Presentation of the project to the population using simple, practical and accessible means of communication (ii) organization of public consultations: the notification must be made by means of posters or other audiovisual media, (iii) minutes of consultation sessions should be signed, as appropriate, by the local authority, the Minister of the Environment or their representatives.

Consultations and participation of local people in the management of national parks (local management advisory committees). The ANPN as an organization of national park management is, among other things, responsible for promoting all forms of participatory management of national parks and conservation of natural resources (Art.30 LPN). ANPN is also responsible for the facilitation of local initiatives in favor of the conservation of biological diversity and to consult local communities as part of the granting of concession agreements (Art.5 D19).

Consultation with communities living within and around a National Park is mandatory in order to approve a National Park Management Plan. A local National Park advisory committee should be established in each national park (its composition and its tasks should be determined by regulatory means) (Art.45 LPN) and facilitate cooperation between local authorities and park managers for the protection and sustainable development of national parks activities (Art. 18 LPN). Other provisions for the

	<p>operation of local advisory committees should be set by the ANPN and formalised by a Governmental decree (Art.46 LPN).</p> <p>the first efforts to implement community forestry initiatives through the development of simplified management plans validated by the Ministry of Forestry containing all of customary land use rights;</p> <p>Participatory mapping in consultation with local communities shall be mandatory in order to identify all existing land uses and land use rights. Participatory mapping shall cover the entire village territory of all concerned villages.</p> <p>The techniques and methodologies used in Gabon for the identification of customary rights and the FPIC process shall follow internationally recognised participatory mapping and public consultation methodologies.</p> <p>Evidence of the choosing of the representatives by the communities themselves is available. Proof of meetings related to monitoring of agreements is available.</p> <p>For indicator 4.4.3: As part of a buyout of old plantations, the new buyer must ensure that the maps presented to him by the seller respect the limits and the agreements signed with the populations affected, provided that the agreements are written and available.</p>
4.5	<p>The unit of certification can, through compliance with RSPO criteria demonstrate its commitment to support the UN Sustainable Development Goals (especially SDGs 2, 6 and 15).</p> <p>The unit of certification should support the implementation of existing national strategies with regard to food and water security, and not contradict them by any of its business activities.</p> <p>The unit of certification should recognise national and/or international natural disaster risk assessments, strategies and maps in the management plan/strategy for the managed areas. The unit of certification should inform suppliers and communities in the concerned region about natural risks and provide support in case of strong adverse natural and human made disasters.</p> <p>This activity should be integrated with the SEIA required by Criterion 3.4.</p> <p>Within the FPIC process, measures to balance potential negative impacts on food and water security for local communities should be discussed and agreed between the unit of certification and the local communities. These measures and their proposed</p>

implementation features (what, how, how long, recipients, threats and opportunities to implementation) are documented as part of the resource management planning.

In cases where the availability, access, quality and stability of food and water is negatively affected by the planned operations, mitigation and relief measures should be agreed.

Where applicable, in communities resettled in accordance with FPIC, the unit of certification should monitor the food and water security situation through a screening process and, for example, through continuous dialogue, to ensure local food and water security.

Efforts should be made to consider population dynamics. The set of measures is to be reviewed regularly (proposed biannually) to reflect on changes in needs and capacities and the resources available.

The unit of certification should not restrict access to markets for local communities through its operations.

The unit of certification should assess water catchments in order to identify key water risks or shared challenges (see HCV 4). The unit of certification should regularly monitor their operations' impacts on water availability and quality.

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 4.4). Relevant stakeholders include those affected by or concerned with the new plantings.

Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.

FPIC is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance (*'FPIC and the RSPO; A Guide for Members'*, October 2015).

For indicator 4.5.4

The unit of certification should implement mechanisms to reduce worker pressure on communities' space and resources.

<p>4.6</p>	<p>Where there is a conflict on the condition of land use as per land title, the unit of certification should show evidence that necessary action has been taken to resolve the conflict with relevant parties.</p> <p>A mechanism should be in place to resolve any conflict (Criteria 4.2 and 4.6).</p> <p>Where operations overlap with other rights holders, the unit of certification should resolve the issue with the appropriate authorities, consistent with Criteria 4.2 and 4.6.</p> <p>FPIC is a guiding principle that should be applied to all RSPO members across the entire supply chain. Refer to the RSPO-approved FPIC Guidelines (FPIC and the RSPO, A Guide for Members, October 2015). Law 16/2001 on the Gabonese Forest Code</p> <p>Decree No. 10/16 / PR / MAEPDR of 24/08/2011 fixing the scale of compensation to be paid in case of voluntary destruction of crops, livestock, livestock building, fish ponds or fisheries resources.</p> <p>The existence of the evidence shall take into account the area of implementation of the unit of certification and the national and socio-cultural context.</p> <p>In the Gabonese context, the title of land occupation can take several forms (provisional and / or definitive, example: definitive convention for community forests, occupation permit.</p> <p>Departmental contract of operations initially, see Decree No. 01497 of December 29, 2011 or the ANUTTC document.</p>
<p>4.8</p>	<p>Gabon Regulatory Context</p> <p>See a full list of Gabon’s regulations (Annex 3b), and a list of International Treaties ratified by Gabon (Annex 3) and Gabon’s Laws, Treaties and Conventions Review (as required by RSPO) attached to Gabon’s NI (Annexes 3 and 3b).</p> <p>Gabonese constitution states that « (...) Any individual person as well as community, has the right to property. No one shall be</p>

deprived of his property except where public necessity, legally determined, requires, and under the condition of a legal and prior compensation;

The federal and land tenure in Gabon is governed by Law No. 14/63 establishing the composition of the State land and the rules that govern the way management is determined by Law No. 15/63 on 8th May 1963 setting the system of land property.

Decree No. 77/PR/MEF on 6th February 1967 regulating the granting of concessions and rentals of public lands is concerned; it has been amended several times.

782/PR/MEB.DE Decree of 24 August 1971 supplementing and amending the Decree of 6 February 1967 77/PR regulating the granting of concessions and rentals of public lands;

Decree of 1187/MEF of 15 December 1972 supplementing Decree No. 77/PR 6 February 1967; 996/PR/MINDECFHUC Decree of 24 October 1979 amending the Decree 1187/PR/MEF of 15 December 1972.

Long term leases are provided by Ordinance No. 50/70/PR/MFB/ of 30 September 1970 and are similar to the concession title transfer except that the deal with long lease does not result in the acquisition of real rights property.

Sustainability agriculture policy law (n° 23/2008 10 December 2008 Agriculture and water & forestry code.

The land lease, permit, concession agreement or other authorization specifying the rights to the land and any other obligations of the company shall be available. (See specific guidance for Criterion 2.2 in the Laws, Treaties and Conventions of Gabon Report, attached to Gabon NI).

A Village Management Committee for each village shall be established;

A map of the concession area and its periphery (extending at least 5 kms from the boundaries) shall be available and clearly identify any zones of overlap with village territories and or any other titles/permits or any other land uses (such as industrial, other

permits etc.);

Where there are overlaps with other land uses, documented evidence of negotiated agreements between parties shall be available (see participatory processes requirements under Criteria 1.1, 4.6 and 4.7). Corresponding measures agreed by parties shall be identified and implemented.

Principle 5: Support smallholder inclusion

Criterion new	GUIDANCE
5.1	<p>Fair prices for FFB will be equal to or above the prices as established by government or government endorsed initiatives, where applicable. Where not applicable, the following elements should be considered subject to prevailing commodity prices:</p> <p>Cost incurred by smallholders where applicable (e.g. fertiliser, seeds, pesticides, transport of FFB, land use permit, land ownership fees, land preparation, labour costs and other costs related to FFB production); Unexpected and unpredictable environmental and climate related risk costs including the occurrence of new pests for which treatment is not yet available, climate change effects or extreme weather conditions.</p> <p><i>Source: 2012 FAO Guiding Principles Responsible Contract Farming</i></p> <p>This should also be applied to situations where the unit of certification functions as the group manager for groups certified under group certification.</p> <p>Transactions with smallholders should consider issues such as the role of middlemen, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 7.5) 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 4.2 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p> <p>If the unit of certification requires smallholders to change practices to meet the RSPO P&C, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.</p> <p>For indicator 5.1.6: Currently, in Gabon, it's the agency AGANOR which is in charge.</p>

5.2	<p>RSPO will develop guidance on smallholder support (a separate RSPO Smallholder Standard is currently under development as of the printing of this standard).</p> <p>The consultation may include collection centres or other parties like representative organisations, where applicable.</p> <p>In particular for Scheme Smallholders, support programmes are based on long term relations.</p> <p>When the unit of certification assesses the eligibility of the requested support by Independent Smallholders, the following factors can be taken into account and are explained to and understood by the smallholders:</p> <ul style="list-style-type: none">• Expected continued supply of FFB to the mill• Readiness of smallholders to implement the improvement programmes <p>Specific elements on RSPO certification may include:</p> <ul style="list-style-type: none">• Socialisation on RSPO• H&S training• FPIC• HCV <p>The delivery of the support services can include but is not limited to cooperatives, agents, collection centres and representative organisations</p>
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Principle 6: Respect workers' rights and conditions

Criterion new	GUIDANCE
6.1	<p>The non-discriminatory requirements are applied to all workers, regardless of contractual status.</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 4.2 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>Examples of evidence for Indicator 6.1.2 could include contract between employer and agency; contract between worker and agency; clear company policy and recruitment procedures; confirmation by workers and agency that no recruitment fees are charged.</p> <p>Foreign and migrant workers should not pay anything that a local worker is not required to pay, unless mandated by law. A worker should not be selected for the job on the basis of their capacity to pay.</p> <p>For indicator 6.1.1: In the case of discrimination on the grounds of age, it should be noted that there is a retirement age provided for by national law which companies must respect.</p> <p>For indicator 6.1.3: Positive discrimination could be considered in particular contexts. For example, equal employment priority for affected</p>

	<p>communities</p> <p>For indicator 6.1.4: Article 176 of the Gabonese Labor Code stipulates that: Decrees issued on the joint proposal of the Minister of Labor and the Minister of Public Health determine the nature of the work prohibited for women and pregnant women</p> <p>Article 198 of the Gabonese Labor Code also stipulates that: The employer is directly responsible for the application of preventive measures for occupational health and safety intended to ensure the protection of the workers he uses. In view of these articles, the use of the pregnancy test is carried out for prevention purposes and the protection of the health and safety of workers (eg monthly pregnancy test of women working on spraying)</p> <p>For indicator 6.1.6: Article 140 of the Gabonese Labor Code provides that on equal terms of work, qualification and performance, the basic wage is equal for all workers, regardless of their origin, opinion, sex and age.</p>
<p>6.2</p>	<p>Elements in the calculation of a decent standard of living should include food, water, housing, education, healthcare, transport, clothing and other essential needs, including provision for unexpected effects, in accordance with the GLWC methodology.</p> <p>The list of essential needs (that will be considered for the non-food, non-housing element), and the costs/values associated with these elements, will be provided by the RSPO.</p> <p>Where there are industry-established benchmarks of living wage, these can be used as a basis, as long as the elements of the DLW definition or their equivalencies have been considered.</p> <p>For countries where no living wage standard is established, the RSPO-endorsed benchmark should be followed, until such time that a GLWC developed benchmark for the country is in place (see procedural note in Indicator 6.2.6).</p> <p>Where a GLWC living wage standard, or one that fulfils the basic requirements of the RSPO-endorsed living wage methodology, has been established in the country or region of operation, this should be used as benchmark.</p> <p>A written policy, committing to payment of a living wage should be in place.</p>

The implementation plan should have specific targets, and a phased-implementation process should be in place, including the following:

- An assessment is conducted to determine prevailing wages and in-kind benefits already being provided to workers
- There is annual progress on the implementation of living wages
- Where a minimum wage, based on equivalent basket of goods, is stipulated in Collective Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment
- The unit of certification may choose to implement the living wage payment in a specific section as a pilot project; the pilot will then be evaluated and adapted before an eventual scale-up of the living wage implementation

Without disrupting the wage distribution, employers can provide more or better in-kind benefits to increase the living standards of their workers, as long as it is agreed upon by the trade union/worker representatives.

Gabon regulatory context

In Gabon there is no defined “decent living wage”, however there is a legal minimum wage as defined in Decree n°0127 on minimum monthly income and Decree 855/PR/MTE of 9 November 2006, fixing guaranteed minimum professional salaries in Gabon.

Agribusiness sector in Gabon guided by the Gabonese Labour Code (Law No. 3/94 of 21 November 1994) as amended by law No. 12/2000 of 12 October 2000, particularly in terms of (i) employment contract, (ii) general conditions of work, (iii) Health and Safety on operation sites.

Full time Employment (FTE) in agriculture or agribusiness sector is guided by a specific section of the Labour Code (art.165).

Gabon is a member of the International Labour Organization (ILO) since 1960 and has approved thirty-seven (37) ILO Conventions. Regarding conventions related to salary packages and work conditions Gabon has approved:

- The ILO Convention 62 concerning minimum salary package;
- The ILO Convention 52 on paid leave;
- The ILO Convention 95 on the Protection salary rights;
- Convention 101 of the ILO on paid leave in agriculture sector;
- The ILO Convention 99 concerning minimum wage in agriculture (1951) 13 June 1961

There is no defined “decent living wage” in Gabon so “legal minimum wage” needs to be followed.

The company wage rates shall comply with the legal and regulatory thresholds

Evidence shall be provided that company wage rates corresponds to legal national wage thresholds.

For indicator 6.2.1:

Applicable labour laws and regulations, trade union agreements and other collective agreements should be explained to stakeholders in a language they understand. In Gabon, the official language of the country (French) is well understood if the language level according to the target group is adapted. For immigrant workers who do not speak French, and in the case of communities not yet fully integrated (e.g. pygmies and others), an exception can be made by explaining to them in their own language.

For indicator 6.2.3:

Compliance with this indicator should be assessed by taking into account the difficulties encountered with administrative services (e.g: delays in the allocation of numbers and social security cards ...)

For indicator 6.2.5:

See Annex 1 for Definitions for definitions of adequate food and affordable prices.

For indicator 6.2.6:

Elements in calculating a decent living wage (DLW) should include food, water, housing, education, health care, transportation, clothing and other basic needs, including provision for unexpected occurrences, in accordance with the methodology of the Global Living Wage Coalition (GLWC).

The list of essential needs (which will be taken into account for the non-food element, excluding accommodation), as well as the costs / values associated with these elements, will be provided by the RSPO.

Where there are industry-established living wage benchmarks, these can be used as a basis, as long as the elements of the DLW definition or their equivalents have been taken into account.

When a GLWC living wage standard, or one that meets the requirements of the RSPO-approved living wage methodology, has been established in the country or region of operation, it should be used as the reference

(See also the interim measure as shown in the procedural note for indicator 6.2.6)

	<p>For indicator 6.2.7: This indicator should be applied with reference to the Labour Code and to the different collective agreements, particularly as regards the probation periods for permanent contracts.</p>
<p>6.3</p>	<p>The right of staff and workers, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with the unit of certification should be respected, in accordance with Conventions 87 and 98 of the ILO.</p> <p>Collective bargaining is encouraged to include terms and conditions relevant to workers' rights, but also to the workers and families' rights to access health care, education, nutritious food, safety/protection equipment, energy, and could include a clear mechanism of grievances and remedy.</p> <p>Foreign workers should be encouraged to join unions. Where the right to freedom of association and collective bargaining are restricted under law, the unit of certification publishes a statement that facilitates parallel means of independent and free association and bargaining for all such personnel.</p> <p>Gabon Regulatory Context</p> <p>Gabonese's Constitution states that "...The right to form associations, political parties or formations, unions, companies, institutions and social interest of religious communities is guaranteed to all under conditions in line with the national laws ...". Labour Code Law No. 3/94 of 21 November 1994 Chap 4 - The employment of foreign workers - Art.104. "The recruitment of a</p>

foreign worker must be preceded by an authorization of employment issued by the Minister responsible for labor, and to be a contract of employment stamped by the competent services of the Ministry of Labour. The employment authorization application rests with the employer”

The law 23/2008 on sustainable agricultural development provides the possibility of creating "agricultural and para-agricultural organisation in the form of association, cooperative groupings oriented, economic interest groups, unions, professional organization of production, processing, marketing, distribution, or any other group "(Art.26,).

The Labour Code specifies the association and trade union rights. Companies with more than 10 employees must have staff representatives (Article 291), they are elected for a term of three years, and their dismissal is subject to review by the labour inspector (art.195). Staff representatives are mandated (art.299).

The most representative trade unions are allowed to discuss collective conventions and collective agreements institutions (Article 280)

Trade unions can be represented within the company by delegates. The terms of their appointment, the exercise of their duties and the duration of their mandate are determined by collective agreements (art.301).

Gabon is a member of the International Labour Organization (ILO) since 1960 and has approved conventions related association/union rights:

- Convention 87 on Freedom of Association and Protection of association right and on the right to join unions, federations and confederations of their choice;
- Convention 98 on the Right to organize and Collective negotiation;
- Convention 11 of the ILO Freedom of Association in agriculture;
- Convention 135 of the ILO Workers' Representatives;
- The ILO Convention 154 on the collective dialogue.

Under Gabonese legislation there is no definition for the terms “migrant” or “transmigrant” workers. This is due to the fact that the phenomenon of migrant workers does not and has not as yet arisen in the Gabon context.

However, under the Gabonese Labour Code Law No. 3/94 of 21 November 1994 Chap 4 - The employment of foreign workers - Art.104. *“The recruitment of a foreign worker must be preceded by an authorization of employment issued by the Minister responsible for labor, and to be a contract of employment stamped by the competent services of the Ministry of Labour. The*

	<p><i>employment authorization application rests with the employer”.</i></p> <p>For indicator 6.3.1: Public Policies should be explained to stakeholders in a language they understand. In Gabon, the official language of the country (French) is well understood if the language level according to the target group is adapted. For immigrant workers who do not speak French, and in the case of communities not yet fully integrated (eg pygmies and others), an exception can be made by explaining them in their language.</p>
<p>6.4</p>	<p>Service contracts and supplier agreements refer to those that the unit of certification enters into and has influence over; rather than for agreements that cover services of infrastructure set up, such as telephone or electricity.</p> <p>The unit of certification 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 ILO Convention 138.</p> <p>Work in family farms, when the farm is contracted to or provides business to another entity, is prohibited. Farm work is only accepted when it is for the family’s own consumption.</p> <p>Child labour is not exacted only by employers, and children do not have to be in an employment relationship with a third-party employer to be in child labour and to suffer its consequences.</p> <p>Age verification documents include a government recognised photographic identification document, where available.</p> <p>Examples of remediation are: procedures to assist underage workers found to be working; to ensure the children are taken out of</p>

	<p>the work site, parents/guardians are informed, medical testing to assess physical and mental health is conducted; and the unit of certification ensures that the children are enrolled in school.</p>
<p>6.5</p>	<p>There should be a clear policy developed in consultation with staff and workers, 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>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. 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 unit of certification; 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 indicator 6.5.3: The Gender Committee can support the assessment.</p> <p>Adequate space and paid breaks should be provided to enable mothers with infants 24 months or younger to breastfeed or express and store breast milk with privacy.</p> <p>This indicator should be applied under the Gabonese Labour Code (article 174 of the Labour Code).</p>

6.6	<p>Migrant workers should be legalised, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a DLW.</p> <p>Workers may voluntarily want to have their passports or identity documents held by the management for safekeeping purposes. In such cases, the documents should be returned to the workers upon request. There should be evidence of due diligence in applying this to all sub-contract workers and suppliers.</p> <p>National guidance should be used on contract substitution. Contract substitution is accepted if it is made by mutual agreement between the employer and the employee.</p> <p>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. This is in accordance with ILO conventions: <u>Forced Labour Convention, 1930 (No. 29)</u> ; <u>Protocol of 2014 to the Forced Labour Convention, 1930 (P029)</u> ; <u>Abolition of Forced Labour Convention, 1957 (No. 105)</u> ; <u>Forced Labour Recommendation, 2014 (No. 203)</u></p> <p>The specific 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 housing to be provided in accordance with national law or in their absence ILO Recommendation 115 • Fees related to recruitment and hiring of migrant workers <p>Decent living wage :</p> <p>The company wage rates shall comply with the legal and regulatory provisions in force (see Cr 6.2)</p> <p>The temporary workers:</p> <p>“Temporary workers” are daily or weekly workers as defined in article 26 of the Labour Code. Any kind of work will be subject to a written contract, which will be explained to the worker in French or in their vernacular language, if applicable (case of populations in voluntary isolation or non-French speaking expatriates).</p> <p>Foreign workers:</p> <p>Reference to the applicable law on foreigner worker (article 104 of Labour Code). The foreigner worker will be subject to a</p>
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	<p>written contract which will be explained to the workers in French or in their own language.</p> <p>Special Labour Policy : Notwithstanding priority employment as defined in Criteria 4.3 and 4.5, the producer will apply a hiring policy and non-discriminatory terms and conditions with respect to the race, ethnicity, national origin, religion, disability, sex, sexual orientation, union membership, political affiliation, cultural membership, or age.</p> <p>The producer in collaboration with the Health and Safety at Work Committee (CSST) will define the posts and associated risks for which special precautions must be planned (particularly, the protection of pregnant and breastfeeding women). Producers/ millers shall provide alternative opportunities and retraining for persons having been subjected to an accident at work.</p> <p>Contract substitution shall be forbidden (supported by the job description).</p> <p>A job induction programme will be established by the firm in collaboration with social partners (for instance, personnel delegates, unions...) provided in French and as needed in local languages, and which will include safety at work, worker rights, internal regulations and procedures applicable to the job.</p> <p>The workers housed on site will benefit from accommodation and other basic services (such as drinking water, access to basic food supplies, lighting ...), responding at least to the national legal requirements.</p>
<p>6.7</p>	<p>Gabon Regulatory context</p> <p>Growers/millers should comply with the Gabonese Labour Code (Law No. 3/94 of 21 November 1994) as amended by Act No. 12/2000 of 12 October 2000 relating to health and safety at work (art. 197) and the Social Security Code. According to this code, specific health and safety measures should be taken for some professional sectors (including agriculture) through Technical Advisory Committees on Safety and Health at Work (art 220).</p> <p>The chapter 4 of the Labour Code specifically addresses "Safety and Health" of site operations. Gabon has ratified on June 13th, 1961 the ILO Convention concerning compensation of professional accidents in agricultural sector.</p>

The Health and Safety (HSE) Plan shall include an evaluation of the risks of the various installations and the agricultural operations, the procedures for the provision of first aid and those of evacuation of the site (Criteria 3.6)

All employees shall benefit from an insurance policy covering accidents, risks and disease in conformity with Gabonese law (Criteria 3.6)

The producers and millers shall ensure that contracts with all sub-contractors take into account all the company's Health and Safety policies and procedures. Producers and millers shall monitor compliance by subcontractors (Criteria 3.6)

Lost Time Accident (LTA) metrics shall include the following parameters (Criteria 3.6):

- Nature of the accident
- Accident Frequency
- Accident Severity
- Number of lost days

Public awareness campaigns on HIV/AIDS and STDs shall be carried out periodically by the company which should also implement a vaccination campaign for all their employees and their families (Criteria 3.6).

For indicator 6.7.2:

Emergency and accident procedures are in place and all workers understand clearly the instructions. The procedures in place are available in the appropriate language for the staff. Generally, in Gabon, the official language of the country (French) is well understood if the language level according to the target group is adapted. For immigrant workers who do not speak French, and in the case of communities not yet fully integrated (e.g. pygmies and others), an exception can be made by explaining to them in their own language.

Principle 7: Protect, conserve and enhance ecosystems and the environment

Criterion new	GUIDANCE
7.1	<p>The unit of certification should apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals. Native species should be used in biological control where possible.</p> <p>In specific cases for the control of pests and diseases by fire, as per regulations, there should be evidence of prior approval of the controlled burning as specified by the relevant authorities in the ‘Guidelines for the Implementation of the ASEAN Policy on Zero Burning’ 2003, or comparable guidelines or regulations in other regions.</p> <p>The use of fire to maintain the savannah ecosystem and the livelihoods of local population is a necessary traditional practice (community practices as part of the regeneration system of NTFPs, for animal nutrition, etc.).</p> <p>The management of these fires in savannah areas within agricultural concessions should be integrated into environmental and social management plans.</p>
7.2	<p>The RSPO has identified some examples of alternatives to pesticide and herbicide use, which include those listed in the ‘Research Project on Integrated Weed Management Strategies for Oil Palm’, CABI, April 2011.</p> <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to Independent Smallholders.</p> <p>The justification should consider less harmful alternatives and IPM. Justification of the use of such pesticides will be included in the public summary report. Measures to avoid the development of resistance (such as pesticide rotations) should be applied.</p> <p>Due diligence is understood as the process through which enterprises should identify, assess, mitigate, prevent and account for how they verify the emergency 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, which are banned from use in RSPO, except in very specific situations. The nature and extent of due diligence will be affected by factors such as the size of the area where the pesticides</p>

should be applied, the context and location of the application, the nature of products or services, and the severity of actual and potential adverse impacts which will be caused by the use of the high hazardous pesticides.

The due diligence should refer to:

- a) Judgment of the threat and verification of why this is a major threat
- b) Why there is no other alternative which can be used
- c) Which process was applied to verify that there is no other less hazardous alternative
- d) What the process is to limit the negative impacts of the applications
- e) Estimation of the timescale of the application and which steps are taken to limit the application to a singularity.

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 3).

Gabon Regulatory Context

Prior authorization of the Ministry in charge of agriculture is necessary for selling pesticides for agricultural use and other agrochemical on the national/local markets (Art.42 law 23/2008 et Décret 246 covering the mandatory regulatory measures on importation, distribution and use of agro-chemicals in Gabon).

Other permits and inspections are required as part of implementing international commitments.

Gabon has ratified the following conventions:

- Stockholm on Persistent Organic Pollutants (POPs) (signed by Gabon 21st May 2002 and ratified 5th July 2007). This convention aims to prohibit and / or regulate the use of a series of extremely hazardous chemicals, through their inclusion in the Appendices of the Convention:
 - Appendix A: The parties must take measures to eliminate the production and use of chemicals listed in Appendix A
 - Appendix B: Parties must take measures to restrict the production and use of chemicals listed in Appendix B
 - Appendix C: The parties must take measures to reduce unintentional releases of chemicals listed in Appendix C with the goal of continuing minimization and, with feasible, ultimate elimination

	<p>A register of the agro-chemicals purchased, stored and used should be available; it should include role of the product and document the authorization for sale in Gabon. Data Safety Cards must be kept and available. The quantities of pesticides used shall be well documented and monitored (7.2.2)</p> <p>There shall be a procedure (SOP) and strategy for the reduction in the use of pesticides (7.2.3) A training program on pesticide handling and use shall be implemented; and training records should be documented and available (7.2.6)</p> <p>Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat are forbidden - no exceptional circumstances in Gabon (7.2.5)</p>
7.3	<p>The waste management and disposal plan should include measures for:</p> <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), in such a way 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. <p>The unit of certification is encouraged to improve the waste management in surrounding neighbourhoods.</p> <p>Where there are no options for non-toxic and non-hazardous domestic waste collection by local government services, landfills may be required as a solution for disposal.</p> <p>Where landfills are used, appropriate guidelines should be followed, which includes being:</p> <ul style="list-style-type: none"> • Only for domestic and household waste, where inorganic waste is minimized • Located away from water sources, people and communities, and outside conservation areas • Properly covered, with clear demarcation and signage to avoid disturbance. <p>Growers shall raise awareness of all their employees and develop procedures (SOP) for the appropriate treatment and disposal of waste. This sensitisation should be documented.</p>

	<p>On-site waste disposal sites shall be protected and demarcated / sign-boarded (7.3.2)</p>
<p>7.4</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 and should drive to minimise in-organic fertiliser use.</p> <p>The application of agricultural inputs (including processing by-products) and other organic manures should be documented in a register and monitored in terms of quantities of the inputs, area and dates shall be available. Fertility monitoring should be included in the ESMP monitoring. Smallholders must be able to understand and adopt practices in maintaining natural soil fertility.</p> <p>The soil studies will be based on the maps available in Gabon, including the Gabon ORSTOM pedology (soil) map and National geological maps. For every pedology (soil) unit a soil pit and a soil profile sample design will be prepared and agreed during environmental impact assessment, and soil samples will be collected and analysed in a laboratory. Minimum criteria for analysis:</p> <ul style="list-style-type: none"> • Particle size; • Soil texture and structure; • pH; • Chemical and biological indicators of fertility. <p>NB: Pay particular attention to the pedology (soil) units (in the explanatory note) presenting a particular risk in terms of erosion; Operational planning for the hydrology, topography and erosion control:</p> <p>Roads: minimize the number of crossings of watercourses by roads; restrict the slopes of roads to a maximum of 10 % for the actual alignment of the road. (If roads need to be established on slopes of more than 10 %, special anti-erosion steps need to be taken);</p> <p>Design the size of river crossings to allow the unimpeded flow of water in all seasons to avoid problems of flow restrictions and blockages; Plan and manage the flow of water along the roads (pits and drains).</p>

	<p>Plantation drainage: a water management plan should be available and implemented. In the case of discharge of drainage water from the plantation, to the extent possible, mitigation measures to help sedimentation and depollution (cleansing) of water shall be set up and regularly maintained.</p> <p>Irrigation: if necessary, diversify the sources of irrigation water from surface water, in order to avoid the height of the waterbody varying too much and to ensure that the ecosystem services downstream can always be guaranteed by the body of water.</p>
<p>7.5</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> <p>Consider indicator 7.5.1 - A map of the slopes is available on an operational scale.</p> <p>A limiting threshold not exceeding 20 degrees for the plantations, is defined according to soil fragility by the studies of the ESIA, and integrated into the ESMP</p> <p>In watersheds upstream of areas regarded as critical for conservation (e.g. protected areas, RAMSAR, HCVs) the maximum slope threshold permissible for a plantation must be justified by a dedicated and documented study.</p> <p>The ESMP shall take into account the soil map as well as the nature of the soils, and shall specify the specific management interventions related to the fragile or marginal soils identified.</p> <p>Erosion controls shall be specified in the ESMP, and should be implemented and monitored. A soil map of the concession area shall be available on an operational scale.</p> <p>The ESIA refers to the national typology of the soils, like with the national geological map. Very sandy soils including the podzols, and the hydromorphic soils will be the subject of a specific study.</p>

7.6	<p>These activities can be linked to the SEIA (see Criterion 3.4) 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.</p> <p>Soils requiring appropriate practices should be identified (see Criteria 7.6 and 7.7). This information should be used to plan planting programmes, etc.</p> <p>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.</p> <p>Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation should be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criteria 7.6 and 7.7).</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location.</p> <p>Information should be collected on soil suitability by the unit of certification if planning to purchase FFB from potential developments of Independent Smallholders in a particular location. The unit of certification should assess this information and provide information to Independent Smallholders on soil suitability, and/or in 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>Gabon Regulatory Context</p> <p>The soil and sub-soil are considered by the national Environmental Code (Law 07/2014 of August 1st 2014 on the protection of the environment and the preservation and use of natural resources – Article 71): “Agricultural and forestry work must be carried out in accordance with pedoclimatic conditions and the provisions of the texts in force.”</p>
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	<p>That no soil pollution arises from nutrient offload and effluents from operations.</p> <p>A responsible use of pesticides and other agrochemical inputs.</p> <p>The slopes thresholds should be set at 20 degrees (36.4%); therefore, no palm oil operations should take place above this threshold.</p> <p>Planted slopes between 9 and 20 degrees shall be subject to soil conservation measures and should normally be terraced. Other soil conservation measures such as platforms/terraces should be appointed as necessary, according to the fragility of soils.</p>
<p>7.7</p>	<p>The unit of certification is encouraged to map the peatlands within the supply base to enable monitoring and promotion of BMPs.</p> <p>For Indicator 7.7.3: For existing plantings on peat, the water table should be maintained at an average of 50 cm (between 40 cm and 60 cm) below ground surface unless required to be higher by national regulations, measured with groundwater piezometer readings, or an average of 60 cm (between 50 cm and 70 cm) 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.</p> <p>For Indicator 7.7.3: Monitoring of subsidence should be undertaken in all drained peat areas in the plantation including areas adjacent to the plantation where water tables may be impacted by drainage associated with the plantation.</p> <p>There are no known peatlands in Gabon to date: These indicators therefore cannot be applied to Gabon at present. But provisions will be made in case of subsequent discoveries.</p>

7.8	<p>The water management plan should include:</p> <ul style="list-style-type: none"> • Consideration of relevant stakeholders, their water use, and water resource availability • Taking account of the efficiency of use and renewability of sources • Ensuring that the use and management of water by the unit of certification does not result in adverse impacts on other users within the catchment area, including local communities and customary water users • Aiming to ensure workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes • Avoiding contamination of surface and ground water through runoff of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including POME. <p>Refer to the 'RSPO Manual on BMPs for the management and rehabilitation of riparian reserves' (April 2017).</p> <p>Where national regulations do not specify mill effluent requirements or discharge quality, these should be defined at NI level.</p> <p>Article 68 of the Environmental Protection Act 007/2014 stipulates that it is prohibited to evacuate, dispose of or inject into surface water or groundwater, near seas or water courses. water, degraded water, waste, residues or any other product likely to affect the aquatic environment and all elements and parts thereof, or to entail risks and damage to human health and biological resources and not biological</p> <p>Order 00198/MRS/E/PN/CENAP determining the permissible values of the elements to be considered in the evaluation of wastewater pollution and taking into consideration Articles 1, 4 and 5 of Decree 039/PR/MRSEPN of 10/01/79 in Article 1 (which refers to Annex 1) sets only the following waste water for BOD; 20 mg per liter for direct discharges into the wild and 100 mg per liter for discharges to treatment plants. However, it does not specify a threshold for rejections in plantations in the context of ferti-irrigation. Until then, the various competent ministries used the threshold of 5000 mg per liter which is the threshold practiced in the oil palm sector for ferti-irrigation. The Gabonese administration has also requested that a buffer zone of at least 100 meters be observed to protect watercourses during ferti-irrigation.</p> <p>Two implementing decrees concern the maintenance of the quality and quantity of surface water:</p> <ul style="list-style-type: none"> • Decree No. 0541 / PR / MEFPEPN of July 15, 2005, regulating the disposal of waste, agricultural effluents and wastewater being considered as waste; • Decree No. 0542 / PR / MEFPEPN of 15 July 2005 regulating the discharge of products into surface water, groundwater and marine waters.
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Annual assessments of surface and underground water (quality and quantity) shall be conducted and reviewed by the administration or another third party

Riparian buffer zones play an important role in the protection of watersheds and wetlands. A map of the riparian buffer zones in the operations shall be produced and updated as and when operations change.

After 3 years of land conversion, an audit of the width of the original floodplains/ watercourses should take place and buffer zones adapted accordingly.

Management practices must not impact buffer zones. Riparian buffer zones around watercourses shall be established and protected, as follows:

Width of major watercourses (m)	Minimum riparian buffer zone width (m) on each side of watercourse
1-2	10
2-5	20
5-20	50
>20	100

A buffer zone must be established around lakes and ponds within the plantation according to the surface area of open water as follows:

		Surface area of lake (rainy season)	Minimum buffer width (from the bank)
		1,000 m ² – 2,000 m ²	30 meters
		2,000 m ² – 10,000 m ² (1ha)	50 meters
		1ha or more	On case by case basis (minimum 50 m)

7.9	<p>Renewable energy use per tonne of CPO or palm product in the mill should be monitored and reported to competent authorities.</p> <p>Direct fossil fuel use per tonne of CPO or FFB should be monitored and reported to competent authorities.</p> <p>Energy efficiency should be taken into account in the construction or upgrading of all operations. The unit of certification should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of its 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 where relevant.</p>
7.10	<p>The unit of certification should only establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas (including rubber and tree crops), which the current users are willing to develop into oil palm.</p> <p>Plans prepared by the unit of certification should specify actions to be taken to reduce GHG emissions including for example, adopting low-emission management practices for both mills (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) and plantations (e.g. optimal fertiliser use, energy efficient transportation, good</p> <p>Gabon Regulatory Context</p> <p>Operations from the unit of certification should respect article 42 of Law 007/2014.</p>

	<p>Reference should be made to ANPN Policy document related environmental and social impacts management in palm oil production in Gabon: Policy for Site Selection, Environmental Management and Monitoring for Developments in National Park Peripheral Zones DRAFT 2015. ANPN.</p>
<p>7.11</p>	<p>Extension/training programmes for smallholders may be necessary</p> <p>There are no guidelines in Gabon for zero burning or no burning. However, the use of fire for land preparation is forbidden, this includes smallholders seeking RSPO certification.</p> <p>There shall be an SOP for land preparation and all land preparation shall be monitored and documented.</p> <p>All incidences of intentional or accidental fire are monitored and documented.</p> <p>An operation wide management plan for the prevention of burning/ use of fire, in proportion to the risk of fire (bush fire), shall be developed and monitored.</p> <p>Procedures for land preparation shall be developed, implemented and monitored. The incidence of intentional or accidental fire shall be monitored and documented.</p> <p>The use of fires for the purpose of maintaining the ecosystem and the livelihoods of local people is a necessary practice in the savanna zones of Gabon. Fire management must be integrated into environmental and social management plans.</p>

7.12

For Indicator 7.12.2

HCV assessments conducted as part of integrated HCV-HCS assessments, should follow the HCVRN procedures, using HCVRN ALS approved assessors for HCV assessments for new plantings, in line with the current version of the Common Guidance on HCV Identification provided by the HCVRN or national HCV toolkits.

NIs of the globally-applicable HCV definitions may be used to assist with implementation of the HCVA. The globally-applicable HCV definitions provided in the Common Guidance take precedence in any cases where a conflict is perceived with a NI.

Where landscape level HCV and/or HCS 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.

Further guidance for implementation of 'wider landscape-level considerations' and other natural ecosystems will be developed by the BHCV WG. This will include reference to Key Biodiversity Areas (KBAs), which are identified under a Global Standard (IUCN 2016) and should be identified through an HCV assessment.

For Indicator 7.12.4

Refer to relevant guidance documents on RSPO and HCVRN websites.

The integrated management plan should be developed in collaboration with other stakeholders active in that landscape before and during the project implementation. It should be adaptive to changes in HCVs. Evidence of attempted collaboration efforts should be documented and available. Such collaborative plans and areas should include but are not limited to:

- Identifying, protecting and/or enhancing forest connectivity important for biodiversity, ecosystem services, or watershed protection
- Minimising hydrological impacts to the landscape related to or arising from drainage systems and access roads or canals linked to the plantation
- Ensuring that any legal requirements relating to the protection of species or habitats are met
- Avoiding damage to and deterioration of HCV habitats, for example by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created
- Protecting and managing other conservation areas including watercourses and wetlands, peatlands, riparian zones, and

steep slopes

- Controlling any illegal or inappropriate hunting, fishing or collecting activities, and encroachment
- Developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants).

For Indicator 7.12.5

Decisions will be made in consultation with the affected communities.

Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihoods resulting from proposed operations, should be identified in consultation with the communities and incorporated into HCV and HCS assessments and management plans.

The unit of certification should 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 may be considered.

Where communities are asked to relinquish rights so that HCVs can be protected 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.

For Indicator 7.12.7

Refer to HCVRN Common Guidance for HCV Management and Monitoring document

Gabon regulatory Context

The main applicable Gabonese regulations on wildlife are (see also the documents on Laws, Conventions and Treaties applicable in Gabon):

- Law No 7/2014 of August 1st 2014 on protection of the environment
- Fishing and Aquaculture Code
- Forestry Code (Law No. 16/2001 of December 31st 2001)
- National Parks Law (Law No. 03/07 of August 27th 2007)

- Sustainable Development Law (Law No 002/2014 of August 1st 2014)

Types of protected areas defined in the Gabonese Forest Code (Art 79 du decree 0261 1 august 2014):

- Strict Nature Reserves;
- Zoos;
- Wildlife and Botanical Sanctuaries;
- National Parks;
- Hunting Areas;
- Biosphere Reserves;
- World Heritage Sites.

Three international statutes related to protected areas are followed in Gabon, UNESCO's Biosphere Reserves and World Heritage Sites are recognized as protected areas at the national level since 2008, e.g.: (i) "Man and Biosphere Reserve" programme (ii) "Ipassa Makokou reserve" classified in 1983 now merged with the National Park Ivindo, (iii) Lope as World Heritage Site of UNESCO since 2007.

Since 1989, Gabon registered nine sites on the List of Wetlands of International Importance (ZHII). Most of these have national statutes.

Gabon has ratified:

- CDB 1992
- CMS
- CITES
- Alger's convention of 15 September related to the convention and African natural resources.

Refer also to ANPN's Policy for site selection and environmental management and monitoring of developments located in National Parks Peripheral Zones (Managing environmental and social impacts of palm oil production in Gabon, DRAFT. ANPN. 2015)

Where rare threatened or endangered species, or legal protected species or protected areas (see list above) 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 .

Wildlife Management Plan

The operations shall actively prevent any poaching as well as access to the operations site for illegal hunting activities, for instance with strict internal policies with clear sanctions (including dismissal in cases of breach of wildlife laws and management plans by employees); monitoring of transport and roads; collaboration with local authorities and conservation NGOs, etc. Alternative sources of protein shall be made available on-site by the company to the workforce.

Protected species

The operations shall have in place (i) an internal policy for wildlife management in conformity with the law - See also criteria 1.2; and (ii) wildlife management plans integrated to the Environmental and Social Impacts Management Plan.

Protected areas

Where operations are present in watersheds within which protected areas are located, operators shall facilitate the implementation of systems to monitor changes to the ecological functioning of the watershed.

Zoning of concessions for High Conservation Value (HCV) management

A zoning plan shall be available at the concession level that has been developed on the basis of a High Conservation Value (HCV) assessment, taking into account potential indirect impacts of operations. A list of rare, threatened and endangered species found within the concession shall be available, together with appropriate protection measures to implement through the fauna management plan of the ESMP.

Make reference to existing HCV documents in Gabon :

https://www.hcvnetwork.org/resources/national-hcv-interpretations/Gabon%20Interpretation%20Nationale%20HVC%20_HCVF%20Gabon_%20v1%2022_04_08.pdf/view (Draft 2008). [/www.hcvnetwork.org/resources/national-hcv-interpretations/Gabon](https://www.hcvnetwork.org/resources/national-hcv-interpretations/Gabon)) The criteria for the identification of old forests are available in this document and can be used for the definition of primary forest for the purposes of the RSPO standard.

For the identification of HCVs, reference should be made to the HCVRN « Common Guidance for the Identification and Interpretation of HCVs » (HCVRN, 2013) and the « Common Guidance for the Management and Monitoring of HCVs » (HCVRN,2014). (<https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415>)

Reference should be made to managing environmental and social impacts of palm oil production in Gabon by ANPN: “Policy for site selection, environmental management and monitoring for developments in National Park Peripheral Zones” DRAFT 2015. ANPN.

The types of protected areas defined in the Gabonese Forest Code:

- Strict Nature Reserves;
- Zoos;
- Sanctuaries of vegetation and wildlife;
- National Parks;
- Hunting Areas;
- Biosphere Reserves;
- World Heritage Sites.
-

(Art 79 du decree 0261 1 August 2014)

Specific national guidance for indicator 7.3.5: A participatory map shall be developed and validated with the local population. The boundaries of the operations as related to the plantation shall be agreed during the FPIC process with the affected local population.

Annex 3 – Key international laws and conventions applicable to the production of palm oil

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection	Ratified or signed in Gabon
		Convention	Declaration	Guiding Principles/ UN Outcome Documents			
Ethical Business Conduct	1.1 1.2 2	United Nations Convention against Corruption (2000)			Art 12	Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct, for business activities and preventing conflict of interest. Promoting transparency. Ensuring that companies have sufficient internal auditing controls to prevent corruption.	YES
	1.2 2.1 2.2	Private Employment Agencies Convention 1997 (No 181)				Covers protection for workers who are employed through third party and/or private employment agencies.	
Respect for Human Rights	4.1 4.2		Declaration on the Rights of Human Rights Defenders			Contains human rights standards enshrined in other international instruments that are legally binding for the protection of human rights, including HRDs.	
	4 5 6			United Nations Guiding Principles on Business and Human Rights (2011)	Principles 11-24	Respect Human rights, by avoiding and/or mitigating negative impacts regardless of their organisation size, sector of operation or ownership.	

	<p>4 5 6</p>	<p>Core International Human Rights Treaties: Covenant on Civil and Political Rights (ICCPR) - Covenant on Economic, Social and Cultural Rights (ICESCR)</p>			<p>All core human rights treaties</p>	<p>Respect for human rights regardless of age, nationality, gender, race, ethnicity, religion, ability, marital status, sexual orientation and gender identity, political opinion or affiliation, etc.</p>	
		<p>Convention on the Elimination of All Forms of Racial Discrimination (CERD) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Convention on the Rights of the Child (CRC) - International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW) Convention for the Protection of All</p>					

		Persons from Enforced Disappearance (CPED) Convention on the Rights of Persons with Disabilities (CRPD)					
Just Land Acquisition	4	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Art 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.	
	4		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 25-26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.	
	4	UN Convention on Biological Diversity (1992)			Art 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.	YES
Public Participation of Affective Communities	4.5			Rio Declaration on Environment and Development (1992) and Agenda 21	Principle 10	Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Principle 10 combines public participation with public access to information and access to remedial procedures. According to Agenda 21, one of the fundamental principles for the achievement of sustainable development is broad public participation in decision-making. Both	YES

						Agenda 21 and the Rio Declaration emphasise the importance of the participation of all major groups, and special emphasis has been given, including in legally binding international instruments, to ensuring participation in decision-making of those groups that are considered to be politically disadvantaged, such as indigenous peoples and women.	
Fair Representation and Participation of Indigenous and Tribal People	4.2 4.4 4.5. 4.6	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Art 6-9	Self-representation through institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve their offences according to customary law (compatible with international laws).	
	4.4-4.8		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development.	
	4.4 4.5 4.7		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 10, 11(2), 19, 28(1), 29(2) and 32(2)	Right to FPIC to any project affecting their lands as expressed through their own representative institutions.	
	4.4 4.5 4.7	Convention on the Eliminations of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System.			UN CERD Committee, UN Committee on Social Culture And Economic Rights, Inter American Commission on Human Rights	FPIC for decisions that may affect indigenous people. (This standard has been widely accepted as 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN, WWF).	

No Forced Labour	2.2 6.6	ILO Convention 29 (1930) Forced Labour			Art 5	No concession to companies shall involve any form of forced or compulsory labour.	YES
	6.6		Protocol of 2014 to the Forced Labour Convention 1930		Art 1, 2,4	Provides the measures which should be taken for the avoidance of forced or compulsory labour.	
	6.6	ILO Convention 105 (1957) Abolition of Forced Labour			Art 1	Not make use of any form of forced or compulsory labour.	YES
Protection of Children	6.4	ILO Convention 138 (1973) Minimum Age			Arts 1-9	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).	
	6.4	ILO Convention 182 (1999) Worst Forms of Child Labour			Arts 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.	YES

	6.4	Minimum Age (Agriculture) Convention 1921 (No.10)			Art 1-2	Applicable to children under the age of 14 outside the hours of attendance in school.	YES
	6.4	Convention on the Rights of the Child (CRC), 1989			Art 32	Right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.	
	6.4 6.5		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children.	
Freedom of Association and Collective Bargaining	6.3	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise			Art 2-11	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.	YES
	6.3	ILO Convention 98 (1949) Right to Organise and Collective Bargaining			Art 1-4	Protection against anti-union acts and measures to dominate unions; establish means for voluntary negotiation of terms and conditions of employment through collective agreements.	YES

	6.3	ILO Convention 141 (1975) Rural Workers' Organisations			Art 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom from association; free from interference and coercion.	
	6.3	International Covenant on Economic, Social and Cultural Rights (1966)			Art 8 (1)	The right of everyone to form trade unions and join the trade union of their choice, subject only to the rules of the organisation concerned, for the promotion and protection of their economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.	
	6.3	Collective Bargaining Convention, 1981 (No 154)			Art 1, 2, 3(2), 4, 5,7, 8	Promotion of the right to collective bargaining.	YES
	6.3	Workers Representative Convention 1971 (No 135)			Art 1-3	Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.	YES
Non-discrimination and Equal Remuneration	6.1	ILO Convention 100 (1951) Equal Remuneration			Art 1-3	Equal remuneration for men and women for work of equal value.	YES

	6.1	ILO Convention 111 (1958) Discrimination (Employment and Occupation)			Art 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.	YES
	6.1		UN Declaration on the Rights of Indigenous Peoples (2007)		Articles 2, 8(e), 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.	
	6.1	ILO Convention 156 (1981) Workers with Family Responsibility			Art 1-5, 7-10	No discrimination of any form against a worker, whether male or female with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.	
	2.2	ILO Convention on Private Employment Agencies 1997 (No. 181)			Art 1,2,4-12	Concerns the protection of workers which are employed with the intention of making the services of these workers available to third parties.	
	6.1	ILO Convention on Vocational Rehabilitation and Employment (Disabled Persons) 1983 (No. 159)			Art 1-4,	This convention concerns vocational rehabilitation to enable a disabled person to secure, retain and advance in suitable employment and thereby to further such person's integration or reintegration into society	

	6.1	International Covenant on Economic, Social and Cultural Rights (1966)			Art 7	Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work. Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;	
Elimination of Harassment and Abuse in the Workplace	6.5	Convention on the Elimination of All Forms of Discrimination Against Women			General Recommendation 35	of the private sector, including businesses and transnational corporations, in efforts to eradicate all forms of gender-based violence against women; developing protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures.	
Just Employment for Migrants	2.2 6.6	ILO Convention 97 (1949) Migration for Employment				Provision of information; no obstacles to travel; provision of healthcare; non-discrimination in employment; accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.	
	6.6	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)			Art 1-12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.	YES
	2.2 6.6	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)			Art 11; 21; 25; 26	Prevention of slavery; forced and compulsory labour; on confiscation of identify documents; conditions of work and contractual terms; and freedom of association and right to join trade unions.	

Protection of Plantation Workers	6.1	ILO Convention 97 (1949) Migration for Employment			Art 5-91	Protection of members of families of recruited 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 organize and collective bargaining; proper labour inspection; decent housing and medical care.	
	6.2	ILO Convention No 11 Rights of Association (Agriculture) 1921			Art 1	All those who work in the agricultural sector to be accorded the same rights of association and combination as to industrial workers	YES
	6	ILO Convention on Plantation (1958) (No. 110)			Art 1,2,5,7,8, 11,12-15	This convention relates to rights of workers and their families (including migrant workers) who have been recruited to work on plantations.	
Working Time for Workers	6.2	ILO Convention No 101 Holidays with Pay (Agriculture) 1952			Art 1,3,5,7-9	Workers employed in agricultural undertakings and related occupations shall be granted an annual holiday with pay after a period of continuous service with the same employer.	YES
	6.2	ILO Convention No 47 Forty Hour Week			Art 1	Requires that a member adopts a 40 hour week in a manner that the standard of living is not reduced as a consequence.	YES

Protection of Women's Rights to Work	6.1	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)			Art 11	Right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; Right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.
	6.1	Maternity Protection Convention 2000 (No. 183)			Art 9	Prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work.
	6.5 6.7	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)			Art 11 (f)	The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
	6.5	Maternity Protection Convention 2000 (No. 183)			Art 10	A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.
Protection of Tenants and Sharecroppers	4.2			ILO Recommendation 132 (1968) Tenants and Sharecroppers	Art 4-8	Fair rents; adequate payment for crops; provisions for well-being; organisation; fair contracts; procedures for the settlement of disputes.

Protection of smallholders	5	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)			Art 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards	
Health and Safety	3.6 6.7	ILO Conventions 184 (2001) Safety and Health in Agriculture			Art 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect to workplaces, machinery equipment, chemical tools and processors; ensure dissemination of information, appropriate training, supervision and compliance; special protection for youth and women workers; coverage against occupational health and disease.	
	3.6 6.7	ILO Convention on Occupational Cancer 1974 (No 139)				Members shall make every effort to have carcinogenic substances and agents to which workers may be exposed in the course of their work replaced by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account shall be taken of their carcinogenic, toxic and other properties.	
	3.6 6.7	ILO Convention on Invalidity Insurance (Agriculture) 1933 (No. 38)			Art 1-6, 13, 17, 20,23	Maintenance of a scheme for invalidity Insurance for workers.	
	6.1 6.2	Convention on Maternity Protection 2000 (No. 183)			Art 2-4	Maternity Protection and benefits	

Control or Eliminate the use of Dangerous Chemicals and Pesticides	7.2	Stockholm Convention on Persistent Organic Pollutants (2001)			Arts 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane PCB); restrict production and use of chemicals in Annex B (eg DDT); reduce or eliminate releases of chemicals listed in Annex C (eg Hexachlorobenze).	YES
	7.2	Rotterdam Convention on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)			Art 1, 5, and 6	Curb the trade of banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.	No but creation of the National Committee for the implementation of the Rotterdam Convention
			UN Declaration on the Rights of Indigenous Peoples (2007)		Art 21(1), 23, 24, 29(3)	Improvement of livelihood and sanitation, health and housing, participate in health delivery; maintain traditional health systems; effective monitoring of health.	
		ILO Convention No 148 on Working Environment (Air, Pollution, Noise and Vibration) 1977			Art 1-3	Provides for measures which should be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration.	
		ILO Convention No 170 on Chemical Convention 1990			Art 2(c), and Part IV	Provides for measures to prevent or reduce the incidences of chemically induced illness and injuries at work; and identifies the roles and responsibilities of employers in the context of identification, transfer of chemicals, exposures, operational control, disposal and information dissemination and training.	

Right to Food	6.2	International Covenant on Economic, Social and Cultural Rights (1966)			Art 11	Right to adequate standard of living, including right to food.	
Environmental Protection	3.4	UN Convention on Biological Diversity (1992)			Art. 14	Environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimising such effects and, where appropriate, allow for public participation in such procedures.	YES
Conservation of Biodiversity		UN Convention on Biological Diversity (1992)			Art 1 – 18	Conservation of biological diversity and the sustainable use of its components.	YES
GHG Emissions	7.10				Art 1-4	Aimed at stabilising atmospheric concentrations of greenhouse gases to avoid “dangerous anthropogenic interference, including in agricultural sector.	

Annex 3b – Applicable Gabonese laws

Principle	Criteria	Gabonese legislative and regulatory texts as well as the texts of international standards adopted by Gabon in connection with the RSPO
Principle 1. Behave ethically and transparently	1.1	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Articles 2, 3 and 9 of Law No. 15/72 of 29 July 1972 adopting the first part of the Civil Code. • Article 15 of Law No. 009/2006 of 4 December 2006 on archives. • Paragraph 9 of article 2 of the Constitution • Paragraph 8 of article 2 of the Constitution <p>International (Annexed to the Gabonese Constitution)</p> <ul style="list-style-type: none"> • The Declaration of the Rights of Man and of the Citizen of 1789 • The Universal Human Rights Decline of 1948, Article 19 • The African Charter on Human Rights, Article 9
	1.2	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Law No. 002/2003 of 07 May 2003 establishes a regime for the prevention, detection and repression of illicit enrichment • Law No. 003/2003 of May 07, 2003 establishes the National Commission for the Fight against Illicit Enrichment (CNLCEI). • Ordinance 22 / PR / 2015 of 11 August 2015 relating to public / private partnerships <p>International :</p> <ul style="list-style-type: none"> • United Nations Convention against Corruption / Mérida Convention • African Union Convention on Preventing and Combating Corruption • Common Regulation n ° 01/03-Cemac-Umac-CM on the prevention and repression of money laundering and the financing of terrorism in Central Africa
Principle 2. Operate legally and respect rights	2.1	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Law No. 14/63 of May 08, 1963 establishing the composition of the State Domain and the rules which determine its management and alienation methods; • Ordinance No. 50/70 / PR / MFB / DE of September 30, 1970 regulating long-term leases granted by the State on land forming part of its private domain; • Law No. 15/63 of 08 May 1963 establishing the land ownership regime (prescribing registration in the land register); • Law n° 12/78 of December 7, 1978 amending articles 3 and 42 of Law n° 15/63 establishing the land ownership regime;

		<ul style="list-style-type: none"> • Law 03/2012 of August 13, 2012 ratifying Ordinance 05/2012 of February 13, 2012 relating to Land registration and publication of real property rights; • Law No. 12/2000 laying down the principles to guide the establishment of a professional environment; • Law No. 007/2014 relating to the Protection of the Environment in the Gabonese Republic and the corresponding decree; • Law n ° 03/07 of August 27, 2007 relating to National Parks; • Law n ° 16/2001 of December 31, 2001 on the forestry code in the Gabonese Republic and the corresponding decree; • Law n ° 22/2008 of December 10, 2008 on the Agricultural Code in the Gabonese Republic; • Law n ° 23/2008 of December 10, 2008 on the policy of sustainable agricultural development; • Law 15/05 of 08/08/2005 however sustainable management of fishery resources; • Law n ° 002/2014 of 1 August 2014 on sustainable development; • Law N ° 28/2016 of February 6, 2017, requiring any person practicing in Gabon to subscribe to the social security system; • Article 177 of the Labor Code • Article 13 of decree 01495 / PR / MAEPDR establishing the legal status of the Agricultural Operator and the Agricultural Operation in the Gabonese Republic • Articles 1 and 2 of the constitution of Gabon
	2.2	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Law n ° 03/94 of 21 November 1994 • Articles 113 to 115 of the Labor Code relating to labor
	2.3	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Decree N ° 01495 / PR / MAEPDR of December 29, 2011 establishing the legal status of the farmer and the farm in the Gabonese Republic • Order No. 00006 / MAEPDR / SG / DGDR of March 25, 2013, setting out the modalities for issuing the technical approval of a farm operator.
Principle 3. Optimise productivity, efficiency, positive impacts and resilience	3.4	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Law No. 007/2014 of August 1, 2014 on the protection of the environment, • Decree No. 539 / PR / MEFPEPN of July 15, 2005 regulating Environmental Impact Studies; • Decree No. 543 / PR / MEFPEPN of July 15, 2005 setting the legal regime for installations classified for the protection of the environment • Order 00937 / MEFEDD / SG / DGFAP instituting the wildlife protection plan in forestry, agro-industrial, mining and oil concessions
	3.5	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Article 126 of Law No. 03/94 of 21 November 1994 on the Labor Code, amended by Law No. 12/2000 of 12 October 2000.
	3.6	<p>International :</p>

		<ul style="list-style-type: none"> ILO Convention No. 12 on compensation for industrial accidents in the agricultural sector
	3.7	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Art. 2 and 99 of the Labor Code Art.201 of the Labor Code
Principle 4. Respect community and human rights and deliver benefits	4.1	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Law N ° 3/91 of March 26, 1991 Law n ° 019/2005 of January 3, 2006, which sets up the National Commission for Human Rights (CNDH). Law 03/94 of 21 November 1994 establishing the Labor Code in the Gabonese Republic. Law n ° 02/90 of July 26, 1990 ratifying the National Charter of Freedoms. <p>International (préambule de la constitution gabonaise) :</p> <ul style="list-style-type: none"> Declaration of the rights of man and of the citizen of August 26, 1789; Universal Declaration of Human Rights of December 10, 1948; - African Charter on Human and Peoples' Rights of June 26, 1981
	4.3	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Article 251 of Law No. 16/01 on the Forest Code Order No. 105 / MEFPRN / SG / DG / DDF / SACF of May 06, 2014 setting the model of contractual specifications Organic Law No. 01/2014 of June 15, 2015 relating to decentralization ranks social action, health, education, the environment or the management of natural resources among the transferable skills Article 219 of Organic Law No. 01/2014 of June 15, 2015 on decentralization. Article 244 of Organic Law No. 01/2014 of June 15, 2015 on decentralization. Article 210 of organic law n ° 01/2014 of June 15, 2015 relating to decentralization. The Ohada Uniform Act of December 15, 2010 relating to the law of cooperative societies Order n ° 0003 / MAEPDR / Cab of February 13, 2012 setting the registration procedures for cooperative companies
	4.4	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Law 23/2008 on agricultural and sustainable development policy Article 9 of Law No. 23/2008 of December 10, 2008 on the policy of sustainable agricultural development Decree No. 01399 / PR / MAEPDR of December 6, 2011 fixing the composition and functioning of the Departmental Land Development Commission Article 1 of ordinance n° 50-70 PR / MFB / DE of September 30, 1970 provides that emphyteutic leases can only be granted in the private domain of the State. Paragraph 2 of Article 9 of Law No. 16/01 of December 31, 2001 on the Forest Code
	4.6	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Law 16/2001 on the Forest Code in the Gabonese Republic

		<ul style="list-style-type: none"> Decree No. 10/16 / PR / MAEPDR of 08/24/2011 fixing the scale of compensation to be paid in the event of the voluntary destruction of crops, livestock, livestock buildings, fish ponds or fish resources. . Decree No. 01497 of December 29, 2011
	4.8	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Law No. 14/63 establishing the composition of the State domain and the rules which determine its management and alienation methods Law n ° 15/63 of May 8, 1963 establishing the land ownership regime. Decree no. 77 / PR / MEF of February 6, 1967 regulates the way in which concessions can be ceded and the rental of public land, and has been amended several times. Decree n ° 782 / PR / MEB.DE of August 24, 1971, supplementing and modifying decree n ° 77 / PR of February 6, 1967 Decree n ° 1187 / MEF.DE of December 15, 1972, supplementing decree n ° 77 / PR of February 6, 1967 Decree n ° 996 / PR / MINDECFHUC of October 24, 1979, amending Decree n ° 1187 / PR / MEF.DE of December 15, 1972. Ordinance n ° 50/70 / PR / MFB / DE of September 30, 1970, providing for emphyteutic leases Law 23/2008 of 10 December 2008 on sustainable agriculture. The Code on Agriculture, Water and Forest Management
<p>Principle 6. Respect workers' rights and conditions</p>	6.1	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> The Gabonese Constitution: <ul style="list-style-type: none"> Paragraph 2 of Article 2 of the Constitution Paragraph 13c of Article 1 The Labor Code Article 176 of the labor code Article 198 of the labor code Article 140 of the labor code Article 104 of Law No. 03/94 of November 21, 1994 on the Labor Code, amended by Law No. 12/2000 of October 12, 2000. Article 105 of Law No. 03/94 of 21 November 1994 relating to the Labor Code, amended by Law No. 12/2000 of 12 October 2000. Articles 179, 180 and 181 of law n ° 03/94 of 21 November 1994 relating to the Labor Code, amended by law n ° 12/2000 of 12 October 2000. Articles 170, 171, 172, 173 and 174 of Law No. 03/94 of 21 November 1994 on the Labor Code, amended by Law No. 12/2000 of 12 October 2000. <p>International :</p> <ul style="list-style-type: none"> The Universal Declaration of Human Rights of 1948 <ul style="list-style-type: none"> Paragraph 3 of Article 23 The African Charter on Human and Peoples' Rights Paragraph 3 of Article 18 of the Charter

	6.2	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Decree n ° 0127 / PR / MTEPS / MBCFPRE of 23 April 2010 fixing the amount of the minimum monthly income in the Gabonese Republic. • Decree 855 / PR / MTE of 9 November 2006 fixes the minimum guaranteed professional wages in Gabon. <ul style="list-style-type: none"> ◦ Articles 2 and 3 • Decree n ° 0128 / PR / MTEPS / MBCFPRE of 23 April 2010 fixing the amount of the minimum monthly income in the Gabonese Republic • Labor Code in Gabon (Law no. 3/94 of 21 November 1994), amended by Law no. 12/2000 of 12 October 2000, <ul style="list-style-type: none"> ◦ Article 165 <p>International :</p> <ul style="list-style-type: none"> • ILO Convention 62 on minimum wages; • ILO Convention 52 on paid holidays; • ILO Convention 95 on the protection of wage law; • ILO Convention 101 on paid holidays in the agricultural sector; • ILO Convention 99 on minimum wages in the agricultural sector (1951) June 13, 1961
	6.3	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Gabonese constitution <ul style="list-style-type: none"> ◦ Article 1, paragraph 13 • Law 23/2008 on sustainable agricultural development provides for the possibility of creating “agricultural and para-agricultural organizations in the form of an association, cooperative groups, economic interest groups, unions, professional production, processing, marketing, distribution, or any other group ”(Art.26) • Labor Code : <ul style="list-style-type: none"> ◦ Chapter 4, Article 104, relating to the employment of foreign labor ◦ Articles 291, 195, 299 280 and 301 on trade union and association rights ◦ Chapter 1: Article 269 to Article 294 • Article 17 of decree n ° 000739 / PR / MTE of August 27, 2007 relating to the composition and functioning of the standing social consultation committees. • Article 15 of decree n ° 000739 / PR / MTE of August 27, 2007 relating to the composition and functioning of standing committees for social consultation. <p>International :</p> <ul style="list-style-type: none"> • Convention 87 on freedom of association and the protection of the right to organize, relating to the right to join organizations, federations and confederations of their choice; • Convention 98 on the right to organize and collective bargaining; • ILO Convention 11 on the right of association in agriculture; • ILO Convention 135 concerning workers' representatives; • ILO Convention 154 on collective bargaining.

6.4	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Article 8 de la loi n° 37/98 portant Code de nationalité dispose • Article 25 de la loi n° 07/96 portant dispositions communes à toutes les élections • Article 82 de la loi n° 03/94 du 21 novembre 1994 portant Code du travail, modifiée par la loi n°12/2000 du 12 octobre 2000, soit de l'article 269 à l'article 294. <p>Article 13 du décret n° 01495/PR/MAEPDR fixant le statut juridique de l'exploitant agricole et de l'exploitation agricole en République gabonaise.</p>
6.5	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Article 174 of the Labor Code
6.6	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Article 26 of the Labor Code. • Article 104 of the Labor Code • decree No. 663 / PR / MTPS of July 5, 1972 supplementing Decree No. 277 / PR-MT of May 31, 1968 regulating the employment of foreign workers. • Order n ° 2473 / PMMTPS of November 08, 2011 on the creation, attribution, organization and functioning of a unit for verifying the effectiveness of the application of Law n ° 05/86 of June 18, 1986 setting the admission regime and residence of foreigners in the Gabonese Republic <p>Decrees n ° 00277 of May 31, 1968 and 00663 of July 5, 1972 regulating the employment of foreign workers</p>
6.7	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Gabon Labor Code • Act No. 12/2000 of October 12, 2000 relating to occupational health and safety (Art.197) • Code of Social Security. (Art.220). • Chapter 4 of the Labor Code • Article 3 of Decree No. 01494PR / MTEPS of December 29, 2011 determining the general rules of hygiene and safety in the workplace. • Paragraph 2 of article 19 of decree n ° 01494PR / MTEPS of 29 December 2011 determining the general rules of hygiene and safety in the workplace. • Article 87 of decree n ° 01494PR / MTEPS of December 29, 2011 determining the general rules of hygiene and safety in the workplace • Article 246 of Decree No. 01494PR / MTEPS of December 29, 2011 determining the general rules of hygiene and safety in the workplace. • Article 247 of Decree No. 01494PR / MTEPS of December 29, 2011 determining the general rules of hygiene and safety in the workplace. <p>International : ILO Convention on Compensation for Workplace Injuries in the Agricultural Sector.</p>

<p>Principle 7. Protect, conserve and enhance ecosystems and the environment</p>	7.1	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Article 43 of Law No. 023/2008 on sustainable agricultural development policy
	7.2	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Art.42 of Law 23/2008 Decree 246 covering regulatory measures relating to the import, distribution and use of agrochemical inputs in Gabon Article 105 of Law No. 007/2014 of August 1, 2014 on the protection of the environment Article 107 of Law No. 007/2014 of August 1, 2014 on the protection of the environment Article 42 of Law No. 023/2008 of 10/12/2008 on the policy of sustainable agricultural development Article 2 of Order No. 2149 / PM / MAEDRDHM of November 30, 2004 establishing a Pesticides Approval Committee. Article 6 of Order No. 2149 / PM / MAEDRDHM of November 30, 2004 establishing a Pesticide Approval Committee Order No. 00515 / PM of July 27, 2010 setting the conditions for the import and use of pesticides and hazardous chemicals. <p>International : The Stockholm Convention on Persistent Organic Pollutants (POPs)</p>
	7.3	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Article 14 of Decree No. 000541 / PR / MEFPEPN of July 15, 2005 regulating waste disposal. Article 19 of decree n ° 000541 / PR / MEFPEPN of July 15, 2005 regulating waste disposal. Paragraph 3 of Article 21 of Decree No. 000541 / PR / MEFPEPN of July 15, 2005 regulating the disposal of waste.
	7.4	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> Article 52 of Law No. 007/2014 of August 1, 2014 on the protection of the environment Articles 70 to 73 of Law No. 007/2014 of August 1, 2014 on the protection of the environment Article 70 of Law No. 007/2014 of August 1, 2014 on the protection of the environment <p>Paragraph 2 of Article 73 of Law No. 007/2014 of August 1, 2014 on the protection of the environment</p>
	7.6	<p>Specific to Gabon: National Environmental Code (Law 007/2014 of August 1, 2014 on the protection of the environment - article 71)</p>

	7.8	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Article 68 of Law 007/2014 on the protection of the environment • Order 00198 / MRS / E / PN / CENAP relating to the determination of the admissible values of the elements to be considered in the assessment of the pollution of waste water • Articles 1, 4 and 5 of decree 039 / PR / MRSEPN of 10/01/79 • Decree No. 0541 / PR / MEFPEPN of July 15, 2005, regulating the disposal of waste, agricultural effluents and wastewater being considered as waste; • Articles 12 and 14 of decree n ° 0542 / PR / MEFPEPN of July 15, 2005, regulates the discharge of products into surface, underground and marine waters.
	7.10	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Article 42 of law 007/2014 • Articles 2 and 5 of Law No. 002/2014 of 01 August 2014 on the orientation of sustainable development
	7.12	<p>Specific to Gabon:</p> <ul style="list-style-type: none"> • Law no. 7/2014 of 1 August 2014 on the protection of the environment • The Code on Fisheries and Aquaculture • The Forest Code (Law no. 16/2001 of December 31, 2001) • The law on national parks (Law no. 03/07 of August 27, 2007) • The law on sustainable development (Law no. 002/2014 of August 1, 2014) • Gabon Forest Code (Art. 79 of Decree 0261 of August 1, 2014) • Article 70, Law n ° 16/2001 of December 31, 2001 on the forestry code in the Gabonese Republic. • Article 71 of Law No. 16/01 of December 31, 2001 on the Forest Code • Article 73 of Law No. 16/01 of December 31, 2001 on the Forest Code • Article 74 of Law No. 16/01 of December 31, 2001 on the Code • Article 86 of Law No. 16/01 of December 31, 2001 on the Forest Code • Law n ° 003/2007 of August 27, 2007 relating to national parks. • Article 3 of decree n ° 1032 / PR / MEFPEPN of December 1, 2004 fixing the methods for classifying and declassifying forests and protected areas. <p>International :</p> <ul style="list-style-type: none"> • The 1992 Convention on Biological Diversity • CMS • CITES • Algiers Convention of September 15 relating to the Convention for Natural Resources in Africa

Annex 4 – Implementation procedure for Indicator 2.3.2

Where the unit of certification has smallholder suppliers, for existing RSPO certified mills, the time requirement to fulfil this Criterion for all their smallholder suppliers is three years from [15 November 2018]. For mills that are not yet certified/ mills going for first year of certification, the time requirement is three years from initial point of certification for their smallholder suppliers.

Annex 5 – Transition from HCV to HCV–HCS Assessment

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e. adoption of the P&C at GA15) must be preceded by an HCV-HCS assessment. The Task Force recognises that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. This Annex shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

NO NEW LAND CLEARING SCENARIOS:

- Existing certified plantations, with valid HCV assessment approved before 15 November 2018
 - o Going for recertification → HCV assessment is acceptable
 - o Replanting → HCV assessment is acceptable
- Existing plantations, not yet certified at 15 November 2018, going for initial certification
 - o Without existing ALS Approved HCV Assessment → New combined HCV-HCS required
 - o With valid ALS approved HCV assessment → ALS Approved Assessment acceptable
 - Where certification is pending, as of 15 November 2018, because it has been held up by RACP or HGU processes, previous approved HCV assessment (RSPO and ALS approved), if they are not older than January 2009¹, will be accepted.
 - o HCV assessment submitted to ALS but pending approval before 15 November 2018
 - If passes ALS process, then the approved HCV assessment is acceptable;
 - If fails ALS process, new combined HCV-HCS assessment required
 - o Replanting → ALS approved HCV is acceptable

NEW LAND CLEARING SCENARIOS:

- In new plantations and in existing uncertified units, land clearing after 15 November 2018
 - o Without existing HCV assessment
 - New combined HCV-HCS required
 - o HCV assessment conducted, but not yet submitted to ALS before 15 November 2018
 - New combined HCV-HCS required
 - o HCV Assessment submitted to ALS but pending approval before 15 November 2018
 - If passes ALS process, then the approved HCV assessment is acceptable;
 - If fails ALS process, new combined HCV-HCS assessment required
 - o NPP initiated by 15 November 2018 and HCV assessment conducted and passes ALS before 15 November 2018
 - ALS Approved HCV assessment is acceptable
- In existing certified plantations (certified before 15 November 2018), with land clearing after 15 November 2018 → New combined HCV-HCS required
 - o If area to be cleared is exclusively pasture, infrastructure, agriculture or monocrop tree plantations which have not been abandoned for more than three years
 - Valid HCV assessment + LUCA to demonstrate that no clearing of native vegetation occurred without prior HCV assessment is acceptable.

¹ The date for first published list of RSPO-approved HCV assessors.

Annex 6 – Smallholders in Gabon

The palm oil sector in Gabon was initiated by the government in the 1970s through the development of two large scale plantations. Since then privatised, it is still relatively limited in size with only one company operating in the sector, and remains very much dominated by industrial scale operations. There are currently very few smallholders supplying industrial operators.

On the basis of the current structure of the sector in Gabon, the RSPO NI Working Group (NIWG) agreed unanimously during the National Interpretation validation workshop held in Libreville on 12/13 November 2015 to adopt the generic definitions of smallholders as stated by the RSPO¹, and copied below for reference.

The current NIWG confirmed the continued use of the prescriptions made in the national interpretation (NI) in 2017: the threshold defining a smallholder has been confirmed (area planted with palm oil less than or equal to 50 ha).

The NIWG updated the definitions for smallholders and Independent smallholders as defined in the new RSPO Independent Smallholders Standard (RISS). These are recalled below as reference:

Scheme Smallholders:

Smallholder farmers, landowners or their delegates that do not have the:

- enforceable decision-making power on the operation of the land and production practices; and/or
- freedom to choose how they utilise their lands, type of crops to plant, and how they manage them (how they organise, manage and finance the land)

Independent smallholders:

All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders below] are considered Independent Smallholder farmers

Gabon has agreed to adopt the new RSPO Smallholder Independent Standard (RISS), setting the requirements for group certification of independent growers. The unit of certification should provide support to small FFB producer suppliers in order to get them to adhere to operational procedures. Standard operating procedures must be reviewed annually if necessary.

Note: A national programme recently launched by the government in order to develop the Gabonese agricultural sector (GRAINE) is focusing on promoting a national production of food- and cash crops (including oil palm) and may have an impact on the above decisions made by the NIWG regarding the certification of independent oil palm producers in Gabon.