

Terms of Reference
Indonesia National Interpretation High Conservation Value Task Force
(INA NI – HCVTF)

Background:

For Roundtable on Sustainable Palm Oil (RSPO) member plantations, as mandated by the association's code of conduct, it is mandatory to produce and trade palm oil in a sustainable manner. Sustainable palm oil production is defined as production practices which meet RSPO Principles and Criteria for Production of Sustainable Palm Oil.

RSPO Principles and Criteria are developed to, among others, mitigate the negative impacts of oil palm plantations on the environment and social conditions, as well as to strengthen the legality of Plantation Management Unit's activities.

Indonesia National Interpretation (INA NI) is a part of generic document of RSPO (Roundtable on Sustainable Palm Oil) Principles and Criteria for Sustainable Palm Oil Production 2013, which is used as guidance to implement and certify Sustainable Palm Oil Production in Indonesia. The national interpretation is prepared by the Indonesian National Interpretation Taskforce (INA NITF), which comprised of multi stakeholders, such as oil palm grower, supply chain, social and environmental NGO and smallholder. The INA NI was endorsed by the RSPO Board of Governors meeting on 30 September 2016.

To mitigate negative impacts on the environment and social conditions, RSPO P&C has adopted the High Conservation Value Forest (HCVF) concept developed by the Forest Stewardship Council (FSC). Through this adoption there are changes to the HCVF concept from important values contained within forests into important values contained within forests, plantations, and areas surrounding plantations which are impacted by plantation and mill management. Therefore the term is transformed from HCVF into High Conservation Area (HCVA).

Within RSPO Principles & Criteria (P&C) are Criteria 5.2 and 7.3 which are explicitly related to HCV. Criterion 5.2 mandates Management Units (MU) to identify HCV areas within plantation and around MUs which could be affected by plantation or mill management. If HCV identification results finds an HCVA within or around the plantation then MU must develop a Standard Operational Procedure (SOP) to maintain or if possible enhance this value. Meanwhile, Criterion 7.3 mandates MU to ensure that new plantings do not replace primary forest or any area required to maintain or enhance or more HCVs into plantations. This point is supported by the RSPO New Planting Procedure which requires MU to identify HCV prior to development activities to avoid HCV conversion during new plantings.

In the last meeting between INA NITF, Standard & Certification Steering Committee (S&CSC) and RSPO Secretariat it was agreed that RSPO Representative Office Indonesia (RRO Indonesia) together with Indonesian members to develop among others:

1. A comprehensive and up to date list of laws but more importantly a document that highlights the most important 'consequences' of those laws including the issues around legality of land title.
2. A TF under the BoG including the Indonesian Grower representative and NGOs must work with the Secretariat and the BHVCWG to develop an addendum to the NI to clarify how growers and millers can comply with the RSPO P&C requirements on avoiding clearance of primary forests and of areas needed to maintain or enhance HCVs (notably 5.2, 7.3) while complying with applicable national and international laws (2.1) within a year

In order to ensure the requirements of HCV in RSPO P&C are implemented within the corridor of Indonesian laws and regulations, further guidance to the INA NI needed to be developed by Indonesian stakeholder. Therefore, RSPO is now calling the establishment of the Indonesia National Interpretation High Conservation Value Task Force (INA NI – HCVTF).

Objective:

1. To develop an addendum to the NI to clarify how Indonesian growers and millers can comply with the RSPO P&C requirements on avoiding clearance of primary forests and of areas needed to maintain or enhance HCVs (notably 5.2, 7.3) while complying with applicable national and international laws (2.1).
2. To give clarity and recommendation with regards to legality issue around land title for management of HCV area
3. To avoid clearance of primary forest for new plantings

In developing the guidance, the task force will be referring to the following existing documents on HCV (but not limited to):

- a. Management and Monitoring Guidance of HCV Area for the Production of Sustainable Palm Oil in Indonesia that was produced by the INA HCV Working Group.
- b. HCV Toolkit for Indonesia that is being produced by *Jaringan NKT Indonesia* (Indonesia HCV Network)
- c. Common Guide for HCV Identification (September 2013) by HCVRN
- d. HCV Area Management and Monitoring Guidance by HCVRN
- e. INA NI RSPO P&C 2013
- f. RaCP on loss of HCV 5 and 6

Scope of Work:

- a. To initiate Focus Group Discussion with Indonesian growers and/or all relevant stakeholders
- b. Upon completing the discussion, the taskforce will then develop relevant sets of guidance for fulfilment of HCV requirements in Indonesia taking into account the laws of Indonesia, any cultural and/or traditional considerations specific to Indonesia to ensure that local legal realities are adequately accommodated to allow companies to both comply with national laws and RSPO P&C; The guidance will be on : Panduan Pengelolaan dan Pemantauan Kawasan Bernilai Konservasi Tinggi Untuk Produksi Minyak Sawit Berkelanjutan di Indonesia
- c. Review what extra guidance may be needed to which are specific to Indonesia to be added into this INA NI related to HCV area and primary forest
- d. Communication and coordination with BHCVWG

Output

1. Document on Panduan Pengelolaan dan Pemantauan Kawasan Bernilai Konservasi Tinggi Untuk Produksi Minyak Sawit Berkelanjutan di Indonesia
2. Provide extra guidance may be needed to which are specific to Indonesia to be added into this INA NI related to HCV area and primary forest (if any).

Representation:

The task force will comprise of 16 substantive members, with representation that reflects the sectoral composition of RSPO: 6 growers, 3 from environmental NGOs, 3 from social NGOs, 2 from smallholders and 2 from supply chain & financial institution. There will be two Chairperson (Co-chairs) selected by the members of the Task Force. The Task Force will also be supported by RSPO Technical Manager Indonesia and work together with the RSPO Secretariat and communicate/coordinate with RSPO Biodiversity and High Conservation Value Working Group (RSPO BHCVWG).

The representation of the task force will be considered final if even after active consultation and engagement there are no available candidate from the list above.

Each task force members (substantive) can nominate an alternate to act on his or her behalf at the meetings, undertaking consultation or commenting on draft documents. It is the responsibility of the

substantive member to inform the RSPO Secretariat and the facilitator, the name of his/her alternate. Alternate should come from the same organization. The alternate should be nominated for the entire task force process and should be changed only in exceptional circumstances.

Roles of the Co-chairs

1. To lead all meetings of INA HCV TF for ensuring achievement of the objective and that they are duly conducted in accordance with the requirements of:
 - a. INA HCV TF Terms of Reference
 - b. Code of Conducts for the INA HCV TF
2. To maintain proceedings in good order and to verify that transparency is maintained throughout the process to achieve objectives of the taskforce
3. Liaise with BHCVWG co-chairs and all relevant parties

Roles of the INA HCV TF members

1. Individual members must strive to meet the objectives of the INA HCV TF set out above
2. Attend the physical meetings and additional meeting if required
3. Actively participating in all discussions of the INA HCV TF on behalf of their constituent groups
4. Consulting with their constituent not directly represented in the INA HCV TF and ensuring that their views are expressed within the discussions
5. Seeking to build consensus within the INA HCV TF on how to address any issue that arises
6. There are to be no sitting allowances or other personal expenses.

Additional Participation:

The Task Force may also invite external parties such as consultants, experts on the subject matter and representatives of certification bodies to participate in the Task Force discussions. The task force may also invite observers to participate in the discussions of the task force. Observer will only participate upon request of the Task Force to provide input as and when required by the TF. The External Party (ies) shall not participate in any decision making within the TF.

Basic Workflow

The task force members will convene at least once every quarter. However in the initial stages when there are many issues that require quick action, more frequent discussions need to take place. During this time, the task force members may need to convene once every month and/or as and when required.

The task force meetings will be coordinated by the facilitator and RSPO Secretariat.

Recommendations and outputs from the task force will be submitted to the Secretariat and the BHCVWG and to be tabled to the Board of Governor (where necessary).

The Task Force shall deliver the completed guidelines within a duration of twelve (12) months from the formation of this task force.

Decision Making

The Task Force will make decisions based on consensus as the highest priority. For this process, consensus will mean:

General agreement, characterised by the absence of sustained opposition to substantial issues by any Taskforce member with voting rights and by a process seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments.

Note that consensus does not imply unanimity.

Supporting

In their activities, the INA HCV TF will be supported by a Facilitator and RSPO Technical Manager Indonesia. The role of facilitator will be as follow:

1. Plan, prepare and facilitate the process of physical meetings
2. Provide guidance to the co-chairs and members of the INA HCV TF on meeting and procedures
3. Produce minutes of meetings and make accurate records of agreed guidance
4. Together with RSPO Secretariat, facilitate the process of public consultation
5. With INA HCV TF co-chairs, liaise with the RSPO Secretariat to ensure full transparency and completeness of all documents for posting on the RSPO website

Timeline for the Delivery of Expected Output:-

Time	Deliverable
1 st Meeting 3 April 2017	
2 nd Meeting (2 days) 20-21 April 2017: Bogor	Day 1: Issue Mapping and Lesson Learn (Members) Day 2: Cross referencing with existing guidance
3 rd Meeting (full day) 16 May 2017	Expert Review and Input (Facilitator's recommendation based on issues in 2 nd meeting) Legal Review Presentation
17 Juli 2017 (Sirkulasi)	Cross referencing Guidance Man-Mon (Existing draft vs HCVRN) oleh Konsultan
TBC	Korespondensi dengan BHCVWG
5 th Meeting (3 hari) 25-27 July - Bogor	Guidance document drafting (Draft 1) Mempersiapkan spesifik isu untuk Expert consultation (refer to hasil 8/06 dan guidance)
TBC	Expert Consultation (incl DSLA)
TBC	Final Drafting for Public Consultation (Draft 2)
6 th Meeting 22 Agustus 2017 (physical) 20 July – 20 Sep (online)	Public Consultation (physical and online) - RSPO Members (non TF) - Akademisi - HCV Assessor - JNKTI - NGO (selected) - CB - HCVRN
7 th Meeting (2/3 hari) 26-28 September 2017	Draft revision based on Public Consultation's input (Draft 3)
8 th 9 – 19 October 2017	Field Trial - Existing Plantation (Acquisition vs Non-acquisition) - New Plantation - Smallholder
9 th Meeting (2 days) 24-25 October 2017	Document Finalization based on the field trial result.
10 th 1 Nov 2017	Submission to RSPO Secretariat

Upon submission, tentatively, the INA HCVTF will re-convene to review and revise the guidance document as per the inputs from BHCVWG.

List of INA HCV TF Members and Alternates

No	Category	Substantive		Alternate	
		Name	Organization	Name	Organization
1	Growers	Ismu Zulfikar	SMART	Firmansyah	SMART
2		Donald Ginting	First Resources	Bambang Dwi Laksono	First Resources
3		Dr. Gan Lian Tong	Musim Mas		
4		Syahrial A. Harahap	Wilmar	Moch. Dasrial	Wilmar
5		Watik Tri Kusuma	PT. DSN, Tbk	Agus Subianto	PT. DSN, Tbk
6		Wilton Simanjuntak	Goodhope		
7	Environment NGO	Cahyo Nugroho	FFI	Arief Hamidi	FFI
8		Putra Agung	WWF		
9		Jamartin Sihite	BOSF	Eko Prasetyo	BOSF
10	Social NGO	Feybe Lumuru	LINKS	Aditya K Wardhana	LINKS
11		Rukaiyah Rafiq	Yayasan SETARA Jambi	Adhe Ferdiansyah	Yayasan SETARA Jambi
12		Agustinus Karlo LR	Sawit Watch		
13	Supply Chain & Financial Institution	Triyanto Fitriadi	IFC	Helen D. Lumban Gaol	IFC
14		Yunita Widiastuti	Cargill		
15	Smallholders	Narno	Asosiasi Amanah	Edi Sumarmin	Asosiasi Amanah
16		Jalal Sayuti	Gapoktan Tanjung Sehati	Solikin	Gapoktan Tanjung Sehati

Jakarta, 4 April 2017

Indonesia HCV Taskforce

Ismu Zulfikar
Co-chairs

Cahyo Nugroho
Co-chairs