

No Deforestation Joint Steering Group (NDJSG)

Call 4 (23 November 2020)

Meeting notes

| Name | Organisation |
|-------------------------------|----------------------------|
| Audrey Lee | Olam |
| Charlotte Opal | Earthworm |
| Emily Kunen | Nestle |
| Gemma Tillack | RAN |
| Hendi Hidayat | GAR |
| Jenny Walther-Thoss | WWF |
| Laszlo Mathe | NBPOL |
| Laure Gregoire | Alliance Forets |
| Lee Kuan-Chun | P&G |
| Marcus Colchester | FPP |
| Melissa Thomas | Conservation International |
| Petra Meekers | Unilever |
| Sander Van Der Ende | SIPEF |
| Surina Ismail | IOI |
| Darren Brown | HCSA Secretariat |
| Julia Majail | RSPO Secretariat |
| Amir Afham | RSPO Secretariat |
| Absent with apologies: | |
| Anne Rosenbarger (AR) | WRI |
| David Burns (DB) | NWF |
| Grant Rosoman (GR) | Greenpeace |
| Ibrahim Gulagnar (IG) | SPKS |
| Laure D'Astorg (LG) | Alliance Forets |
| Mike Senior (MS) | Proforest |
| Sabaruddin (SBD) | SPKS |

| No | Item | Action/Decision points | | | | | | |
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| 1 | <p><u>Review of previous call notes</u></p> <ul style="list-style-type: none"> The meeting notes for call #3 were reviewed by the NDJSG with no further additions to the notes | <p>Action point: RSPO secretariat to upload approved meeting notes to the RSPO website</p> | | | | | | |
| 2 | <p><u>SSC decision on NDJSG</u></p> <ul style="list-style-type: none"> The RSPO secretariat gave a short briefing on the Standard Standing Committee (SSC) decision regarding the NDJSG. Decision as follows: <table border="1" data-bbox="315 461 1220 932"> <thead> <tr> <th data-bbox="315 461 582 517">Discussion Item</th> <th data-bbox="582 461 1220 517">SSC Decision</th> </tr> </thead> <tbody> <tr> <td data-bbox="315 517 582 738">Progress of development of the procedures for HFCC</td> <td data-bbox="582 517 1220 738"> <ul style="list-style-type: none"> The NDJSG shall have meetings (recommended 2-3) until 31st December 2020 to resolve its issues and start development of the procedures. SSC shall review the NDJSG after the provided deadline </td> </tr> <tr> <td data-bbox="315 738 582 932">SSC review</td> <td data-bbox="582 738 1220 932"> <ul style="list-style-type: none"> The SSC shall review the effectiveness of the group and shall decide whether a restructuring of the NDJSG is required and how RSPO shall move forward in developing the procedures mentioned in indicator 7.12.3 of the P&C 2018. </td> </tr> </tbody> </table> <ul style="list-style-type: none"> A question was raised regarding the recommended meeting number (2-3 meetings) and whether failure to meet the recommended number would affect the review. RSPO secretariat responded that the intent was to review the progress of the NDJSG and whether it was able to find agreement regarding the sticking issues (see item 6) to be able to develop the HFC and legacy procedures, not the frequency of meetings. | Discussion Item | SSC Decision | Progress of development of the procedures for HFCC | <ul style="list-style-type: none"> The NDJSG shall have meetings (recommended 2-3) until 31st December 2020 to resolve its issues and start development of the procedures. SSC shall review the NDJSG after the provided deadline | SSC review | <ul style="list-style-type: none"> The SSC shall review the effectiveness of the group and shall decide whether a restructuring of the NDJSG is required and how RSPO shall move forward in developing the procedures mentioned in indicator 7.12.3 of the P&C 2018. | |
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| 3 | <p><u>Approval of Decision-making process</u></p> <ul style="list-style-type: none"> RSPO secretariat highlighted one addition since the last version based on the comments received from the NDJSG: | | | | | | | |

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| | <ul style="list-style-type: none"> ○ Addition of examples of related information and documents to be provided to NDJSG members not present during a meeting/call specifically on items requiring decisions by the NDJSG ● The group was reminded of the intent of this document; to provide alternate pathways for the group to decide on items outside of meetings/calls, considering the limitation on the availability of members for NDJSG calls. ● The NDJSG approved and finalized the decision-making process (refer attachment 1) | <p>[Action Point] RSPO secretariat to circulate final version to the NDJSG members</p> |
| 4 | <p><u>Review of the Elevate questionnaire draft</u></p> <ul style="list-style-type: none"> ● The group worked through the comments on the Elevate questionnaire. Some observations and comments made by the group are as below: <ul style="list-style-type: none"> ○ Several questions within the questionnaire were confusing and unclear in terms of the intent and the expected information to be obtained from it. ○ It was agreed that some questions targeted for all stakeholders were too technical in nature particularly for communities. ○ One question regarding the potential negative impacts of new migrants was commented as being a leading question which in combination with a rank order type answer limited the ability for the respondent to answer. ○ Addition of new questions to several parts of the questionnaire, as some sections made assumptions (e.g. company involvement in IP/LC development) without asking the opinions of the respondents on the topic. ● Due to limited time, the group was not able to complete reviewing all the feedback from respective members. It was agreed that the RSPO secretariat will highlight sections which the group has not reviewed and recirculate to all NDJSG members. ● It was agreed that the questionnaire will be revisited and finalised in the next NDJSG meeting | <p>[Action point] RSPO secretariat to clean up the document, highlight areas which have not been reviewed by the group and recirculate to the NDJSG members</p> <p>[Decision point] The questionnaire content is not approved. NDJSG to continue reviewing the content and finalise in the next meeting.</p> |
| 5 | <p><u>Approval of “legacy cases” as proposed by RSPO</u></p> <ul style="list-style-type: none"> ● The HCSA secretariat briefed the group on the feedback obtained by HCSA on the proposed definition of legacy cases. Issues raised are as below: <ul style="list-style-type: none"> ○ Proposed change regarding the use of the term “non-RSPO members” to denote companies wishing to join RSPO to “applicants for RSPO membership” | |

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| | <ul style="list-style-type: none"> ○ It was proposed that one of the criteria for companies to qualify as a legacy case be changed to specifically require “signed agreements” as opposed to “existing agreements” in the original text as it would align with the HCSA legacy case procedure and be easier to evaluate and verify the legacy cases. ○ Request to add a list of the 7 HFCC’s within the landscape section of the definition. ○ Align the language used within the definition with the P&C 2018, where possible ○ To separate the bullet points mentioning the cut off dates for both clearance without a HCV assessment, and without a HCSA assessment in the “company activity” section. <ul style="list-style-type: none"> ● A concern was raised regarding the proposal of changing the eligibility requirement to requiring “signed agreements” as the RSPO new planting procedure did not specifically require signed agreements with communities, however the Free Prior Informed Consent (FPIC) process is checked by Certification Bodies (CBs) before an NPP is submitted to RSPO for approval by RSPO. ● It was proposed the RSPO secretariat confirm the requirements of the RSPO NPP and revert to the group. ● A few points raised that require further discussion by the NDJSG are: <ul style="list-style-type: none"> ○ Revision of eligibility requirement regarding the cut-off dates – To use the P&C 2018 cut-off dates or the date NDPE policy declaration by a company (if available), whichever earlier. ○ Eligibility of companies which have cleared HCVs post 2005(before becoming members) and are currently going through or have completed the RaCP. ● Decision for the approval of the definition was not done to incorporate and further discuss the comments provided by HCSA and also due to the specified quorum for decision making not being met. | <p>[Action Point] RSPO secretariat to check the requirements of the NPP regarding agreements with communities and indigenous peoples and revert to the NDJSG.</p> <p>[Decision point] NDJSG to discuss the definition in the next meeting.</p> |
| 6 | <p><u>Discussion of sticky issues relating to 7.12.3</u></p> <ul style="list-style-type: none"> ● The NDJSG discussed critical issues which were yet to be discussed in detail and mutually agreed by the group, being: | |

- HFC procedure & P&C 2018
- Allowance of limited development (i.e. YRF onwards) within HFCLs within HFCCs for +ve impact to IPs/LCs
- RSPO secretariat provided a brief on the history of how this issue was highlighted and some considerations from the RSPO secretariat perspective for the group to consider.

HFC procedure and P&C 2018

- RSPO secretariat briefed the group that the HFC procedure is found within indicator 7.12.3 the P&C 2018; a standard designed for large scale OP development inclusive of Scheme/Independent Smallholders through group certification. The goal of applying the HFC procedure would be certification under the P&C 2018. In both instances the involvement of companies should be allowed.
- It was raised that there needed to be a clear intention of the RSPO and its members with regards to NDJSG and the HFC procedures. The group should clearly indicate who are the users of the procedures, IPs/LCs or companies.
- Also mentioned was whether it was possible for the simplified checklist for smallholders developed by HCSA be used for the purpose of IPs/LCs.
- The RSPO secretariat responded that a similar tool to the SH checklist developed by HCSA is also being developed by the RSPO through its IS-NDTF, however it is limited to the RSPO Independent Smallholder Standard.
- RSPO secretariat also added that intent of the earlier statement (point 1) was not to limit the use of the HFC procedures only for larger companies (with involvement of IPs/LCs), however to highlight the current use of the P&C 2018 where companies are also involved in varying degrees of relationships. However, if IPs/LCs wished to use the P&C 2018 without involvement of companies, that should be accepted.
- The point on allowing IPs/LCs to decide company involvement and what type of relationships they wish to have with companies was supported by another member. It was added that the questionnaire also includes questions types of assistance required, and the procedures should let IPs/LCs decide and not limit the procedure to either requiring companies or not allowing companies to assist.

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| | <ul style="list-style-type: none"> • The group agreed that this item required further discussion by the group. It was proposed that members discuss with their respective sectors/caucuses and continue this discussion in later meetings. • A member added that these issues were also discussed in the P&C TF during the development of indicator 7.12.3. It was suggested that the RSPO secretariat to share any minutes or discussion notes related to this. • A member raised a point that previous discussions during the P&C development the emphasis was to give priority to IPs/LCs by providing more decision-making powers on developments within their lands. The intent was to provide an alternative development model which prioritises the benefits to IPs/LCs if limited deforestation is allowed to take place in HFCCs. • Another member added that the group should look at obtaining material in regard to the different models (scale, relationships) and options of OP development available to IPs/LCs, specifying the benefits, impacts and costs pertaining to each model. These models then would be communicated to IPs/LCs for them to weigh and decide on the options most suitable for them. • The co-chair added that most of the NDJSGs current discussion revolves around the relationships between companies and IPs/LCs, and the options available to them. However, it has not discussed on the process on how it is done. Due to time limitation, it was proposed that this would be deferred to the next meeting. • A clarification was requested from the group whether it is in agreement on who is the targeted user of the HFC procedure, whether it is exclusively for IPs/LCs, and that priorities of the procedure is for them. It was also requested to clarify whether the group agreed on the possible scenarios leading to OP development, such as: <ul style="list-style-type: none"> a. small/micro scale OP development done exclusively by IP/LC b. small/micro scale OP development done by IP/LC with limited assistance from companies c. small/micro scale OP development by IP/LC with full assistance (development and management) from companies | <p>[Action Point] RSPO secretariat to share any available meeting minutes and or notes regarding development of indicator 7.12.3 with the NDJSG</p> |
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d. Any overlap/combination of the 3 scenarios mentioned above.

- Co-chair responded that the group has yet to decide on this, however this can be circulated for further discussion by the group.
- A member added that it would be best to refer back to the discussion notes of the P&C TF to ensure that the group is clear on the intent and scope of the indicator, as changes to the scope of the P&C would require the NDJSG to provide feedback to the RSPO Standard Standing Committee and Board of Governors.
- The RSPO secretariat clarified that the P&C 2018 can be used by any stakeholder (e.g. smallholders, scheme, big growers etc.), however in indicator 7.12.3, it mentions specific procedures for both legacy cases and development by IPs/LCs. Legacy cases can be used by any stakeholder using the P&C 2018 for certification, while the HFC procedures (i.e. development by IPs/LCs) is to be used if development is done by IPs/LCs.
- It mentioned that the issue was complex, and hard to discuss and/or decide without some clear examples or scenarios what the group is deciding on. It was proposed that a set of scenarios be presented to the NDJSG so it can be tabled to facilitate the discussion.

Allowance on limited development within HFCCs

- The RSPO secretariat briefed the group on the context of 7.12.3, being very specific for development in HFCLs within HFCCs. For development within HFCCs but in fragmented landscapes, 7.12.2(b) is applicable -i.e. HCSA toolkit for identification of HCS forests.
- A member highlighted that the HCSA is very clear in its stand that it would not change the toolkit and/or change the thresholds for HCS forests (i.e. YRF onwards) whether its within a HFCC, HFCL or fragmented landscape. It was further highlighted that the simplified SH checklist was developed by HCSA for Smallholders and IPs/LCs, and something the group could consider for the HFC procedures.

[Action Point] RSPO secretariat and NDJSG members to provide scenarios based on the existing development cases in HFCCs

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| | <ul style="list-style-type: none"> • A question was raised regarding the intent of the ‘specific’ procedures mentioned in indicator 7.12.3. Was it to allow easier identification of HCS forests (i.e. similar to the intent of the simplified SH checklist developed by HCSA) for IPs/LCs, or is it to allow limited deforestation by them. • A member responded that in previous P&C taskforce it was discussed whether the indicator would be more explicit in the intent to allow limited deforestation for development by IPs/LCs, as there were discussions revolving around the need for limited deforestation for poverty alleviation purposes and where genuine benefits can be assured for IPs/LCs. • RSPO secretariat added that based on feedback gained from previous P&C TF members involved in the discussion of criteria 7.12, the intent was to allow limited development in two scenarios, being: <ul style="list-style-type: none"> ○ Legacy cases, similar to the legacy case procedure allowed by the HCSA; and ○ Development by IPs/LCs, where it is found the development benefits them and improves their livelihoods. • Another member agreed with the statement of the previous NDJSG member and added that during that time there was difficulty in agreeing what would be defined as forests as well. The member reemphasized the need to refer back to the discussions of the previous group to provide more clarity to the NDJSG. • It was suggested by another member that current HCSA stand refers to any changes to the toolkit at this current time. It was proposed that the NDJSG be given 2 years develop and implement a procedure for development by IPs/LCs without allowing limited deforestation, and if it was found unfeasible or not bringing benefits to them due to these limitations, to bring this back to HCSA for further discussion. • It was added that the discussion notes from the previous P&C TF were limited to RSPO members, and if found that the intent was to allow limited deforestation, it would not mean a consensus within the NDJSG. However, it would be a good starting point for the group to understand the intent and for the group to move forward with development of the procedure for IPs/LCs | |
| 7 | AOB Proposal for study | |

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| | <ul style="list-style-type: none">• A member proposed that a desktop study be conducted regarding the existing models and scales of Oil Palm development in West Africa. This information would be useful further down the road in informing IPs/LCs the different options available to them and the benefits, impacts and costs tied to each specific model/scale. <p>Next meeting</p> <ul style="list-style-type: none">• It was suggested that the next meeting be conducted before the Christmas holidays. The 3rd week of December (14-18) was proposed | <p>[Decision point] The NDJSG to discuss and agree on the proposal to conduct the study</p> <p>[Action Point] RSPO secretariat to circulate doodle poll for the proposed week of December.</p> |
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