

MINUTES OF MEETING
Expert Group for ISH FPIC

Time : 1700- 1800 (MYT)
Date : Thursday, 04 June 2020
Venue : ZOOM Call

Attendees:

	Name	Initial	Organisation	Representation Category
1.	Madeleine Brassier	MB	Oxfam Novib	SNGO
2.	Ahmadou Cisse	AC	Solidaridad West Africa	Smallholder (Africa)
3.	Hendi Hidayat	HH	Sinarmas Agri	Processors & Traders (Indonesia)
4.	Marcus Colchester	MC	Forest Peoples Programme	SNGO
5.	Mohamed Kamara	MK	Planting Naturals (Africa)	Smallholder (Africa)
6.	Julia Majail	JM	RSPO Secretariat	
7.	Kamini Visvanathan	KV	RSPO Secretariat	
8.	Guntur Cahyo Prabowo	GP	RSPO Secretariat	
9.	Dede Herland Vitajaya	DH	RSPO Secretariat	
10.	Prasad Vijaya Segaran	PV	RSPO Secretariat	
11.	Krishna Jeyabalan	KJ	RSPO Secretariat	

Agenda:

17:00 – 17:10pm	Welcome and Introductions
17:10 – 17:30pm	Clarification on Roles and Responsibilities of the Expert Group <ul style="list-style-type: none"> • Scope of advisory role
	Consultant selection
17:30 – 17:50pm	The development of the Simplified FPIC Guidance <ul style="list-style-type: none"> • Scope and what should be addressed in the guidance document
	Reference documents: <ul style="list-style-type: none"> • Existing FPIC Guide 2015 • FPIC training module 2019 (by FPP) • RSPO Sustainability College Modules on FPIC • Assessing FPIC for New Planting Procedures • Other relevant materials - to discuss
17:50 – 18:00pm	Moving forward -How can ISH comply with current FPIC requirements interim measure
18:00pm	Meeting Adjourned

No.	Description	Action Points (PIC)	Progress / Remarks
1.0 Introduction			
	<p>KJ welcomed all attending members and informed them that this virtual meeting serves the first meeting and provided a brief of the agenda.</p>		
2.0 Clarification on Roles and Responsibilities of the Expert Group			
	<ul style="list-style-type: none"> ● As a start to clarify the roles and responsibilities of the Expert Group, the Terms of Reference was briefly presented by KJ. ● Areas that require the attention of the members were highlighted. ● MB provided feedback on the representation of the group in regards to the Latin American region. ● As a follow up to the composition, it was recommended that the group ensures feedback is obtained from every region for the development of the Simplified FPIC for ISH ● Clarification was sought by HH on the scope of the FPIC model being developed. It is for existing land and new plantations, not a New Planting Procedure (NPP) for smallholders as the existing FPIC 2015 guide caters to NPP requirements. ● KJ provided clarification that FPIC is a requirement for Criteria 2.1 and 2.5 of the RSPO ISH Standard <p>Clarification of Roles and Responsibility</p> <ul style="list-style-type: none"> ● KJ requested for the group to provide feedback on the possibility of expanding the responsibility beyond providing advice. The expansion will allow the Expert Group to ensure advice given is taken and the direction of the development adheres to the ToR. ● MB mentioned that the advice/recommendation that will be formulated by the Expert Group should not be put aside for any reason by the SHSC or SSC as the advice is carefully prepared. The advice needs to carry weight. ● JM indicated an agreement needs to be in place for the mandate of the secretariat to decide on certain matters and that the decision making from the Expert Group covers technical matters of the development. ● MB proposed for the alteration of section 5. Roles and Responsibilities of the ToR as the mention of the Expert Group merely reporting its finding to the SHSC and SSC is light and 		

	<p>passive.</p> <ul style="list-style-type: none"> ● It was agreed to amend section 5 to include “The reported findings will be inclusive of recommendations that will result in an informed decision making process”. ● MB suggested decision making to be included in the timeline of the development. ● The matter of smallholder representation was brought up by KJ in regards to feedback and view. As a result of this, MB proposed for webinars to be included to ensure smallholder views are included. ● It was clarified that the webinar suggested can be part of the public consultation. ● KJ indicated that the ToR for the Expert Group will be updated to reflect the agreed amendments. 	<p>KJ to amend ToR</p>	<p>Completed</p>
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2.1 Development of the ISH Simplified FPIC Guide

	<ul style="list-style-type: none"> ● KJ mentioned, as of now, a concrete structure is not in place. Expert group members were requested to provide feedback on core requirements that should be included for the development. ● MC mentioned the need to acknowledge that some of the changes made in the P&C 2018 when it was adopted need to be considered as well as adjustments that are not relevant to smallholders. The no deforestation requirement is important. Despite a separate guidance being developed for the HCSA toolkit, FPIC is an important aspect of the HCSA approach. MC also highlighted the challenge in this as it is still fairly new in the RSPO system. ● MC provided a brief explanation of the flow chart that was initially developed to depict who FPIC is not applicable to. ● Clarification was requested by PV on the rationale of the cutoff date of 20 years (If the ISH has owned the land for more than 20 years). ● MC agreed, more clarity should be provided for the cutoff date and it should be a point of discussion. ● HH provided clarity for the Indonesian context. There is a regulation named “TORA” that mentions 20 years as a cutoff date. If the farmer can prove that land being occupied has been owned for more than 20 years, the government issues a license for the farmer to operate. This includes forested areas. HH mentioned, clarification is needed for this legislation. ● DH mentioned, based on the Local Interpretation meeting, there are some areas in Sumatera, whereby issues of overlapping legality occurred. Smallholders own land which overlaps with forest areas that are issued by the Ministry of 		
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	<p>Forestry.</p> <ul style="list-style-type: none"> ● MK provided a view of the land legality situation in Africa. It is mostly customary law issues. Sometimes customary laws go up to local authorities and for other cases, it is merely an understanding between families and witnesses are not required for verification. The challenge is in the form of proof of legality as required by RSPO. ● MK mentioned that the expert group should work closely with the consultant to ensure documents that are developed by the consultant should go through the expert group to ensure it can be best applied with regards to the different context of smallholders globally. ● MB pointed out, for women, land rights are more complicated as some countries do not recognize women as the owner of land despite cultivating on the land for more than 20 years. Proposed to include land rights for women in the ToR. ● KV proposed to include customs perspective (to not narrow it to legality) as many elements of FPIC might not necessarily be entrenched in legalities of most Palm Oil producing countries. Consideration of rights based approach to be included. ● AC mentioned that legality can also bring additional conflict based on field experience. Suggestion for RSPO to benchmark against other commodities schemes such as cocoa as smallholders grow other crops as well. ● Cost of legality is also an issue (e.g: cost of land title). Recommended for RSPO to open discussions/engagements with the governments, especially in Africa, due to the land issues. ● MC suggested, it should be made clear that the RSPO recognizes customary rights and that National Interpretations give due recognition for customary rights. 		
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2.2 Consultant selection

	<ul style="list-style-type: none"> ● This section was not covered in the meeting. ● Information on the ToR for the consultant was provided via email 	<p>KJ to Amend ToR for consultant</p>	<p>Completed</p>
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3.0 Moving forward -How can ISH comply with current FPIC requirements interim measure)

- KJ briefed on the current situation for Independent Smallholders moving towards certification. The official RSPO announcement states that smallholders are to use existing FPIC approach for applicable scenarios while the simplified FPIC approach is being developed. This is quite a challenge for the Independent Smallholders as the existing FPIC approach caters to large growers.
- MB posed the question on how RSPO regional offices are playing a proactive role in assisting Independent Smallholders for this matter.
- KJ clarified that RSPO is actively engaging with Independent Smallholders groups and providing guidance as best possible on how to comply with the requirements.
- GP clarified that the Local Interpretation Task Force is currently establishing a FPIC Team within the Task Force to address the challenges as well as integrating the final FPIC approach for smallholders. Some form of integration with the RSPO ISH standard needs to be looked at.
- KJ mentioned that RSPO is looking to ensure a standardized process is in place in the interim.
- MC suggested to use the flowchart (presented earlier) to verify how many of the new groups will be really needing to go through the FPIC process. Some form of assessment needs to be done on which groups are to carry out the full process. The risk is smaller if most of these groups have been on the land for a long period of time.

3.1 Meeting Adjourned

End of minutes