

# No Deforestation Joint Steering Group (NDJSG)

## 1<sup>st</sup> Physical Meeting

### Minutes of Meeting

Date : 15<sup>th</sup> April 2019  
 Venue : Aloft KL Sentral, Kuala Lumpur, Malaysia

Name	Organisation	Status
Surina Ismail (SI)	IOI	Substantive
Audrey Lee (AL)	OLAM	Substantive
Olivier Tichit (OT)	SIPEF	Substantive
Gemma Tillack (GT)	RAN	Substantive
Kiryssa Kasprzyk (KK)	NWF	Representative
Emily Kunen (EK)	Nestle	Substantive
Lee Kuan-Chun (LKC)	P&G	Substantive
Salahuddin Yaakob (SY)	RSPO Secretariat	Secretariat
Julia Majail (JM)	RSPO Secretariat	Secretariat
Khing Su Li (KSL)	RSPO Secretariat	Secretariat
Amir Afham (AAF)	RSPO Secretariat	Secretariat
Dial In:		
Patrick Anderson (PA)	FPP	Substantive
Anne Rosenbarger (AR)	WRI	Alternate
Laure D'Astorg (LD)	Cerelia/Alliance Forets	Substantive
Darrel Webber (DW)	RSPO Secretariat	Secretariat
Elikplim Agbitor (EA)	RSPO Secretariat	Secretariat
Mike Senior (MS)	Proforest	Alternate
Absent with apologies:		
Ian Orrell (IO)	NBPOL	Alternate
Laure Gregoire (LG)	Cerelia/Alliance Forets	Alternate
Marcus Colchester (MC)	FPP	Alternate
Jenny Walther-Thoss (JWT)	WWF	Substantive
Gotz Martin (GM)	GAR	Alternate
Charlotte Opal (CO)	Earthworm	Substantive
David Burns (DB)	NWF	Substantive
Melissa Thomas (MT)	CI	Alternate

Grant Rosoman (GR) Petra Meekers (PM) Sabaruddin (SBD) Ibrahim Gulagnar (IG)	Greenpeace Unilever SPKS SPKS	Alternate Alternate Substantive Alternate
---	--	--

No.	Item Descriptions	Main Discussion Points	Action Points	Progress Update
1.	Introduction of members and NDJSG (Objectives, scope etc)	<p>Secretariat welcomed all and gave opening remarks, followed by a round of introduction by all NDJSG members physically present and dialing in.</p> <p>Members were reminded of the history of how the NDJSG came to be and of the objectives and scope of the group.</p>		
2.	Appointment of Co-chairs	<p>Secretariat briefed members that in accordance to the NDJSG ToR, 2 co-chairs to be elected, with one co-chair from NDJSG members representing RSPO &amp; HCSA respectively.</p> <p>The group was shown the current composition of NDJSG members. It was noted that there were vacant seats to be filled. Member clarified that Gotz Martin (GAR) was selected as her alternate. Remaining vacant seats as follows: RSPO Grower alternate seat RSPO CGM alternate seat</p> <p><b>RSPO</b> PA expressed interest to be co-chair.</p> <p><b>HCSA</b> SI informed she had been selected as candidate for co-chair.</p> <p>No objection raised on both candidates as co-chairs. It was suggested that since the co-chairs represented different organizations (RSPO &amp;</p>	RSPO secretariat to email absent substantive members on appointment of co-chairs	Email sent on 2 <sup>nd</sup> May 2019

		<p>HCSA), it would be good to have alternates for both co-chairs to ensure balanced representation. All members agreed.</p> <p>A concern was raised that not all substantive (or their alternates) were present for the nomination of the co-chairs and their alternates. It was suggested that an email be sent to substantive members not present to get agreement on the election of co-chairs ONLY.</p> <p>Group proceeded to appoint alternates to the co-chairs. Nominations as follows:</p> <p><b>RSPO alternate</b> AL was nominated and accepted the nomination</p> <p><b>HCSA alternate</b> EK was nominated and accepted the nomination</p> <p>No objections from the group for both nominations.</p>		
3.	Discussion of Code of Conduct (CoC)	<p>The NDJSG ToR states that all members are required to sign the Code of Conduct. Prior to the meeting, the RSPO secretariat circulated copies of the NDJSG CoC based on the standard RSPO CoC to members, of which several concerns were raised.</p> <p>Group was briefed on concerns received by the RSPO Secretariat on the NDJSG CoC circulated prior to the meeting.</p> <p>A summary of the concerns raised by RSPO and HCSA members were presented to the group as below:</p> <ul style="list-style-type: none"> <li>a) Sharing of information and discussions of the NDJSG within respective organizations and caucuses and with external parties including constituencies, local communities and Indigenous Peoples.</li> <li>b) Clarification requested on the following clauses of the CoC: <ul style="list-style-type: none"> <li>i. The NDJSG members shall at all times ensure that their participation is consistent with and reinforces the positive public image of the RSPO</li> </ul> </li> </ul>	Group agreed that a sub-group be tasked to revise the CoC to reflect the discussions above within <b>1 week</b> of the meeting.	Comments received from a few members of the sub group. To be compiled and circulated to the group for agreement

		<ul style="list-style-type: none"><li>ii. All working group members is to understand that there is shared responsibility to ensure the good professional image and credibility of the RSPO and the NDJSG; and to further ensure that no member causes any reputational damage to the same</li><li>iii. Where NDJSG members have an <b>obligation</b> to share information related to the rights of the affected communities with them and with the organisations providing them with support, they may do so provided that they also inform the RSPO Secretariat and discuss it with the RSPO member concerned. This applies to information that RSPO members are required to share with affected stakeholders in line with RSPO's first Principle.</li><li>iv. In the event a need arises to communicate publicly or to stakeholders on outcomes or decisions made by the NDJSG, members will ensure the accuracy of the information and that the <b>interpretation</b> of all outcomes and decisions of the NDJSG are consistent with the consensus reached within the NDJSG</li></ul> <p>For (a), it was agreed that sharing with respective constituencies is allowed under Chatham house rules. Default rule for sharing of information is allowed without attribution to any individual person/organization. If at any point, the affected party expresses the wish not to allow specific information to be shared, this will be respected by all members of the NDJSG who chose to receive the information, noting that NDJSG members may recuse themselves from receiving the confidential information if otherwise.</p> <p>It was also agreed that the meeting minutes may be shared once it had been agreed and finalized by the group as opposed to individually taken notes.</p> <p>Proposal was given to also add in HCSA in the CoC where RSPO is mentioned, where appropriate, to reinforce that the NDJSG is a joint group.</p>		
--	--	---	--	--

		<p>A proposal was given and agreed to remove the text “Both organizations are named and will contribute to the positive images of RSPO &amp; HCSA” and replace it with ‘ All working group members are to understand that there is shared responsibility to work towards a good professional image and credibility of the NDJSG and strive to deliver the overall objectives of the group.’</p> <p>Some of the proposed changes were added/made concurrently to the ToR over the meeting.</p>		<p>CoC was further edited by the group, ultimately removing the paragraph altogether.</p>
4.	Review & endorsement of NDJSG ToR	<p>Secretariat has shared the ToR with group members before this physical meeting. Secretariat explained that the scope of NDJSG is for HFC landscapes within HFC countries, however comments were received saying that the group also needs to look at HFCL beyond HFCC.</p> <p>Group member commented that the HFCC concept was conceived during the P&amp;C review, predating the formal discussion with HCSA in which RSPO &amp; HCSA agreed to work together. It was suggested that the discussions by the group should not be limited to HFCCs and to keep the discussion more open, however keeping in mind the RSPO certification system stops at the country level to accommodate for respective country’s regulation and any legacy issues.</p> <p>Another group member added that this was discussed previously and received input from HCSA on this matter and a footnote is found in the ToR allowing more flexibility on the discussions on High Forest Cover Landscapes.</p> <p>It was added that there is a need for initial work to get clarity on what RSPO considers as HFCCs and relates to the P&amp;C 2018. The HCSA participation in the NDJSG is to support the decisions and votes cast by RSPO members, and do not intend to expand the conversation beyond the scope that had been voted on. It was understood based on the definitions available that countries such as Indonesia and PNG are excluded from the list of HFCCs. However, PNG is in the dialogue</p>		

around legacy cases within the HCSA HFCL working group and they are working on legacy case processes that relate to that region and some cases may include RSPO members that wish to do business with companies having NDPE commitments. It was further suggested that it would be beneficial to have follow up dialogues with the RSPO on list of countries that are/excluded within the scope of this group. After the list of HFCCs have been identified, the next process would be for the group to discuss what is considered as HFCLs within these HFCCs. Only after these have been clarified can the group identify relevant stakeholders in HFCL within HFCCs to include in the initial questionnaire to obtain a mandate to develop the procedures, and other future socialization efforts.

On harmonizing of RSPO P&C with HCSA legacy cases, Secretariat was asked by HCSA Secretariat if RSPO already have a guidance on this or is it upon NDJSG to create one. Group members clarified that the group would have to develop this procedure for RSPO and seek to align with the HCSA Legacy process that has been developed for HCSA members. The HCSA legacy procedure is targeted to be out in 2 weeks' time.

Group member inquired on the a separate process (referring to NDTF) currently taking place on the requirements for ongoing developments overlapping continuing beyond the November 2018 deadline and what were there other legacy cases from that process that is not covered by the existing transition document (referring to Annex 5). It was clarified that the processes looked at by the NDTF was only on the assessment requirements for the transition from HCV assessments to HCV-HCSA assessments, and that the current discussion of the NDTF was that any land clearing after the 15 Nov cut off date would require some form of HCS assessment (standalone or integrated). It was further clarified that the NDJSG would have to look at what happens next for those developments on HFCL within HFCCs and not what assessments were required.

		<p>The group agreed that since the NDJSG consists of two organisations with co-chairs from each, an alternate co-chair would also have to be included in the ToR to ensure balanced representation. A question was raised on the decision-making process for the NDJSG. It was clarified that the NDJSG will provide recommendations to the Standard Standing Committee whom will bring it forward to the BoG.</p> <p>HCSA members clarified that the governance structure for the HCSA specifies that all decisions are made by the current HCSA Executive Committee, with one exception being decisions to make changes to the high carbon stock approach toolkit, which aims to be made via consensus amongst the HCSA Steering Group, which in essence all the members of the HCSA. There are several scenarios to how recommendations made by the NDJSG could be considered by the HCSA. One of the scenarios is this group informs changes to RSPO but those recommendations will not be adopted by the HCSA as it is the position of the HCSA that the HCSA toolkit applies in HFCL's. As a result of the decision not to modify the toolkit, the HCSA developed a smallholder's manual which considers modifications needed for smallholder farms and co-operatives, and a legacy case process for outstanding cases in HFCLs. The 2<sup>nd</sup> scenario is that the HCSA may consider recommendations by the NDJSG and amend the methodology and standard, and that would be the responsibility of the HCSA members in the NDJSG to report back and recommend to the HCSA HFCL WG for discussion, as well as the EC and SG.</p> <p>Secretariat added that this group will be creating several documents which is owned by RSPO and shall be put through RSPO processes. In case HCSA wants to adopt parts of the document, then I shall go through the internal processes and decision requirements of the HCSA.</p> <p>Secretariat was asked if independent facilitator is needed. Response was that not when It comes to conduct meeting but when we have specific matters that needs an independent facilitator.</p>	<p>To add in ToR on alternate co-chairs.</p>	
--	--	--	--	--

5.	HFC Legacy Procedure	<p>Secretariat updated news received from various stakeholders in HFCCs:</p> <ol style="list-style-type: none"> <li>1. Smallholders at Solomon Island are waiting to get RSPO certified but have been delayed as they are included as a part of this discussion (referring the HFCL within HFCC), showing the urgency of the matter for these countries</li> <li>2. The Minister of Gabon also expressed his concern about RSPO standard since they are listed under HFCC now. They want the opportunity to be part of this process by for example having NDJSG meeting at Gabon.</li> <li>3. There is also some pressure coming from Liberia to urgently discuss the issues of HFCC to allow for sustainable development in Liberia.</li> <li>4. A few financial institutions from Congo also approached asking how long more to wait since a massive plantation development is waiting to start at Congo. Currently the charcoal mining is one of the largest threats to deforestation in the Congo Basin.</li> </ol> <p>The Secretariat closed with remarks there is a need to find a balance between conservation and development and that if no solution were to come from RSPO, these countries would opt for charcoal or other crops which are not sustainably developed.</p> <p>Secretariat gave a brief background to this issue and presented the current list of countries considered to be HFCC's by the RSPO (Refer to slide on Principle 7.12.2). Group member mentioned that Peru and some other countries are missing from this list. It was clarified that there were changes to the country list from TF5 as it was reclassified based on more accurate forest cover statistics from REDD Desk and Peru was removed from the list of HFCCs as it did not meet the 60% forest cover requirement.</p> <p>Members of the HCSA clarified that its legacy case process was specifically targeted at legacy cases, with 'legacy' referring to potential developments that were halted due to the implementation</p>		
----	----------------------	---	--	--



		<p>of No Deforestation commitments by members of the HCSA, either directly in their own new developments or indirectly by third party suppliers, where a moratorium on clearance has been in place since the adoption, or notification of the, no deforestation requirement, and a written agreement has been in place with communities since April 2015. The intent is to identify local communities that are anticipating the implementation of projects that are on hold due to restrictions on the clearance of HCS forests, and for the HCSA Legacy Case Task Force to decide the best course of action for these cases, which may include limited clearance of Young Regenerative forests or outcomes that prioritize conservation.</p> <p>Group member raised the issue of quorum for the group. It was agreed that this to be added in the ToR and co-chairs would conduct a check prior to meetings to ensure that quorum had been met.</p> <p>One of the group members gave a brief on what took place during NODIG meeting. So, both RSPO and HCSA made decision to adopt the 'No-deforestation' requirement but at that point not knowing how to go about it. Initially the plan was to have 3 adaption which are for smallholders, countries with legacy cases and countries with jurisdictional commitment. This was the assumption when the 1<sup>st</sup> Public Consultation took place to which 900 comments was received. From the comments and moving forward came requirement on 7.12.2 on no-deforestation.</p> <p>Secretariat briefed the group on some fundamental items that the group would need to agree upon before developing the legacy procedure; what is defined as legacy cases in RSPOs context?</p> <p>A HCSA member added that what should be considered are those that are already in HFCCs and are not within the scope of HCSA legacy case review process (e.g. not HCSA members or do not have HCSA commitments). RSPO members whom are within the scope of HCSA are required to use the HCSA legacy procedure.</p>		
--	--	---	--	--

This was agreed by a group member that only RSPO members that are also HCSA members would benefit the mechanisms developed by HCSA. Due to the fact that the no deforestation commitment set by the RSPO was effective immediately without a transition period, this would lead to the creation of legacy cases. It was added that the NDTF was discussing on the implementation of 7.12 and annex 5, and they would be the better platform to define the scenarios and eligibility for RSPO members and the NDJSG would use that taking into consideration the context of HFCCs. Co-chair added the NDJSG is a joint group with both HCSA & RSPO and that while the HCSA is clear in the definition of legacy cases, RSPO is not. Hence it would be more appropriate for an RSPO only TF/WG to decide on what it defines as legacy cases. .

With many possible scenarios, the scope of ~~eligibility~~ what should be considered a legacy case and what should be considered a breach of the RSPO transitional requirements for standalone or integrated HCS-HCV assessments, or the no deforestation standard, was discussed. It was agreed that the scenarios and eligibility of RSPO members for legacy cases would be discussed by the NDTF while the methodology and procedures to be applied for HFCCs will fall under the responsibility of the NDJSG.

An issue was raised concerning growers that were currently not RSPO members which would join RSPO in the future. With the no deforestation commitment cut off date of 15 November 18, a discussion of what are the eligibility criteria to be considered as members would have to be discussed by the NDTF as well. Also discussed was if compensation is needed and if yes how will the RSPO plan to go forward with creating guidance.

A member raised the question that since the group was talking about legacy cases (e.g. current RSPO members with ongoing existing developments), it was clear that none of any future members would meet the eligibility to be considered as a legacy case. It was clarified by another member that they were referring to eligibility as RSPO

		<p>members and what would be the eligibility for them (e.g. eligible to be RSPO member or not), as the current remediation &amp; compensation procedure (RaCP) caters for HCV but not HCS at the current moment.</p> <p>It was explained that the HCSA legacy process has a very clear cutoff date (Apr 2015) for what is to be considered as legacy cases, and in the P&amp;C 2018, the cutoff date is mentioned as 15 Nov 2018. The task of NDJSG was to determine if any exemptions should be made for indigenous peoples and/or local communities to develop land amounting to forest conversion in HFCLs within HFCCs in the future. The member also recommended that this exemption was not extended to companies.</p> <p>An RSPO member added that this issue (Legacy cases) was due to the wording in the P&amp;C 2018 itself, where any non-member wanting to join RSPO would need to have a HCV-HCSA assessment for any new land clearing after 15 Nov 2018, requiring a revision to the RSPO group membership requirements.</p> <p>Another member questioned why RSPO group requirements would require revision as this would follow a similar process as the current RaCP; something that the BHCVWG is tasked to do. It was clarified that the current membership requirement only takes into consideration HCV, and this would have to include the deadline for no deforestation. In summary the 15 Nov 18 deadline would apply to both existing and prospective members, however the process these members will go through (and implications) will be done in the RaCP revision.</p> <p>Group member presented and went through the ToR for Legacy Task Force and clarified that for the HCSA 'legacy' cases is referring to potential developments that were halted due to the implementation of No Deforestation commitments by members of the HCSA, either directly in their own new developments or indirectly by third party suppliers, where a moratorium on clearance has been in place since</p>		
--	--	---	--	--

		<p>the adoption, or notification of the, no deforestation requirement, and a written agreement has been in place with communities since April 2015. The intent is to identify local communities that are anticipating the implementation of projects that are on hold due to restrictions on the clearance of HCS forests, and for the HCSA Legacy Case Task Force to decide the best course of action for these cases, which may include limited clearance of Young Regenerative forests or outcomes that prioritize conservation. The HCSA notified the group that its legacy case review process will be launched shortly.</p> <p>Discussion around definition of 3<sup>rd</sup> party suppliers took place, questions were asked on what would qualify a 3<sup>rd</sup> party supplier to be eligible to be considered as a legacy case (e.g. a 3<sup>rd</sup> party supplier only started supplying to a HCSA member in 2018, and had new developments started in 2017, would they qualify the date of no clearing would not be the same as the HCSA member). It was clarified that the land clearing cutoff was dependent on the company, but the agreement with local communities must be signed before April 2015 and if the 3<sup>rd</sup> party supplier could not meet that, they would not be eligible.</p> <p>Co-chair proposed that the group could discuss on the scope and eligibility based on the current HCSA legacy procedure ToR. A group member highlighted that it was earlier agreed that the NDTF would be tasked for the eligibility, however there would be no issue of discussing this and come out with proposals to the NDTF as it would help the NDTF to develop these criteria. Group members proceeded to work on some recommendations that could be shared with the RSPO NDTF, including the scope of the eligibility criteria for legacy cases. It was noted that several definitions within the eligibility criteria needs to be updated for example on the countries listed as HFCC.</p>		
5.	HFC Procedure	Secretariat started the discussion by highlighting the important questions (objective & aim) of the HFC procedures in order to align the understanding of group members early on.		

		<p>A member started by explaining that during the P&amp;C taskforce the discussions revolved around supporting the livelihoods of local communities while at the same time protecting HFC within HFCCs and this objective remains true to today. The group should look into procedures where both can be achieved.</p> <p>An RSPO member suggested to open the discussion of the HFC procedures for HFCCs to a wider audience by involving stakeholders from the affected countries thereby understanding their expectations. The member suggested having a mini consultation with these stakeholders and getting their involvement. In terms of communicating this to the stakeholders, it was suggested this group, conduct a test using the current HCSA legacy procedure by applying it to HFCCs (example of Gabon or DRC was given) and share the results with the stakeholders to get their input. In terms of smallholders (SH) within HFCCs, it was acknowledged that the question of development by SHs not yet clear, however it would be fair to assume that there would be no development for young regeneration forest beyond. This is the assumption and proposition that should be taken by the group for now and communicated to the stakeholders for their input.</p> <p>A HCSA member added that it was assumed that indigenous people and local communities requested a separate procedure applicable different to what was already available. It was added that this was not accurate as it is imperative that the NDJSG obtain a mandate by these stakeholders in order to develop the procedures. This would be achieved through socialization and engagement with indigenous people and local communities.</p> <p>Clarification was asked on what type of mandate the NDJSG are looking for from indigenous/local communities to develop HFC procedures that would apply to their customary lands because based on previous consultations there were diverse views even within the same communities. The member assumed that this would also be the case in</p>	<p>Group to develop questionnaire in order to get initial mandate from communities to develop HFC procedures</p>	
--	--	--	--	--

	<p>the consultation planned and what sort of 'signal' would amount to a mandate by these communities?</p> <p>Co-chair mentioned that this is where the indicator will act as a guide on what is considered as acceptance by the communities. Another member added, once we have identified the affected countries, we can also get assistance and advice from local community and Indigenous Peoples representatives, support organizations and other stakeholders which are considered important from an NGO, Company and TSO perspective, for the development of the questionnaire. This is a critical initial step for the socialisation plan of the NDJSG and to obtain a general mandate to develop the procedures.</p> <p>Another issue was raised on whether the mandate the group was looking for based on country or a local level (e.g. community by community), and it was important for the group to be clear on this. This question was supported by another member who then added that it was important that seeking this initial mandate be embedded in the HFC procedure to be developed to ensure decisions can be made on a case-by case basis.</p> <p>There was a clarification requested whether the procedure developed would be applicable for indigenous and local communities be applicable for independent SH. It was clarified that, for smallholders and no deforestation requirements, the RSPO's SHIG is continuing the discussion with the HCSA on the HCSA Smallholder manual which is applicable to ISH.</p> <p>Some group members felt that it is best to deal with smallholders' case separately to the cases being deliberated in the NDJSG. Should the outcome of discussion turn out that SH need to comply with certain indicator then they have to but at the moment the decision needs to be made as to what are the context of community the NDJSG is in reference to. Group member also raised that the smallholder's standard will be presented in the next general assembly and at which point will the NDJSG align these procedures with the ISH standard. The</p>	<p>To gather list of important stakeholders to be engaged by HFCC country.</p>	
--	---	--	--

	<p>co-chair clarified that the group would first need to work out the NDJSG workplan first and only then would be able identify a suitable time for alignment to the ISH standards. The group decided to come up with a work plan first for the NDJSG with the end goal as described in the NDJSG TOR in mind. Priority at this moment is to conduct the socialization program to seek a mandate, and if a mandate is given, to move forward on the procedure itself.</p> <p>Some group members felt that mostly RSPO's independent smallholders standard should be designed so it is fit to be applied for independent and local community use in HFCC. Others responded saying practically it doesn't because the standard does not address all issues rising among indigenous people and local community for example at Gabon there is a community program where community own the land title but they do not form as independent smallholder, they allow big companies to do farming on that land whilst also getting profit.</p> <p>A question was raised on whether the NDJSG would be looking at community development only or whether the issue of communities allowing development of their lands by corporate companies was also to be discussed. The member added that this is to be discussed, the NDJSG should also survey buyers with NDPE commitments whether the products from these scenarios would be acceptable to them.</p> <p>Another member agreed that this issue should be discussed within this group and that the buyers should also be included in the socialization plan. It was added that the socialization should also probe buyers' willingness to purchase the oil, mentioning possible clearance of YRF however also taking into consideration the requirements these companies are required to adhere regarding management of the wider landscape and the benefits to the communities.</p> <p>RSPO Secretariat representative from Africa, Eli joined the call. A brief background on the discussion was shared. He shared that 4 HFCC</p>		
--	---	--	--

		<p>(Gabon, DR Congo, Republic of Congo and Liberia) in Africa are members of TFA 2020 Africa Palm Oil Initiative; whose aim is a deforestation free palm oil supply chain. Country members of this initiative have made commitments to this end. Liberia for example have started their national principles and actions that are binding at the national level. The TFA is a multi-stakeholder platform which include governments, CSAs, and the private sector and allows all these countries to already start looking into eliminating deforestation in the OP supply chain.</p> <p>Central Africa has the Central Africa Forest Initiative (CAFI) – a trust fund by several governments working on eliminating deforestation from several commodities which have been engaging with NGO and high-level government officials.</p> <p>It was proposed that the group consider engaging with these existing processes and include them in the group’s discussions by having representatives from CAFI to ease engagement. It was updated that the items being discussed in Africa are on developing safeguard mechanisms to prevent entities from conducting corporate clearance using communities and smallholders as a conduit to expand their plantations.</p> <p>For stakeholder consultation, it was suggested to add question regarding local community’s understanding on what’s alternative crop their country is move towards.</p> <p>Group member requested a one-page profile of the initiatives at Africa to understand their objectives and current government structure.</p> <p>Group member asked if RSPO is already a member and engaging some of the initiatives at Africa. Eli responded that RSPO is not official member of TFA but since Proforest are their technical advisor, RSPO contributes to the process despite not being a member via Proforest and informally.</p>	<p>Secretariat to provide profiles of existing initiatives in Africa.</p>	
--	--	--	---	--



		<p>Group member also asked on who and how many from the RSPO Secretariat will be part of NDJSG and what are their roles. RSPO Secretariat clarified that 4 representatives in this meeting were here will only attend the 1<sup>st</sup> meeting. The RSPO Secretariat that will be participating in future meetings shall be Javin Tan leading the discussion on HFCC, Amir Afham serving as coordinator of the NDJSG and Eli joining in where possible to update the group on the current progress of the existing initiatives in the African region. Group member suggested to have a balance representative between RSPO and HCS Secretariat and an agreement on how many representatives of each is appropriate.</p> <p>Moving forward, NDJSG will look for other initiatives that has been introduced and decide on how their involvement will be. Group member requested that the RSPO secretariat refrain from making commitments to members of the CAFI or APOI to participate in the NDJSG as technical advisors, until such time that agreements on the appointment of advisors is agreed by the NDJSG. If the RSPO continues to have informal dialogue it should do so only on behalf of the RSPO and not on behalf of the NDJSG or on NDJSG matters. The NDJSG will discuss further the best ways to have formal discussion on issues regarding alignment of the procedures between HFCC countries and NDJSG.</p> <p>A group member asked the RSPO secretariat on any suggested experts working in these HFCC countries.</p> <p>The RSPO secretariat explained that some of the existing initiatives such as Oil Palm Technical Working Group Liberia had suggested one person, James Otto. He has experience in forestry and sustainability field.</p> <p>In Central Africa, CAFI has informed of their interest and would be happy to propose an expert, however there is a language issue as the countries in this area are typically French speaking countries.</p>		
--	--	--	--	--



		<p>Another was from COMIFAC -an intergovernmental forestry body. They have proposed Ludovic Miaro from WWF. He works closely with making commodities from Congo Basin to be deforestation.</p> <p>Eli clarified that RSPO's engagement with this group has not been about the NDJSG and has been revolving around other RSPO programs. The only discussions that has touched on the NDJSG was on requests to join as an invited expert in the NDJSG. It was further clarified that the RSPO secretariat has been upfront to such requests mentioning that acceptance as an invited expert was upon the discretion of the NDJSG.</p>		
6.	Development of Socialization Plans	<p>Co-chair mentioned that certain fundamental aspects (e.g. questionnaire, mechanism for input/feedback, available definitions etc.) need to be cleared up before the group would be able to fully develop the socialization plans.</p> <p>It was added that this had been discussed in the meeting in previous items in the agenda (refer item 5) and reiterated that prior to development of the HFC procedures, the group would first need to obtain mandate from the communities, indigenous people and other stakeholders within HFCCs to develop the procedures and obtain feedback on what are the expectations of these stakeholder.</p> <p>For a start, it was proposed the group identify existing relevant initiatives, case studies and literature from where the group may learn from and identify gaps if any that the NDJSG would then have to consider in their own socialization plans moving forward.</p>		
7.	NDJSG Workplan	<p>First will be to draft the questionnaire for stakeholders. All the definitions need to also be discussed and agreed. Draft zero will be created for this.</p> <p>Secretariat created a separate working document on this. The workplan will be circulated in one month time.</p>		
8.	AOB - Next meeting	<p>The minutes and CoC will be circulated in 2 weeks' time before finalising. Next meeting is to be planned in July.</p>		



# NDJSG 1<sup>st</sup> Physical Meeting

15<sup>th</sup> April 2019

PREPARED BY:  
(RSPO Secretariat)

1



## Agenda

Time	Agenda
9:00 am – 9:30 am	1. Introduction of members and NDJSG (Objectives, scope etc)
9:30 am – 10:00 am	2. Appointment of Co-chairs
10:00 am – 10:30 am	3. Discussion on CoC for NDJSG members
10:30 am – 11:00 am	4. Review & endorsement of NDJSG ToR
11:00 am – 11:15 am	Coffee break
11:15 am– 12:45 pm	5. HFC Legacy Procedures
12:30 pm – 1:30 pm	Lunch
1:30 pm – 2:30 pm	6. HFC Procedures
2:30 pm – 3:00 pm	7. Development of socialization plans
3:00 pm – 3:30 pm	8. NDJSG Workplan, Timeline & Budget
3:30 pm – 3:45 pm	Coffee break
3:45 pm – 4:45 pm	9. NDJSG Workplan, Timeline & Budget (Cont'd)
4:45 pm – 5:30 pm	10. AOB <ul style="list-style-type: none"> <li>a. Invited experts – Regional representation</li> <li>b. Next meeting</li> </ul>
5:30pm	END




2

## Introduction



3

## Introduction

- Principle 7.12.3 outlines the requirement of a separate High Forest Cover Procedure (HFC) which are to be applicable for HFC landscapes within HFC Countries.
- NDJSG is the central body of discussing and guiding development of the framework for implementation and decisions on no deforestation in HFC landscapes within High Forest Cover (HFC) Countries

*In High Forest Cover Landscapes (HFCLs) within HFCCs, a specific procedure will apply for legacy cases 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.*

-Indicator 7.12.3 P&C 2018-

4

## Objectives & Deliverables

Key objectives of the NDJSG include:

- Develop, support and guide the implementation of the RSPO High Forest Cover (HFC) procedures
- Develop safeguards and their associated procedures to protect Indigenous Peoples and local communities
- Harmonise HCSA and RSPO P&C approaches to legacy cases located in High Forest Cover Landscapes within HFC countries
- Propose governance processes for the application of HFCL within HFCC Procedures
- Develop socialization plans to ensure inclusive participation of local CSOs, indigenous people and local communities



5

## Appointment of Co-Chairs



6

## NDJSG Composition

Co-Chairs

1.

2.

Sector	RSPO		HCSA		
	Substantive	Alternate	Caucus	Substantive	Alternate
Grower	Oliver Tichit (Sipef)	Ian Orvell (NBPOL)	Grower	Surina Ismail (IOI)	TBC
	Audrey Lee (Olam)	Vacant	TSO	Charlotte Opal (Earthworm)	Mike Senior (Proforest)
CSM	Lee Kuan-Chun (P&G)	Vacant	NGO	David Burns (NWF)	Melissa Thomas (Conservation International)
	Laure d'Astorg (Cereña/Allianceforests)	Laure Grégoire (Cereña/Allianceforests)		Gemma Tillack (RAN)	Grant Rosoman (Greenpeace)
Social NGO	Patrick Anderson (FPF)	Marcus Colchester (FPF)	Commodity User	Emily Kunen (Nestle)	Petra Meekers (Unilever)
Environmental NGO	Jenny Walther-Thoss (WWF)	Anne Rosenbaiger (WR)	Smallholder	Sebarudin (SPKS)	Ibrahim Gulnagar (SPKS)



7

## Discussion on CoC



8

## Background

1. Principle 7.12.2 (b) states "Any new land clearing after 15 Nov 2018 is preceded by an HCV-HCS assessment, using the HCSA Toolkit and the HCV-HCSA Assessment Manual...."
2. The current HCSA methodology and toolkit applies to fragmented tropical moist forest landscapes, and could be adopted for these contexts in the RSPO P&C.
3. NDJSG established to develop the HFC procedures which will be used for HFCL within HFCCs. HFCLs and HFCCs are defined in Annex 1 of the P&C 2018 as follows:

HFCC - Countries defined as having >50% 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

HFCL - 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)."

4. There are plantations already operating and/or have acquired concession areas in HFCCs prior to the adoption of the P&C 2018. In areas where no development has occurred yet (e.g. assessments being undertaken, FPIC etc.) commitment for development has already been made. Thus, the need for a process to manage legacy.



13

## Background

List of countries<sup>1</sup> meeting the definition of HFC Countries (% forest cover):

- Gabon (88.3%)
- Solomon Islands (76.6%)
- Papua New Guinea (71%)
- Democratic Republic of Congo (68.8%)
- Liberia (68%)
- Republic of Congo (67.1%)
- Myanmar (63%)



<sup>1</sup> Based on RSPO No deforestation consultancy: High Forest Cover Countries (June 2018)



14

## Flashback NoDIG discussions



15

## Definition of Legacy cases

- What is the definition of HFC legacy cases for RSPO in the context of the P&C 2018?
- Any requirements/qualifiers to qualify as 'legacy case'?
- How will this be aligned with HCSA Legacy case review?



16

## Way Forward

- Align the understanding of the NDJSG members on what is the objective & what do we aim to achieve from this procedure?
- Agree on a definition of 'Legacy HFC cases' with:
  - Identify requirements/qualifiers to be considered as legacy case
  - Important criteria to be reviewed
- Overall process flow of the procedure
- Governance of the overall procedure
- When do we plan to complete this?



17

## Lunch (1 hour)



18

## HFC Procedures



19

## Background

1. Principle 7.12.2 (b) states "Any new land clearing after 15 Nov 2018 is preceded by an HCV-HCS assessment, using the HCSA Toolkit and the HCV-HCSA Assessment Manual..."
2. The current HCSA methodology and toolkit applies to **fragmented tropical moist forest landscapes**, and could be adopted for these contexts in the RSPO P&C.
3. There is a need to look at how inclusion of a "no deforestation" requirement would be applied in "HFC Landscapes within HFC Countries.
4. List of countries<sup>1</sup> meeting the definition of HFC Countries (% forest cover):
  - Gabon (88.3%)
  - Solomon Islands (76.6%)
  - Papua New Guinea (71%)
  - Democratic Republic of Congo (68.8%)
  - Liberia (68%)
  - Republic of Congo (67.1%)
  - Myanmar (63%)

<sup>1</sup> Based on RSPO No deforestation consultancy: High Forest Cover Countries (June 2018)



20

### Correction:

**Slide 20 (point 1):** It was clarified in the meeting that the HCSA toolkit is applicable for both fragmented and intact tropical moist forests

**Slide 20 (point 3):** The mandate for NDJSG is to develop a procedure to allow for development by Indigenous peoples and local communities in HFCL within HFCCs

## Flashback NoDIG discussions



21

## Way Forward

- Align the understanding of the NDJSG members on what is the objective & what do we aim to achieve from this procedure?
- What are the expectations of stakeholders on the ground in HFCCs?
- What are the important criteria that need to be looked at?
- Overall process flow of the procedure
- Governance of the overall procedure
- When do we plan to complete this?



22

## Socialization Plans



23

## Brief

One key objective of the NDJSG mentioned in the Terms of Reference (ToR) is:

- Develop socialization plans to ensure inclusive participation of local CSOs, indigenous people and local communities:
  - Seek a mandate from respective local land right holder(s) in case-study areas for the development of procedures for HFCL within HFCC.
  - Seek inputs to the draft procedure
  - Share the final proposed procedure for feedback prior to its submission for formal endorsement.
- What are the engagement/communication methods do we plan to use?
- At what stage of the process do we engage these stakeholders?
  - Indigenous people & communities
  - Local experts & CSOs
  - Governments



24



25

Objective	Output	Timeline
Develop, support and guide the implementation of the RSPO High Forest Cover (HFC) procedures, including suggest revisions to P&C and/or guidance that would allow HFC procedures to be used in HFC landscapes within HFC Countries, if in the case-study areas a mandate is given from Indigenous Peoples and local communities to representatives in the NDJSG to develop such procedures for their lands. Propose governance processes for the application of HFCL within HFCC Procedures requirements in the RSPO P&C once developed Provide guidance on implementation, audit checklists and cross link with current best practice of the procedures once developed. Provide guidance on capacity development and procedures to address 100-compliances related to the implementation of the HFC Procedures once developed.	1. RSPO HFC procedures • Methodology • Implementation guidance • Governance • Capacity development 2. Pilot testing	
Seek to harmonise HCSA and RSPO P&C approaches to legacy bases located in High Forest Cover Landscapes within HFC countries.	3. RSPO HFC Legacy Procedure	
Develop socialization plans to ensure inclusive participation of local CSOs, Indigenous people and local communities	4. Socialization plans • Stakeholder engagement & inclusion	

26

27

28

**Note:**

**Slide 26:** The workplan was reviewed by the NDJSG and revised. Refer below.

No	Item	PIC	Remarks
1.	Revision of CoC for NDJSG members	RSPO Sec, FPP, RAN	
2.	Grower membership for RSPO representation	INFO	
3.	Definition subgroup -To come out with a draft of definitions for communities, land rights, legacy etc. a. Use past examples of studies (Gabon & PNG) b. Collate existing definitions from both HCSA & RSPO [Secretariat] c. Review the eligibility criteria & definition from NDTF on legacy cases	Nestle, NWF, RSPO Sec, HCSA TC.	
3	Development of draft of questionnaire: a) To develop draft 0 of questionnaire for initial consultation of relevant stakeholders b) Evaluate the expectations of stakeholders	OLAM, Eartworm, HCSA Sec., RSPO Sec., P&G, Proforest, FPP	•
4	<b>Identify list of stakeholders in HFC Countries</b>		
	a) Identification of legacy cases in HFCC (examples currently already there) [Start together with NDTF communication. Tentatively 30 <sup>th</sup> June 2019 if started together]	HCSA Legacy TF, RSPO Secretariat	
	b) Mapping of HFCL within HFCC (indicative) [15 <sup>th</sup> June 2019 tentative]	Proforest, WRI, NWF	
	c) Identification of rights holders, stakeholders and experts in these HFCL and definition of their roles for guiding the decisions (governance) made by NDJSG [15 <sup>th</sup> Aug 2019]	All	•
	d) Selection of local experts who will help develop & refine the questionnaire. [15 <sup>th</sup> Aug 2019]	FPP, RSPO Sec, WWF	
5	Develop & agree on questionnaire, consultation plan safeguards & budget. [Next physical meeting]	All	
6	Selection of pilot HFCL in two HFCCs (piloting of consultation) [Next physical meeting]	All	