

**RSPO**

Roundtable on Sustainable Palm Oil

**GHANA NATIONAL INTERPRETATION OF  
RSPO PRINCIPLES AND CRITERIA FOR  
SUSTAINABLE PALM OIL**

**Revised NI**

**March 2014**

**Ghana National Interpretation Working Group (GNIWG)**

## **Preamble**

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

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

The objective of the review was to improve the relevance and effectiveness of the Principles and Criteria for its members and in achieving the vision and mission of the RSPO. The document (RSPO P&C 2013) is effective after ratification by the RSPO General Assembly (May 2013). As stated under the RSPO Certification System, National Interpretations (NIs) must be revised to be fully consistent with the RSPO P&C 2013 within 12 months after the date of ratification (April 2014).

## **Ghana National Interpretation**

The Ghana National Interpretation is based on the RSPO P&C 2013 document and on other approved Guidance documents for Scheme and Independent Smallholders. The document was revised by the Ghana National Interpretation Task Force in March 2014 with Proforest as technical facilitator (Annex 1).

## Smallholder Definitions

### Definition of Smallholders for Ghana:

*“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 40 hectares in size.”*

### Definition of Scheme Smallholders for Ghana:

*“Scheme Smallholders are characterised as Smallholders who are structurally bound by contract, by credit agreement or by planning to a particular mill. Scheme Smallholders are obliged to sell their FFB to that particular mill. Furthermore, Scheme Smallholders are often not free to choose which crop they develop, are supervised in their planting and crop management techniques, and are often organised, supervised or directly managed by the managers of the mill, estate or scheme to which they are structurally linked. They may, however, receive support or extension services from government and private agencies.”*

### Definition of Outgrowers for Ghana:

*Outgrowers are Smallholders that cultivate oil palm outside the nucleus estate on their own land or as a tenant on a third party’s land.” Outgrowers may be structurally bound by contract, by credit agreement or by planning to a particular mill. They are sometimes supervised in their planting and crop management techniques, and are often organised, supervised or directly managed by the managers of the mill or estate to which they are structurally linked. They may, however, receive support or extension services from government and private agencies.”*

### Definition of Independent Smallholders for Ghana:

*“Independent Smallholders (i.e. “Private Farmers” in Ghanaian context) while very varied in their situations are characterised by their: freedom to choose how to use their lands, which crops to plant and how to manage them; being self-organised, self-managed and self-financed; and by not being contractually bound to any particular mill or any particular organisation. They may, however, receive support or extension services from government and private agencies.”*

## Glossary

a.i.	Active Ingredient
ASEAN	The Association of Southeast Asian Nations
BOD	Biological Oxygen Demand
CBD	Convention on Biodiversity
CPO	Crude Palm Oil
CRS	Community Relations Strategy
EFB	Empty Fruit Bunches
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EMS	Environmental Management System
EPA	Environmental Protection Agency
FFB	Fresh Fruit Bunches
GAP	Good Agricultural Practices
GHG	Green House Gas
GNIWG	Ghana National Interpretation Working Group
HCV	High Conservation Value
ILO	International Labour Organisation
IPM	Integrated Pest Management
ISO	International Standard Organisation
IUCN	International Union for Conservation of Nature and Natural Resources
JJC	Joint Consultative Committee
kW	Kilo Watt
LD 50	Lethal Dose 50
LTA	Lost Time Accident
MSDS	Material Safety Data Sheets
NGO	Non-Government Organisation
OER	Oil Extraction Rate
OSH	Occupational Health & Safety
POME	Palm Oil Mill Effluent
PPE	Personal Protective Equipment
PER	Preliminary Environmental Report
P&C	Principles & Criteria
RSPO	Roundtable on Sustainable Palm Oil
SEIA	Social and Environmental Impact Assessment
SOP	Standard Operating Procedure

## Principle 1: Commitment to transparency.

### Criterion 1.1:

Growers and millers provide adequate information to 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.

#### Indicator 1.1.1:

- There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to relevant stakeholders for effective participation in decision making.  
=> MINOR.

#### Indicator 1.1.2.

- Records of requests and responses shall be maintained  
  
=> MAJOR

#### Specific guidance:

Evidence should be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. This should include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.

#### Guidance:

Growers and millers should have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe to respond to requests for information. Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate.

*See criterion 1.2 for requirements relating to publicly available documentation.*

*See also criterion 6.2 relating to consultation.*

*See criterion 4.1 on SOPs.*

#### Scheme SH guidance:

*Scheme managers must ensure that participant smallholders are provided copies of:*

- *Contracts between scheme managers and smallholders (criterion 1.2);*
- *Up-to-date records of debts and repayments, charges and fees (criterion 6.10).*

=> For outgrower schemes, the individual farmer must prove that he/she is entitled to the land before he/she can join the scheme. The scheme manager has copies of proof of ownership/smallholder's user rights.

=> For smallholder schemes, the scheme manager has a copy of the land title covering the concession available for smallholders.

Scheme manager must ensure that copies of following documents are available at vantage points (e.g. through association representatives, in office of extension staff):

- Training materials in IPM and safe use of agro-chemicals (criterion 4.6);
- Occupational Health and safety plan (criterion 4.7);
- Plans and impact assessments relating to environmental and social impacts (criteria 5.1, 6.1, 7.1, 7.8)
- HCV documentation (Criteria 5.2 and 7.3)
- Pollution prevention and reduction plans (criterion 5.6);
- Details of complaints and grievances (criterion 6.3);
- Negotiation procedures (criterion 6.4);
- Continual improvement plan (criterion 8.1).
- Public summary of certification assessment report (where applicable)
- Human Rights Policy

Brief summaries of the documents mentioned above can be made available to all participant smallholders.

Independent SH guidance:

Group managers must put a system in place to provide adequate and timely information to relevant stakeholders. Such information includes environmental, social and legal issues relevant to RSPO. Records of requests for information and responses to requests must be kept.

Group managers should ensure that group members are adequately informed and trained in the following areas;

- Integrated Pest Management (IPM)
- Occupational Health and Safety
- Environmental Issues including protecting biodiversity and HCV
- Complaints and grievance procedures
- Procedures for pricing and grading members' FFB.
- Public summary of certification assessment report (where applicable)
- Human Rights

## Criterion 1.2

Management documents are publicly available, except where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.

### Indicator 1.2.1:

Publicly available documents shall include, but are not necessarily limited to:

- Land titles/user rights (criterion 2.2).
- Occupational Health and safety plans (criterion 4.7).
- Plans and impact assessments relating to environmental and social impacts (criteria 5.1, 6.1, 7.1, 7.8).
- HCV documentation (Criteria 5.2 and 7.3)
- Pollution prevention and reduction plans (criterion 5.6).
- Details of complaints and grievances (criterion 6.3).
- Negotiation procedures (criterion 6.4).
- Continual improvement plans (criterion 8.1).
- Public summary of certification assessment report
- Human Rights Policy (Criterion 6.13).

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### Guidance:

*Growers and Millers should make management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria publicly available. These documents should include, but necessarily limited to the following;*

- Land titles/user rights
- Occupational Health and safety plans
- *Environmental and Social Impact Assessment reports and plans*
- HCV documentation
- Pollution prevention and reduction plans
- *Complaints and Grievances procedures*
- *Negotiation Procedures*
- *Continual Improvement Plans*
- *Public summary of certification assessment report(if applicable)*
- *Human Rights Policy*
- *Monitoring reports*

*Where information disclosure could result in potential negative environmental and social outcomes, such information should be treated confidential*

Scheme SH guidance:

*Scheme managers have shared and explained management plans to smallholders and/or their cooperatives, including documents summarising complaints and grievance procedures and land acquisition processes. Smallholders have contracts from the scheme managers.*

Independent SH guidance:

*Group managers must also have shared and explained the relevant RSPO Standard for Sustainable Palm Oil Production as set out in this document or in an approved national interpretation to group members. Group smallholders have agreements with the group managers.*

**Criterion 1.3**

Growers and Millers commit to ethical conduct in all business operations and transactions

Indicator 1.3.1:

There shall be a written policy committing to a code of ethical conduct and integrity in all operations and transactions, which shall be documented and communicated to all levels of the workforce and operations

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Guidance:

Growers and Millers should have Code of Ethics for their business operations including contracted third parties. The Code of Ethics should include as a minimum;

- 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

The Code of Ethics should be set within the framework of the UN Convention Against Corruption, in particular Article 12

*Scheme Smallholders and Outgrowers:*

*Group Managers should develop simplified Code of Ethics for their smallholder Schemes taking into consideration the UN Convention Against Corruption, in particular Article 12*

*Independent smallholders:*

*Group Managers should develop Code of Ethics for Group taking into consideration the UN Convention Against Corruption, in particular Article 12*



## Principle 2: Compliance with applicable laws and regulations

### Criterion 2.1

There is compliance with all applicable local, national and ratified international laws and regulations.

#### Indicator 2.1.1:

- Evidence of compliance with relevant legal requirements shall be available.

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#### Indicator 2.1.2:

- A documented system, which includes written information on legal requirements, shall be maintained.

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#### Indicator 2.1.3:

- A mechanism for ensuring compliance shall be maintained.

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#### Indicator 2.1.4:

- A system for tracking changes in the law shall be implemented.

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#### Guidance:

*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. Relevant laws in Ghana are listed under Annex 3. This Criterion also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biodiversity, CBD, ILO core Conventions, UN Guiding Principles on Business and Human Rights). (See Annex 2 for Key International Laws and Conventions)*

*Growers and Millers should put in place a system to track changes in the relevant laws and conventions.*

*The system used to ensure compliance to legal requirements should be appropriate to the scale of the organization and should include the following:*

*(1) List of all applicable laws including international laws and conventions ratified by the Ghanaian government.*

*(2) Display applicable licenses and permits including their conditions.*

*(3) Identify person(s) responsible to monitor compliance to both (1) and (2).*

*Scheme SH guidance:*

*Scheme managers must ensure that their organized smallholders are aware of and comply with relevant laws and conventions. This can be done through sensitization and or provision of the required laws and conventions.*

*Independent SH guidance:*

*Group managers must ensure that members are aware of and comply with relevant laws and conventions through sensitization and or training.*

## **Criterion 2.2**

The right to use the land can be demonstrated, and is not legitimately contested by local people who can demonstrate that they have legal, customary or user rights.

### Indicator 2.2.1:

- Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.

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### Indicator 2.2.2:

- Legal boundaries are clearly demarcated and visibly maintained.

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### Indicator 2.2.3:

- Where there are, or have been disputes, additional proof of legal acquisition of title//user rights and evidence that fair compensation has been made to previous owners and occupants shall be available , and that these have been accepted with free, prior and informed consent (FPIC)

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### Indicator 2.2.4:

- There shall be an absence of significant land conflict, unless requirements for acceptable conflict resolution processes (see Criteria 6.3 and 6.4) are implemented and accepted by the parties involved.

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Indicator 2.2.5:

- For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).

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Indicator 2.2.6:

- Palm oil operations shall not be conducted in a manner that engender violence in the operational area

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Guidance:

Growers and Millers should have documents showing legal ownership or lease, history of land tenure and the actual legal use of the land. Acceptable documents include land titles, lease agreements, declarations endorsed by relevant government agencies and or traditional authorities. Legal boundaries should be clearly demarcated and plantation operations *should cease on land planted beyond the legal boundary.*

*For any conflict or dispute over the land, the extent of the disputed area should be mapped out in a participatory way. Where there is a conflict on the condition of land use as per land title, growers should show evidence that necessary action has been taken to resolve the conflict with relevant parties. A mechanism should be in place to resolve any conflict (criteria 6.3 and 6.4). To avoid escalation of conflict, Company policy should prohibit the use of dogs, mercenaries and para-militaries in their operations. Company policy should also prohibit extra-judicial intimidation and harassment by contracted security forces (6.13). Plans for avoidance or mitigation of negative impacts and promotion of positive ones shall be developed in consultation with affected parties and documented.*

Scheme SH guidance:

*Scheme managers should ensure that land allocations for scheme smallholders are not claimed or contested by third parties with legitimate claims.*

Independent SH guidance:

*Group managers should ensure that members have user rights for their land*

### Criterion 2.3

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.

#### Indicator 2.3.1:

- Maps of an appropriate scale showing the extent of recognized legal, customary or user rights (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).

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#### Indicator 2.3.2:

- Copies of negotiated agreements detailing process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available and shall include:
  - Evidence that a plan has been developed through consultation and discussion with all affected groups in the communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making;
  - Evidence that the company has respected communities' decisions to give or withhold their consent to the operation at the time that this decision was taken;
  - Evidence that the legal, economic, environmental and social implications for 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 company's title, concession or lease on the land.

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#### Indicator 2.3.3:

- All relevant information shall be available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.

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#### Indicator 2.3.4:

- Evidence shall be available to show that communities are represented through institutions or representatives of their choice, including legal counsels.

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Guidance:

*All indicators 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 2.3.1 and 2.3.2*

*Where there are legal or customary rights over land, the grower should demonstrate that these rights have been identified, understood and are not being threatened or reduced. This criterion should be considered in conjunction with criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these should be established through participatory mapping involving the affected parties (including neighbouring communities and local authorities).*

*This criterion allows for sales and 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 in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements.*

*Communities must be permitted to seek legal counsel if they so choose. Evidence should be available that communities and other relevant stakeholders have been adequately represented through institutions or representatives of their choice.*

*Adequate time must be given for customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is of long-term benefit for all parties.*

*Companies should be especially careful where they are offered lands acquired from the State by its invoking the national interest.*

*Scheme SH guidance:*

*Scheme managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.*

*Independent SH guidance:*

*Group managers should ensure that members' activities do not diminish legal or customary rights of other users and that they do have user rights.*

## **Principle 3: Commitment to long-term economic and financial viability**

### **Criterion 3.1**

There is an implemented management plan that aims to achieve long-term economic and financial viability.

Indicator 3.1.1:

- A business or management plan (minimum 3 years) shall be documented to include a business case for scheme smallholders where appropriate.

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Indicator 3.1.2:

- An annual replanting programme projected for a minimum of 5 years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available.

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Guidance:

*Growers and Millers should have a documented business or management plan and where appropriate, the business case for scheme smallholders. The plan should contain:*

- *Attention to quality of planting materials.*
- *Crop projection = FFB yield trends.*
- *Mill extraction rates = OER trends.*
- *Cost of Production = cost per tonne of CPO trends.*
- *Forecast prices;*
- *Financial indicators.*
- *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).*

*Growers should also have documented annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review.*

Scheme SH guidance:

*Scheme managers have a documented management plan for scheme smallholders (minimum 3 years); the plan is shared with them in appropriate languages. The scheme management will be expected to provide their members with information on significant improvements.*

Independent SH guidance:

*Group managers have a documented annual business plan which shows economic benefits for the group and sets out expansion plans (see criterion 7.1). This plan is shared with the group members in an appropriate format.*

*The Business Plan should include information on the smallholders` annual average FFB yields, the forecast production for the coming year, and the future schedule for replanting.*

## Principle 4: Use of appropriate best practices by growers and millers

### Criterion 4.1

Operating procedures are appropriately documented and consistently implemented and monitored.

#### Indicator 4.1.1:

- A documented Standard Operating Procedures (SOPs) for estates and mills

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#### Indicator 4.1.2:

- A mechanism to check consistent implementation of procedure is in place.

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#### Indicator 4.1.3:

- Records of monitoring and the actions taken are maintained.

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#### Indicator 4.1.4:

- Records of origins of all the different sources including third party sourced Fresh Fruit Bunches (FFB) shall be kept

⇒ MAJOR

#### Guidance:

*Estates and mills should have documented Standard Operating Procedures (SOPs) for best management practices. The SOPs should include the relevant supply chain requirements (see RSPO Supply Chain Certification Standard) and the origins of all third-party sourced Fresh Fruit Bunches (FFB)*

*Mechanisms to check implementation such as documentation management system and internal control procedures should be put in place.*

#### Scheme SH guidance:

*Scheme managers should develop Standard Operating Procedures for smallholder schemes and also provide training in best management practices aimed at increasing yields.*

*Independent SH guidance:*

*Group managers can show how they document, monitor and manage the implementation of best practices by group smallholders e.g. through internal assessment of group members*

*Group managers must ensure that members receive training in best management practices and also to keep appropriate records, including FFB harvested and sold.*

**Criterion 4.2**

Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.

Indicator 4.2.1:

- Evidence that good agricultural practices, as contained in the Standard Operating Procedures (SOPs) are followed to manage soil fertility to a level that ensures sustained yield improvement.

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Indicator 4.2.2:

- Records of fertilizer inputs and application are maintained.

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Indicator 4.2.3:

- Evidence of periodic tissue and soil sampling to monitor changes in nutrient status.

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Indicator 4.2.4:

- A nutrient recycling strategy should be in place and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill effluent (POME), and or solids, and palm residues after replanting.

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*Guidance:*



*Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency must take account of the age of plantations and soil conditions.*

*Managers should ensure that best management practices are followed. Growing of cover crops, fronds stacking, use of EFB, POME and palm residues to improve soil fertility are highly recommended.*

*It is advised that leaf sampling is done annually and soil sampling at least every 5 years.*

*Scheme SH guidance:*

*Scheme managers should ensure that scheme smallholders receive training in best management practices aimed at improving soil fertility. Records of such trainings are kept.*

*Independent SH guidance:*

*Group managers should ensure that scheme smallholders receive training in best management practices aimed at improving soil fertility. Records of such trainings should be kept and regular monitoring to ensure that such practices is done on the field. When fertilizer is used, records should be kept.*

*The establishment of cover crops should be promoted.*

### **Criterion 4.3**

Practices minimize and control erosion and degradation of soils.

Indicator 4.3.1:

- Maps of fragile soils shall be available (where applicable).

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Indicator 4.3.2:

Slopes between 0 and 16° are suitable for planting. A management strategy should exist for plantings on slopes between 17 and 30° (i.e. marginal soils). There shall be no planting on slopes above 30° (i.e. unsuitable soils) and where such slopes have been planted or replanted already there should be evidence of best management practices which prevent erosion and maintain the structure against landslide.

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Indicator 4.3.3:

- Presence of road maintenance programme.

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Indicator 4.3.4:

- A management strategy should be in place for other fragile and problem soils (e.g. sandy, low organic matter).

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Guidance:

*Growers should adopt best management practices to minimize and control soil erosion and degradation of soils. This may include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replanting.*

*Amongst others the following should be taken into account upon constructing roads: wetlands, culverts, contours.*

*Management strategy for fragile soils must include EFB application to improve soil structure.*

Scheme SH guidance:

*Scheme managers should ensure that land selected for smallholder schemes are suitable for oil palm cultivation. Scheme smallholders should be trained in best management practices aimed at minimizing and controlling erosion and degradation of soils. Records of such trainings must be kept.*

Independent SH guidance:

*Group managers should ensure that members are trained in best management practices aimed at minimizing and controlling erosion and degradation of soils. Records of such trainings must be kept.*

**Criterion 4.4**

Practices maintain the quality and availability of surface and ground water.

Indicator 4.4.1:

- An implemented water management plan shall be in place.

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Indicator 4.4.2:

- Protection of local water courses and wetlands, including maintaining and restoring appropriate riparian and other buffer zones, as per WRC guidelines.

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Indicator 4.4.3:

- Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations.

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Indicator 4.4.4:

- Monitoring of mill water use per tonne of FFB.

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Guidance:

*Growers and millers should have documented water management plan to address the effects of their operations on local water resources. The Water Management Plan should consider the following;*

- *The efficiency of water usage and renewability of sources.*
- *Ensure that the use and management of water by mill operations does not result in adverse impacts on other users within the catchment area, including local communities and customary water users*
- *Growers and millers should mitigate any residual impact of their operations on water bodies from which the communities derive their livelihoods. Mitigation measures may include the provision of alternative sources of water for affected communities.*
- *Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inappropriate disposal of waste including POME.*

*Millers must regularly monitor effluent parameters to meet national standards or the standards under their EPA permit conditions. This should be part of the quarterly monitoring returns to EPA (in accordance with the EPA permit conditions) and the EPA Effluent Guidelines should be followed. (Permit conditions shall be on case by case basis and should be a guiding rule especially where the actual parameters are not at variance with the legal standards.)*

*Implementation of the National Buffer Zone Policy – the recommendations on the buffer with are:*

- 1. Municipal reservoir shoreline protective buffer: 60 to 90 meters (e.g. Weija Dam, Lake Bosomtwe);*
- 2. Major perennial rivers/streams: 10 to 60 meters (e.g. Volta, Tano, Offin);*
- 3. Minor perennial streams: 10 to 15 meters;*
- 4. Important intermittent streams: 10 to 20 meters;*
- 5. Stream within forest reserves: 10 to 50 meters.*
- 6. Wetland will require a buffer zone of 30 meters around the perimeter as defined from the high water elevation.*

*Note: The slope affects the buffer zone: slope of 15-20 %, add 3 meters; slope of 20-25 %, add 10 meters, and slope of 25-30 %, add 20 meters*

*Scheme SH guidance:*

*Scheme managers should ensure that smallholder activities do not affect the quality and availability of water bodies in the catchment area. They must also ensure that smallholders are trained in ground water management and creation of buffer and riparian zones.*

*Independent SH guidance:*

*Group managers should ensure that group members are maintaining riparian buffer zones and are not contributing to contamination of water bodies in their catchment areas. Members should also be trained regularly in water management and creation of buffer and riparian zones.*

*Where existing smallholdings are already established in riparian buffer zones, these areas should be restored with natural vegetation at replanting.*

*Group managers shall encourage smallholders to implement manual weeding of palm circles at locations where palms are already established in riparian buffer zones.*

#### **Criterion 4.5**

Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques.

Indicator 4.5.1:

- Implementation of IPM plans shall be monitored.

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Indicator 4.5.2:

- Up-to-date IPM related training records of those involved in IPM implementation shall be available.

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*Guidance:*

*Growers should apply recognized IPM techniques, incorporating cultural, biological, mechanical or physical methods to minimize use of chemicals.*

*The use of Native species for biological control should be promoted wherever possible.*

Scheme SH guidance:

*Scheme managers should provide regular training to scheme smallholders in IPM techniques (incorporating cultural, biological, mechanical or physical methods) to minimise use of chemicals and provide appropriate assistance for application of agro-chemicals.*

Independent SH guidance:

*Group managers should provide regular training to group smallholders in IPM techniques (incorporating cultural, biological, mechanical and physical methods to minimise use of chemicals.*

## **Criterion 4.6**

Pesticides are used in ways that do not endanger health or the environment.

### Indicator 4.6.1:

- Only pesticides registered by the Environmental Protection Agency are used. Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or diseases and which have minimal effect on non-target species shall be used where available.

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### Indicator 4.6.2:

- Records of pesticides use (including active ingredients used and their LD50, area treated, amount applied per ha and number of applications) shall be kept.

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### Indicator 4.6.3:

- Use of pesticides shall be in accordance with Integrated Pest Management (IPM) plan. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines.

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### Indicator 4.6.4:

- Documentary evidence that use of chemicals categorized as World Health Organisation type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat, is progressively

eliminated by identifying alternatives. There shall be documentary record of this process. The use of such pesticides shall be minimized and eliminated as part of a plan, and shall only be used in exceptional circumstances.

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Indicator 4.6.5:

- Pesticides should only be applied by qualified persons who have received the necessary training and should always be applied in accordance with the product label. Appropriate safety equipment must be provided and used. All precautions attached to the products should be properly observed, applied, and understood by workers. Also see criterion 4.7 on health and safety.

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Indicator 4.6.6

- Storage of all pesticides shall be according to recognized best practices. All pesticides containers must be properly disposed of and not used for other purposes (see criterion 5.3).

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Indicator 4.6.7:

- Application of pesticides shall be by proven methods that minimize risk and impacts

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Indicator 4.6.8:

- Pesticides are applied aerially only where there is a documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.

⇒ MAJOR

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Indicator 4.6.9:

- Employees and associated smallholder should demonstrate awareness and skills on pesticide handling. Appropriate information materials shall be provided (see Criterion 4.8)

⇒ MINOR

Indicator 4.6.10:

- Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3).

⇒ MINOR

Indicator 4.6.11:

- Specific annual medical surveillance for pesticide operators and documented action to treat related health conditions shall be demonstrated.

⇒ MAJOR

Indicator 4.6.12:

- No work with pesticides for pregnant and breast-feeding women

⇒ MAJOR

Guidance:

*Growers should apply measures to avoid the development of resistance such as pesticide rotations. Any use of pesticides should be justified. (Refer to Integrated Management Strategies for Oil Palm, CABI, April, 2011). Pesticides usage should be according to the IPM plan. Storage of pesticides should follow best practice guidelines as prescribed in the FAO International Code of Conduct on the distribution and use of pesticides.*

*Pesticides that are categorized as WHO Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, should not be used except in specific situations allowed by the national best practice guidelines or where these pesticides are the only available means of control and that the dosage rate does not exceed the LD50 limit. This must be proven.*

*Records of pesticides use including active ingredients, their LD50, area treated, quantity used per ha and number of applications should be kept.*

*Major producers should inform the Environmental Protection Agency and the Ministry of Food and Agriculture when in possession of obsolete chemicals.*

*To import chemicals, the major producers need to obtain Chemicals Import License as required by the EPA.*

*Material Safety Data Sheets of all chemicals used, need to be available on site*

Scheme SH guidance:

*Scheme managers should ensure that only approved and recommended chemicals are used by scheme smallholders. Records of pesticides applications should be kept. Scheme smallholders must be trained in Safe Use and Handling of Pesticides and Disposal of Empty Pesticide Containers.*

*Chemicals should only be applied in accordance with product label.*

- Appropriate safety equipment should be acquired and used (or provided by nucleus estates).*
- All precautions attached to the products should be properly observed, applied and understood.*
- Chemicals should be securely and safely stored. All chemical containers must be properly disposed off and not use for other purposes (and see criterion 5.3).*
- Pesticides should be applied by proven methods that minimise risk and impacts.*
- Proper disposal of waste material, according to procedures that are fully understood by workers and managers. (Also see criterion 5.3 on waste disposal).*
- The pesticide register of the Environmental Protection Agency should be made available to the farmers (e.g. by posting it at the collection centres).*

*Scheme manager's records will also show:*

- Justification of all chemical use.*
- List of all agro-chemicals used.*
- Records of pesticides supplied to smallholders.*
- Documentary evidence that use of chemicals categorised as World Health Organisation Type IA or IB, or listed in the Stockholm or Rotterdam Conventions, and paraquat is eliminated.*
- Annual health screening for all smallholders using or handling agrochemicals categorised as World Health Organisation Type IA or IB, or listed in the Stockholm or Rotterdam Conventions, and paraquat.*
- There should be no chemical spraying by pregnant women or children, and children should not have access to the field during spraying activities.*

*Scheme managers should inform the Environmental Protection Agency and the Ministry of Food and Agriculture when in possession of obsolete chemicals.*

*To import chemicals, the scheme managers need to obtain Chemicals Import License as required by the EPA.*

*Material Safety Data Sheets of all chemicals used, need to be available on site.*

*Independent SH guidance:*

*Group managers should provide regular training to members on Safe Use and Handling of Pesticides and Disposal of Empty Pesticide Containers. Records of all pesticide applications must be kept by members.*

*Group managers should provide regular training to group smallholders on agro-chemical use (see criterion 4.8), especially on:*

- How chemicals should only be applied in accordance with the product label.*
- Appropriate safety equipment should be acquired and used.*
- All precautions attached to the products should be properly understood, applied and observed.*
- The dangers of use of chemicals categorised as World Health Organisation Type IA and IB, or listed by the Stockholm or Rotterdam Conventions, and paraquat.*



- Chemicals should be securely and safely stored. All chemical containers must be properly disposed of and not used for other purposes (see criterion 5.3).

-Pesticides should be applied by proven methods that minimise risk and impacts.

- Proper disposal of waste material, according to procedures that are fully understood by workers and managers (also see criterion 5.3 on waste disposal).

- There should be no chemical spraying by pregnant women or children, and children should not have access to the field during spraying activities.

## **Criterion 4.7**

An occupational health and safety plan is documented, effectively communicated and implemented. The health and safety plan covers the following:

### Indicator 4.7.1:

- A health and safety policy, which is implemented and monitored, shall be in place.

⇒ MAJOR

### Indicator 4.7.2:

- All operations where health and safety is an issue have been risk assessed and procedures and actions are documented and implemented to address the identified issues. All precautions attached to products should be properly observed and applied.

⇒ MAJOR

### Indicator 4.7.3:

- All workers involved in the operations have been adequately trained in safe working practices (see also criterion 4.8). Adequate and appropriate protective equipment shall be available to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, land preparation, harvesting, etc.

⇒ MAJOR

### Indicator 4.7.4:

- A responsible person for Occupational Health and Safety is identified. There are records of regular meetings between the responsible person and workers where concerns of all parties about health, safety and welfare are discussed. Records detailing the occurrence and issues raised should be kept.

⇒ MAJOR

### Indicator 4.7.5:

- Accident and emergency procedures shall exist and instructions clearly understood by all workers. Accident procedures should be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both field and other operations and first aid equipment should be available at worksites. Records should be kept of all accidents and periodically reviewed. Workers should be covered by accident insurance.

⇒ MINOR

Indicator 4.7.6:

- All workers shall be covered with medical care (i.e. the National Health Insurance Scheme or any other suitable scheme), and covered by group accident insurance

⇒ MINOR

Indicator 4.7.7:

- Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics

⇒ MINOR

Guidance:

*Growers and millers should ensure that the workplaces, machinery, equipment, transport and processes under their control are safe and without undue risk to health.*

*Growers and millers should ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken.*

*A safe and healthy working environment should be provided for all workers, whether they are employees or contractors, and visitors.*

*The health and safety plan should also reflect guidance in ILO convention 184 and relevant policies (see Annex 2).*

Scheme SH guidance:

*Scheme managers will conduct a risk assessment for their schemes and as an outcome develop a work related health and safety plan for scheme smallholders which is managed, implemented and monitored. There are records of regular meetings between the responsible person and smallholders where concerns about health, safety and welfare are discussed. Accident/incident and emergency procedures should exist and instructions should be clearly explained to all scheme smallholders (and see criterion 4.8) and provided in written form to all scheme smallholders in appropriate languages. For example, booklets and posters can be used that are posted at the collection centres or that are distributed during extension meetings. Scheme managers should ensure that smallholders understand and implement health and safety procedures. The Health and Safety Plan must include at minimum issues such as HIV/AIDS, Malaria and Health & Safety on the plantation/farms.*

Independent SH guidance:

*The Group Manager should identify the risk related to the group smallholdings and address them through sensitization; awareness creation and or training (see 4.8). Major risks should only be addressed through emergency procedures.*

**Criterion 4.8**

All staff, workers, smallholders and contract workers are appropriately trained.

Indicator 4.8.1:

- A documented training programme that includes regular assessment of training needs and covers all aspects of the RSPO Principles and Criteria shall be in place.

⇒ MAJOR

Indicator 4.8.2:

- Records of training for employees are kept.

⇒ MINOR

Guidance:

*Workers should be adequately trained on: the health and environmental risks of pesticides exposure; recognition of acute and long-term exposure symptoms, ways to minimize exposure to workers and their families; international and national instruments or regulations that protect workers' health.*

*The training programme should include productivity and best management practice, and be appropriate to the scale of the organization.*

*Contract workers should be selected for their ability to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO Principles, Criteria Indicators and Guidance.*

Scheme SH guidance:

*Scheme managers should ensure that workers on smallholder plots are adequately trained in all relevant RSPO related trainings. Records of such trainings should be kept.*

Independent SH guidance:

*Group managers should ensure that members and their workers are adequately trained in all relevant RSPO related trainings. Records of such trainings should be kept.*

## **Principle 5: Environmental responsibility and conservation of natural resources and biodiversity**

### **Criterion 5.1**

Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continuous improvement.

#### Indicator 5.1.1:

- Documented Environmental Impact Assessment Report (according to Environmental Assessment Regulations, LI 1652, 1999).

⇒ MAJOR

#### Indicator 5.1.2:

- A documented comprehensive management plan is in place to mitigate identified practices that require changes. The plan should indicate the responsible person (s).

⇒ MINOR

#### Indicator 5.1.3:

- A mechanism to monitor the effectiveness of the mitigation measures is in place

⇒ MINOR

#### Guidance:

*Growers and Millers should have documented Environmental Impact Assessment report which should cover the following activities, where they are undertaken, but not limited to:*

*- Building new roads, processing mills or other infrastructure.*

- Putting in drainage or irrigation system.
- Replanting or expansion of planting area.
- Management of mill effluents (see criterion 4.4).
- Clearing of natural vegetation.
- Management of pests and diseases palms by controlled burning (Criteria 5.5 and 7.7).

*In addition to this, a comprehensive management plan to mitigate identified practices that require changes should be developed and a responsible person or persons identified. The management plan should incorporate a monitoring protocol, adaptive operational changes, which should be implemented to monitor the effectiveness of the mitigation measures. The plan should be reviewed as a minimum every three years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.*

*Impact assessment may be a non-restrictive format e.g. ISO 14001 EMS and/or EIA report incorporating elements spelt out in this criterion and raised through stakeholder consultation. Documented management action plans addressing issues raised from the above impact assessment, which is monitored annually.*

*Environmental impacts should be identified on soil and water resources (see Criterion 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and people's amenity (see criterion 6.1) both on and off-site.*

*Stakeholder consultation has a key role in identifying environmental impacts. The inclusion of consultation should result in improved processes to identify impacts and to develop any required mitigation measures.*

*It is important that where activities, techniques or operations change over time, identifications of impacts, and any required mitigation, are updated as necessary.*

*Every undertaking involving land clearing of more than 40 hectares in area for agricultural purposes or every undertaking involving the construction of crude oil or oil processing facilities, must be registered by the Environmental Protection Agency (Environmental Protection Agency Act, Act 490, 1994) and must obtain an environmental permit from the agency before commencement (Environmental Assessment Regulations, 1999)*

*Scheme SH guidance:*

*Scheme managers must undertake and document an impact assessment, developed with the participation of smallholders, that includes all the scheme smallholdings and sets out appropriate management planning and operational procedures for each impact identified which requires changes in current practice. They have a timetable for the implementation of required actions, which are monitored to demonstrate continuous improvement. Impact assessments will include consideration of:*

- Buildings and maintenance of roads to service smallholdings and provide access to mills.
- Implement drainage or irrigation systems.
- Replanting or expansion of smallholders.
- Clearing of natural vegetation and the need to avoid the use of fire (see 5.5).

Independent SH guidance:

*Group managers should ensure that activities of members should not have negative impacts on their operational areas.*

**Criterion 5.2**

The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.

Indicator 5.2.1:

- A documented HCV assessment report is available.

⇒ MAJOR

Indicator 5.2.2:

- Where rare, threatened or endangered (RTE) species, 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.

⇒ MAJOR

Indicator 5.2.3:

- A documented program in place to regularly educate workforce about the status of RTE species and the appropriate disciplinary measures for workers found to capture, harm, collect, tamper with or kill these species

⇒ MINOR

Indicator 5.2.4:

- Documented evidence of monitoring and updating the status of HCVs affected by plantation or mill operations.

⇒ MINOR

Indicator 5.2.5:

- Evidence of a negotiated agreement that safeguards both HCVs and rights of local communities where HCV set-asides with existing rights of local communities have been identified.

⇒ MINOR

Guidance:

*Growers and Millers should conduct High Conservation Value (HCV) assessment to identify the presence and status of rare, threatened or endangered species that could be significantly affected by their operations. The HCV assessment should cover the presence of protected areas that could be significantly affected by the grower or miller, conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by operations and Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected.*

*This information gathering should include checking available biological records and consultation with relevant government departments, research institutes and interested NGOs if appropriate. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.*

*Where rare, threatened or endangered (RTE) species or HCVs are present or are affected by operations, a management plan to maintain or enhance these species should be developed. The management plan should include appropriate measures to;*

- ensure that any legal requirements relating to the protection of the species or habitat are met;*
- avoid damage to and deterioration of HCV habitats by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created;*
- control any illegal or inappropriate hunting, fishing or collecting activities and*
- develop responsible measures to resolve human-wildlife conflicts.*

*Growers and millers should have a documented program to regularly educate the workforce about the status of the RTEs and the sanctions when workers are found to capture, kill, collect or harm these species.*

*Where HCV set-asides with existing rights of local communities are identified, there shall be evidence of negotiated agreement to safeguard both HCVs and communities. If negotiated agreement cannot be reached, there should be evidence of sustained efforts to achieve such an agreement. These could include third party arbitration (see Criteria 2.3, 6.3 and 6.4)*

Scheme SH guidance:

*Scheme managers should sensitize scheme smallholders about the HCV status in the catchment areas and measures to protect them as required by RSPO.*

Independent SH guidance:

*Group managers should sensitize members about protection of HCVs as required by RSPO.*

**Criterion 5.3**

Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.

Indicator 5.3.1:

- Document sources of all waste products and pollution.

⇒ MAJOR

Indicator 5.3.2:

- Evidence of responsible disposal of all chemicals and their containers.

⇒ MAJOR

Indicator 5.3.3:

- A documented waste management plan to avoid or reduce pollution is in place

⇒ MINOR

Guidance:

*Growers and Millers should have waste management plan. The plan should include measures for:*

- *Identifying and monitoring sources of waste and pollution.*
- *Improving the efficiency of resource utilization 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 disposed of or cleaned (e.g. washing of fertilizer bags for re-use) in an environmentally and socially responsible way (e.g. returned to the vendor or EPA approved waste collectors) such that there is no risk of contamination of water sources or to human health. The disposal instructions on manufacturer's labels should be adhered to.*  
*Use of open fire for waste disposal should be avoided.*  
*Untreated waste water should not be discharged directly to water bodies (See Criterion 4.4).*

Scheme SH guidance:

*Scheme managers should ensure that scheme smallholders are sensitized and or trained in responsible waste disposal and measures to reduce pollution.*

Independent SH guidance:

*Group managers should ensure that group members are sensitized or trained to identify all waste and dispose it off in a responsible manner.*

**Criterion 5.4**



Efficiency of fossil fuel use and the use of renewable energy is optimized.

Indicator 5.4.1:

- A documented plan for improving efficiency of the use of fossil fuels and to optimize renewable energy is in place and monitored.

⇒ MINOR

Guidance:

*Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations.*

*Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill should be monitored. Direct fossil fuel use per tonne of CPO or FFB should also be monitored. Energy efficiency should be taken into account in the construction or upgrading of all operations.*

*Records on energy generation and use are to be maintained.*

*The feasibility of collecting and using biogas should be studied if possible.*

Scheme SH guidance:

*Scheme managers should develop provisions for improving the efficiency of energy use by scheme smallholders. This provision may not apply to scheme smallholders who only use manual labour to care for and harvest FFB.*

Independent SH guidance:

*Group managers should sensitize members on efficient energy use.*

**Criterion 5.5**

Use of fire for preparing land or replanting is avoided, except in specific situations, as identified in the ASEAN guidelines or other regional best practice.

Indicator 5.5.1:

- There shall be no land preparation by burning, other than in specific situations as identified in the “Guidelines for the implementation of the ASEAN Policy on Zero Burning” 2003, or comparable guidelines in other region

⇒ MAJOR

Indicator 5.5.2:

- Where fire has been used for preparing land for replanting, there shall be justification for use.

⇒ MINOR

Guidance:

*Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and with evidence that fire-use is carefully controlled.*

Scheme SH guidance:

*Scheme managers will carry out training and provide extension support to scheme smallholders to ensure smallholder awareness and that fire is not used except in accordance with ASEAN guidelines or other regional best practice (see criterion 4.8).*

Independent SH guidance:

*Group managers shall ensure that group members are not utilizing fire in operations. This is monitored by the group manager.*

**Criterion 5.6**

Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.

Indicator 5.6.1:

- An assessment of all polluting activities, including gaseous emissions, particulate/soot emissions and effluent (see also criterion 4.4) is conducted and documented.

⇒ MAJOR

Indicator 5.6.2:

- Plans to reduce or minimize identified significant pollutants and greenhouse gas (GHG) emissions in place and implemented.

⇒ MAJOR

⇒

Indicator 5.6.3:

- A monitoring system in place with regular reporting on progress for the significant pollutants and emissions from estate and mill operations, using appropriate tools.

⇒ MINOR

Guidance:

*Growers and Millers should have Environmental Management Plan (Environmental Assessment Regulations, LI 1652, 1999) to reduce pollution, including greenhouse gases. The plan should include objectives, targets and timelines.*

*The treatment methodology for POME should be recorded.*

*From the implementation period till 31<sup>st</sup> December, 2016, the RSPO –endorsed modified version of the PalmGHG which only includes emissions from operations (including land use practises) can be used as a monitoring tool. In addition, during the implementation period, growers should start to assess, monitor and report emissions arising from changes in carbon stocks within their operations, using the land use in November 2005 as the baseline. The implementation period for indicator 5.6.3 is the same for Criterion 7.8. Reporting on GHG will be to a relevant RSPO Working Group which will use the information reported to review and fine tune the tools, emission factors and methodologies and provide additional guidance for the process. Public reporting remains voluntary until the end of the implementation period.*

*Where practically feasible, operations should follow best management practices to measure and reduce emissions.*

Scheme SH guidance:

*Scheme managers must include an assessment of all polluting activities of scheme smallholdings in their overall plans for pollution and emissions abatement. Significant pollutants and emissions from scheme smallholdings must be identified and plans to reduce them implemented. The assessment results and plans should be part of the impact assessment (criterion 5.1).*

Independent SH guidance:

*This criterion is not applicable to independent smallholders.*

## **Principle 6: Responsible consideration of employees and of individuals and communities affected by growers and millers.**

### **Criterion 6.1**

Aspects of planting and mill management, including replanting, that have social impacts are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continuous improvement.

#### Indicator 6.1.1:

- A documented social impact assessment including records of meetings.

⇒ MAJOR

Indicator 6.1.2:

- Evidence that social impact assessment has been done with the participation of affected parties.

⇒ MAJOR

Indicator 6.1.3:

A documented implementation and monitoring work plan to avoid or mitigate impacts identified during the assessment must be in place. The plan should include the roles and responsibilities of all relevant parties. The plan should be prepared in collaboration with all affected parties.

⇒ MAJOR

Indicator 6.1.4:

The implementation and monitoring work plan shall be reviewed and updated when necessary and must be done in consultation with affected parties.

⇒ MINOR

Indicator 6.1.5:

- Particular attention shall be paid to the impacts of smallholder schemes (where the plantation includes such a scheme).

⇒ MINOR

**Guidance**

Growers and Millers should carry out Social Impact Assessment to identify aspects of plantation and mill management, including replanting, that have social impacts (both positive and negative). The assessment should be participatory and should include all affected parties, including women and migrant workers. Participation *in this context means that affected parties 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. The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.*

Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in number of employees or terms of employment as well as smallholder schemes.

*Plantation and mill management may have social impacts (positive or negative) on factors such as;*

- *Access and use rights;*
- *Economic livelihoods (e.g. paid employment) and working conditions;*
- *Subsistence activities;*
- *Cultural and religious values;*
- *Health and educational facilities;*
- *Other community values, resulting from changes such as improved transport/communication or arrival of substantial migrant labour force*

The Social Impact Assessment should be documented and records of meetings, stakeholder consultations, list of names and contact numbers of affected parties that participated in the assessment should be kept.

There should be a documented implementation and monitoring work plan to avoid or mitigate impacts identified during the assessment. The work plan should include the roles and responsibilities of all relevant parties. The work plan should be prepared in collaboration with all affected parties and reviewed and updated when necessary. The review can be done internally or by external consultants. Particular attention should be given to impact of smallholder schemes (where the plantation includes such a scheme).

#### Scheme SH Guidance

Growers and Millers with Smallholder schemes should demonstrate that the impact of the scheme has been covered by the SIA.

Scheme managers should be able to demonstrate that scheme smallholders participated in the development of impact assessments for smallholder schemes. Scheme managers must provide:

- A documented social impact assessment
- Evidence that the assessment has been done with the participation of scheme smallholders. Participation in this context means that scheme smallholders are able to express their views through their own representative institutions during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans
- A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary, in those cases where the assessment has concluded that changes should be made to current practices,
- *The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified*

#### Independent SH Scheme

Not applicable to Independent smallholders

## **Criterion 6.2**

There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.

Indicator 6.2.1:

- Documented consultation and communication procedures.

⇒ MAJOR

Indicator 6.2.2:

- A nominated management official responsible for communication.

⇒ MINOR

Indicator 6.2.3:

- Maintenance of a list of stakeholders, records of all communication and records of actions taken in response to input from stakeholders.

⇒ MINOR

Guidance:

*Decisions that the growers or mills are planning to make should be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation.*

*Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These should consider the use of existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum. Communications should take into account differential access to information of women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.*

*Consideration should be given to involving third parties, such as disinterested community groups, NGOs, or government (or a combination of these), to facilitate smallholder schemes and communities, and others as appropriate, in these communications.*

Scheme SH guidance:

*Scheme managers must have documentary evidence that they have clear, implemented procedures for regular communications and consultations with scheme smallholders, including:*

- *A nominated manager responsible for these issues.*
- *Maintenance of a list of scheme smallholders, records of all communications and records of actions taken in response to input from scheme smallholders.*

*Communication and consultations should make use of existing local mechanisms and languages.*

Independent SH guidance:

*Group managers must have documentary evidence that they have clear, implemented procedures for regular communications with, and assessments of, group smallholders in line with the requirements of the RSPO Standard for Group Certification and liaise with local communities.*

### **Criterion 6.3**

There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.

#### Indicator 6.3.1:

- A documented system open to all affected parties which resolves disputes in an effective, timely and appropriate manner and records the outcome. The system should ensure the anonymity of complainants and whistle blowers.

⇒ MAJOR

#### Indicator 6.3.2

Documentation of both the process and outcome by which a dispute was resolved is available.

⇒ MAJOR

#### Guidance:

*Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.*

*Complaints may be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation. Grievances may be internal (employees) or external. Unless there are compelling reasons, the identity of complainants and whistle blowers must not be disclosed.*

#### Scheme SH guidance:

*Scheme managers have a documented system to resolve disputes concerning scheme smallholdings in an effective, timely and appropriate manner. Documents exist of both the process by which a dispute was resolved and the outcome showing the process was open to any affected parties.*

*These dispute resolution mechanisms should be established through open and consensual agreements with smallholders. In case a dispute cannot be resolved between the affected parties, an intermediate person who will be chosen by the affected parties may be invited.*

#### Independent SH guidance:

*Group managers have a documented system to resolve disputes concerning group smallholdings in an effective, timely and appropriate manner. Documents exist of both the process by which a dispute was resolved and the outcome showing the process was open to any affected parties.*

*These dispute resolution mechanisms should be established through open and consensual agreements with smallholders. In addition, the dispute resolution mechanisms must be consistent with the national laws.*

#### **Criterion 6.4**

Any negotiations concerning compensation for loss of legal or customary rights are dealt with through a documented system that enables indigenous people, local communities and other stakeholders to express their views through their own representative institutions.

##### Indicator 6.4.1:

- Establishment of a procedure for identifying legal and customary rights and a procedure for identifying people entitled to compensation.

⇒ MAJOR

##### Indicator 6.4.2:

- A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented.

⇒ MINOR

##### Indicator 6.4.3:

- The process and outcome of any negotiated agreements and compensation claims is documented and made publicly available.

⇒ MAJOR

Guidance:



*This criterion should be considered in conjunction with criterion 2.3 and the associated guidance.*

*The procedure for calculating and distributing fair compensation takes into account gender differences in the power to claim rights, ownership and access to land; difference of transmigrates and long-established communities; differences in ethnic groups' proof of legal versus communal ownership of land.*

*Compensation payments should be timely.*

*Scheme SH guidance:*

*Smallholder schemes are located within the concession for which compensation should be paid according to the three indicators of Criterion 6.4.*

*Outgrower contracts are signed upon proof of land title or tenancy agreement. Therefore, no compensation payments are to be made.*

*This criterion should be considered in conjunction with criterion 2.3 and the associated guidance.*

*Independent SH guidance:*

*Group managers must be able to show that group members have acquired land by legal or accepted customary means.*

*This criterion should be considered in conjunction with Criterion 2.3 and the associated guidance.*

## **Criterion 6.5**

Pay and conditions for employees and for employees of contractors always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.

Indicator 6.5.1:

- Documentation of pay and conditions.

⇒ MAJOR

Indicator 6.5.2:

- Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g., working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc) are available in the languages understood by the workers or explained carefully to them by a management/union official.

⇒ MAJOR

Indicator 6.5.3:

- Growers and millers provide adequate housing, water supplies, medical, educational and welfare amenities to national standard or above, where no such public facilities are available or accessible (not applicable to smallholders).

⇒ MINOR

Indicator 6.5.4: Growers and millers shall pay employees at least the legal minimum wage.

⇒ MINOR

Guidance:

*Reference to the Labour Act, Act 651 (2003).*

*Where temporary or migrant workers are employed, a special labour policy should be established. This labour policy would state the non-discriminatory practices; no contract substitution; post arrival orientation program to focus especially on language, safety, labour laws, cultural practices etc.; decent living conditions to be provided. Migrant workers are legalized, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers, and international standards. Deductions do not jeopardize a decent living wage.*

*Forced labour is not used (see ILO conventions 29 and 105, Annex 2).*

Scheme SH guidance:

*Scheme managers must ensure that workers employed to service smallholders receive at least the legal minimum wage*

Independent SH guidance:

*Group managers must ensure that members pay at least the legal minimum wage to workers employed to work on their farms.*

**Criterion 6.6**

The employer respects the right 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.

Indicator 6.6.1:

- A published statement in English (explained in local languages) recognizing freedom of association.

⇒ MAJOR

Indicator 6.6.2:

- Documented minutes of meetings with main trade unions or workers representatives.

⇒ MINOR

Guidance:

*The right of employees and contractors to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation.*

*Labour laws and union agreements or in their absence, direct contracts of employment detailing payments and other conditions are available in the languages understood by the workers or explained carefully to them by a management official.*

Scheme SH guidance:

*Scheme managers must respect the right of scheme smallholders to form and represent themselves through their own representative associations and/or trade unions and accept them as parties to participatory processes, consultations, communications and negotiations in the management of the scheme.*

Independent SH guidance:

*This criterion is not applicable to independent smallholders.*

**Criterion 6.7**

Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision, and when not interfering with education programmes. Children are not exposed to hazardous working conditions.

Indicator 6.7.1:

- Documentary evidence that minimum age requirement is met.

⇒ MAJOR

Guidance:

*Growers and millers should clearly define the minimum working age, together with working hours.*

*Only workers above the minimum legal age (18 years) may be employed, with the exception of family farms. The Ghana Labour Act 651 (2003) prohibits hazardous work by young persons. A young person is defined thus as a person of or above 18 years of age but below 21 years*

*The minimum age of workers will not be less than stated in the Children's Act, Act 560, 1998.*

*Scheme SH guidance:*

*Scheme managers will train scheme smallholders in the national and ratified international legal requirements for avoiding use of child labour.*

*Light work (reference to Children's Act, Act 560, 1998) by children on family smallholdings within the scheme is only acceptable under adult supervision and when not interfering with education programmes and if permitted by national and ratified international laws.*

*Independent SH guidance:*

*Group managers will train group smallholders in the national and ratified international legal requirements for avoiding the use of child labour.*

*Light work (reference to Children's Act, Act 560, 1998) by children on family smallholdings within the scheme is only acceptable under adult supervision and when not interfering with education programmes and if permitted by national and ratified international laws.*

## **Criterion 6.8**

Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.

Indicator 6.8.1:

- A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment.

⇒ MAJOR

Indicator 6.8.2:

- Evidence that employees and groups including local communities, women, and migrant workers have not been discriminated against.

⇒ MAJOR

Indicator 6.8.3:

- Evidence that recruitment, hiring and promotion of employees are based on skills, capabilities, qualities and medical fitness necessary for the jobs available.

⇒ MINOR

Guidance:

*The right of employees and contractors to form association and bargain collectively with their employer should be respected, in accordance with ILO Conventions 87 and 98.*

*Job advertisements and job descriptions for new positions should be advertised both internally and externally including communities. Otherwise the mode of recruitment should be in accordance with acceptable practice adopted and documented by the Company.*

*The grievance procedures detailed in criterion 6.3 apply.*

*Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.*

Scheme SH guidance:

*Scheme managers must ensure that there is no discrimination in the recruitment and employment of workers employed to service smallholders.*

*Scheme managers will not allocate smallholdings or recruit smallholders in a discriminatory way, except where local communities have negotiated to be provided smallholdings in accepting the establishment of schemes on their lands.*

*Scheme managers must ensure that women, indigenous people and minorities participate in negotiating processes.*

Independent SH guidance:

*Group managers must provide training to group members about the need to avoid discrimination.*

**Criterion 6.9**

A policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive rights is developed and applied.

Indicator 6.9.1:

- A public statement and policy on sexual harassment and violence is communicated to all levels of workforce. Records of implementation to be kept.

⇒ MAJOR

Indicator 6.9.2:

- A public statement and policy to protect the reproductive rights of all, especially women is communicated to all levels of work force. Records of implementation to be kept.

⇒ MAJOR

Indicator 6.9.3:

- A specific grievance mechanism which respects anonymity and protects complainants is established and communicated to all levels of workforce. Records of implementation to be kept.

⇒ MINOR

Guidance:

*Reference to Domestic Violence Act 732, 2007 and Labour Act 561, 2003.*

*A clear policy on Sexual Harassment and Reproductive Rights should be developed in consultation with employees, contractors and other relevant stakeholders, and the policy should be publicly available. The policy should include education for women and awareness of the workforce.*

*Progress in implementing the policy should be regularly monitored, and the result of monitoring activities should be recorded.*

*A gender committee including representatives from all areas of work to specifically address areas of concern to women should be put in place. This committee will consider matters such as; trainings on women's rights, counselling for women affected by violence, child care facilities to be provided by the growers and millers, 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.*

Scheme SH guidance:

*Scheme managers must ensure that this provision applies to personnel employed to service smallholders, as well as those working in mills and estates as well as smallholders and those they employ.*

Independent SH guidance:

*Group managers must provide training to group members about the need to prevent sexual harassment and the abuse of women among both smallholders and any workers employed by them.*

**Criterion 6.10**

Growers and millers deal fairly and transparently with smallholders and other local businesses.

Indicator: 6.10.1:

- Current and past prices paid for FFB shall be publicly available.

⇒ MINOR

Indicator 6.10.2:

- Available evidence that grower/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services to be documented (where these are under the control of the mill or plantation).

⇒ MAJOR

Indicator 6.10.3:

- Available evidence that all parties understand the contractual agreement they enter into, and that contracts are fair, legal and transparent.

⇒ MINOR

Indicator 6.10.4:

- Agreed payments are made in a timely manner.

⇒ MINOR

Guidance:

*Transactions with smallholders should consider issues such as the role of middle men, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (under criterion 4.2) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported might be made via the FFB price.*

*Smallholders must have access to the grievance procedure under criterion 6.3, if they consider that they are not receiving a fair price for FFB, whether or not middle men are involved.*

*The need for a fair and transparent pricing mechanism is particularly important for smallholders who are contractually obliged to sell all FFB to a particular mill.*

*If mills require smallholders to change practices to meet the RSPO criteria, consideration must be given to the costs of such changes, and the possibility of advance payments for FFB could be considered.*

Scheme SH guidance:

*Scheme managers must ensure that:*

- Current and past prices paid for FFB are publicly available.
- Fair and transparent pricing mechanisms must be established.
- Pricing mechanisms for FFB and inputs/services are documented (where these are under the control of the mill or plantation).
- Evidence is available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal, and transparent and in appropriate languages and all costs, fees and levies are explained and agreed in advance.
- Agreed payments are made in a timely manner.
- Debt repayment schemes are fair and fully transparent.
- Where smallholders pay relevant service fee, those services must be delivered in a timely manner (e.g. road maintenance, transport, research, pest & disease management).
- Renegotiations over second plantings or extensions are commenced with an adequate lead in time.

*Transactions with scheme smallholders should deal fairly with issues such as the role of middle men, transport and storage of FFB, quality and grading, and inputs from family labour.*

*Smallholders must have access to the grievance procedure under criterion 6.3, if they consider that they are not receiving a fair price for FFB, whether or not middle men are involved.*

*If mills require smallholders to change practices to meet RSPO criteria, consideration must be given to the costs of such changes, and the means of meeting these costs.*

*Independent SH guidance:*

*Group managers must ensure that:*

- Current and past prices paid for FFB are freely available to the group members and other parties.
- Fair and transparent mechanisms must be established to pay members and other parties for their FFB.
- Agreed payments are made in a timely manner.

*Transactions with group smallholders should deal fairly with issues such as the role of middle men, transport and storage of FFB, quality and grading, purchases of fertilizer, tools and pesticides, and inputs from family labour.*

*Smallholders must have access to grievance procedure under criterion 6.3, if they consider that they are not receiving a fair price for FFB, whether or not middle men are involved.*

**Criterion 6.11**

Growers and millers contribute to local sustainable development where appropriate.



Indicator 6.11.1:

- Demonstrable contributions to local development that are based on the results of consultation with local communities.

⇒ MINOR

Indicator 6.11.2:

- Evidence that efforts and /or resources have been allocated to improve smallholder productivity (where there are scheme smallholders)
- MINOR

Guidance:

*Contributions to local development should be based on the results of consultation with local communities. See also criterion 6.2.*

*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 and women.*

*The local authority should be involved in community development projects.*

*Where candidates for employment are of equal merit, preference should be given to members of local communities. Positive discrimination should not be recognized as conflicting with criterion 6.8.*

*Where sourcing of fruit is from identified independent smallholders, efforts should be made to contribute to the improvement of their farming practices.*

Scheme SH guidance:

*This criterion is not applicable to Scheme Smallholders*

Independent SH guidance:

*This criterion is not applicable to group smallholders.*

**Criterion 6.12**

No forms of forced labour or trafficked labour are used.

Indicator 6.12.1:

- Evidence that no forms of forced labour or trafficked labour are used

⇒ MAJOR

Indicator 6.12.2:

- Evidence that no contract substitution has occurred

⇒ MINOR

Indicator 6.12.3

- Availability of special labour policy and procedures for temporary and migrant workers. Records of implementation to be kept

⇒ MAJOR

Guidance:

Workers should be allowed to enter into employment voluntarily and freely, without the threat of a penalty and should have the freedom to terminate employment without penalty when reasonable notice as per the employment agreement is given.

The special labour policy for migrant and temporary workers should include statement of non-discriminatory practices; no contract substitution; post-arrival orientation programme with emphasis on language, safety, labour laws, cultural practices and living conditions to be provided.

Migrant workers should be assisted to legalize their stay in the country and their employment agreement should meet immigration requirements for foreign workers and international standards. Deductions from their salaries should not affect their minimum wages. Migrant workers should be allowed to submit their passports voluntarily.

Scheme SH

Scheme Managers must ensure that this provision applies to workers contracted to provide service to scheme smallholders.

Independent SH

Group Managers to ensure that independent smallholders are trained on how to treat migrant workers contracted on their farms.

**Criterion 6.13**

Growers and millers respect human rights

Indicator 6.13.1

- A documented human rights policy which is communicated to all levels of workforce.

⇒ MAJOR

Guidance:

*See also Criteria 1.2 and 2.1 . Reference to UN Guiding Principles on Business and Human Rights.*

*A policy to respect human rights should be prepared in consultation with all levels of work force. This policy must cover contracted third parties e.g. those involved in security. Records of implementation should be kept.*

Scheme SH

Scheme Managers must ensure scheme smallholders are aware of the company's human rights policy and to implement it.

Independent SH

Group Managers to ensure that independent smallholders are trained on Human Rights related issues.

## **Principle 7: Responsible development of new plantings.**

### **Criterion 7.1**

A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations.

Indicator 7.1.1:

- A documented social and environmental impact assessment (SEIA) report.

⇒ MAJOR

Indicator 7.1.2:

- A documented environmental and social management plan and operational procedures to avoid or mitigate identified negative impacts or potential impacts

⇒ MINOR

Indicator 7.1.3:

- Where the development includes a smallholder scheme, the impacts of the scheme and the implications of the way it is managed should be given particular attention.

⇒ MINOR

Guidance:

See also criteria 5.1 and 6.1

*For plantations with 40 ha and above, a SEIA should be conducted by an independent body through a participatory approach including relevant affected stakeholders.*

*A participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts. Stakeholders such as local communities, government departments and NGOs should be involved, through the use of interviews and meetings, and by reviewing findings and plans for mitigation.*

*The potential impacts of all major proposed activities including indirect/secondary impacts which are not under the control of individual growers and millers should be assessed prior to development. The assessment should include, in no order of preference, as a minimum:*

- *Assessment of the impacts of all major planned activities, including planning, mill operations, roads and other infrastructure.*
- *Assessment, including stakeholder consultation, of High Conservation Values (see criterion 7.3) that could be negatively affected.*
- *Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems.*
- *Identification of water courses and assessment of potential effects on hydrology by planned developments. Measures should be planned and implemented to maintain the quantity of water resources.*
- *Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting.*
- *Analysis of type of land to be used (forest, degraded forest, cleared land).*
- *Analysis of land ownership and user rights.*
- *Analysis of current land use patterns.*
- *Assessment of potential social impact on surrounding communities of a plantation, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents.*
- *Identification of activities which may generate significant GHG emissions*

*Plans and field operations should be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment process is that the development should not proceed, because of the magnitude of potential impacts.*

Scheme SH guidance:

*Where the proposed new plantings include schemes for smallholders, scheme managers should ensure that local communities, indigenous people and beneficiary smallholders participate actively in impact*

assessments. In addition to the consideration outlined in the RSPO P&C such assessments must include participatory consideration of:

- Land use planning and land allocations to smallholders and arrangements regarding land acquisition.
- Identification and mitigation of environmental impact, road building and road maintenance.
- Debt provisions and payments, FFB pricing procedures, transport and grading.
- Conservation Values (see criterion 7.3) that could be negatively affected.
- Assessment of potential effects on adjacent natural ecosystems of planned smallholding developments, including whether development or expansion will increase pressures on nearby natural ecosystems.
- Identification of watercourses and assessment of potential effects on hydrology by planned smallholding developments. Measures should be planned and implemented to maintain the quantity and quality of water resources.
- Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting.
- Analysis of type of land to be used (forest, degraded forest, cleared land).
- Analysis of land ownership and user rights.
- Analysis of current land use patterns.
- Assessment of potential social impact on surrounding communities of a plantation and associated smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents.

Plans and field operations should be developed and implemented with the participation of smallholders to incorporate the results of the assessment.

Independent SH guidance:

*This Criterion is not applicable to independent smallholders.*

## **Criterion 7.2**

Soils surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.

### Indicator 7.2.1:

- Soil suitability maps or soils surveys adequate to establish the long-term suitability of land for oil palm cultivation should be available.

⇒ MAJOR

### Indicator 7.2.2:

- Topographic information adequate to guide the planning of drainage and irrigation system, roads and other infrastructure should be available.

⇒ MAJOR

Guidance:

*These activities may be linked to the SEIA (criterion 7.1) but need not be done by independent experts.*

*Soil suitability maps or soils surveys should be appropriate to the scale of operation and should include information on soil types, topography, moisture availability, stoniness, fertility and long-term soil sustainability.*

*Soils unsuitable for planting or those requiring special treatment should be identified. This information should be used to plan planting programmes, etc.*

*High Suitability:*

*Features: Free of gravel stone, good moisture holding capacity.*

*Phyllite: Temang (Kokofu).*

*Granit: Akroso.*

*FAO: Haplic.*

*Moderate Suitability:*

*Features: Limitation by gravel, low rooting depth.*

*Phyllite: Nzima, Bekwai (uplands).*

*Granit: Kumasi, Asuansi.*

*FAO: Ferric Lquisol/Ferric Acrisol.*

*Low Suitability:*

*Features: Severe limitation by gravel, water.*

*Phyllite: Oda (poor drainage).*

*Granit: Nta/Ofin.*

*FAO: Gley Soil/Arenosol.*

*Measures should be planned to minimize erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.*

Scheme SH guidance:

*Scheme managers must ensure that they apply the same procedures required for mills and new estates to all associated smallholder schemes. Information on soils may be collected and provided by the scheme management or the mill that purchases the scheme's FFB.*

Independent SH guidance:

*Companies should provide information on soil suitability to independent smallholders in their operational areas to assist them to grow oil palm sustainably.*

**Criterion 7.3**

New plantings since November 2005, have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.

Indicator 7.3.1:

Evidence that no new plantings have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs) since November 2005.

⇒ MAJOR

Indicator 7.3.2:

A comprehensive HCV assessment, including stakeholder consultation, is conducted prior to any conversion or new planting.

⇒ MAJOR

Indicator 7.3.3

- Dates of land prepared and commencement are recorded.

⇒ MAJOR

Indicator 7.3.4

- An action plan describing operational actions consequent to the findings of the HCV assessment is in place

⇒ MAJOR

Indicator 7.3.5

- HCV assessment and management plans should identify areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihoods resulting from the proposed operations.

⇒ MINOR

Guidance:

*Growers should refer to the RSPO approved New Plantings Procedures. This activity could be integrated with the SEIA required by 7.1.*

*This criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership of farm management that have taken place after this date.*

*High Conservation Values (HCVs) may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced. Evidence may include historical remote sensing imagery which demonstrates that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps should be used to inform the HCV assessment.*

*The HCV assessment process requires appropriate training and expertise, and must include consultation with local communities, particularly for identifying social HCVs.*

*HCVs assessments should be conducted according to the National Interpretation of the HCV criteria or according to the Global HCV Toolkit if a National Interpretation is not available [see Definitions].*

*Land conversions that took place in the period from November 2005 until the date when Ghana NI is approved are only acceptable if a full, legal EIA was undertaken and a retrospective assessment in relation to HCVs concludes that HCVs are unlikely to have been destroyed.*

*New plantings must be in compliance with existing regulatory requirements that relate to social and environmental impact assessment i.e. SIEA (criterion 7.1) and also comply with the legalized land spatial planning.*

*Specific guidance for plantation development in period November 2005 until date when Ghana NI is approved:*

- Record the date of land preparation and the beginning of operation.*
- Assess HCV in the plantation.*
- In case where there is a HCV within oil palm plantation, prepare a rehabilitation plan to conserve such area for RSPO certification*
- In case where there is a HCV within oil palm but cannot be rehabilitated or in the process of rehabilitation, such area must be set aside for conservation. Other fields can still be certified.*

*Development should actively seek to utilize previously cleared and/or degraded land.*

*Plantation development should not put indirect pressure (as determined by accredited HCV assessors) on forests through the use of all available agricultural land in an area.*

*Where landscape level HCV 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.*

*For definition of 'High Conservation Values', see definitions.*

*Scheme SH guidance:*

*Scheme managers must ensure that this criterion is applied to scheme smallholdings.*

*Independent SH guidance:*

*Group managers must ensure that independent smallholders are trained in HCV related issues.*

**Criterion 7.4**



Extensive planting on steep terrain, and/or on marginal and fragile soils, including peat is avoided.

Indicator 7.4.1:

- No planting on slopes above 30 °.

⇒ MAJOR

Indicator 7.4.2:

- Maps identifying marginal and fragile soils, including excessive gradients, should be available.

⇒ MINOR

Indicator 7.4.3:

- Where limited planting on fragile and marginal soils is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.

⇒ MINOR

Guidance:

*This activity may be integrated with the SEIA required by 7.1.*

*Planting on fragile soils should be avoided (see also criterion 4.3).*

*Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (criterion 5.5).*

Scheme SH guidance:

*Scheme managers must ensure that no lands are allocated to scheme smallholders on steep terrain and/or marginal and fragile soils. Where limited planting is proposed it must be fully justified and must not push people into poverty, and must be done in accordance with the indicators.*

Independent SH guidance:

*Group managers should advise independent smallholders not to plant on steep terrain and/or on marginal and fragile soils.*

**Criterion 7.5**

No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. This is dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

Indicator 7.5.1:

- Evidence that affected local peoples understand they have the right to say “no” to operations planned on their lands before and during initial discussions.

⇒ MAJOR

Guidance:

*Refer to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for indicators and guidance on compliance.*

*There must be free, prior and informed consent of affected communities before new plantings is established. Customary and user rights to be demonstrated through participatory user mapping as part of the FPIC process*

*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 2.3).*

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

Scheme SH guidance:

*This criterion must be considered with criteria 2.2, 2.3, 6.4, and 7.6. Scheme managers must ensure that they first identify local owners of any and all lands for proposed scheme smallholdings. Scheme managers must provide:*

- *Maps showing extent of recognised customary rights (criteria 2.3, 7.5 and 7.6).*
- *Copies of negotiated agreements detailing process of consent (criteria 2.3, 7.5 and 7.6).*

*Where lands are encumbered by legal or customary rights the scheme manager must demonstrate that these rights are understood and are not being threatened or reduced. This criterion should be considered in conjunction with criteria 6.4 and 7.6. Where customary rights areas are unclear these are best established through participatory mapping exercises involving affected and neighbouring communities.*

*This criterion allows for sales and negotiated agreements to compensate other users for lost benefit, and/or relinquished rights and also provide alternative livelihood.*

*Negotiated agreements to acquire lands for scheme smallholdings 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 in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements.*

*Communities must be permitted to seek legal counsel if they so choose. Communities must be represented through institutions or representatives of their own choosing, operating transparently and in open communication with other community members. Adequate time must be given for customary decision-making and iterative negotiation allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.*

*Scheme managers have maps or other documents showing land allocations for scheme smallholders and can show these lands are not claimed or contested by third parties with legitimate claims.*

*Scheme managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.*

*Independent SH guidance:*

*This criterion must be considered with criteria 2.2, 2.3, 6.4 & 7.6. Group managers must ensure that members first identify local owners of any and all lands for the expansion or acquisition of new group smallholdings.*

*Where lands are encumbered by legal or customary rights, the group manager must demonstrate that these rights are understood by group members and are not being threatened or reduced. This criterion should be considered in conjunction with criteria 6.4 and 7.6.*

*This criterion allows for sales or lease and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements to acquire lands for group smallholdings 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 in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Those selling or leasing lands must be permitted to seek legal counsel if they so choose. Communities selling or leasing lands must be represented through institutions or representatives of their own choosing, operating transparently and in open communication with other community members.*

*Adequate time must be given for customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.*

*Group managers have maps or other documents showing the land holdings of group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims.*

*Group managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken-over there is proof of transfer of rights (e.g. lease) and of payment or provision of agreed compensation.*

**Criterion 7.6**

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 free, prior and informed consent and negotiated agreements.

Indicator 7.6.1:

- Documented identification and assessment of legal and customary rights is available

⇒ MAJOR

Indicator 7.6.2:

- Establishment of a documented system for identifying people entitled to compensation.

⇒ MAJOR

Indicator 7.6.3:

- Establishment of a system for calculating and distributing fair compensation (monetary or otherwise).

⇒ MAJOR

Indicator 7.6.4:

- Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development.

⇒ MINOR

Indicator 7.6.5:

- The process and outcome of any compensation claims should be documented and made publicly available.

⇒ MINOR

Indicator 7.6.6:

- Available evidence that affected communities and rights holders have access to independent information and advice on the economic, environmental and social impacts of the proposed operations on their lands

⇒ MINOR

<u>Guidance:</u>
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*This activity shall be integrated with the SEIA as required by Criterion 7.1. Refer also to Criteria 2.2, 2.3 and 6.4 and associated guidance.*

*This requirement includes indigenous peoples (see Annex 1).*

*Growers and millers will confirm that the affected communities or their representatives gave consent to the proposed project.*

*A Resettlement Action Plan or a Community Development Plan should be in place. Other benefits include compensation payment, provision of alternative livelihood, and development of smallholder schemes.*

*Scheme SH guidance:*

*See criterion 7.5 above.*

*This is not applicable for the farmlands in outgrower schemes as during initial land inspection; each land has to be covered by a land title or a tenancy agreement between the applicant and the landowner.*

*Independent SH guidance:*

*See criterion 7.5 above.*

## **Criterion 7.7**

Use of fire in the preparation of new plantings is avoided except in specific situations, as identified in the ASEAN guidelines or other regional best practice.

Indicator 7.7.1:

- Evidence of land preparation without burning except in specific situations as identified in the “Guidelines for the Implementation of the ASEAN Policy on Zero Burning” 2003, or comparable guidelines in other regions.

⇒ MAJOR

Indicator 7.7.2:

- In exceptional cases where fire has been used for preparing land for planting, there shall be justification.
- MINOR

*Guidance:*

*This activity shall be integrated with the SEIA as required by Criterion 7.1*

*Fire may be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and with evidence that fire-use is carefully controlled.*

*Extension/training programmes for smallholders may be necessary.*

Scheme SH guidance:

*Scheme managers must ensure that no fire is used to establish new plantings.*

*Fire may be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.*

Independent SH guidance:

*Group managers must ensure that no fire is used to establish new plantings.*

*Fire may be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.*

Criterion 7.8

New plantation developments are designed to minimize net greenhouse gas emissions.

Indicator 7.8.1:

- The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated.

⇒ MAJOR

Indicator 7.8.2:

- A documented plan to minimize net GHG emissions taking into account avoidance of land areas with high carbon stocks and/or sequestration options is in place

⇒ MINOR

Guidance:

GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments. The RSPO Carbon assessment tool for new plantings can be used for the identification and

estimation of carbon stocks. Other existing tools and methodologies can also be used.

The RSPO PalmGHG tool or an RSPO-endorsed equivalent shall be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantings.

Parties seeking to use an alternative tool for new plantings will have to demonstrate its equivalence to the RSPO for endorsement.

## **Principle 8: Commitment to continual improvement in key areas of activity.**

### **Criterion 8.1**

Growers and millers regularly monitor and review their activities and develop and implement action plans that allow demonstrable continual improvement in key operations.

#### Indicator 8.1.1:

- An implementable continual improvement action plan is available. The action plan shall be based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of indicators covered by these principles and criteria.

As a minimum, these shall include, but not necessarily be limited to:

- Reduction in use of pesticides (criterion 4.6)
- Environmental impacts (Criteria 4.3, 5.1 and 5.2)
- Waste reduction (criterion 5.3)
- Pollution and greenhouse gas emissions (criterion 5.6 and 7.8)
- Social impacts (criterion 6.1)
- Optimising the yield of the supply base

⇒ MAJOR

#### Guidance:

*Growers and millers should have a system to improve practices in line with new information and techniques and a mechanism for disseminating this information throughout the workforce.*

#### Scheme SH guidance:

*Scheme managers must provide systematic guidance and training for continual improvement to scheme smallholders. The guidance and training should include practices that maintain soil fertility, yield improvement, management of soil erosion and Integrated Pest Management.*

Independent SH guidance:

*Group managers must provide systematic guidance and training for continual improvement to members. The guidance and training should include practices that maintain soil fertility, yield improvement, management of soil erosion and Integrated Pest Management.*



## Annex 1: National Interpretation Task Force

<b>Representative Organization</b>	<b>Interest Category</b>	<b>Name of Representative</b>
Benso Oil Palm Plantation (Wilmar)	Grower/Smallholder	Samuel Avaala
Twifo Oil Palm Plantation	Grower/Smallholder	Charles Sackey
Norpalm Ghana Ltd.	Grower/Smallholder	Charles Mate-Kole
Ghana Oil Palm Development Company (GOPDC)	Grower/Smallholder	Isabel Schlegel
PZ Cussons Ghana Ltd.	Supply Chain & Investors	Charles B. Janney
Root Capital	Supply Chain & Investors	Barbara Ghansah
Conservation Alliance	Environmental NGOs	Paa Kofi Osei-Wusu
WWF	Environmental NGOs	Glen Asomaning
Colandef	Social NGOs	Nana Ama Yirrah
Solidaridad West Africa	Social NGOs	Rosemary Addico
The Proforest Initiative	Technical Facilitator	Isaac Abban-Mensah

## Annex 2: International laws

Principles	International Standards	Key provisions	Summary of Protections
Ethical Business Conduct	United Nations Convention Against Corruption (2000)	Article 12	<p>Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct for business activities and preventing conflicts of interest</p> <p>Promoting transparency</p> <p>Ensuring that companies have sufficient internal auditing controls to prevent corruption.</p>
Respect for Human rights	<p>United Nations Guiding Principles and Human Rights (2011)</p> <p>International Bill of Human Rights</p> <ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights (1948)</li> <li>• International Covenant on Civil and Political Rights</li> <li>• International Covenant on Economic, Social and Cultural Rights</li> </ul>	<p>Principles 11 to 24</p> <p>Articles 1 – 30</p> <p>Articles 1- 27</p> <p>Articles 1 - 15</p>	Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organization size, sector of operation or ownership
Just Land Acquisition	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 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.

Just Land Acquisition	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 25, 26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.
	UN Convention on Biological Diversity (1992)	Article 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.
Fair Representation And Participation of Indigenous and Tribal Peoples	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 6-9	Represent themselves through their own representative institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve offences according to customary law (compatible with international human rights).
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).	Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.
	Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, InterAmerican Human Rights System.	UN CERD Committee, UN Committee on Social Cultural and Economic Rights, Inter- American Commission on Human Rights <sup>1</sup>	Free, Prior and Informed Consent for decisions that may affect indigenous peoples.  (This standard has been widely accepted as a 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN and WWF).

<sup>1</sup> For details see [www.forestpeoples.org](http://www.forestpeoples.org).

No Forced Labour	ILO Convention 29 (1930) Forced Labour	Article 5	No concession to companies shall involve any form of forced or compulsory labour.
	ILO Convention 105 (1957) Abolition of Forced Labour	Article 1	Not make use of any form of forced or compulsory labour.
Protection of Children	ILO Convention 138 (1973) Minimum Age	Articles 1-3	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).
	ILO Convention 182 (1999) Worst Forms of Child Labour	Articles 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children.
Freedom of Association and Collective Bargaining	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise	Articles 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.
	ILO Convention 98 (1949) Right to Organise and Collective Bargaining	Articles 1-4	Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.
	ILO Convention 141 (1975) Rural Workers' Organisations	Articles 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom of association; free from interference and coercion.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Article 3	Indigenous peoples have the right to self-determination and to freely

			pursue their economic, social and cultural development.
Non-Discrimination and Equal Remuneration	ILO Convention 100 (1951) Equal Remuneration	Articles 1-3	Equal remuneration for men and women for work of equal value.
	ILO Convention 111 (1958) Discrimination (Employment and Occupation)	Articles 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.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 2, 8(2e), 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.
Just Employment of Migrants	ILO Convention 97 (1949) Migration for Employment	Articles 1-9	Provision of information; no obstacles to travel; provision of health care; non-discrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.
	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)	Articles 1- 12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.
Protection of Plantation Workers <sup>2</sup>	ILO Convention 110 (1958) Plantations	Articles 5- 91	Protection of members of families of recruited workers; protection of workers' rights during recruitment and transport;

<sup>2</sup> Convention 110 Article 1(1) defines a plantation as '*an agricultural undertaking regularly employing hired workers....concerned with the cultivation or production of .... [inter alia] palm oil' ....*

			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 organise and collective bargaining; proper labour inspection; decent housing and medical care.
Protection of Tenants and Sharecroppers	ILO Recommendation 132 (1968) Tenants and Sharecroppers	Articles 4-8	Fair rents; adequate payment for crops; provisions for well-being; voluntary organisation; fair contracts; procedures for the settlement of disputes.
Protection of Smallholders	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)	Article 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards.
Health and Safety	ILO Convention 184 (2001) Safety and Health in Agriculture	Articles 7- 21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect to workplaces, machinery, equipment, chemicals, tools and processes; ensure dissemination of information, appropriate training, supervision and compliance; special protections for youth and women workers; coverage against occupational injuries and disease.
Control or Eliminate Use of Dangerous	Stockholm Convention on Persistent Organic	Articles 1-5	Prohibit and/or eliminate production and use of

Chemicals and Pesticides	Pollutants (2001)		chemicals listed in Annex A (e.g. Aldrin, Chlordane, PCB); restrict production and use of chemicals in Annex B (e.g. DDT); reduce or eliminate releases of chemicals listed in Annex C (e.g. Hexachlorobenzene).
	FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002)	Article 5	Curtail use of dangerous pesticides where control is difficult; ensure use of protective equipment and techniques; provide guidance for workers on safety measures; provide extension service to smallholders and farmers; protect workers and bystanders; make available full information on risks and protections; protect biodiversity and minimize impacts on environment; ensure safe disposal of waste and equipment; make provisions for emergency treatment for poisoning.
	Rotterdam Conventions on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)	Articles 1, 5 and 6	Curb trade in banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 21(1), 23, 24, 29(3)	Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain traditional health systems; effective monitoring of health.

### Annex 3: National laws & Regulations

Criterion	Relevant laws, regulations and guidelines.
1.1	<ul style="list-style-type: none"> <li>-.. Economic and Organised Crime Act, 2010 (Act 804)</li> <li>-..Registration of Business Names (Amendment) Act, 2012 (Act 837)</li> </ul>
1.2	<ul style="list-style-type: none"> <li>- Land Title Registration Law, PNDCL 152, 1986</li> <li>- Environmental Protection Agency Act, Act 490, 1994</li> <li>- Environmental Assessment Regulations, 1999</li> <li>- Ghana Constitution 1992 (Because of Human Rights Policy)</li> <li>-..Incorporated Private Partnerships (Amendment) Act, 2012 (Act 836)</li> </ul>
1.3	<ul style="list-style-type: none"> <li>-.. Economic and Organised Crime Act, 2010 (Act 804)</li> </ul>
2.1	<ul style="list-style-type: none"> <li>- Engineering Council Act, 2011 (Act 819)</li> <li>- ..Export Development And Investment Fund (Amendment) Act, 2011 (Act 823)</li> <li>- Ghana Shipping (Amendment) Act, 2011 (Act 826)</li> <li>-..Health Institutions and Facilities Act, 2011 (Act 829)</li> <li>-..Companies (Amendment) Act, 2012 Act (835)</li> <li>-..Incorporated Private Partnerships (Amendment) Act, 2012 (Act 836)</li> <li>-..Registration of Business Names (Amendment) Act, 2012 (Act 837)</li> <li>-..Internal Revenue (Amendment) Act, 2012 (Act 839)</li> <li>-.. Customs and Excise Duties and Other Taxes (Amendment) Act, 2012 (Act 840)</li> <li>-.. Immigration (Amendment) Act, 2012 (Act 848)</li> <li>-..Criminal Offences (Amendment) Act, 2012 (Act 849)</li> <li>-..Internal Revenue (Tax Amnesty) Act, 2012 (Act 853)</li> <li>-..Customs and Excise (Duties and Other Taxes) Amendment Act, 2012 (Act 855)</li> <li>-..Health Professions Regulatory Act, 2013 (Act 857)</li> <li>-..Internal Revenue (Amendment) Act, 2013 (859)</li> </ul>



	<ul style="list-style-type: none"> <li>-..Value Added Tax (Amendment) Act, 2013 (Act 860)</li> <li>-..Special Import Levy Tax Act, 2013 (Act 861)</li> <li>-..Customs and Excise (Duties and Other Taxes (Amendment) Act, 2013 (Act 863)</li> <li>-..Ghana Investment Promotion Centre Act, 2013, Act 865</li> </ul>
2.2 & 2.3	<ul style="list-style-type: none"> <li>- Lands Commission Act, Act 767 (2008)</li> <li>- Lands Commission Act, 1994</li> <li>- Land Statutory Wayleaves</li> <li>- Land Registry Act, Act 122 (1962)</li> <li>- Administration of Lands Act, Act 123 (1962)</li> <li>- Concessions Act, Act 124 (1962)</li> <li>- Survey Act, Act 127 (1962)</li> <li>- Land Title Registration Law, PNDCL 152 (1986)</li> <li>- Land Title Registration Act, 1986</li> <li>- National Land Policy – June 1999</li> <li>- Land Miscellaneous (Provisions) Act, 1963</li> <li>- Landed Properties of Ghana Rubber Estates Limited and First Fire Stone Ghana Limited (Miscellaneous Provisions) Act 1977</li> </ul>
3.1	<ul style="list-style-type: none"> <li>- Customs and Excise (Duties and Other Taxes) Amendment Act, (Act 809)</li> <li>-..Value Added Tax (Amendment) Act 2010, (Act 810)</li> <li>- ...Internal Revenue (Amendment) Act, 2010 (Act 814)</li> <li>-..Export Development And Investment Fund (Amendment) Act, 2011 (Act 823)</li> <li>-..Companies (Amendment) Act, 2012 Act (835)</li> <li>-..Internal Revenue (Amendment) Act, 2012 (Act 839)</li> <li>-.. Customs and Excise Duties and Other Taxes (Amendment) Act, 2012 (Act 840)</li> <li>-..Internal Revenue (Tax Amnesty) Act, 2012 (Act 853)</li> </ul>

	<ul style="list-style-type: none"> <li>--Customs and Excise (Duties and Other Taxes) Amendment Act, 2012 (Act 855)</li> <li>--Internal Revenue (Amendment) Act, 2013 (859)</li> <li>--Value Added Tax (Amendment) Act, 2013 (Act 860)</li> <li>--Special Import Levy Tax Act, 2013 (Act 861)</li> <li>--Customs and Excise (Duties and Other Taxes (Amendment) Act, 2013 (Act 863)</li> <li>--Ghana Investment Promotion Centre Act, 2013, Act 865</li> </ul>
4.1	-
4.2	<ul style="list-style-type: none"> <li>- Land Planning and Soil Conservation Act, No. 32 (1953)</li> <li>- Land Planning and Soil Conservation (Amendment) Act, No. 35 (1957)</li> <li>-- Plants and Fertilizer Act, 2010 (Act 803)</li> </ul>
4.3	<ul style="list-style-type: none"> <li>- Source: Land Evaluation Part III, crop Requirements, Prof.C. Sys, 1993.</li> <li>--Plants and Fertilizer Act, 2010 (Act 803)</li> </ul>
4.4	<ul style="list-style-type: none"> <li>- Water Resource Commission Act, Act 522 (1996)</li> <li>- Water Use Regulations, LI 1692 (2001)</li> <li>- National Water Policy, June 2007</li> <li>- Ghana Water and Sewerage Corporation Act, Act 310 (1965)</li> <li>- Ghana Water Company Limited (GWCL) Act, Act 4611 (1999)</li> <li>- Community Water and Sanitation Agency (CWSA) Act, Act 564 (1998)</li> <li>- Irrigation Development Authority Act, 1977</li> <li>- Ghana Irrigation Development Authority (GIDA), SMCD 85 (1977)</li> <li>- Irrigation Development Authority Regulations, LI 1350 (1987)</li> <li>- GIDA's Technical Guidelines for Irrigated Agriculture, 2004</li> <li>- National Irrigation Policy, Strategies and Regulatory Measures – May 2006</li> <li>- Drilling Licence and Groundwater Development Regulations, LI 1827 (2006)</li> <li>- Rivers Act, CAP 226 (1903)</li> </ul>

	<ul style="list-style-type: none"> <li>- The Fisheries Act, Act 625, 2002</li> <li>- Sector Specific Effluent Guidelines for Discharges into Natural Water Bodies</li> <li>- Wetland Management Regulation (1997)</li> <li>- Wetland Management (Ramsar sites) Regulations (1999)</li> </ul>
4.5	<ul style="list-style-type: none"> <li>-- Plants and Fertilizer Act, 2010 (Act 803)</li> <li>--Bio Safety Act, 2011 (Act 831)</li> </ul>
4.6	<ul style="list-style-type: none"> <li>- Environmental Protection Agency Act, 490, 1994 - PART 2</li> </ul>
4.7	<ul style="list-style-type: none"> <li>- Factories, Offices and Shops Act, Act 328 (1970)</li> <li>- National Health Insurance Act, 2012 (Act 852)</li> <li>- Weights and Measures Act, 1975</li> <li>- Vaccination Act, 1919</li> <li>--Public Health Act, 2012 (Act 851)</li> </ul>
4.8	<ul style="list-style-type: none"> <li>- Labour Act, Act 651 (2003)</li> <li>- Factories, Offices and Shops Act, Act 328 (1970)</li> <li>--Public Health Act, 2012 (Act 851)</li> <li>--National Health Insurance Act, 2012 (Act 852)</li> </ul>
5.1	<ul style="list-style-type: none"> <li>- Environmental Protection Agency Act, At 490 (1994)</li> <li>- Environmental Assessment Regulations, LI 1652 (1999)</li> <li>- Environmental Assessment (Amendment) Regulations , LI 1703 (2002)</li> <li>--Plants and Fertilizer Act, 2010 (Act 803)</li> </ul>
5.2	<ul style="list-style-type: none"> <li>- Wild Animals Preservation Act, Act 43 (1961)</li> <li>- Wildlife Reserves Regulations, LI 710 (1971)</li> <li>- Wildlife Reserve (Amendment) Regulations, LI 881 (1974)</li> <li>- Wildlife Reserve (Amendment) Regulations, LI 1022 (1975)</li> <li>- Wildlife Reserve (Amendment) (Declaration of Game Reserves) Regulations, LI 1085</li> </ul>

	<p>(1976)</p> <ul style="list-style-type: none"> <li>- Wildlife Reserve (Amendment) Regulations, LI 1105 (1977)</li> <li>- Wildlife Reserve (Amendment) (Declaration of Game Reserves) Regulations, LI 1525 (1991)</li> <li>- Wildlife Reserve (Amendment) Regulations, LI 1283 (1983)</li> <li>- Wildlife Conservation Regulations, LI 685 (1971) - Wildlife Conservation (Amendment) Regulations, LI 1284 (1983)</li> <li>- Wildlife Conservation (Amendment) Regulations, LI 1357 (1988)</li> <li>- Wildlife Conservation (Amendment) Regulations, LI 1452 (1989)</li> <li>- Wildlife Convention (Amendment), LI 1284, 1984</li> <li>- Wetland Management Regulation (1997)</li> <li>- Wetland Management (Ramsar sites) Regulations (1999)</li> <li>- An Interpretation of Global HCVF Toolkit for use in Ghana – May 2006</li> <li>- Water Resource Commission Act, Act 522 (1996)</li> <li>- Water Use Regulations, LI 1692 (2001)</li> <li>- Buffer zone policy (2011)</li> <li>- Timber Resource Management Act, Act 547 (1998)</li> <li>- Biodiversity Strategies and Action Plan (1998)</li> <li>--..Plants and Fertilizer Act, 2010 (Act 803)</li> </ul>
5.3	<ul style="list-style-type: none"> <li>- Environmental Protection Agency Act, 490, 1994 – PART 2 - Environmental Sanitation Policy (May 1999, reprinted November 2001)</li> <li>- Environmental Assessment Regulations, LI 1652 (1999)</li> <li>- Environmental Assessment (Amendment) Regulations , LI 1703 (2002)</li> </ul>
5.4	<ul style="list-style-type: none"> <li>- Energy Commission Act, Act 541 (1997)</li> <li>- EPA – Energy Sector Guidelines Development</li> <li>--.. Renewable Energy Act, 2011 (Act 832)</li> </ul>

5.5	<ul style="list-style-type: none"> <li>- Ghana National Fire Service Act, Act 537 (1997)</li> <li>- Fire Precaution (Premises) Regulations, LI 1724 (2003)</li> <li>- Control and Prevention of Bushfires Act, PNDCL 229 (1990)</li> <li>- National Wildfire Policy – November 2006</li> </ul>
5.6	<ul style="list-style-type: none"> <li>- Management of Ozone Depleting Substances and Products Regulations, LI 1812 (2005)</li> </ul>
6.1	<ul style="list-style-type: none"> <li>- Environmental Protection Agency Act, At 490 (1994)</li> <li>- Environmental Assessment Regulations (1999)</li> <li>- Environmental Assessment (Amendment) Regulations , LI 1703 (2002)</li> </ul>
6.2	<ul style="list-style-type: none"> <li>-- Alternative Dispute Resolution Act, 2010 (Act 798)</li> <li>--Local Government Amendment Act, 2012 (Act 834)</li> </ul>
6.3	<ul style="list-style-type: none"> <li>-- Alternative Dispute Resolution Act, 2010 (Act 798)</li> </ul>
6.4	<ul style="list-style-type: none"> <li>- Alternative Dispute Resolution Act, 2010 (Act 798)</li> <li>--Local Government Amendment Act, 2012 (Act 834)</li> </ul>
6.5	<ul style="list-style-type: none"> <li>- Labour Act, Act 651 (2003)</li> <li>- Labour Regulations, LI 1833 (2007)</li> <li>- Fair wages and Salaries Commission Act, Act 737 (2007)</li> <li>- Human Trafficking Act, Act 694 (2005)</li> <li>- Public Holidays Act, Act 601 (2001)</li> <li>- National Pensions Act, Act 766 (2008)</li> <li>- Social Security Law, PNDCL 247 (1991)</li> <li>- Workmen’s Compensation Law, PNDCL 187 (1987)</li> <li>--Health Institutions and Facilities Act, 2011 (Act 829)</li> <li>-- Public Health Act, 2012 (Act 851)</li> <li>--National Health Insurance Act, 2012 (Act 852)</li> <li>--Health Professions Regulatory Act, 2013 (Act 857)</li> </ul>

6.6	<ul style="list-style-type: none"> <li>- Labour Act, Act 651 (2003)</li> <li>- Labour Regulations, LI 1833 (2007)</li> <li>-.. Alternative Dispute Resolution Act, 2010 (Act 798)</li> </ul>
6.7	<ul style="list-style-type: none"> <li>- Labour Act, Act 651 (2003)</li> <li>- Labour Regulations, LI 1833 (2007)</li> <li>- Children’s Act, Act 560 (1998)</li> </ul>
6.8	<ul style="list-style-type: none"> <li>- Labour Act, Act 651 (2003)</li> <li>- Ghana Constitution 1992</li> <li>- Labour Regulations, LI 1833 (2007)</li> </ul>
6.9	<ul style="list-style-type: none"> <li>- Labour Act, Act 651 (2003)</li> <li>- Labour Regulations, LI 1833 (2007)</li> <li>- Domestic Violence Act, Act 732 (2007)</li> <li>- Ghana Constitution 1992</li> </ul>
6.10	-
6.11	-
6.12	<ul style="list-style-type: none"> <li>-..Labour Act, Act 651 (2003)</li> <li>- Ghana Constitution 1992</li> <li>- Labour Regulations, LI 1833 (2007)</li> <li>-..Immigration (Amendment) Act, 2012 (Act 848)</li> </ul>
6.13	Ghana Constitution 1992
7.1	<ul style="list-style-type: none"> <li>- Environmental Protection Agency Act, At 490 (1994)</li> <li>- Environmental Assessment Regulations (1999)</li> <li>- Environmental Assessment (Amendment) Regulations , LI 1703 (2002)</li> </ul>
7.2	-
7.3	- An Interpretation of Global HCVF Toolkit for use in Ghana – May 2006

7.4	- Oil Palm Belt Ghana, Source: Soil Research Institute, CSIR.
7.5	-
7.6	-
7.7	<ul style="list-style-type: none"> <li>- Ghana National Fire Service Act, Act 537 (1997)</li> <li>- Fire Precaution (Premises) Regulations, LI 1724 (2003)</li> <li>- Control and Prevention of Bushfires Act, PNDCL 229 (1990)</li> <li>- National Wildfire Policy – November 2006</li> </ul>
7.8	
8.1	<ul style="list-style-type: none"> <li>- Customs and Excise (Duties and Other Taxes) Amendment Act, (Act 809)</li> <li>-..Value Added Tax (Amendment) Act 2010, (Act 810)</li> <li>-..Internal Revenue (Amendment) Act, 2010 (Act 814)</li> <li>-..Electronic Transaction (Amendment) Act, 2012 (Act 838)</li> </ul>

