

Terms of Reference

No Deforestation Task Force (NDTF)

1. Introduction

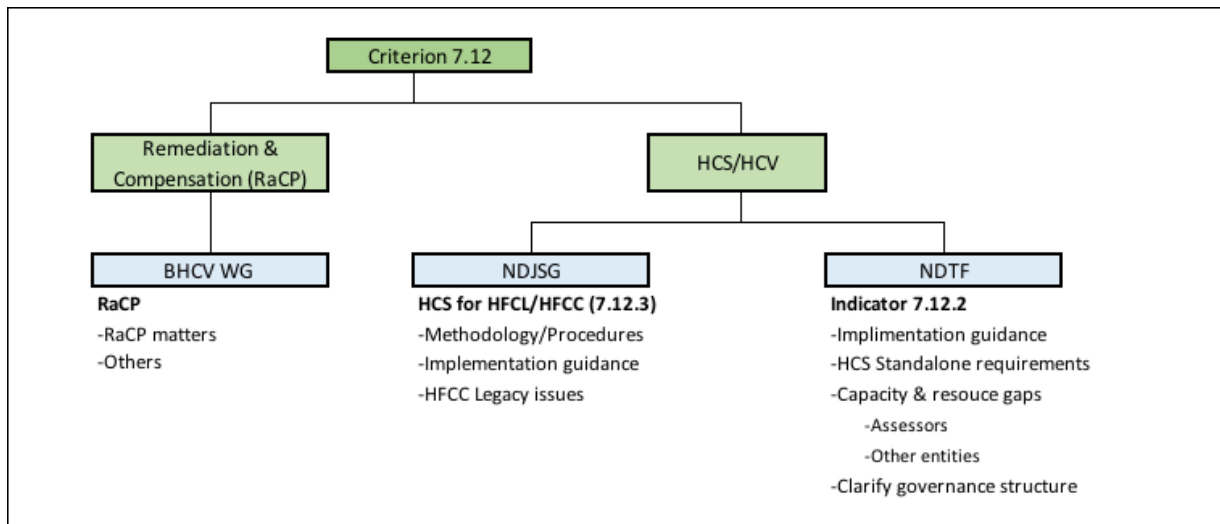
The RSPO Principles & Criteria (P&C 2018) adopted at General Assembly 15 (GA15) on the 15th November 2018, Kota Kinabalu Sabah; incorporated High Carbon Stock (HCS) Approach as new requirements to halt deforestation (Criterion 7.12). While, a No Deforestation Joint Steering Group (NDJSG) is to be established with mandate to develop no deforestation or HCSA implementation procedure in High Forest Cover Country and Landscape within (Indicator 7.12.3); urgent guidance required for the implementation of HCSA in fragmented landscape (Indicator 7.12.2).

Urgent implementation guidance with effective communication plan is required to address following key concerns and feedback received (does not represent the full lists):

- Potential impacts and what needed to be done on other scenario of which not listed within Annex 5 transition of HCV to HCV-HCSA assessment (i.e. land clearing happened after 15th November within certified area, not aware of the new requirements).
- The requirement of HCS standalone assessment during the transitional period of which HCV assessment conducted.
- Capacity and resources issues or gaps of relevant assessors (ALS, HCV-HCSA, HCSA).
- Capacity and resources gaps of HCVRN and HCSA.
- Unclear governance structure of HCSA (i.e. is endorsement needed for HCSA assessor?; if there is any endorsed HCSA trainer?).

As such, it is recognised that there is an urgent need for RSPO to establish a new Task Force to produce implementation guidance and relevant communication on Indicator 7.12.2 of RSPO P&C 2018. More urgently, to provide effective and sufficient communication to grower members on the implementation requirements set in Criterion 7.12 during the first 12-month transitional period.

Other significant gaps such as no deforestation requirements in High forest cover landscapes/countries (HFCL/C) and Outstanding Remediation and Compensation (RaCP) cases will be covered under separate groups as below:



2. Objectives

To produce and provide guidance and communication plan for ensuring a smooth transition of RSPO members implementing the new requirements Indicator 7.12.2 of the P&C; while identifying and provide recommendations on any other (if any) gaps requiring guidance for implementation and monitoring of Criterion 7.12 as a whole.

3 Scope of Work

- Provide guidance for implementation of transition of HCV to HCV-HCS assessment;
- Develop or guide appropriate communication, outreach and capacity building programmes relating to Criterion 7.12.
- Propose appropriate refinement related to halting deforestation (HCSA) into relevant RSPO tools, procedures and guidance (Annex 5 of P&C 2018, NPP, RSPO Next, auditing etc.).
- Guide and provide clear communication on standalone HCSA assessment complying with Criterion 7.12.
- Produce audit checklist for compliance to Criterion 7.12 (for NPP, P&C 2018).
- Provide recommendations and guidance to RSPO Secretariat on relevant and appropriate collaborative supports to HCVRN and HCSA.
- Identify potential gaps and challenges of HCSA and HCV assessment governance system
- Provide appropriate recommendations strengthening relevant governance system to HCSA and HCVRN
- Collaborate with BHCVWG to provide technical inputs into revision of RaCP/LUCA (if necessary) for compliance to Indicator 7.12.8
- Provide recommendations to RSPO Secretariat on the monitoring procedure and mechanisms

3 Membership

3.1 Composition

The NDTF will consist of members of RSPO members representing the sectorial and geographical composition of RSPO, and technical specialists reflecting the nature of this group. Two members will represent consumer goods manufacturers, retailers and financial institutions. Two members will represent processors & traders and social NGOs. Growers (Indonesia, Malaysia, ROW) and environmental NGOs shall have an equal number of representatives.

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

The NDTF will be co-chaired by two members, one selected representative from the Growers and one from Environmental NGOs.

Relevant institutions or experts, including HCVRN and HCSA may be invited to participate as technical experts. Members in this category will have no rights to vote shall there be any needs to practice it.

3.2 Criteria for Membership

Members are expected to participate actively to the proceedings on behalf of their sector and to ensure they are represented by a designated alternate if they are unable to do so.

3.3 Termination/ Retirement and Reselection of Member

The NDTF can exercise the right to terminate or retire the membership of a TF member. However, the decision must be made by consensus of the TF (excluding the affected party).

The reasons (not exhaustive) for the TF to consider retirement of a TF members are:

1. Absence from TF meetings for three consecutive meetings without arranging for an alternate to attend these meetings.
2. Persistent refusal to furnish information in timely manner as requested by the TF. Information requested, if deemed beneficial to the objectives of the TF, shall not be unreasonably withheld except for those which are commercially sensitive and/or prohibited by law for dissemination.

Retirement of membership will be informed in writing by the Co-Chairs of the NDTF, copied in to the RSPO secretariat. The Co-Chairs of the NDTF will invite the constituents of the affected sectorial and/or geographical stakeholder group to nominate a new representative to the TF.

3.4 Management

Each member must declare any conflict of interest on any matters on the agenda and/or matters arising at the beginning or during the course of the meeting. Should a conflict of interest exist, the member concerned must recuse themselves from the decision-making process or sensitive discussions.

All members of the NDTF are required to sign the Code of Conduct for the NDTF.

All outcomes and decisions are made on consensus basis, members shall ensure the accuracy of the information and that the interpretation of all outcomes and decisions of the NDTF are consistent with the consensus reached within the NDTF.

If consensus is not possible for any specific issue or criteria and this results in a deadlock, i.e. whereby opposing parties come to a point of fundamental disagreement on a significant topic and no progress can be made risking a standstill or stalemate of the entire process, the TF shall refer the matter to the RSPO Board Committee, who shall seek to resolve the issue in question by consensus (as per the RSPO Standard Operating Procedure for Standard Setting and Review (June 2017)).

3.4.1 Communication

It is desirable that the Task Force organizes face to face meeting 4 times a year or teleconferences where necessary.

During these meetings, Chatham House rules apply. The Chatham House Rule aims provide anonymity to speakers. This rule is applied throughout all meetings as an aid to free discussion, encouraging openness and the sharing of information. The Chatham House Rule reads as follows:

‘When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.’

Any public communications related to the NDTF and its work will be agreed by the NDTF members and approved by the RSPO communications team.

Minutes of the meeting and clarifications of decisions made by the NDTF are to be shared no more than one month after the meeting. Relevant guidance documents from the NDTF will be translated to relevant languages.

3.5 Role of the RSPO Secretariat

The RSPO Secretariat will provide the financial, human and logistical support that the NDTF requires to meet, conduct business and achieve its objectives: The secretariat will assist and support the NDTF and will provide the NDTF members with technical reports from in-house and outsourced studies, terms of reference for consultancies, and other information that is requested by the NDTF to fulfil its objectives.

3.6 Active Period

It is proposed that the working group undertakes its work in the period January to December 2019. At the end of the active period, the RSPO secretariat will resume full responsibility for reviewing, reporting and verifying the implementation of the TF decisions and recommendations, and adjust as necessary by making recommendations to the appropriate RSPO Board Committee.