

# **RSPO**

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Roundtable on Sustainable Palm Oil

## **NATIONAL INTERPRETATION OF RSPO PRINCIPLES AND CRITERIA FOR RSPO CERTIFICATION IN GABON**

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with support from Proforest**

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## *Preamble*<sup>1</sup>

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

The first set of Principles & 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 and 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 review process followed ISEAL best practices, including two public consultations and four physical Taskforce meetings and resulted in the production of the revised RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C 2013).

In line with ISEAL best practices, this document (RSPO P&C 2013) will be completely reviewed again and subsequently submitted for ratification by the General Assembly of RSPO by November 2018. Prior to the revision in 2018, any changes to the standard must be through recommendation made by the appointed RSPO working group or Taskforce and approved by the General Assembly of the RSPO.

One of the main issues addressed in the review was the recommendations of the RSPO greenhouse gas (GHG) working group. Acknowledging both the importance of the issue and the current challenges of determining emissions, the RSPO has revised an existing Criterion on monitoring and reporting GHG emissions from existing operations and developed a new Criterion on minimising net GHG emissions from new planting developments. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodologies. Therefore, growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting against both of these Criteria. During the implementation period the RSPO will further develop and improve the RSPO carbon assessment and reporting tools. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO. These revisions

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<sup>1</sup> From RSPO Principles & Criteria for the Production of Sustainable Palm Oil 2013 (*the Generic P&C*)

demonstrate the RSPO's commitment to developing credible requirements relating to GHG emissions.

Looking to the future, the RSPO Principles and Criteria Review Taskforce urges the Executive Board to engage with all grower country governments with the objective of addressing the problem of stateless persons (especially children and women) in the industry.

Also looking forward, the growers and millers within the RSPO commit to a process whereby they aim to source third party Fresh Fruit Bunches from identified, legal and responsible sources. The RSPO Principles and Criteria Review Taskforce strongly encourages the RSPO Executive Board to resource and support a process for developing tools and methodologies that can help them achieve these aims.

The RSPO P&C 2013 defines Indicators and Guidance for each Criterion. Indicators are specific pieces of objective evidence that shall (must) be in place to demonstrate or verify that the Criterion is being met. Guidance consists of useful information to help the grower/miller and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed. Specific Guidance has also been included for certain Indicators for clarity, as well as specific points to be addressed in National Interpretations (such as this Gabon National Interpretation). In most cases guidance for smallholder production has been removed to other documents that specify standards for that sector, such as *RSPO Management System Requirement and Guidance for Group Certification of Fresh Fruit Bunch (FFB) Production* (March 2016).

The 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). Certificate holders must be fully compliant with the new version of an NI within one year of it being completed (April 2015).

In countries without NIs and/or in cases where members have conducted a Local Interpretation applicable to their own operations, P&C 2013 is effective immediately after ratification (May 2013) and shall be used for any new certification activities after the ratification date. In cases where there is no NI, the RSPO secretariat as requested by the P&C Review Taskforce has developed generic guidance in this document on issues identified as needing clarification in P&C 2013.

Already certified entities can continue to be certified after the date of ratification (May 2013) and before the completion of any relevant NI by conducting Annual

Surveillance Assessments (ASA) against P&C 2007, but shall demonstrate compliance to the new RSPO P&C 2013 at the following ASA.

Necessary revision shall be made to other RSPO normative documents and guidance to ensure consistency with the wordings of RSPO P&C 2013.

Key international laws and conventions applicable to the production of palm oil are set out in Annex 1. provides the additional generic guidance and definitions on selected Criteria for countries where no National Interpretation exists.

The RSPO and its members recognize, support and commit to follow the United Nations Universal Declaration of Human Rights [<http://www.un.org/en/documents/udhr>] and the International Labour Organization's Declaration on Fundamental Principles and Rights at Work [<http://www.ilo.org/declaration/lang--en/index.htm>].

The RSPO P&C 2013 identifies the 69 major indicators proposed by the RSPO Criteria Taskforce, and endorsed by RSPO Board of Governors on 15 November 2013.

## Introduction to the Gabon RSPO P&C National Interpretation

If palm oil has been traditionally used for multiple purposes for a long time in Gabon, its production has experienced a new development with the first industrial plantations in the seventies. Owned by the State, these projects of plantation development mainly aimed at satisfying the national demand and thus at guaranteeing a greater self-sufficiency.

Today, the objective of the Gabonese government is to produce ‘sustainable palm oil’ – in other words environmentally and socially responsible, and economically viable palm oil production –, using best practices or international standards.

The Roundtable on Sustainable Palm Oil (RSPO) is an international platform of the actors involved into the palm oil sector at the global level. It was created to ensure the implementation of international best practices by defining standardized cultivation practices to reduce negative and enhance positive impacts, leading to more sustainable palm oil production.

Currently, the sector is represented in Gabon by two major international companies: (i) SIAT (“*Société d’Investissement pour l’Agriculture Tropicale*”), which acquired and modernized all the old industrial plantations and processing facilities of Agro Gabon, and (ii) Olam International, which develops new plantations within a joint venture framework with the Gabonese government under two separate companies: Olam Palm Gabon (industrial plantations) and SOTRADER (smallholder cooperatives). Both companies are committed to implementing RSPO standards in order to achieve RSPO certification.

In 2012, in order to permit palm oil certification in Gabon, the Gabonese RSPO members (Olam, SIAT, ZSL and WWF) initiated a National Interpretation process of the RSPO principles and criteria aiming at defining RSPO national indicators adapted to the Gabonese context. This document, ***the Gabon RSPO Principles and Criteria National Interpretation 2016***, is the final output of this National Interpretation process, following the rules and guidance issues by the RSPO Secretariat.

In 2012, the Gabonese RSPO members (Olam, SIAT, ZSL and WWF) formed a Steering Committee to oversee the process. WWF facilitated the process and provided the secretarial support. So far, the Gabon NI process has gone through the following steps:

- ***A legal and institutional review of the palm oil sector*** has been carried out in April-May 2012 through the consultation of Gabonese legal specialists.

Subsequently, the document has been reviewed by the Environmental and Agricultural department as well as the RSPO members. The legal review was reviewed and updated in December 2015. A list of relevant laws and regulations, as well as International Conventions ratified by Gabon are listed in Annex II & III.

- **A two-day RSPO workshop ('RSPO Roadshow')** was co-organised by the Ministry of Agriculture, the Ministry of Environment and the RSPO members in Gabon on the 6-7th June 2012 to address the lack of understanding in Gabon of palm oil related issues and the certification process. This workshop was facilitated by Proforest.

Seventy four (74) representatives of all key stakeholder groups in Gabon took part in the workshop, including: civil society organizations, national and regional organizations on pesticide management, palm oil producers, local authorities (from plantation localities), development partners (World Bank, AfDB, AFD), conservation and agricultural NGOs (WCS, ZSL, Brainforest, Conservation Justice, IDRC Africa, CADDE), key ministries (Forest, Labour, Environment, Agriculture) and the two main national consultancy firms (Ecosphere, and TERE) (see full list in Annex I).

The RSPO Roadshow provided a platform for involving all the relevant stakeholders into a shared work process. The following actions were undertaken:

- The legal review for the National Interpretation (NI) of RSPO was presented and discussed;
- Four (4) technical working groups were launched tasked with working on different thematic principles and its criteria, as follows:
  - Working Group 1: High Conservation Values (HCV) / Biodiversity;
  - Working Group 2: Pesticides and best agricultural practices;
  - Working Group 3: Land rights and traditional rights;
  - Working Group 4: Workers Rights / Health and safety in the workplace.

Participants had the opportunity to sign up to participate in (one or more) of the Working Groups (see Annex I for working group membership).

**Working Groups** - Over two years of work, the different thematic groups identified, discussed and validated draft national RSPO.

According to the guidelines and procedures of the RSPO, a **public consultation** for a minimum period of 60 days is required to enable the public nationally, regionally and internationally to bear judgments, make observations and comments on the proposed national indicators. The members of RSPO in Gabon publicised the draft NI indicators in order for the public to engage freely and impartially on the relevance of these indicators. This was carried out in 15<sup>th</sup> January 2015 – 14<sup>th</sup> March 2015.

**Validation:** A two-day validation workshop, facilitated by Proforest, was held in France at the Senate building in Libreville in November 2015 (12<sup>th</sup>/13<sup>th</sup>) attended by more than 40 members of the working groups. The National Interpretation was validated during this two-day session. After the validation workshop the validated National Interpretation was translated into English and verified by the Steering Committee, prior to submission to RSPO for endorsement.



## 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 the effective participation in decision making	Indicator	Guidance
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	Major	<p><b>Specific Guidance:</b> For 1.1.1: Evidence should be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.</p> <p><b>Guidance:</b> 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 respond constructively and promptly to requests for information from stakeholders. 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 Criterion 6.2 on consultation. See Criterion 4.1 on SOPs.</p>
1.1.2. 1.1.2: Records of the requests for information and responses shall be maintained	Major	<p><b>Guidance:</b> 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 respond constructively and promptly to requests for information from stakeholders. 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 Criterion 6.2 on consultation. See Criterion 4.1 on SOPs.</p>
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	Guidance
<p>1.2.1 Publicly available documents shall include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> <li>• Land titles/user rights (Criterion 2.2);</li> <li>• Occupational health and safety plans (Criterion 4.7);</li> <li>• Plans and impact assessments relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8);</li> <li>• HCV documentation (Criteria 5.2 and 7.3);</li> <li>• Pollution prevention and reduction plans (Criterion 5.6);</li> <li>• Details of complaints and grievances (Criterion 6.3);</li> <li>• Negotiation procedures (Criterion 6.4);</li> <li>• Continual improvement plans (Criterion 8.1);</li> </ul>	Major	<p><b>Guidance:</b> This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria. Management documents will include monitoring reports. The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report. Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential. Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected</p>

- Public summary of certification assessment report;
- Human Rights Policy (Criterion 6.13).

stakeholders and those seeking resolution to conflict should have access to relevant information. Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private. Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.

**For National Interpretation:**

Specific approaches to personal privacy safeguards, including any legal requirements, will be considered.

**Interpretation**

In Gabon the following documents shall be public available by producers / millers:

- Health, Safety and Environment (HSE) plan;
- Environment and Social Management Plan (ESMP);
- Public consultation procedure;
- Any permits/licenses/concession or land leases agreements held by the producer;
- Any documents demonstrating the formal recognition and respect of the customary user-rights of the local population by producers/millers has been taken into consideration;
- The methodologies used for participatory mapping exercises and assessment of customary rights;
- Complete documentation covering the entire consultation process and the free, prior and informed consent process (FPIC) with the local populations before any new project / developments (including all minutes of meetings);
- The Environmental and Social Management Plan (ESMP) shall be regularly updated for each ESIA, as part of the companies' environmental compliance including all social aspects and mitigation measures for all plantations and installations (see criterion 5.1);
- Local Sustainable Development Plan (covering health, education, infrastructure, projects etc.) (6.11);
- Communication plan with smallholders and local communities, including: documented procedures for consultation and communication; the appointment of a dedicated communication officer; the list of all stakeholders, and of all actions taken in response to stakeholder inputs;

		In addition, producers/ operators shall verify that all legally binding transparency requirements under Gabonese law have been taking into account (as per Principle 2).
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	Minor	<p><b>Guidance:</b> All levels of the operations will include contracted third parties (e.g. those involved in security). The policy should include as a minimum:</p> <ul style="list-style-type: none"> <li>• A respect for fair conduct of business;</li> <li>• A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources;</li> <li>• A proper disclosure of information in accordance with applicable regulations and accepted industry practices.</li> </ul> <p>The policy should be set within the framework of the UN Convention Against Corruption, in particular Article 12.</p>

## 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	Guidance
2.1.1 Evidence of compliance with relevant legal requirements shall be available	Major	<p><b>Specific Guidance:</b> For 2.1.4: The systems used for tracking any changes in laws and regulations should be appropriate to the scale of the organisation.</p>
2.1.2 A documented system, which includes written information on legal requirements, shall be maintained.	Minor	<p><b>Guidance:</b> 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. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account. Key international laws and conventions are set out in Annex II Contradictions and inconsistencies should be identified and solutions suggested.</p>
2.1.3 A mechanism for ensuring compliance shall be implemented.	Minor	
2.1.4 A system for tracking any changes in the law shall be implemented	Minor	

### **Gabon Regulatory Context**

A full list of relevant regulations for Gabon is in Annex II, and a list of International Treaties ratified by Gabon in Annex III; and Gabon's *Laws, Treaties and Conventions Review* (as required by RSPO) attached to Gabon's NI.

Listing of some key laws relevant to the palm oil sector:

- Law No. 14 /63 of May 8th 1963 establishing the composition area of the State and the rules that determine the modes of management and disposition;
- Ordinance No. 50/70/PR/MFB/DE of September 30th 1970 regulating long leases granted by the state on land belonging to the private domain;
- Law No. 15 /63 of May 8th 1963 laying down the system of land ownership (requiring registration in the land register);
- Law no 12/78 of December 7th 1978 amending Articles 3 and 42 of Law No. 15/63 on the arrangements of the land;
- Law No. 3/94 of November 21st 1994 on the Labour Code of the Republic of Gabon with the Decree;
- Law No 7/2014 1 August 2014 on environmental protection in the Republic of Gabon, with the Decree;
- Law No. 03/07 of August 27th, 2007 on the National Parks;
- Law No. 16/2001 of December 31th, 2001 on the Forest Code in the Gabonese Republic with the Decree;
- Law No. 22 /2008 of December 10th, 2008 laying out the agricultural code in the Gabonese Republic;
- Law No. 23/2008 of December 10th 2008 on the policy of sustainable agricultural development;
- Law No 002/2014 of August 1<sup>st</sup> 2014 concerning Sustainability;
- Law no. 6/75 (1975): the Social Security code and its decree;

The Gabonese Labour Code stipulates that children may not be employed in any business before the **age of 16 years**, unless an exception is granted by decree on a joint proposal by the Minister of Labour, Minister for Public Health and the Minister of National Education (art 177). Decree 01495/PR/MAEPDR guiding agribusiness operation in Gabonese Republic states in Article 13 that "no person shall be employed as a worker in a family farm if he has not attained the age of sixteen years. This provision does not apply to agricultural apprentice in a family farm". (Cr 6.7)

The constitution of Gabon in Article 1 states that: "(...) Any act of racial, ethnic or religious, as well as any regionalist propaganda prejudicial to the internal or external security of the State or the integrity of the Republic shall be punished by law. (...) "And Article 2 that " (...) the Gabonese Republic guarantees the equality of all citizens before the law, without distinction of origin, race, sex, opinion or religion. (...) ". (Cr 6.8)

		<p>The implementation of national laws and regulations is a core requirement for any operators, regardless of their geographic location or size. Relevant laws include, but are not limited to, regulations governing land tenure and use-rights of land, labour, agricultural practices (e.g. use of chemicals), the environment (e.g. laws on the protection of flora and wildlife, pollution, environmental management and forestry), storage, transportation and processing procedures. This criterion also includes international conventions, such as the Convention on Biodiversity (CBD).</p> <p><b>Interpretation</b></p> <ul style="list-style-type: none"> <li>All oil palm operations in Gabon shall be in compliance with all laws and international conventions (listed in Annex II &amp; III).</li> <li>All oil palm producers and millers shall keep a publically available registry of laws applicable (see also Principle 1) to their activities, and how the company / operation is in compliance. This registry shall include a system of continuous screening of all new laws, regulations and policies.</li> </ul>
Criterion 2.2 The right to use the land is demonstrated, and is not legitimately contested by local people who can demonstrate that they have legal, customary or user rights.	Indicator	Guidance
2.2.1 Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.	Major	<p><b>Specific Guidance:</b></p> <p>For 2.2.2: Plantation operations should cease on land planted beyond the legally determined area and there should be specific plans in place to address such issues for associated smallholders.</p> <p>For 2.2.6: Company policy should prohibit the use of mercenaries and para-militaries in their operations. Company policy should prohibit extra-judicial intimidation and harassment by contracted security forces (see Criterion 6.13)</p>
2.2.2 Legal boundaries shall be clearly demarcated and visibly maintained.	Minor	<p><b>Guidance</b></p> <p>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). Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p>
2.2.3 Where there are or have been disputes, additional proof of legal acquisition of title 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).	Major	<p><b>For National Interpretation:</b></p> <p>Any legal, customary or user rights to land, or disputes, which are likely to be relevant, will be identified.</p>
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.	Major	<p><b>Gabon Regulatory Context:</b></p> <p>See a full list of Gabon's regulations (Annex II), and a list of International Treaties ratified by Gabon (Annex III) and Gabon's <i>Laws, Treaties and Conventions Review</i> (as required by RSPO) attached to Gabon's NI.</p>
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).	Minor	

<p>2.2.6 To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence in maintaining peace and order in their current and planned operations.</p>	<p>Major</p>	<p>Gabonese constitution states that « (...) Any individual person as well as community, has the right to property. No one shall be deprived of his property except where public necessity, legally determined, requires, and under the condition of a legal and prior compensation;</p> <p>The federal and land tenure in Gabon is governed by Law No. 14/63 establishing the composition of the State land and the rules that govern the way management is determined by Law No. 15/63 on 8<sup>th</sup> May 1963 setting the system of land property. Decree No. 77/PR/MEF on 6<sup>th</sup> February 1967 regulating the granting of concessions and rentals of public lands is concerned; it has been amended several times. 782/PR/MEB.DE Decree of 24 August 1971 supplementing and amending the Decree of 6 February 1967 77/PR regulating the granting of concessions and rentals of public lands; Decree of 1187/MEF of 15 December 1972 supplementing Decree No. 77/PR 6 February 1967; 996/PR/MINDECFHUC Decree of 24 October 1979 amending the Decree of 15 December 1972 1187/PR/MEF.</p> <p>Long term leases are provided by Ordinance No. 50/70/PR/MFB/ of 30 September 1970 and are similar to the concession title transfer except that the deal with long lease does not result in the acquisition of real rights property.</p> <p>Sustainability agriculture policy law (n° 23/2008 10 December 2008 Agriculture and water &amp;forestry code.</p> <p><b><u>Interpretation</u></b></p> <p>The land lease, permit, concession agreement or other authorization specifying the rights to the land and any other obligations of the company shall be available. (See specific guidance for Criterion 2.2 in the <i>Laws, Treaties and Conventions of Gabon Report</i>, attached to Gabon NI).</p> <p><i>A Village Management Committee</i> for each village shall be established;</p> <p>A map of the concession area and its periphery (extending at least 5 kms from the boundaries) shall be available and clearly identify any zones of overlap with village territories and or any other titles/permits or any other land uses (such as industrial, other permits etc.);</p> <p>Where there are overlaps with other land uses, documented evidence of negotiated agreements between parties shall be available (see participatory processes requirements under Criteria 6.2, 6.4). Corresponding measures agreed by parties shall be identified and implemented.</p>
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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	Guidance
2.3.1: Maps of an appropriate scale showing the extent of recognised 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)	Major	<p><b>Specific Guidance:</b> For 2.3.4: Evidence should be available from the companies, communities or other relevant stakeholders.</p> <p><b>Guidance:</b></p>
<p>2.3.2.: Copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2.,7.5 and 7.6) shall be available and shall include:</p> <p>a) 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;</p> <p>b) 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;</p> <p>c) 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.</p>	Major	<p>All indicators will 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.</p> <p>Where there are legal or customary rights over land, the grower should demonstrate that these rights are 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 exercises involving affected parties (including neighbouring communities and local authorities).</p> <p>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. The representation of communities should be transparent and in open communication with other community members. Adequate time should 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.</p>
2.3.3 All relevant information shall be available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.	Minor	<p>Companies should be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as 'eminent domain').</p> <p>Growers and millers should refer to the RSPO approved FPIC guidance (<i>'Free, Prior and Informed Consent: Guide for RSPO Members (2015).'</i>).</p>
2.3.4. Evidence shall be available to show that communities are represented through institutions or representatives of their own choosing, including legal counsel.	Major	<p><b>For National Interpretation:</b> Any commonly encountered situations should be identified.</p> <p><b>Gabon regulatory context</b> The formal recognition of customary rights and the modalities of consultation, participation and free, prior and informed consent (FPIC), has come about in practice in Gabon in several contexts as indicated below:</p> <ul style="list-style-type: none"> <li>- <b>Forestry:</b> for the identification of reserved customary user right zones in the context of zonal planning as required by the Forestry Code for the development of forest management plans;</li> <li>- the process of conducting <b>environmental and social impact studies</b> in Gabon (see description in criterion 7.1) includes a mandatory step for public consultation: (i) Presentation of the project to the population using simple, practical and accessible</li> </ul>

means of communication (ii) organization of public consultations: the notification must be made by means of posters or other audiovisual media, (iii) minutes of consultation sessions should be signed, as appropriate, by the local authority, the Minister of the Environment or their representatives.

- **Consultations and participation of local people in the management of national parks** (local management advisory committees). The ANPN as an organization of national park management is, among other things, responsible for promoting all forms of participatory management of national parks and conservation of natural resources (Art.30 LPN). ANPN is also responsible for the facilitation of local initiatives in favor of the conservation of biological diversity and to consult local communities as part of the granting of concession agreements (Art.5 D19).
- Consultation with communities living within and around a National Park is mandatory in order to approve a National Park Management Plan. A local National Park advisory committee should be established in each national park (its composition and its tasks should be determined by regulatory means) (Art.45 LPN) and facilitate cooperation between local authorities and park managers for the protection and sustainable development of national parks activities (Art. 18 LPN). Other provisions for the operation of local advisory committees should be set by the ANPN and formalised by a Governmental decree (Art.46 LPN).
- the first efforts to implement **community forestry initiatives** through the development of simplified management plans validated by the Ministry of Forestry containing all of customary land use rights;

**Interpretation**

Participatory mapping in consultation with local communities shall be mandatory in order to identify all existing land uses and land use rights. Participatory mapping shall cover the entire village territory of all concerned villages.  
The techniques and methodologies used in Gabon for the identification of customary rights and the FPIC process shall follow internationally recognised participatory mapping and public consultation methodologies.

**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	Guidance
3.1.1 A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.	Major	<b>Guidance:</b> Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning. There should be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).
	Minor	



<p>3.1.2 An 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, shall be available.</p>	<p>Consideration of smallholders should be inherent in all management planning where applicable (see also Criteria 6.10 and 6.11). For scheme smallholders the content will vary from that suggested (refer to <i>RSPO Guidance On Scheme Smallholders, July 2009</i>).</p>
	<p>Growers should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements.</p>
	<p>This Criterion is not applicable to independent smallholders refer to <i>RSPO Management System Requirement and Guidance for Group Certification of Fresh Fruit Bunch (FFB) Production. March 2016</i>.</p>
	<p><b>Specific Guidance:</b>  For 3.1.1: The business or management plan should contain:</p> <ul style="list-style-type: none"> <li>• Attention to quality of planting materials;</li> <li>• Crop projection = Fresh Fruit Bunches (FFB) yield trends;</li> <li>• Mill extraction rates = Oil Extraction Rate (OER) trends;</li> <li>• Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends;</li> <li>• Forecast prices;</li> <li>• Financial indicators.</li> </ul>
	<p>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).</p>

<b>Principle 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS</b>		
Criterion 4.1 Operating procedures are appropriately documented, consistently implemented and monitored.	Indicator	Guidance
4.1.1 Standard Operating Procedures (SOPs) for estates and mills shall be documented.	Major	Specific: For 4.1.1 and 4.1.4: SOP and documentation for mills should include relevant supply chain requirements (See RSPO Supply Chain Certification Standard, Nov 2011).
4.1.2 A mechanism to check consistent implementation of procedures shall be in place.	Minor	Guidance: Mechanisms to check implementations could include documentation management systems and internal control procedures.
4.1.3 Records of monitoring and any actions taken shall be maintained and available, as appropriate.	Minor	
4.1.4 The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB).	Major	<b>For National Interpretation:</b> National codes of practice or Best Management Practices (BMPs) will be referenced.  <b><u>Interpretation</u></b> The growers and millers should support smallholders to comply with operating procedures.  The SOP shall be reviewed annually
Criterion 4.2 Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	Indicator	Guidance
4.2.1 There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield, where possible.	Major	<b>Guidance:</b> Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for by-products or energy production.
4.2.2 Records of fertiliser inputs shall be maintained.	Minor	
4.2.3 There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.	Major	<b>For National Interpretation:</b> The range of appropriate techniques will be identified.
4.2.4 A nutrient recycling strategy shall be in place, and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting.	Minor	<b><u>Interpretation</u></b> The application of agricultural inputs (including processing by-products) and other organic manures should be documented in a register and monitored in terms of quantities of the inputs, area and dates shall be available.  Fertility monitoring should be included in the ESMP monitoring.  Smallholders must be able to understand and adopt practices in maintaining natural soil fertility.
Criteria 4.3 Practices minimize and control erosion and degradation of soils.	Indicator	Guidance

4.3.1 Maps of any fragile soils shall be available.	Major	<p><b>Specific Guidance:</b> For 4.3.4: For existing plantings on peat, the water table should be maintained at an average of 50cm (between 40 - 60cm) below ground surface measured with groundwater piezometer readings, or an average of 60cm (between 50 - 70cm) below ground surface as measured in water collection drains, through a network of appropriate water control structures e.g. weirs, sandbags, etc. in fields, and watergates at the discharge points of main drains (Criteria 4.4 and 7.4).</p> <p>For 4.3.5: Where drainability assessments have identified areas unsuitable for oil palm replanting, plans should be in place for appropriate rehabilitation or alternative use of such areas. If the assessment indicates high risk of serious flooding and/or salt water intrusion within two crop cycles, growers and planters should consider ceasing replanting and implementing rehabilitation.</p> <p><b>Guidance:</b> Plantations on peat should be managed at least to the standard set out in the <i>'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat'</i>, June 2012 (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover). Techniques that minimise soil erosion are well known and should be adopted, where appropriate. These should include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replanting.</p> <p><b>For National Interpretation:</b> National Interpretation (or an RSPO recognised parallel means) will refer to national guidance, and identify the best management practices and appropriate techniques for maintaining soil quality in local conditions, including guidance on soil types, and any appropriate performance thresholds such as maximum acceptable slope gradient for planting.</p> <p><b>Gabon Regulatory Context</b> The soil and sub-soil are considered by the national Environmental Code (Law 07/2014 of August 1<sup>st</sup> 2014 on the protection of the environment and the preservation and use of natural resources – chapter 4, article 2). These require:</p> <ul style="list-style-type: none"> <li>• That land users (including for agricultural purposes) must carry out works in order to prevent soil erosion, floods and landslides where necessary.</li> <li>• That no soil pollution arises from nutrient offload and effluents from operations.</li> <li>• A responsible use of pesticides and other agrochemical inputs.</li> </ul> <p>See also the sustainability agriculture policy law n° 23/2008 10 December 2008: art 42 &amp; 43</p>
4.3.2 A management strategy shall be in place for plantings on slopes above a certain limit (this needs to be soil and climate specific).	Minor	
4.3.3 A road maintenance programme shall be in place.	Minor	
4.3.4 Subsidence of peat soils shall be minimised and monitored. A documented water and ground cover management programme shall be in place.	Major	
4.3.5 Drainability assessments shall be required prior to replanting on peat to determine the long-term viability of the necessary drainage for oil palm growing.	Minor	
4.3.6 A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils).	Minor	

		<p><b>Interpretation</b></p> <p>The Management Strategy for 4.3.2. shall include a set of procedures and a manual for implementation;</p> <p>The slopes thresholds should be set at 20 degrees (36.4%); therefore, no palm oil operations should take place above this threshold.</p> <p>Planted slopes between 9 and 20 degrees shall be subject to soil conservation measures and should normally be terraced. Other soil conservation measures such as platforms should be applied as necessary, according to the fragility of soils.</p>
Criterion 4.4 Practices maintain the quality and availability of surface and ground water.	Indicator	Guidance
4.4.1 An implemented water management plan shall be in place.	Major	<p><b>Specific Guidance:</b></p> <p>For 4.4.1: The water management plan will:</p> <ul style="list-style-type: none"> <li>• Take account of the efficiency of use and renewability of sources;</li> <li>• Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users;</li> <li>• Aim to ensure local communities, workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes;</li> <li>• Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME).</li> </ul> <p>For 4.4.2: Refer to the <i>'RSPO Manual On Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat'</i>, July 2012.</p>
4.4.2 Protection of water courses and wetlands, including maintaining and restoring appropriate riparian and other buffer zones (refer to national best practice and national guidelines) shall be demonstrated.	Major	
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 (Criteria 2.1 and 5.6).	Major	
4.4.4 Mill water use per tonne of Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored.	Minor	<p><b>Guidance:</b></p> <p>Growers and millers should address the effects of their use of water and the effects of their activities on local water resources.</p> <p><b>For National Interpretation:</b></p> <p>National Interpretation will refer to national guidelines or best practice and where appropriate include performance thresholds for requirements such as the size and location and methods of restoration of riparian strips or acceptable maximum run-off levels.</p> <p><b>Gabon Regulatory Context</b></p> <p>The Article 10 of the Gabonese Environment Code (007/2014) deals with rational and balanced management of watersheds with the aim of the preservation of water quality, the provision of safe water for the population and maintenance of biological life in the aquatic environment as well as for agricultural development.</p> <p>Article 12 of the code mentions that "it is forbidden to evacuate, throw or inject into surface water or groundwater in the vicinity of the sea or rivers, all contaminated water, waste or any other material that could pollute the aquatic environment and all associated components and</p>

parts, or cause risk and threat to both human health and to biological and non-biological resources”.

There are two further decrees concerning the maintenance of the quality and quantity of surface water:

- Decree No. 0541/PR/MEFEPEPN of 15 July 2005 regulating the disposal of waste, agricultural waste and wastewater is considered as waste.
- Decree No. 0542/PR/MEFEPEPN July 15, 2005, regulates the dumping of products in surface, ground and marine waters.

Gabon is also member of the Convention on “Wetland of International Importance” (ZHII) called “Ramsar Convention” since 30 April 1987.

**Interpretation**

Annual assessments of surface and underground water (quality and quantity) shall be conducted and reviewed by the administration or another third party (4.4.1).

Riparian buffer zones play an important role in the protection of watersheds and wetlands. A map of the riparian buffer zones in the operations shall be produced and updated (4.4.2) as and when operations change.

After 3 years of land conversion, an audit of the width of the original floodplains/ watercourses should take place and buffer zones adapted accordingly. Management practices must not impact buffer zones.

Riparian buffer zones around watercourses shall be established and protected, as follows:

Width of major watercourses (m)	Minimum riparian buffer zone width (m) on each side of watercourse
1-2	10
2-5	20
5-20	50
> 20	100

A buffer zone must be established around lakes and ponds within the plantation according to the surface area of open water as follows:

Surface area of lake (rainy season)	Minimum buffer width (from the bank)
1,000 m <sup>2</sup> – 2,000 m <sup>2</sup>	30 meters
2,000 m <sup>2</sup> – 10,000 m <sup>2</sup> (1ha)	50 meters
1ha or more	On case by case basis (minimum 50 m)

		<p>For lakes under 1000m<sup>2</sup>, a buffer zone can also be established at the request of the local communities depending on their use of the lake / lake area.</p> <p>Any effluent discharged into rivers/ water courses shall have a minimum BOD 20 (according to the Environmental Code of Gabon: "<i>into nature</i>" means "rivers/ watercourses"). When waste sludge from the mill is applied in the plantation as a fertiliser, the sludge treatment must conform to the Environmental Code.</p>
Criterion 4.5 Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques. (IPM).	Indicator	Guidance
4.5.1 Implementation of Integrated Pest Management (IPM) plans shall be monitored.	Major	<p><b>Guidance:</b> Growers should apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals. Native species should be used in biological control where possible.</p>
4.5.2 Training of those involved in IPM implementation shall be demonstrated.	Major	<p><b>For National Interpretation:</b> National Interpretation will provide further guidance on what practices are most appropriate for a particular country, and where needed, on practices which are appropriate to smallholders.</p> <p><b>Interpretation</b> A training program on IPM should be implemented and training records should be documented and available (4.5.2)</p> <p>The use of pesticides is explained in Criteria 4.6</p>
Criterion 4.6 Pesticides are used in ways that do not endanger health or the environment	Indicator	Guidance
4.6.1 Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available.	Major	<p><b>Specific Guidance:</b> For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification should consider less harmful alternatives and IPM. Specific guidance for 4.6.3: Justification of the use of such pesticides will be included in the public summary report. Specific guidance for 4.6.6: Recognised best practice includes: Storage of all pesticides as prescribed in the FAO International Code of Conduct on the distribution and use of pesticides and its guidelines, and supplemented by relevant industry guidelines in support of the International Code (see Annex 1).</p>
4.6.2 Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided.	Major	

4.6.3 Any use of pesticides shall be minimised as part of a plan, and in accordance with Integrated Pest Management (IPM) plans. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines.	Major	<p><b>Guidance:</b> The RSPO has identified some examples of alternatives to pesticide use, which include those listed in the 'Research project on Integrated Weed Management Strategies for Oil Palm; CABI, April 2011'. Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent smallholders. (Refer to <i>RSPO Management System Requirement and Guidance for Group Certification of Fresh Fruit Bunch (FFB) Production. March 2016</i>).</p> <p><b>For National Interpretation:</b> National Interpretation will consider: statutory requirements concerning pesticide use, lists of legally prohibited pesticides, pesticide residues that should be tested for and the appropriate levels of residues, and best management practices for pesticide use or sources of information on these. National Interpretation will develop best practice guidelines on the exceptional circumstances that would allow the use of pesticides categorised as World Health Organisation Class 1A or 1B, or those listed by the Stockholm or Rotterdam Conventions, and paraquat as well as how they will be used in ways that do not endanger health or the environment.</p> <p><b>Gabon Regulatory Context</b> Prior authorization of the Ministry in charge of agriculture is necessary for selling pesticides for agricultural use and other agrochemical on the national/local markets (Art.42 law 23/2008 et Décret 246 covering the mandatory regulatory measures on importation, distribution and use of agro-chemicals in Gabon) Other permits and inspections are required as part of implementing international commitments.</p> <p>Gabon has ratified the following conventions: Stockholm on Persistent Organic Pollutants (POPs) (signed by Gabon 21st May 2002 and ratified 5th July 2007). This convention aims to prohibit and / or regulate the use of a series of extremely hazardous chemicals, through their inclusion in the Appendices of the Convention:</p> <ul style="list-style-type: none"> <li>• Appendix A: The parties must take measures to eliminate the production and use of chemicals listed in Appendix A</li> <li>• Appendix B: Parties must take measures to restrict the production and use of chemicals listed in Appendix B</li> <li>• Appendix C: The parties must take measures to reduce unintentional releases of chemicals listed in Appendix C with the goal of continuing minimization and, with feasible, ultimate elimination</li> </ul>
4.6.4 Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, except in specific situations identified in national Best Practice guidelines. The use of such pesticides shall be minimised and eliminated as part of a plan, and shall only be used in exceptional circumstances.	Major	
4.6.5 Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion 4.7).	Major	
4.6.6 Storage of all pesticides shall be according to recognised best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see Criterion 5.3).	Major	
4.6.7 Application of pesticides shall be by proven methods that minimise risk and impacts.	Minor	
4.6.8 Pesticides shall be applied aurally only where there is documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.	Major	
4.6.9 Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated, including provision of appropriate information materials (see Criterion 4.8).	Minor	
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	
4.6.11 Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.	Major	

4.6.12 No work with pesticides shall be undertaken by pregnant or breast-feeding women	Major	<p>A register of the agro-chemicals purchased, stored and used should be available; it should include role of the product and document the authorization for sale in Gabon. Data Safety Cards (CDS) must be kept and available (4.6.1 and 4.6.8). The quantities of pesticides used shall be well documented and monitored (4.5.1)</p> <p><b>Interpretation</b> There shall be a procedure (SOP) and strategy for the reduction in the use of pesticides (4.6.2).</p> <p>A training program on pesticide handling and use shall be implemented; and training records should be documented and available (4.6.5).</p> <p>Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat are forbidden - no exceptional circumstances in Gabon (4.6.4).</p>
Criterion 4.7 An occupational health and safety plan is documented effectively communicated and implemented.	Indicator	Guidance
<p>The health and safety plan shall cover the following: 4.7.1 A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored.</p>	Major	<p><b>Specific guidance for 4.7.7.:</b> The National Interpretation will define the metrics for LTA. For countries where there are no national interpretations, the growers will determine their own metrics.</p> <p><b>Guidance:</b> Growers and millers should ensure that the workplace, 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. All indicators apply to all workers regardless of status. The health and safety plan should also reflect guidance in ILO Convention 184 (see Annex 1).</p>
4.7.2 All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers.	Major	<p><b>For National Interpretation:</b> National Interpretation will define the metrics for LTA. All legal requirements together with any local or national guidance on safe working practice in agriculture will be identified and used. It will also be important to identify what constitutes a 'hazardous' operation in the local context.</p> <p><b>Gabon Regulatory context</b> Growers/millers should comply with the Gabonese Labour Code (Law No. 3/94 of 21 November 1994) as amended by Act No. 12/2000 of 12 October 2000 relating to health and safety at work (art. 197) and the Social Security Code. According to this code, specific health and safety measures should be taken for some professional sectors (including agriculture) through Technical Advisory Committees on Safety and Health at Work (art 220).</p>
4.7.3 All workers involved in the operation shall be adequately trained in safe working practices (see 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, machine operations, and land preparation, harvesting and, if it is used, burning.	Major	
4.7.4 The responsible person/persons shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded.	Major	



<p>4.7.5 Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall 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 shall be available at worksites. Records of all accidents shall be kept and periodically reviewed.</p>	<p>Minor</p>	<p>The chapter 4 of the Labour Code specifically addresses "Safety and Health" of site operations. Gabon has ratified on June 13th, 1961 the ILO Convention concerning compensation of professional accidents in agricultural sector.</p> <p><b>Interpretation</b> The Health and Safety (HSE) Plan shall include an evaluation of the risks of the various installations and the agricultural operations, the procedures for the provision of first aid and those of evacuation of the site (4.7.3) All employees shall benefit from an insurance policy covering accidents, risks and disease in conformity with Gabonese law (4.7.6)</p> <p>The producers and millers shall ensure that contracts with all sub-contractors take into account all the company's Health and Safety policies and procedures. Producers and millers shall monitor compliance by subcontractors (4.7.4)</p> <p>Lost Time Accident (LTA) metrics shall include the following parameters (4.7.7):</p> <ul style="list-style-type: none"> <li>• Nature of the accident</li> <li>• Accident Frequency</li> <li>• Accident Severity</li> <li>• Number of lost days</li> </ul> <p>Public awareness campaigns on HIV/AIDS and STDs shall be carried out periodically by the company which should also implement a vaccination campaign for all their employees and their families (4.7.6).</p>
<p>4.7.6 All workers shall be provided with medical care, and covered by accident insurance.</p>	<p>Minor</p>	
<p>4.7.7 Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics</p>	<p>Minor</p>	
<p>Criterion 4.8 All staff, workers, smallholders and contract workers are appropriately trained.</p>	<p>Indicator</p>	<p style="text-align: center;">Guidance</p>
<p>4.8.1 A formal training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme.</p>	<p>Major</p>	<p><b>Guidance:</b> Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.</p>
<p>4.8.2 Records of training for each employee shall be maintained.</p>	<p>Minor</p>	<p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organisation. Training should be given to all staff and workers by growers and millers to enable them to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these Principles, Criteria, Indicators and Guidance. 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.</p>

Growers and millers should demonstrate training activities for schemes smallholders who provide Fresh Fruit Bunches (FFB) on a contracted basis.  
 Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of growers or millers that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations (Refer to **RSPO Management System Requirement and Guidance for Group Certification of Fresh Fruit Bunch (FFB) Production. March 2016**).

For individual smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing (Refer to **RSPO Management System Requirement and Guidance for Group Certification of Fresh Fruit Bunch (FFB) Production. March 2016**).

**For National Interpretation:**

Appropriate occupational training qualifications will be identified.

**Interpretation**

Continuous professional training for employees is a requirement of employers (ref Article. 2 and 99, Labour Code).

All new employees should have appropriate training in the field of Health & safety in order to be able to prevent any risk (art.201, Labour Code)

Regular internal meetings and awareness raising campaigns on RSPO are organised on operational sites (4.8.1).

<b>Principle 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY</b>		
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 continual improvement.	Indicator	Guidance
5.1.1 An environmental impact assessment (EIA) shall be documented.	Major	<p><b>Guidance:</b>            The EIA should cover the following activities, where they are undertaken:</p> <ul style="list-style-type: none"> <li>• Building new roads, processing mills or other infrastructure;</li> <li>• Putting in drainage or irrigation systems;</li> <li>• Replanting and/or expansion of planting areas;</li> <li>• Management of mill effluents (Criterion 4.4);</li> <li>• Clearing of natural vegetation;</li> <li>• Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7).</li> </ul>
5.1.2 Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a	Minor	

<p>comprehensive management plan. The management plan shall identify the responsible person/persons.</p>		<p>Impact assessment can 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.</p>
<p>5.1.3 This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.</p>	<p>Minor</p>	<p>Environmental impacts should be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and people’s amenity (Criterion 6.1), both on and off-site.</p> <p>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.</p> <p>For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results (Refer to <i>RSPO Management System Requirement and Guidance for Group Certification of Fresh Fruit Bunch (FFB) Production. March 2016</i>).</p> <p><b>For National Interpretation:</b> National Interpretation will consider any national legal requirements together with any other issues that are not required by law but are nevertheless important, e.g. independent social and environmental impact assessment (SEIA) for replanting may be desirable under specific situations.</p> <p><b>Gabon Regulatory Context</b> National regulations regarding environmental assessments and management are governed by law n°07/2014 of 01 August 2014 concerning the protection of the environment, as well as other decrees of 2005 as described in Criterion 7.1. Decree No. 0543/PR/MEFEPEPN July 15, 2005 fixes the legal regimes.</p> <p><b>Interpretation</b> A documented environmental and social impact assessment (ESIA) report including Environment and Social Management Plan (ESMP) shall be available and implemented (5.1.1).</p> <p>The Environment and Social Management Plan (ESMP) shall clearly identify the position in the organisation responsible for delivery of the ESMP, timetable for implementation and resources to implement the mitigation plans (5.1.2).</p> <p>All activities related to the production of palm oil must be implemented as recommended by the Environmental and Social Management Plan (ESMP) and shall be reviewed as required by the relevant authority or failing that at least every two years to incorporate the results of on-going monitoring (5.1.3).</p> <p>The ESIA shall describe the detailed impacts of the proposed activities on the physical environments, biological resources and local population, as well as recommendations for</p>

		minimizing negative impacts and reinforcement of the positive impacts. The ESIA process shall be participative (5.1.1)
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	Guidance
5.2.1 Information shall be collated in a High Conservation Value (HCV) assessment that includes both the planted area itself and relevant wider landscape-level considerations (such as wildlife corridors).	Major	<p><b>Specific Guidance:</b>  For 5.2.1: This information will cover:</p> <ul style="list-style-type: none"> <li>• Presence of protected areas that could be significantly affected by the grower or miller;</li> <li>• Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered (RTE) species that could be significantly affected by the grower or miller;</li> <li>• Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller;</li> </ul> <p>For 5.2.2: These measures will include:</p> <ul style="list-style-type: none"> <li>• Ensuring that any legal requirements relating to the protection of the species or habitat are met;</li> <li>• Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are protected and connected, corridors are conserved, and buffer zones around HCV areas are created;</li> <li>• Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants).</li> </ul> <p>For 5.2.5: If a 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).</p> <p><b>Guidance:</b>  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. Wherever HCV benefits can be realised outside of the management unit, collaboration and cooperation between other growers, governments and organisations should be considered.</p>
5.2.2 Where rare, threatened or endangered (RTE) species, HCVs, or legally protected species or areas 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	
5.2.3 There shall be a programme to regularly educate the workforce about the status of these RTE, HCV or protected species and habitats, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species.	Minor	
5.2.4 Where a management plan has been created there shall be ongoing monitoring: <ul style="list-style-type: none"> <li>• The status of HCV, RTE and protected species and areas that are affected by plantation or mill operations shall be documented and reported;</li> <li>• Outcomes of monitoring shall be fed back into the management plan.</li> </ul>	Minor	
5.2.5 Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these rights.	Minor	

**For National Interpretation:**

Appropriate sources of information can include government or international lists of threatened species ('red data lists'), national wildlife protection legislation, authorities responsible for protected areas and species, or relevant NGOs.

**Note:**

Operators need to consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures, in other cases co-management options can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained or enhanced by the companies or State agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3).

**Gabon regulatory Context**

The main applicable Gabonese regulations on wildlife are (see also the documents on Laws, Conventions and Treaties applicable in Gabon):

- Law No 7/2014 of August 1<sup>st</sup> 2014 on protection of the environment
- Fishing and Aquaculture Code
- Forestry Code (Law No. 16/2001 of December 31<sup>th</sup> 2001)
- National Parks Law (Law No. 03/07 of August 27<sup>th</sup> 2007)
- Sustainable Development Law (Law No 002/2014 of August 1<sup>st</sup> 2014)

Types of protected areas defined in the Gabonese Forest Code (Art 79 du decree 0261 1 august 2014):

- Strict Nature Reserves;
- Zoos;
- Wildlife and Botanical Sanctuaries;
- National Parks;
- Hunting Areas;
- Biosphere Reserves;
- World Heritage Sites.

Three international statutes related to protected areas are followed in Gabon, UNESCO's Biosphere Reserves and World Heritage Sites are recognized as protected areas at the national level since 2008, e.g.: (i) "Man and Biosphere Reserve" programme (ii) "Ipassa Makokou reserve" classified in 1983 now merged with the National Park Ivindo, (iii) Lope as World Heritage Site of UNESCO since 2007.

Since 1989, Gabon registered nine sites on the List of Wetlands of International Importance (ZHII). Most of these have national statutes.

Gabon has ratified:

- CDB 1992
- CMS
- CITES
- Alger's convention of 15 September related to the convention and African natural resources.

Refer also to ANPN's Policy for site selection and environmental management and monitoring of developments located in National Parks Peripheral Zones (*Managing environmental and social impacts of palm oil production in Gabon*, DRAFT. ANPN. 2015)

Where rare threatened or endangered species, or legal protected species or protected areas (see list above) 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 (5.2.2).

### **Interpretation**

#### Wildlife Management Plan

The operations shall actively prevent any poaching as well as access to the operations site for illegal hunting activities, for instance with strict internal policies with clear sanctions (including dismissal in cases of breach of wildlife laws and management plans by employees); monitoring of transport and roads; collaboration with local authorities and conservation NGOs, etc.

Alternative sources of protein shall be made available on-site by the company to the workforce.

#### Protected species

The operations shall have in place (i) an internal policy for wildlife management in conformity with the law - See also criteria 1.2; and (ii) wildlife management plans integrated to the Environmental and Social Impacts Management Plan (see also criteria 5.1 and 7.1).

#### Protected areas

Where operations are present in watersheds within which protected areas are located, operators shall facilitate the implementation of systems to monitor changes to the ecological functioning of the watershed.

#### Zoning of concessions for High Conservation Value (HCV) management

A zoning plan shall be available at the concession level that has been developed on the basis of a High Conservation Value (HCV) assessment, taking into account potential indirect impacts of operations. A list of rare, threatened and endangered

		species found within the concession shall be available, together with appropriate protection measures to implement through the fauna management plan of the ESMP.
Criterion 5.3 Waste is reduced, recycled, re-used and disposed in an environmentally and socially responsible manner.	Indicator	Guidance
5.3.1 All waste products and sources of pollution shall be identified and documented.	Major	<p><b>Guidance:</b> The waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> <li>• Identifying and monitoring sources of waste and pollution.</li> <li>• Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes).</li> <li>• Appropriate management and disposal of hazardous chemicals and their containers.</li> </ul> <p>Surplus chemical containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to. Use of open fire for waste disposal should be avoided.</p> <p><b>For National Interpretation:</b> National Interpretation (or an RSPO recognised parallel means) should include, as appropriate: details of relevant national laws or policies, a list of waste types (hazardous, non-hazardous, domestic, etc.) which must be considered, any types of disposal which are not acceptable (e.g. untreated waste water may not be discharged directly into streams or rivers (see Criterion 4.4), existing best practice guidelines on recycling and re-use of nutrients, managing effluent ponds, increasing mill extraction efficiency and appropriate disposal of wastes.</p> <p><b>Gabon Regulatory Context</b> Waste management is guided by the law n°07/2014 of 01 August 2014 the protection of the environment (chap 2 section 2 /section 3) with Decree n° 541 du 15 July 2005 for the elimination of waste (which contains a list of types of dangerous wastes);</p> <p><b>Interpretation</b> Growers shall raise awareness of all their employees and develop procedures (SOP) for the appropriate treatment and disposal of waste. This sensitisation should be documented.</p> <p>On-site waste disposal sites shall be protected and demarcated / sign-boarded (5.3.2).</p>
5.3.2 All chemicals and their containers shall be disposed of responsibly.	Major	
5.3.3 A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented.	Minor	

Criterion 5.4 Efficiency of fossil fuel use and the use of renewable energy is optimized.	Indicator	Guidance
5.4.1 A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy shall be in place and monitored.	Minor	<p><b>Guidance:</b> Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill should be monitored.</p> <p>Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) should be monitored.</p> <p>Energy efficiency should be taken into account in the construction or upgrading of all operations.</p> <p>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.</p> <p>The feasibility of collecting and using biogas should be studied if possible.</p>
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	Guidance
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 regions.	Major	<p><b>Guidance:</b> Fire should 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, and exceptional levels of caution should be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for associated smallholders may be necessary.</p> <p><b>For National Interpretation:</b></p>



<p>5.5.2 Where fire has been used for preparing land for replanting, there shall be evidence of prior approval of the controlled burning as specified in ‘Guidelines for the Implementation of the ASEAN Policy on Zero Burning’ 2003, or comparable guidelines in other regions</p>	<p>Minor</p>	<p>National Interpretation will identify any specific situations where such use of fire may be acceptable, for example through reference to ‘Guidelines for the Implementation of the ASEAN Policy on Zero Burning’ 2003, or comparable guidelines in other regions.</p> <p><b>Interpretation</b> There are no guidelines in Gabon for zero burning or no burning. However, the use of fire for land preparation is forbidden, this includes smallholders seeking RSPO certification.</p> <p>There shall be an SOP for land preparation and all land preparation shall be monitored and documented. All incidences of intentional or accidental fire are monitored and documented.</p> <p>An operation wide management plan for the prevention of burning/ use of fire, in proportion to the risk of fire (bush fire), shall be developed and monitored.</p>
<p>5.6 Preamble</p>		<p><i>Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognised that it is not always feasible or practical to reduce or minimise these emissions. Growers and millers commit to an implementation period until the end of December 2016 for promoting best practices in reporting to the RSPO, and thereafter to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.</i></p>
<p>Criterion 5.6 Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.</p>	<p>Indicator</p>	<p>Guidance</p>
<p>5.6.1 An assessment of all polluting activities shall be conducted, including gaseous emissions, particulate/soot emissions and effluent (see Criterion 4.4)</p>	<p>Major</p>	<p><b>Specific Guidance:</b> For 5.6.2: Plans will include objectives, targets and timelines. These should be responsive to context and any changes should be justified. For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded.</p>
<p>5.6.2 Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimise them implemented.</p>	<p>Major</p>	<p>For 5.6.3 (GHG): For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including land use practices) can be used as a monitoring tool. <b>For 5.6.3:</b> In addition, during the implementation period, growers will 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 implementation period for Criterion 7.8, until December 31, 2016.</p>
<p>5.6.3 A monitoring system shall be in place, with regular reporting on progress for these significant pollutants and emissions from estate and mill operations, using appropriate tools.</p>	<p>Minor</p>	<p>During the implementation period, reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional</p>

		<p>guidance for the process. Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognising the challenges associated with measuring GHG and carbon stock. PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions. Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p><b>Guidance:</b> Where practically feasible, operations should follow best management practices to measure and reduce emissions. Advice on this is available from the RSPO.</p>
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**Principle 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS**

Criterion 6.1 Aspects of plantation and mill management that have social impacts, including replanting, 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 continual improvement.	Indicator	Guidance
6.1.1 A social impact assessment (SIA) including records of meetings shall be documented.	Major	<p><b>Guidance:</b> Identification of social impacts should be carried out by the grower with the participation of affected parties, including women and migrant workers as appropriate to the situation. The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</p> <p>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.</p> <p>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 employee numbers or employment terms; smallholder schemes.</p> <p>Plantation and mill management may have social impacts (positive or negative) on factors such as:</p> <ul style="list-style-type: none"> <li>• Access and use rights;</li> <li>• Economic livelihoods (e.g. paid employment) and working conditions;</li> <li>• Subsistence activities;</li> </ul>
6.1.2 There shall be evidence that the assessment has been done with the participation of affected parties.	Major	
6.1.3 Plans for avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, shall be developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation.	Major	
	Minor	

<p>6.1.4 The plans shall be reviewed as a minimum once every two years and updated as necessary, in those cases where the review has concluded that changes should be made to current practices. There shall be evidence that the review includes the participation of affected parties.</p>		<ul style="list-style-type: none"> <li>• Cultural and religious values;</li> <li>• Health and education facilities;</li> <li>• Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force.</li> </ul> <p>The review can be done (once every two years) internally or externally.</p>
<p>6.1.5 Particular attention shall be paid to the impacts of smallholder schemes (where the plantation includes such a scheme).</p>	<p>Minor</p>	<p><b>For National Interpretation:</b> As social impacts are particularly dependent on local social conditions, National Interpretation will identify the important issues, and methodologies for collecting data and using the results. This should include adequate consideration of the impacts on the customary or traditional rights of local communities and indigenous people, where these exist (Criteria 2.3 and 6.4).</p> <p><b>Gabon Regulatory Context</b> As signatory of the Convention on Biological Diversity (CBD), Gabon is encouraged by the Secretariat of CBD and the Conference of the Parties to follow voluntary Akwe Kon guidelines relating to Cultural, Environmental and Social Impact Assessments on the proposed project site in order to avoid negative impacts on, sacred/cultural sites, landscapes and waters traditionally occupied or used by indigenous and indigenous communities (decision VII/16F)</p> <p><b>Interpretation</b> Oil palm development may have impacts on the following (non-exclusive list):</p> <ul style="list-style-type: none"> <li>○ Customary rights;</li> <li>○ Local development, livelihoods (e.g. employment) and working conditions;</li> <li>○ Subsistence activities;</li> <li>○ Cultural and religious values;</li> <li>○ Health and education facilities;</li> <li>○ Transport / communications facilities and immigration trends;</li> <li>○ Competition for natural resource use.</li> </ul> <p>Reference shall be made to customary rights in criterion 2.2 / 2.3</p> <p>Social Impacts Assessment (SIA) report findings, including measures for social mitigation and compensation, shall be integrated into the local sustainable development plan, where possible (6.1.1)</p> <p>Local people will be consulted during the preparation of the ESIA. The results of the ESIA and the ESMP will be presented in all affected / concerned villages. Public consultations will take place in the presence of local authorities and other relevant stakeholders to integrate stakeholder comments before validation of the ESIA study. Minutes of these consultations, signed by stakeholders, shall be available. Physical copies of the ESIA and the ESMP shall be submitted to the administration responsible, for distribution locally. The ESIA and ESMP shall be made available by the operator.</p>

		The official reports and minutes of meetings with the representatives of local institutions and local communities shall be available (6.1.2).
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	Guidance
6.2.1 Consultation and communication procedures shall be documented	Major	<p><b>Guidance:</b> 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 appropriate 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 by 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.</p> <p><b>For National Interpretation:</b> National Interpretation will consider issues such as appropriate levels of consultation and the types of organisation or individuals that should be included.</p> <p><b>Interpretation</b> Ensure that all the stakeholder groups in the villages are identified for inclusion in the processes of sensitisation and consultation. The stakeholder groups that should be considered include (list not exhaustive):</p> <ul style="list-style-type: none"> <li>• Elites;</li> <li>• Non-indigenes (permanent residents originating from outside the area);</li> <li>• Indigenous groups;</li> </ul>
6.2.2 A management official responsible for these issues shall be nominated.	Minor	
6.2.3 A list of stakeholders, records of all communication, including confirmation of receipt and that efforts are made to ensure understanding by affected parties, and records of actions taken in response to input from stakeholders, shall be maintained	Minor	

		<ul style="list-style-type: none"> <li>• Women;</li> <li>• Young people;</li> <li>• Elders.</li> </ul> <p>Communication must take into account the challenges of communicating and accessing information from the different groups of stakeholder listed above. It is important to take communication language into consideration / use of the local mother-tongue.</p> <p>Producers and millers will identify third parties, such as community groups, local NGOs/CSOs or government agencies (or a combination of them) who support smallholders, communities and other potential parties during communication, consultations or campaigns.</p>
Criterion 6.3 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.	Indicator	Guidance
6.3.1 The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistleblowers, where requested.	Major	<p><b>Specific Guidance:</b> For 6.3.1: The system should aim to reduce the risks of reprisal.</p> <p><b>Guidance:</b> See also to Criterion 1.2. Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties. Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation as necessary. Grievances may be internal (employees) or external. For scheme and independent smallholders, refer to <b><i>RSPO Management System Requirement and Guidance for Group Certification of Fresh Fruit Bunch (FFB) Production. (March 2016).</i></b></p> <p>Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System. Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed ‘<i>Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework</i>’, 2011.</p>
6.3.2 Documentation of both the process by which a dispute was resolved and the outcome shall be available.	Major	

Criterion 6.4 Any negotiations concerning compensation for loss of legal, customary or user rights are 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	Guidance
6.4.1 A procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, shall be in place.	Major	<b>Specific Guidance:</b> For 6.4.2: Companies should make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in smallholder schemes.
6.4.2 A procedure for calculating and distributing fair compensation (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, ownership and access to land; differences of transmigrants and long-established communities; and differences in ethnic groups' proof of legal versus communal ownership of land.	Minor	<b>Guidance:</b> This criterion should be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance
6.4.3 The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available.	Major	
Criterion 6.5 Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.	Indicator	Guidance
6.5.1 Documentation of pay and conditions shall be available.	Major	<b>For National Interpretation:</b> National Interpretation will define a Decent Living Wage. Where there is no National Interpretation, the legal minimum wage will be used.
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.) shall be available in the languages understood by the workers or explained carefully to them by a management official.	Major	<b>Gabon regulatory context:</b> In Gabon there is no defined "decent living wage", however there is a legal minimum wage as defined in Decree n°0127 on minimum monthly income and Decree 855/PR/MTE of 9 November 2006, fixing guaranteed minimum professional salaries in Gabon.  Agribusiness sector in Gabon guided by the Gabonese Labour Code (Law No. 3/94 of 21 November 1994) as amended by law No. 12/2000 of 12 October 2000, particularly in terms of (i) employment contract, (ii) general conditions of work, (iii) Health and Safety on operation sites.
6.5.3 Growers and millers shall provide adequate housing, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible.	Minor	Full time Employment (FTE) in agriculture or agribusiness sector is guided by a specific section of the Labour Code (art.165).
	Minor	

<p>6.5.4 Growers and millers shall make demonstrable efforts to monitor and improve workers' access to adequate, sufficient and affordable food.</p>		<p>Gabon is a member of the International Labour Organization (ILO) since 1960 and has approved thirty-seven (37) ILO Conventions. Regarding conventions related to salary packages and work conditions Gabon has approved:</p> <ul style="list-style-type: none"> <li>○ The ILO Convention 62 concerning minimum salary package;</li> <li>○ The ILO Convention 52 on paid leave;</li> <li>○ The ILO Convention 95 on the Protection salary rights;</li> <li>○ Convention 101 of the ILO on paid leave in agriculture sector;</li> <li>○ The ILO Convention 99 concerning minimum wage in agriculture (1951) 13 June 1961</li> </ul> <p><b>Interpretation</b> There is no defined “decent living wage” in Gabon so “legal minimum wage” needs to be followed. The company wage rates shall comply with the legal and regulatory thresholds</p> <p>Evidence shall be provided that company wage rates corresponds to legal national wage thresholds.</p>
<p>Criterion 6.6 The employer respects the rights 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.</p>	<p>Indicator</p>	<p>Guidance</p>
<p>6.6.1 A published statement in local languages recognising freedom of association shall be available.</p>	<p>Major</p>	<p><b>Guidance:</b> The right of employees, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation (ILO). Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, should be available in the languages understood by the workers or explained carefully to them by a management official.</p>
<p>6.6.2 Minutes of meetings with main trade unions or workers' representatives shall be documented.</p>	<p>Minor</p>	<p><b>For National Interpretation:</b> National Interpretation will define migrant and transmigrant workers. ILO definitions and other international protocols, instruments and explanations should be used throughout.</p> <p><b>Gabon Regulatory Context</b> Gabonese's Constitution states that "...The right to form associations, political parties or formations, unions, companies, institutions and social interest of religious communities is guaranteed to all under conditions in line with the national laws ...". Labour Code Law No. 3/94 of 21 November 1994 Chap 4 - The employment of foreign workers - Art.104. "The recruitment of a foreign worker must be preceded by an</p>

		<p><i>authorization of employment issued by the Minister responsible for labor, and to be a contract of employment stamped by the competent services of the Ministry of Labour. The employment authorization application rests with the employer”</i></p> <p>The law 23/2008 on sustainable agricultural development provides the possibility of creating "agricultural and para-agricultural organisation in the form of association, cooperative groupings oriented, economic interest groups, unions, professional organization of production, processing, marketing, distribution, or any other group "(Art.26,).</p> <p>The Labour Code specifies the association and trade union rights. Companies with more than 10 employees must have staff representatives (Article 291), they are elected for a term of three years, and their dismissal is subject to review by the labour inspector (art.195). Staff representatives are mandated (art.299).</p> <p>The most representative trade unions are allowed to discuss collective conventions and collective agreements institutions (Article 280)</p> <p>Trade unions can be represented within the company by delegates. The terms of their appointment, the exercise of their duties and the duration of their mandate are determined by collective agreements (art.301).</p> <p>Gabon is a member of the International Labour Organization (ILO) since 1960 and has approved conventions related association/union rights:</p> <ul style="list-style-type: none"> <li>○ Convention 87 on Freedom of Association and Protection of association right and on the right to join unions, federations and confederations of their choice;</li> <li>○ Convention 98 on the Right to organize and Collective negotiation;</li> <li>○ Convention 11 of the ILO Freedom of Association in agriculture;</li> <li>○ Convention 135 of the ILO Workers' Representatives;</li> <li>○ The ILO Convention 154 on the collective dialogue.</li> </ul> <p><b>Interpretation</b></p> <p>Under Gabonese legislation there is no definition for the terms “migrant” or “transmigrant” workers. This is due to the fact that the phenomenon of migrant workers does not and has not as yet arisen in the Gabon context.</p> <p>However, under the Gabonese <b>Labour Code Law No. 3/94 of 21 November 1994 Chap 4 - The employment of foreign workers - Art.104. “The recruitment of a foreign worker must be preceded by an authorization of employment issued by the Minister responsible for labor, and to be a contract of employment stamped by the competent services of the Ministry of Labour. The employment authorization application rests with the employer”.</b></p>
Criterion 6.7 Children are not employed or exploited.	Indicator	Guidance



6.7.1 There shall be documentary evidence that minimum age requirements are met.	Major	<p><b>Guidance:</b>  Growers and millers should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should not be done by those under 18, as per International Labour Organisation (ILO) Convention 138.  (Refer to <i>RSPO Management System Requirement and Guidance for Group Certification of Fresh Fruit Bunch (FFB) Production. March 2016</i>) for additional guidance on family farms.</p>
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	Guidance
6.8.1 A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented.	Major	<p><b>Guidance:</b>  Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers, and migrant workers, etc.  Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.  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.</p>
6.8.2 Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against.	Major	
6.8.3 It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available.	Minor	
Criterion 6.9 There is no harassment or abuse in the work place, and reproductive rights are protected.	Indicator	Guidance
6.9.1 A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce.	Major	<p><b>Specific Guidance:</b>  For 6.9.1 and 6.9.2: These policies should include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which should include representatives from all areas of work, will consider matters such as: training 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.  For 6.9.2: see Indicator 4.6.12.</p> <p><b>Guidance:</b>  There should be a clear policy developed in consultation with employees, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in</p>
6.9.2 A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce.	Major	
6.9.3 A specific grievance mechanism which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce	Minor	

		implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded. Notwithstanding national legislation and regulation, reproductive rights are respected.
Criterion 6.10 Growers and millers deal fairly and transparently with smallholders and other local businesses.	Indicator	Guidance
6.10.1 Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.	Minor	<p><b>Guidance:</b> 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 (see 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 can be made through the FFB price.</p> <p>Smallholders should 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.</p> <p>The need for a fair and transparent pricing mechanism is particularly important for outgrowers who are contractually obliged to sell all FFB to a particular mill. If mills require smallholders to change practices to meet the RSPO Principles and Criteria, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.</p>
6.10.2 Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).	Major	
6.10.3 Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.	Minor	
6.10.4 Agreed payments shall be made in a timely manner.	Minor	
Criterion 6.11 Growers and millers contribute to local sustainable development where appropriate.	Indicator	Guidance
6.11.1 Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.	Minor	<p><b>Guidance:</b> 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. Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognised as conflicting with Criterion 6.8. Efforts should be made to identify independent smallholders in the supply base. Where sourcing of fruit is from identified independent smallholders, efforts should be made to contribute to the improvement of their farming practices.</p> <p><b>For National Interpretation:</b> National Interpretation will consider specific parameters or thresholds such as use of local and national goods and services where possible, whether a certain percentage of the plantation's profit/turnover should be used for social development projects, and minimum quotas for local employment.</p>
6.11.2 Where there are scheme smallholders, there shall be evidence that efforts and/or resources have been allocated to improve smallholder productivity.	Minor	

		<p><b>Interpretation</b></p> <p>Contributions to local development must be based on the results of consultations with local communities living around the palm oil plantation.</p> <p>Evidence shall be available that consent agreements signed between growers/millers and smallholders includes community/local development plan.</p> <p>Where there are scheme smallholders, there shall be evidence that efforts and/or resources (technical and financial) have been allocated by growers/millers to improve smallholder yields.</p> <p>The local sustainable development plan shall lay down objectives for local recruitment and priority shall be given first to the employment of local communities and then national workers with equal skills. The procedure for national employment priorities shall be documented.</p> <p>Job vacancies / offers of employment shall be documented and published in accordance with legal and regulatory provisions.</p> <p>A participatory monitoring system should be established to ensure that local development is addressed.</p>
Criterion 6.12: No forms of forced or trafficked labour are used.	Indicator	Guidance
6.12.1 There shall be evidence that no forms of forced or trafficked labour are used.	Major	<p><b>Specific guidance:</b></p> <p>For 6.12.1: Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.3: The special labour policy should include:</p> <ul style="list-style-type: none"> <li>• Statement of the non-discriminatory practices;</li> <li>• No contract substitution;</li> <li>• Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.;</li> <li>• Decent living conditions to be provided.</li> </ul> <p><b>Guidance</b></p> <p>Migrant workers should be legalized, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardize a decent living wage. Passports should only be voluntarily surrendered.</p> <p>There should be evidence of due diligence in applying this to all sub-contract workers and suppliers. National guidance should be used on contract substitution</p>
6.12.2 Where applicable, it shall be demonstrated that no contract substitution has occurred.	Minor	
6.12.3 Where temporary or migrant workers are employed, a special labour policy and procedures shall be established and implemented.	Major	

		<p><b>For National Interpretation:</b> National Interpretation will define the following: temporary workers; migrant workers; special labour policy; contract substitution; and decent living wage. International Labour Organisation (ILO) definitions (ILO Convention 29 and 105) and other international protocols, instruments and explanations should be used throughout. SEE criterion 6.5 for further guidance</p> <p><b>Interpretation:</b> <i>Decent living wage :</i> The company wage rates shall comply with the legal and regulatory provisions in force (see Cr 6.5)</p> <p><i>The temporary workers:</i> “Temporary workers” are daily and weekly workers as defined in article 26 of the Labour Code. Any kind of work will be subject to a written contract, which will be explained to the worker in French or in their vernacular language.</p> <p><i>Foreign workers</i> Reference to the applicable law on foreigner worker (article 104 of Labour Code). The foreigner worker will be subject to a written contract which will be explained to the workers in French or in their own language.</p> <p>Special Labour Policy :-</p> <ul style="list-style-type: none"> <li>• Notwithstanding priority employment as defined in 6.11, the producer will apply a hiring policy and non-discriminatory terms and conditions with respect to the race, ethnicity, national origin, religion, disability, sex, sexual orientation, union membership, political affiliation, cultural membership, or age.</li> <li>• The producer in collaboration with the Health and Safety at Work Committee (CSST) will define the posts and associated risks for which special precautions must be planned (particularly, the protection of pregnant and breastfeeding women).</li> <li>• Producers/ millers shall provide alternative opportunities and retraining for persons having been subjected to an accident at work.</li> <li>• Contract substitution shall be forbidden (supported by the job description).</li> <li>• A job induction programme will be established by the firm in collaboration with social partners (for instance, personnel delegates, unions...) provided in French and as needed in local languages, and which will include safety at work, worker rights, internal regulations and procedures applicable to the job.</li> <li>• The workers housed on site will benefit from accommodation and other basic services (such as drinking water, access to basic food supplies, lighting ...), responding at least to the national legal requirements.</li> </ul>
Criterion 6.13: Growers and millers respect human rights.	Indicator	Guidance

<p>6.13.1 A policy to respect human rights shall be documented and communicated to all levels of the workforce and operations (see Criteria 1.2 and 2.1).</p>	<p>Major</p>	<p><b>Guidance:</b> See also Criterion 6.3 All levels of operations will include contracted third parties (e.g. those involved in security)</p> <p><b>Note:</b> From the UN Guiding Principles on Business and Human Rights: “The responsibility of business enterprises to respect human rights refers to internationally recognised human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights). The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.</p>
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<p><b>Principle 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b></p>		
<p>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</p>	<p>Indicator</p>	<p>Guidance</p>
<p>7.1.1 An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p>	<p>Major</p>	<p><b>Guidance:</b> See also Criteria 5.1 and 6.1. The terms of reference should be defined and impact assessment should be carried out by accredited independent experts, in order to ensure an objective process. Both should not be done by the same body. 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. It is recognised that oil palm development can cause both positive and negative impacts. These developments can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts. The potential impacts of all major proposed activities should be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p> <ul style="list-style-type: none"> <li>• Assessment of the impacts of all major planned activities, including planting, mill operations, roads and other infrastructure;</li> <li>• Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected;</li> </ul>
<p>7.1.2 Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p>	<p>Minor</p>	
	<p>Minor</p>	

<p>7.1.3 Where the development includes an outgrower scheme, the impacts of the scheme and the implications of the way it is managed shall be given particular attention.</p>	<ul style="list-style-type: none"> <li>• Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems;</li> </ul> <p>Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources;</p> <ul style="list-style-type: none"> <li>• Baseline soil surveys and topographic information, including the identification of steep slopes, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding;</li> <li>• Analysis of type of land to be used (forest, degraded forest, cleared land);</li> <li>• Analysis of land ownership and user rights;</li> <li>• Analysis of current land use patterns;</li> <li>• Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents;</li> <li>• Identification of activities which may generate significant GHG emissions.</li> </ul> <p>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 may not proceed because of the magnitude of potential impacts.</p> <p>For smallholder schemes, the scheme management should address this Criterion. For individual smallholders, this Criterion does not apply.</p> <p><b>For National Interpretation:</b></p> <p>National Interpretation will identify the relevant accreditations for independent experts.</p> <p>National Interpretation will consider setting an appropriate threshold for the size of new plantings, below which an internal assessment is allowed, and above which an independent SEIA is required. This will list negative social impacts (e.g. displacement, loss of the livelihoods of local peoples, etc.) in the national context.</p> <p><b>Gabon Regulatory Context</b></p> <p>The Environmental Impact Assessment (EIA) is regulated in Gabon by the law n°07/2014 of 01 August 2014 on the protection of the environment and Decree 539. It introduces the pre-requisite obligations of the EIA prior to operations.</p> <p>Two additional regulations related to environment assessments are:</p> <ul style="list-style-type: none"> <li>• Order No. 2/PM/MEPNRT of 14 April 2006 relating to the issuing of environmental certificates;</li> <li>• Decree No. 000539/PR/MEFEPEPN of 15 July 2005 regulating the environmental impact assessments.</li> </ul> <p>The EIA must include an environmental and social management plan (ESMP).</p> <p>The Gabonese Law (Law 07/2014) requires that an ESIA is conducted for all agricultural operations greater than 100 hectares.</p> <p>The producers will follow a specific due diligence procedure for plantations less than 100 ha. The due diligence must include as a minimum:</p> <ul style="list-style-type: none"> <li>• Participatory mapping;</li> <li>• The written and signed consent agreement of the local population;</li> </ul>
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		<ul style="list-style-type: none"> <li>Initial state of the site based on baseline assessment;</li> <li>Environmental and social action plan.</li> </ul> <p><b>Interpretation</b> The ESMP shall be implemented with the participation of the relevant stakeholders and all monitoring reports shall be available. For the exploitations of sites greater than 100 hectares, in addition to the ESIA, a full independent HCV Assessment and a carbon assessment shall be conducted. If the area of exploitation is less than 100 hectares, an independent HCV Assessment and a carbon assessment do not need to be conducted, but an internal HCV assessment by a competent employee of the grower shall be required.</p> <p>The Certificate of Validity for the ESIA granted by the administration shall be available (7.1.1) ESMP shall integrate specific management measures (such as mitigation, compensation or avoidance etc.) of negative impacts identified in the ESIA. The Environmental and Social Management Plan (ESMP) shall be reviewed as required by the relevant authority or failing that at least every two years to incorporate the results of on-going monitoring (7.1.2).</p>
Criterion 7.2 Soil 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	Guidance
7.2.1 Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation shall be available and taken into account in plans and operations.	Major	<p><b>Guidance:</b> These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but need not be done by independent experts.</p> <p>Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development. Soils requiring appropriate practices should be identified (see Criteria 4.3 and 7.4). This information should be used to plan planting programmes, etc. 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. Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p>
7.2.2 Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken into account in plans and operations.	Minor	<p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location. Information should be collected on soil suitability by companies planning to purchase Fresh Fruit Bunches (FFB) from potential developments of independent smallholders in a particular location. Companies should assess this information and provide information to independent smallholders on soil suitability, and/or in conjunction with relevant government/public institutions and other organisations (including NGOs) provide information in order to assist independent smallholders to grow oil palm sustainably.</p>

**For National Interpretation:**

National Interpretation will specify the local or national code of practice or other guidelines that should be followed, or set out what 'good practice' constitutes within the local and national context.

**Interpretation**

There is no relevant national legislation or codes or guidance on best practice related to the use of soils surveys and topography data for new planting planning.

The soil studies will be based on the maps available in Gabon, including the Gabon ORSTOM pedology (soil) map and National geological maps.

For every pedology (soil) unit (see the ORSTOM explanatory note) a soil pit and a soil profile sample design will be prepared and agreed, and soil samples will be collected and analysed in a laboratory. Minimum criteria for analysis:

- Particle size;
- Soil texture and structure;
- pH;
- Chemical and biological indicators of fertility.

**NB:** Pay particular attention to the pedology (soil) units (in the explanatory note) presenting a particular risk in terms of erosion;

Operational planning for the hydrology, topography and erosion control:

**Roads:** minimize the number of crossings of watercourses by roads; restrict the slopes of roads to a maximum of 10 % for the actual alignment of the road. (If roads need to be established on slopes of more than 10 %, special anti-erosion steps need to be taken); Design the size of river crossings to allow the unimpeded flow of water in all seasons to avoid problems of flow restrictions and blockages; Plan and manage the flow of water along the roads (pits and drains).

**Plantation drainage:** a water management plan should be available and implemented. In the case of discharge of drainage water from the plantation, to the extent possible, mitigation measures to help sedimentation and depollution (cleansing) of water shall be set up and regularly maintained.

**Irrigation:** if necessary, diversify the sources of irrigation water from surface water, in order to avoid the height of the waterbody varying too much and to ensure that the ecosystem services downstream can always be guaranteed by the body of water.



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	Guidance
7.3.1 There shall be 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. New plantings shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).	Major	<p><b>Specific Guidance:</b> For 7.3.1: Evidence should 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. Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6. Decisions will be made in consultation with the affected communities.</p>
7.3.2 A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new planting. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status.	Major	<p><b>Guidance:</b> This Criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place since November 2005. 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. The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments should be conducted according to the National Interpretation of the HCV criteria or according to the Common Guidance on HCV Identification (HCVRN 2013) if a National Interpretation is not available (see Definitions in Generic P&amp;C 2013).</p> <p>Developments should actively seek to utilise previously cleared and/or degraded land on mineral soil. Plantation development should not put indirect pressure 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.</p>
7.3.3 Dates of land preparation and commencement shall be recorded.	Minor	<p>In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardise large areas or species, an independent assessment will be required. HCV areas can be very small. Once established, new developments should comply with Criterion 5.2.</p>
7.3.4 An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower's relevant operational procedures (see Criterion 5.2).	Major	<p><b>For National Interpretation:</b> National Interpretation should refer to existing national definitions of HCVs (or where these do not exist refer to definitions in this document), or equivalent land-use/conservation plans or consider how growers and the audit team can identify High Conservation Values. This may involve collaboration with other bodies.</p>

<p>7.3.5 Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2).</p>	<p>Major</p>	<p><b>Interpretation</b>  Make reference to existing HCV documents in Gabon :  <a href="https://www.hcvnetwork.org/resources/national-hcv-interpretations/Gabon%20Interpretation%20Nationale%20HVC%20_HCVF%20Gabon_%20v1%2022_04_08.pdf/view">https://www.hcvnetwork.org/resources/national-hcv-interpretations/Gabon%20Interpretation%20Nationale%20HVC%20_HCVF%20Gabon_%20v1%2022_04_08.pdf/view</a>  (Draft 2008). <a href="https://www.hcvnetwork.org/resources/national-hcv-interpretations/Gabon">/www.hcvnetwork.org/resources/national-hcv-interpretations/Gabon</a>) The criteria for the identification of old forests are available in this document and can be used for the definition of primary forest for the purposes of the RSPO standard.</p> <p>For the identification of HCVs, reference should be made to the HCVRN « <i>Common Guidance for the Identification and Interpretation of HCVs</i> » (HCVRN, 2013) and the « <i>Common Guidance for the Management and Monitoring of HCVs</i> » (HCVRN,2014). (<a href="https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415">https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415</a>)</p> <p>Reference should be made to managing environmental and social impacts of palm oil production in Gabon by ANPN: “<i>Policy for site selection, environmental management and monitoring for developments in National Park Peripheral Zones</i>” DRAFT 2015. ANPN.</p> <p>The types of protected areas defined in the Gabonese Forest Code:</p> <ul style="list-style-type: none"> <li>• Strict Nature Reserves;</li> <li>• Zoos;</li> <li>• Sanctuaries of vegetation and wildlife;</li> <li>• National Parks;</li> <li>• Hunting Areas;</li> <li>• Biosphere Reserves;</li> <li>• World Heritage Sites.</li> </ul> <p>(Art 79 du decree 0261 1 August 2014)</p> <p>Specific national guidance for indicator 7.3.5: A participatory map shall be developed and validated with the local population. The boundaries of the operations as related to the plantation shall be agreed during the FPIC process with the affected local population.</p>
<p>Criterion 7.4 Extensive planting on steep terrain, and/or marginal and fragile soils, including peat, is avoided.</p>	<p>Indicator</p>	<p style="text-align: center;">Guidance</p>
<p>Indicator 7.4.1: Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided</p>	<p>Major</p>	<p><b>Guidance:</b>  This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.  Planting on extensive areas of peat soils and other fragile soils should be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p>

<p>Indicator 7.4.2: Where limited planting on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.</p>	<p>Major</p>	<p><b>For National Interpretation:</b> National Interpretation will determine specific controls and thresholds, such as slope limits, listing soil types on which planting should be avoided (especially peat soils), the proportion of plantation area that can include marginal/fragile soils, and definitions of 'extensive', 'marginal', 'fragile', and 'excessive'.</p> <p><b>Interpretation</b> Consider criteria 4.3.1 - A map of the slopes is available on an operational scale (7.4.1)</p> <p>A limiting threshold not exceeding 20 degrees for the plantations, is defined according to soil fragility by the studies of the ESIA, and integrated into the ESMP (7.4.1)</p> <p>In watersheds upstream of areas regarded as critical for conservation (e.g. protected areas, RAMSAR, HCVs) the maximum slope threshold permissible for a plantation must be justified by a dedicated and documented study.</p> <p>The ESMP shall take into account the soil map as well as the nature of the soils, and shall specify the specific management interventions related to the fragile or marginal soils identified. Erosion controls shall be specified in the ESMP, and should be implemented and monitored (7.4.1)</p> <p>A soil map of the concession area shall be available on an operational scale (7.4.2)</p> <p>The ESIA refers to the national typology of the soils, like with the national geological map. Very sandy soils including the podzols, and the hydromorphic soils will be the subject of a specific study(7.4.2)</p>
<p>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 these and other stakeholders to express their views through their own representative institutions.</p>	<p>Indicator</p>	<p style="text-align: center;">Guidance</p>
<p>Indicator 7.5.1: Evidence shall be available that affected local peoples understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the grower/miller is signed and ratified by these local peoples.</p>	<p>Major</p>	<p>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p> <p><b>Guidance</b> This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 7.1. 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 Criterion 2.3). Relevant stakeholders include those affected by or concerned with the new plantings. Free, prior and informed consent (FPIC) is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance ('Free, Prior and Informed Consent: Guide for RSPO Members (2015)).</p>

		Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.
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	Guidance
Indicator 7.6.1: Documented identification and assessment of demonstrable legal, customary and user rights shall be available.	Major	<p><b>Specific Guidance:</b>  For 7.6.1: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.  For 7.6.6: Growers and millers will confirm that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the new issuance of a concession or land title to the operator.</p> <p><b>Guidance:</b>  Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance.  This requirement includes indigenous peoples (see Annex3).  Refer to RSPO approved FPIC guidance (Free, Prior and Informed Consent: Guide for RSPO Members (2015) ')</p>
Indicator 7.6.2: A system for identifying people entitled to compensation shall be in place.	Major	
7.6.3 A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.	Major	
7.6.4 Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.	Minor	
7.6.5 The process and outcome of any compensation claims shall be documented and made publicly available.	Minor	
Indicator 7.6.6. Evidence shall be available that the affected communities and rights holders have access to information and advices that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands.	Minor	

Criterion 7.7 No use of fire in the preparation of new plantings other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.	Indicators	Guidance
7.7.1 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 regions.	Major	<p><b>Specific Guidance:</b> For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p><b>Guidance:</b> Fire should 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, and exceptional levels of caution are required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for smallholders may be necessary.</p>
7.7.2 In exceptional cases where fire has to be used for preparing land for planting, there shall be evidence of prior approval of the controlled burning as specified in 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.	Minor	<p><b>For National Interpretation:</b> National Interpretation will identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p> <p><b>Interpretation:</b> In Gabon, the use of fire for land preparation is forbidden, this includes smallholders seeking RSPO certification.</p> <p>Procedures for land preparation shall be developed, implemented and monitored (7.7.1). The incidence of intentional or accidental fire shall be monitored and documented (7.7.1). A management plan for the prevention of burning/ use of fire, in proportion to the risk of fire (i.e. bush fire), shall be developed and monitored.</p>
Criterion 7.8: New plantation developments are designed to minimize net greenhouse gas emissions.	Indicators	Guidance
Preamble		<p><i>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate RSPO's commitment to establishing a credible basis for the Principles and Criteria on GHGs.</i></p> <p><i>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognised that these emissions cannot be projected with accuracy with current knowledge and methodology. Growers and millers commit to plan development in such a way to minimise net GHG emissions towards a goal of low carbon development (noting the recommendations agreed by consensus of the RSPO GHG WG2).</i></p> <p><i>Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.</i></p>

<p>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.</p>	<p>Major</p>	<p><b>Specific Guidance:</b>  For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.  The RSPO carbon assessment tool for new plantings will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process.  The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantings.</p>
<p>Indicator 7.8.2.: There shall be a plan to minimize net GHG emissions which takes into account avoidance of land areas with high carbon stocks and/or sequestration options.</p>	<p>Minor</p>	<p>Parties seeking to use an alternative tool for new plantings will have to demonstrate its equivalence to the RSPO for endorsement.  For 7.8.2: Growers are strongly encouraged to establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Millers are encouraged to adopt low-emission management practices (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.  Growers and millers should plan to implement RSPO best management practices for the minimisation of emissions during the development of new plantations.</p> <p><b>Guidance</b>  This Criterion covers plantations, mill operations, roads and other infrastructure. It is recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation.  Public reporting is desirable, but remains voluntary until the end of the implementation period.  During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance on the process.  During the implementation period the RSPO working group will seek to further develop and continually improve the RSPO carbon assessment tool for new plantings, recognising the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.  Thereafter growers and millers will ensure that new plantation developments are designed to minimise net GHG emissions and commit to reporting publicly on this.  Once established, new developments should report on-going operational, land use and land use change emissions under Criterion 5.6.</p> <p><b>For National Interpretation:</b>  National Interpretation will provide guidance within the national context for national requirements (e.g. high and low carbon stock lands or emission reduction requirements).</p> <p><b>Gabon Regulatory Context</b>  National regulations (« <i>Climate Action Plan</i> ») and Law 07/2014 (title V chap 1,2 et 3)  Sustainable Development Law n°02/2014 01 august 2014(Art 40, 41 &amp; 42)</p>

Reference should be made to ANPN Policy document related environmental and social impacts management in palm oil production in Gabon: *Policy for Site Selection, Environmental Management and Monitoring for Developments in National Park Peripheral Zones* DRAFT 2015. ANPN.

**Interpretation**

Growers are strongly encouraged to establish new plantings on mineral soils, in low carbon stock areas, and existing cultivated areas where the current users are willing to develop oil palm. (7.8.2)

Millers are encouraged to adopt low-emission management practices in new developments (e.g. management and capture of methane emitted by palm oil mill effluent (POME), efficient boilers etc.).

Reference should be made to the new national policy, currently under development, for “forests particularly rich in carbon”, as referenced by INDC (March 2015).

**Principles 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 their key operations.	Indicators	Guidance
<p>8.1.1 The action plan for continual improvement shall be implemented, 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.</p>	<p>Major</p>	<p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>• Reduction in use of pesticides (Criterion 4.6);</li> <li>• Environmental impacts (Criteria 4.3, 5.1 and 5.2);</li> <li>• Waste reduction (Criterion 5.3);</li> <li>• Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8);</li> <li>• Social impacts (Criterion 6.1);</li> <li>• Optimising the yield of the supply base.</li> </ul> <p><b>Guidance:</b> Growers should have a system to improve practices in line with new information and techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continual improvement.</p> <p><b>For National Interpretation:</b> National Interpretation will include specific minimum performance thresholds for key indicators (Criteria 4.2, 4.3, 4.4, and 4.5).</p> <p><b>Interpretation</b> The performance of indicators 4.2-4.5 will be annually assessed, or more often in cases of non-conformity or weak performance. A plan for screening technical innovations applicable to criteria 4.2-4.5 shall be in place</p>



## Definitions

**Environmental Impact Assessment:** a process of predicting and evaluating the effects of an action or series of actions on the environment, then using the conclusions as a tool in planning and decision-making.

**Family farm:** a farm operated and mostly owned by a family, for the growing of oil palm, sometimes along with subsistence production of other crops, and where the family provides the majority of the labour used. Such farms provide the principal source of income, and the planted area of oil palm is below 50 hectares in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programmes; when children are part of the family and when they are not exposed to hazardous working conditions.

**Grower:** The person or entity that owns and/or manages an oil palm development.

**High Conservation Value (HCV) Areas:** The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):

- **HCV 1 – Species diversity.** Concentrations of biological diversity including endemic species, and rare, threatened or endangered species, that are significant at global, regional or national levels.
- **HCV 2 - Landscape-level ecosystems and mosaics.** Large landscape-level ecosystems and ecosystem mosaics that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.
- **HCV 3 - Ecosystems and habitats.** Rare, threatened, or endangered ecosystems, habitats or refugia.
- **HCV 4 - Critical ecosystem services.** Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.
- **HCV 5 - Community needs.** Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.
- **HCV 6 - Cultural values.** Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of

critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities.

**Integrated Pest Management:** IPM is the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms. [FAO 2013: <http://www.fao.org/agriculture/crops/core-themes/theme/pests/ipm/en/>]

**ISO Standards:** Standards developed by the International Organization for Standardization (ISO: see <http://www.iso.ch/iso>).

**Livelihood:** A person's or a group's way of making a living, from their environment or in the economy, including how they provision their basic needs and assure themselves and following generations secure access to food, clean water, health, education, housing and the materials needed for their life and comfort either through their own direct use of natural resources or through exchange, barter, trade or engagement in the market.

A livelihood includes not just access to resources but the knowledge and institutions that make this possible such as time for community participation and integration, personal, local or traditional ecological knowledge, skills, endowments and practices, the assets that are intrinsic to that way of making a living (e.g. farms, fields, pastures, crops, stock, natural resources, tools, machinery and intangible cultural properties) and their position in the legal, political and social fabric of society.

The risk of livelihood failure determines the level of vulnerability of a person or a group to income, food, health and nutritional insecurity. Therefore, livelihoods are secure when they have secure ownership of, or access to, resources and income earning activities, including reserves and assets, to offset risks, ease shocks and meet contingencies.

(Compiled from various definitions of livelihoods from DfID, IDS and FAO and academic texts from <http://www.fao.org/docrep/X0051T/X0051t05.htm>).

**Migrant worker:** a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and does not include those workers who move within a country for the purposes of employment.

**Transmigrant worker:** a person who migrates from one part of the country to another with a view to being employed otherwise than on his own account

**Miller:** A person or entity that operates a Palm Oil Mill.

**Natural vegetation:** Areas where many of the principal characteristics and key elements of native ecosystems such as complexity, structure and diversity are present.

**Origin of FFB:** entering a mill (see Indicator 4.1.4). RSPO members acknowledge the need for responsible operators to practise due diligence in sourcing of FFB from third parties to reduce the risk that unsustainable products are entering the certified supply chain. However it is also recognised that there are significant challenges in tracing all such supplies back to their point of origin. Therefore, as a minimum the mill must record the particulars of the party from which the FFB was sourced at the mill gate. Millers should further seek to identify where the FFB was originally sourced from and in particular should take care to ensure that the FFB has not come from land that is illegally occupied for oil palm production and in particular from designated protected areas.

**Pesticide:** Substances or mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorized into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides.

**Plantation:** The land containing oil palm and associated land uses such as infrastructure (e.g., roads), riparian zones and conservation set-asides.

**Primary Forest:** A primary forest is a forest that has never been logged and has developed following natural disturbances and under natural processes, regardless of its age. Also included as primary, are forests that are used inconsequentially by indigenous and local communities living traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The present cover is

normally relatively close to the natural composition and has arisen (predominantly) through natural regeneration. National interpretations should consider whether a more specific definition is required.

(From FAO Second Expert Meeting On Harmonizing Forest-related Definitions for Use by Various Stakeholders, 2001, [http://www.fao.org/documents/show\\_cdr.asp?url\\_file=/DOCREP/005/Y4171E/Y4171E11.htm](http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y4171E/Y4171E11.htm)).

**Prophylactic:** A treatment or course of action applied as a preventive measure.

**Restore:** Returning degraded or converted areas within the plantation to a semi-natural state.

**Rights** are legal, social, or ethical principles of freedom or entitlement:

- **Customary rights:** Patterns of long-standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical use rather than formal legal title to land and resources issued by the State. (From World Bank Operational Policy 4.10 - <http://go.worldbank.org/6L01FZTD20>).
- **Legal rights:** Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations
- **User rights:** Rights for the use of land and resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights. These rights may restrict the use of particular resources to specific levels of consumption or particular harvesting techniques. (From FSC Principles & Criteria: <https://ic.fsc.org/download.revised-fsc-pc-v-5-0-high-resolution.a-871.pdf>)
- **Demonstrable rights** are those rights that are demonstrated through participatory user mapping as part of an FPIC process.

**Smallholders:** 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 50 hectares in size.

- **Scheme smallholders** – Smallholders that may be structurally bound by contract, credit agreement or by planning to a particular mill, but the association is not necessarily limited to such linkages. Other terms commonly used for scheme smallholders include associated and/or plasma smallholders.
- **Independent smallholders** – Smallholders that are not bound by any contract, credit agreement or planning to a particular mill.

**Stakeholders:** An individual or group with a legitimate and/or demonstrable interest in, or who is directly affected by, the activities of an organisation and the consequences of those activities.

**Operations:** All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base. **operator:** A person or entity that runs a business, machine, facility etc.

**Operator:** A person or entity that runs a business, machine, facility etc.

**Outgrowers:** Farmers, where the sale of FFB is exclusively contracted to the grower/miller. Outgrowers may be smallholders.

**Plan** – A time-bound and detailed scheme, programme, or method for achieving objective(s) and desired outcome(s). Plans shall have clear targets with timelines for delivery, actions to be taken and a process for monitoring progress, adapting plans to changing circumstances and reporting. Unless otherwise stipulated the RSPO assumes that reporting will be public unless there are overriding reasons for them not to be. Plans shall also include the identification of named individuals or positions responsible for the delivery of the plan. There shall be evidence that sufficient resources are available to carry out the plan and the plan is implemented in full.

**Undue influence:** The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.

**Workforce:** The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.

## **Annex 1:**

### **Regulations in force in Gabon relevant for the National Interpretation of RSPO P&C**

Constitution of Gabon March 26, 1991, amended by Law of March 18, 1994 29 September 1995 22 April 1997 and October 11, 2000

#### **Land**

- 77/PR/MF.DE Decree of February 6, 1967 regulating the granting of concessions and rentals Crown (urban and rural land forming part of the private domain of the State);
  - o Decree 782/PR/MEB.DE August 24, 1971 supplementing and amending the Decree of February 6, 1967 77/PR regulating the granting of concessions and rentals of public lands;
  - o Decree 1187/MEF.DE December 15th, 1972 supplementing Decree No. 77/PR February 6th, 1967;
  - o Decree 996/PR/MINDECFHUC of October 24, 1979 amending the Decree of December 15th, 1972 1187/PR/MEF.DE supplementing Decree No. 77/PR/MEF.DE 6 February 1967;
  - o Decree 1308/PR/MINDECF/DGDE of October 25, 1974 supplementing the provisions of Article 22 of Decree No. 77/PR February 6, 1967;
  - o Decree 1111/PR/MINDECF.DGDE of January 21st, 1978 amending Decree No. 77/PR February 6th, 1967;
  - o Decree 972/PR/MDCULOG of July 15th, 1982 supplementing Decree No. 77/PR February 6th, 1967;

#### **– Land Property:**

- o Law No. 14 /63 of May 8<sup>th</sup> 1963 establishing the composition area of the State and the rules that determine the modes of management and disposition;
- o Ordinance No. 50/70/PR/MFB/DE of September 30th 1970 regulating long leases granted by the state on land belonging to his private domain.

#### **– Land Ownership**

- o Law No. 15 /63 of May 8th 1963 laying down the system of land ownership (requiring registration in the land register);
- o Ordinance No. 37/67du August 2nd 1967 amending Act No. 15 /63 of 8th May 1963 laying down the system of land ownership.
- o Law no 12/78 of December 7th 1978 amending Articles 3 and 42 of Law No. 15/63 on the arrangements of the land.
- o Law No. 4/84 of July 12th 1984 Cancellation of Deeds of forest and agricultural properties.

#### **–Land Property**

- o Decree No. 192/PR/MEFCR March 4th 1987 regulating the exercise of customary rights of use.
- o Order No. 00118/PR/MEFEPEPN March 1st 2004 on customary rights of use;

#### **– Expropriation**

- o Law No. 6-61 of May 10th, 1961 regulating the expropriation for public utility.

#### **Agriculture**

- Act No. 22 /2008 of December 10th, 2008 laying agricultural code in the Gabonese Republic;
- Act No. 23/2008 of December 10th, 2008 on the policy of sustainable agricultural development;
- 01087/PR Decree of December 10<sup>th</sup>, 2008 promulgating the Law No. 022 /2008 Agricultural Code in the Gabonese Republic;
- 0935/PR/MAEPDR Decree of December 30th, 2009 establishing responsibilities, organization and functioning of the Commission Issuance of Technical Approval of Farm Operator ;
- 0936/PR/MAEPDR Decree of December 30th, 2009 on the functions and operation of a Biovigilance Committee ;
- 0292/PR/MAEPDR Decree of February 18<sup>th</sup>, 2011 establishing and organizing
- 0292/PR/MAEPDR Decree of February 18th, 2011 establishing and organizing the Gabonese Food Safety Agency ;

- 01016/PR/MAEPDR Decree of August 24<sup>th</sup>, 2011 laying down the scale of compensation payable in case of willful destruction of crops , livestock, livestock , fish ponds or fish resources buildings;
- 01392/PR/MAEPDR Decree of December 6<sup>th</sup>, 2011 on the reorganization of the General Inspection Service of the Ministry of Agriculture , Livestock , Fisheries and Rural Development ;
- Decree 01393/PR/MAEPDR XXXX establishing responsibilities and organization of the Agency Collection and Marketing of Agricultural Products ;
- 01395/PR/MAEPDR Decree of 6 December 2011 on the designation of the Authority of the Register of Cooperative Societies in the Gabonese Republic;
- 01396/PR/MAEPDR Decree of 6 December 2011 on the establishment, powers and organization of the Office of National Agricultural Laboratories ;
- 01398/PR/MAEPDR Decree of 6 December 2011 on the reorganization of the statutes of the National Office of Rural Development ;
- 01399/PR/MAEPDR Decree of December 6<sup>th</sup>, 2011 laying down the composition and functioning of the Commission of Departmental Land Development ;
- 01406/PR/MAEPDR Decree of December 6<sup>th</sup>, 2011 on the reorganization of the National Committee of Codex Alimentarius ;
- 01495/PR/MAEPDR Decree of December 6<sup>th</sup> 2011 laying down the legal status of the Operator Agricultural and farming in the Gabonese Republic;
- Decree No. XXX / PR / MAEPDR of 6 December 2011 on the establishment, powers and organization of the Office of Research, Introduction , Adaptation and multiplication of Plant Material ;
- 01497/PR/MAEPDR Decree of December 29<sup>th</sup>, 2011 on regulation of Departmental Operating Agreement;

### **Environment**

- Law No 16/93 of August 26<sup>th</sup>, 1993 on the Protection and Improvement of the Environment;
- Decree No. 000653 / PR / MTEPN of May 21<sup>st</sup> 2003 on the preparation and the fight against pollution by oil and other harmful substances;
- 000405/PR/MEFPREPND Decree of May 15<sup>th</sup>, 2002 regulating the impact of Environmental Studies ;
- 000539/PR/MEFEPEPN Decree of July 15<sup>th</sup> , 2005 regulating the EIA ;
- 000541/PR/MEFEPEPN Decree of July 15<sup>th</sup>, 2005 regulating the disposal of waste;
- 000542/PR/MEFEPEPN Decree of July 15<sup>th</sup>, 2005 regulating the discharge of certain products in surface, ground and marine waters;
- 000543/PR/MEFEPEPN Decree of July 15<sup>th</sup>, 2005 laying down the legal regime of classified installations;
- 000545/PR/MEFEPEPN Decree of July 15<sup>th</sup>, 2005 regulating the recovery of waste disposal;
- Order No. 5/PR January 22<sup>nd</sup> , 1976 establishing the National Anti-Pollution Centre Considering Decree No. 323/PR/MRSEPN of April 9<sup>th</sup>, 1977 on the organization of the Centre National Anti -Pollution ;
- Order No. 00329/PM of April 27<sup>th</sup>, 2010 on the establishment, powers and organization of the National Committee for the implementation of the Rotterdam Convention in the Gabonese Republic;
- Order No. 2/PM/MEPNRT of April 14<sup>th</sup>, 2006 laying down the procedures for issuing approval for carrying out impact studies on the environment ;
- Order No. 00329/PM of April 27<sup>th</sup>, 2010 on the establishment, powers and organization of the National Committee for the implementation of the Rotterdam Convention in the Gabonese Republic;

### **National Parks**

- o Law No. 03/07 of August 27<sup>th</sup>, 2007 on the National Parks
- o Decree 00019/PR/ME January 9<sup>th</sup>, 2008 laying down the Statute of the National Agency for **National Parks**
- o Decrees Nos. 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618 and 619/PR/MEFEPEPN on the creation of thirteen national parks

### **Forest**

- o Law No. 16/2001 of December 31<sup>th</sup>, 2001 on the Forest Code in the Gabonese Republic
- o Ordinance No. 11/2008 of July 25<sup>th</sup> , 2008 to amend and supplement certain provisions of Law No. 16/2001 of December 31<sup>th</sup>, 2001 on the Forest Code in the Gabonese Republic
- 1 . Decree No. 189/PR/MEFCR of March 4<sup>th</sup>, 1987 on the protection of wildlife;
- 2 . 185/PR/MEFCR Decree of March 4<sup>th</sup> 1987 on the repression of offenses water, forests, wildlife, hunting and fishing;
- 3 . Decree No. 187/PR/MEFCR of March 4<sup>th</sup> 1987 on administrative search for games;

4. Decree No. 190/PR/MEFCR of March 4th 1987 laying down the procedures for the holding, circulation and marketing of hunting;
  5. Decree No. 678/PR/MEFE of 28 July 1994 supplementing Decree No 189/PR/MEFCR of 4 March 1987 on the protection of wildlife;
- Decree n° 0164/PR/MEF, dated 19/01/2011, reglementing species protection (Annexe 1: integrally protected species; Annexe 2: partially protected species)

**Labour**

- Law No. 3/94 of November 21st 1994 on the Labour Code of the Republic of Gabon;
- Act No. 12/2000 of October 12<sup>th</sup>, 2000 amending some articles of the Labour Code of the Republic of Gabon on safety and health at work.

## Annex 2: Relevant International Conventions ratified by Gabon

### Convention of the International Labour Organization

ILO Convention	Endorsement date by Gabon
Convention (No. 4), the Night Work (Women) Convention, 1919	14/10/1960
Convention (No. 5) Minimum Age (Industry) Convention, 1919	
Convention (No. 6) on the Night Work of Young Persons (Industry) Convention, 1919	
Convention (No. 11) on the Right of Association (Agriculture) Convention, 1921	
Convention (No. 13) White Lead (Painting), 1921	
Convention (No. 14) Weekly Rest (Industry) Convention, 1921	
Convention (No. 26) on the methods of fixing minimum wages, 1928	
Convention (no 29) on Forced Labour, 1930	
Convention (No. 33) Minimum Age (Non-Industrial) 1932	
Convention (no 41) (revised) on women night work, 1934	
Convention (No. 87) concerning Freedom of Association and Protection of the Rights of workers 1948	
Convention (No. 95) on the Protection of Wages	29/05/1961
Convention (No. 98), Right to organize meetings and Collective dialogue, 1949	
Convention (No. 105) on the end of forced labour, 1957	
Convention (No 111) related to employment and occupation discrimination 1958	13/06/1961
Convention (No 10) on minimum age (agriculture), 1921	
Convention (No. 12) Accident Compensation (Agriculture) Convention, 1921	
Convention (No. 19) on the Equality of Treatment (Accident Compensation), 1925	
Convention (No. 45) Underground Work (Women) Convention, 1935	13/06/1961
Convention (No. 52) Holidays with Payment, 1936	

Convention (No. 96) Charging Employment Agencies Convention (Revised), 1949 Has accepted the provisions of Part II	
Convention (No. 99) Fixing of minimum wages (Agriculture) Convention, 1951	
Convention (No. 100) on Equal Remuneration, 1951	
Convention (No. 101) on paid leave	
Convention (No. 123) Minimum Age (Underground Work), 1965 Minimum age specified: 18 years	<b>18/10/1968</b>
Convention (No. 124) Medical Examination of Young Persons (Underground Work) Convention, 1965	
Convention (no 81) on labour inspection, 1947	17/07/1972
Convention (No. 106) Weekly Rest (Commerce and Offices	26/04/1973
Convention (No. 135) concerning workers' representatives1971	13/06/1975
Convention (No. 150) Labour Administration 1978	11/10/1979
Convention (No. 144) on tripartite consultations on international labour standards 1976	6/12/1988
Convention (No. 154) on collective dialogue,1981	
Convention (no 158) on lay-off, 1982	
, Convention (No. 182) on the Worst Forms of Child Labour 1999	28/03/2001
Convention (no 122) on employment policy, 1964	1/10/2009
Convention (no 151) on public service relationships at work 1978	



## Conventions related to environment protection

Conventions on nature protection	Endorsement by Gabon
<b>Algier's Convention</b> , <i>African Convention on the Conservation of Nature and Natural Resources</i> . 15 September 1968. Parties to the Convention are legally-bound to protect species listed in the Convention.	Ratified 1998
<b>Bonn Convention</b> , <i>Convention on the Conservation of Migratory Species of Wild Animals (CMS)</i> . Gabon is legally-bound to protect the species listed in Appendix 1, which are considered endangered migratory species, as well as those protected under two specific Agreements: the "African Eurasian Waterbird Agreement" (AEWA) and the "Agreement on the Conservation of Gorillas and their Habitats."	1 August 2008
<b>Convention of Washington</b> , <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</i> . 3 March 1973. Gabon is legally-bound to control the commerce of species listed in its Appendices.	14 May 1989
United Nations Framework Convention on Climate Change Kyoto Protocol	28 June 1996 <sup>2</sup> (adoption in 12 June 1992)  30 June 2005 <sup>3</sup> .
United Nations Framework Convention on the fight against desertification	26 December 1996 (adoption the 6th september 1996)
United Nations Framework Convention on Biological Diversity (CBD). Among other things, parties to the CBD are legally-bound to protect globally threatened species (Art. 7, Annex 1, CBD), defined as those listed as Critically Endangered (CR), Endangered (EN) or Vulnerable (VU) on the IUCN Red List of Threatened Species.	28 juin 1996 <sup>4</sup> (adoption June 1992).
Ramsar Convention on Wetlands of International Importance (1971)	30 April 1987
Stockholm Convention on Persistent Organic Pollutants (POPs)	signed 21st May 2002 and ratified on July 05 ,2007

<sup>3</sup> Law No. 30/96 of 28 June 1996 authorizing the ratification of the Framework UN Convention on Climate Change adopted on 12 June 1992 in Rio de Janeiro in Brazil

000589/PR Decree of 11 August 2006, promulgating the Law No. 001/2006 ratifying Ordinance No. 005/PR/2005 of 30 June 2005 authorizing the ratification of the Kyoto Protocol to the Framework Convention United Nations Climate change, adopted December 11, 1997

Law No. 29/96 of 28 June 1996 authorizing the ratification of the Convention on Biological Diversity adopted on 12 June 1992 in Rio de Janeiro in Brazil

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

Gabon\_membership  
in August 19th 2002

### Annex 3: Protected areas in Gabon

Site Name	National Designation	Total Surface Area (ha)	International Classification	Year of inception	ID WDPA
Akanda	National Park	54129,27	Ramsar (02/02/07) (WDPA : 903025)	2002	72320
Biringou	National Park	68968,59	Ramsar (02/02/07) (WDPA : 903027)	2002	303872
Ivindo	National Park	300210,81	∅	2002	303873
Loango ( Gamba complex)	National Park	148977,98	∅	2002	303874
Lopé	National Park	495605,78	World Heritage Ecosystem and Relic Cultural Landscape of Lopé-Okanda (2007 (WDPA : 903129)	2002	303875
Mayumba	National Park	97163,00	∅	2002	301850
Minkebe	National Park	757258,06	∅	2002	72324
Monts de Cristal	National Park	239972,68	∅	2002	306237
Moukalaba- Doudou (Gamba Complex)	National Park	450398,48	∅	2002	303877
Mwagne	National Park	115535,40	∅	2002	303878
Plateaux Batéké upper lands	National Park	203495,30	∅	2002	306235
Pongara	National Park	92969,00	Ramsar (02/02/07) (WDPA : 903026)	2002	303879
Waka	National Park	106910,53	∅	2002	303880
Iguela (Gamba complex)	Hunting area	79815,76	∅	1966	28846
Ipassa-Makokou (linked to Ivindo National Park)	Natural Reserve	15000,00	Réserve de biosphère (MAB – UNESCO)	1983	5187
Mounts Doudou (partly covered	Wildlife development area	332000,00	∅	1998	166788

by PN Moukalaba Doudou) (Gamba complex)					
Moukalaba (Gamba complex)	Hunting area	21728,42	∅	1962	28847
Moukalaba Dougoua (Gamba complex)	Wildlife Reserve	80000,00	∅	1962	28848
Ngove-Ndogo (Gamba complex)	Hunting area	278167,96	∅	1966	28844
Ouanga Plain (Gamba complex)	Wildlife Reserve	10887,49	∅	1966	28840
Small Loango (partly covered by loango PN) Gamba complex)	Wildlife Reserve	50000,00	Ramsar (30/12/86)	1966	67932
Sette-Cama (Gamba complex)	Hunting area	240081,86	Ramsar (30/12/86) (WDPA : 67933)	1966	28844
Wonga-Wongué	Presidential Reserve	428187,89	Ramsar (30/12/86) (WDPA : 67931)	1972	666
Mondah classified forest	Classified Forest		∅	1983	∅
Arboretum Raponda Walker	Arboretum		∅	2012	∅
Arboretum of Sibang	Arboretum	16	∅	1934	∅
rapids of Mboundou-Badouma and Doumé	∅		Ramsar (02/02/09)	2009	109036
Bas-Ogooué	∅		Ramsar (02/02/09)	2009	109034
waterfalls and rapids on Ivindo	∅		Ramsar (02/02/09)	2009	109035

According to the World Database on Protected Area : <http://www.wdpa.org>

#### Annex 4: List of Pesticides and Severely hazardous pesticides listed in Appendix III on the Rotterdam Convention

Name of chemicals	Number of Department of Chemicals	Category
2,4,5-T and its salts and esters	93-76-59*	Pesticide
Alachlore	15972-60-8	Pesticide
Aldicarbe	116-06-3	Pesticide
Aldrine	309-00-2	Pesticide
Binapacryl	485-31-4	Pesticide
Captafol	01/06/2425	Pesticide
Chlordan	57-74-9	Pesticide
Chlordimeform	6164-98-3	Pesticide
Chlorobenzilate	510-15-6	Pesticide
DDT	50-29-3	Pesticide
Dieldrine	60-57-1	Pesticide
Dinitro-ortho-cresol (DNOC) and salts : Such as ammonium salt, potassium salt sodium salt)	534-52-1 2980-64-5 5787-96-2 2312-76-7	Pesticide
Dinoseb , its salts and esters	88-85-7*	Pesticide
Dibromo-1,2 ethane (EDB)	106-93-4	Pesticide
Endosulfan	115-29-7	Pesticide
Ethylene Dichlorure	107-06-2	Pesticide
Ethylene Oxyd	75-21-8	Pesticide
Fluoroacetamide	640-19-7	Pesticide
HCH (mixture of isomers )	608-73-1	Pesticide
Heptachlore	76-44-8	Pesticide
Hexachlorobenzene	118-74-1	Pesticide
Lindane	58-89-9	Pesticide

Mercury compounds, including inorganic compounds and alkyloxyalkyl arylmercurate alkyl mercury compound		Pesticide
Monocrotophos	6923-22-4	Pesticide
Parathion	56-38-2	Pesticide
Pentachlorophenol and its salts and esters	87-86-5*	Pesticide
Toxaphene	8001-35-2	Pesticide
All tributyltin compounds, in particular: - The tributyltin oxide - Tributyltin fluoride - Tributyltin methacrylate - The tributyltin benzoate - The tributyltin chloride - The tributyltin linoleate - Tributyltin naphthenate	56-35-9 1983-10-4 2155-70-6 4342-36-3 1461-22-9 24124-25-2 85409-17-2	Pesticide
Powder formulations powder containing a mixture: - Benomyl at a concentration equal or higher than 7percent - Carbofuran at a concentration equal to or greater than 10percent - Thiram at a concentration equal to or greater than 15 percent	17804-35-2 1563-66-2 137-26-8	Preparation pesticide very dangerous (PPED)
Methamidophos (Soluble liquid formulations of the substance that exceeds 600 g active ingredient per liter)	10265-92-6	PPED
Phosphamidon (Soluble liquid formulations of the substance that exceed 1000 g active ingredient per liter)	13171-21-6 Mixture, isomers (E) and (Z) 23783-98-4 ((Z) isomer) 297-99-4 (isomer (E))	PPED
) Methyl parathion (emulsifiable concentrates (EC) at or above 19.5percent active ingredient and dusts containing 1.5percent or more of the active ingredient	298-00-0	PPED

## Gabon P&C National Interpretation – smallholder definitions

The palm oil sector in Gabon was initiated by the government in the 1970s through the development of two large scale plantations. Since then privatised, it is still relatively limited in size with only two companies operating in the sector, and remains very much dominated by industrial scale operations. Neither of the two companies currently active in the sector in Gabon (SIAT and Olam) source from smallholders, who are practically non-existent.

On the basis of the current structure of the sector in Gabon, the RSPO NI Working Group (NIWG) agreed unanimously during the National Interpretation validation workshop in Libreville on 12/13 November 2015 to adopt the generic definitions of smallholders as stated by the RSPO<sup>1</sup>, and copied below for reference.

***Smallholders:** 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 50 hectares in size.*

- ***Scheme smallholders** – Smallholders that may be structurally bound by contract, credit agreement or by planning to a particular mill, but the association is not necessarily limited to such linkages. Other terms commonly used for scheme smallholders include associated and/or plasma smallholders.*
- ***Independent smallholders** – Smallholders that are not bound by any contract, credit agreement or planning to a particular mill.*

Furthermore, as soon as it is officially endorsed and published, Gabon has agreed to adopt the generic **RSPO Management System Requirements and Guidance for Group Certification of FFB Production**, setting the requirements for group certification of independent growers. The document is currently in the process of validation by the RSPO Secretariat.

*Note: A national programme recently launched by the government in order to develop the Gabonese agricultural sector (GRAINE) is focusing on promoting a national production of food- and cash crops (including oil palm) and may have an impact on the above decisions made by the NIWG regarding the certification of independent oil palm producers in Gabon. It is agreed by the NI Working Group that the definitions above and the Requirements for group certification will be reviewed together with the national P&C in 2018 (date of review of the generic P&C). At this point in time, the NI will be aligned to be coherent to the situation of smallholders in Gabon, and facilitate their inclusion to the certified palm oil supply chain.*

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<sup>1</sup> Definitions, RSPO Principles and Criteria for the Production of Sustainable Palm Oil, 2013.