

## No Deforestation Task Force (NDFTF)

Call # 13 (19<sup>th</sup> January 2021)

Meeting notes

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Name	Organisation
Lee Kuan Yee (LKY)	KLK
Jenny Walther Thoss	WWF
Gan Lian Tiong (GLT)	Musim Mas
Gwendelyne Bulan Tanil (GT)	Genting
Lee Kuan Chun (KC)	P&G
Lim Sian Choo (LSC)	Bumitama
<u>Invited Experts</u>	
Darren Brown (DB)	HCSA
Ruth Silva (RS)	HCVRN
<u>Secretariat</u>	
Amir Afham	RSPO Secretariat
<b>Absent with apologies:</b>	
Anne Rosenbarger	WRI
Michelle Desilets	OLT
Cristina Cedillo Torres	Robeco
Emily Kunen	Nestle
Geetha Govindan	PT ANJ
Laure Gregoire	Alliance Forets
Laszlo Mathe	NBPOL
Natasha Schwarzbach	Pepsico
Olivier Tichit	Musim Mas
Yunita Widiastuti	Cargill

No	Item	Notes	Action/Decision points
1	Opening by Co-chair	<ul style="list-style-type: none"> <li>The co-chair welcomed everyone to the call and proceeded to brief members on the agenda for the call</li> </ul>	
2	Confirming last call notes	<ul style="list-style-type: none"> <li>The group perused through the draft call notes.</li> <li>Motion to confirm NDTF call #12 notes was proposed by LSC and seconded by GLT. Call notes for NDTF call #12 was confirmed by the group</li> </ul>	<p><b>[Action Point]</b> RSPO Secretariat to upload the minutes to the RSPO website</p>
3	Approval of the HCSA review and integration procedure	<ul style="list-style-type: none"> <li>The secretariat informed the group that the procedure could not be finalized in Dec 2020 as it had not received approval from all represented sectors within the NDTF.</li> <li>It was proposed that the NDTF members be given until 6PM MYT 20 January 2021 to revert with approval of the procedure</li> </ul>	<p><b>[Decision Point]</b> NDTF members to revert to the RSPO secretariat on approval/objection of the procedure [Deadline: 20 Jan 2021]</p> <p><b>[Action Point]</b> RSPO Secretariat to remind NDTF members of the above through email</p>
4	Review of Gap analysis [Batch 1]	<ul style="list-style-type: none"> <li>Secretariat briefed the NDTF on the current progress and expected timeline for the review process.</li> <li>16 identified issues were highlighted by the Gap analysis by PT Hijau Daun, categorized as below: <ul style="list-style-type: none"> <li>3 policy/process</li> <li>2 assessment</li> <li>11 social elements</li> </ul> </li> <li>Phase 1 of the review process shall start Jan'21 with expected completion in April'21.</li> <li>Release of the RSPO 'Manual for compliance to criterion 7.12' shall undergo RSPO standard consultation processes in May'21 with expected release in October'21.</li> <li>It was decided that the review process would be done by the full NDTF as opposed to creating a smaller subgroup. This</li> </ul>	<p><b>[Decision point]</b> The full NDTF will be involved in the review process of the gap</p>

		<p>would ensure inclusion of all TF members and reduce revisions required in the development process.</p> <p>The group had initial discussions on 6 items within the gap analysis. Details as below:</p> <p><b>Commitment to environmental and social safeguards</b></p> <ul style="list-style-type: none"> <li>• The group questioned the need for specific requirement of a written policy on environmental and social safeguards. It was opined that the P&amp;C clearly indicates this commitment in its criteria and indicators, and that joining as an RSPO member which requires members to comply to the P&amp;C [and transitioning towards compliance for uncertified operations following their submitted Time Bound Plan (TBP)] shows the commitment of a company.</li> <li>• It was added that most companies would have its policies which include the commitment to environmental and social safeguards, and a separate policy is not required.</li> <li>• Secretariat responded that a standalone policy is not required, however any publicly document containing the commitments were. It was added that RSPO members are required to acknowledge acceptance of the RSPO documents requiring members to work towards certification.</li> <li>• HCSA added that it would discuss with its members on RSPO membership signifying a company's commitment to social and environmental safeguards.</li> <li>• RSPO secretariat added that this will be included in the 'RSPO manual for compliance to criterion 7.12' document if agreed by the NDTF.</li> <li>• A member added that it would be best if the communication of the above was done by both RSPO and HCSA to ensure consistency.</li> </ul>	<p>analysis conducted by PT Hijau Daun and development of the compliance manual.</p> <p><b>[Action Point]</b> RSPO secretariat to revert to NDTF with the documents companies are required to acknowledge upon joining RSPO as a member</p> <p><b>[Action point]</b> DB to discuss the equivalency of RSPO membership as commitment to social and environmental safeguards with relevant HCSA WG.</p> <p><b>[Decision point]</b> <u>RSPO and HCSA to discuss and decide on joint communication regarding company commitment.</u></p>
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		<p>issues raised by either parties. A concern was raised whether the ICLUP, once finalized could not be changed.</p> <ul style="list-style-type: none"> <li>• RSPO secretariat responded that there was an allowance in the HCSA toolkit and HCV-HCSA manual similar to the allowances of the NPP, where areas which have had agreement may be developed while those without cannot be developed until agreement was given by communities.</li> <li>• HCVRN responded that the HCV-HCSA manual specifies the same conditions for the due diligence section -i.e. assessment can be conducted in areas that have obtained agreement of communities, while areas with no agreement cannot be included in the scope until agreement has been obtained. However, since the manual's scope only covers the assessment stage till ALS quality review, the finalization of the ICLUP is not included.</li> <li>• HCSA added that the toolkit does specify the need for finalization of the ICLUP prior to start of development, however, also includes allowance to develop in areas with agreement by communities while obtaining consent in areas without. In response to the changes of the ICLUP, this was also allowable similar to the NPP and IMP. HCSA secretariat will confirm this with the WG developing the ICLUP guidance and revert to the NDTF.</li> </ul> <p><b>Initiation of FPIC</b></p> <ul style="list-style-type: none"> <li>• Explicit initiation point of FPIC - HCSA requires FPIC process to be initiated prior to any assessment being done and consent given by communities to conduct the assessments. While the requirements of FPIC is found in the P&amp;C 2018, implying that FPIC may be initiated any time between development and initial certification of the plantation.</li> <li>• The group felt that this may only be a difference in understanding the way the P&amp;C works. While no specific</li> </ul>	<p><b>[Action point]</b> DB to confirm on allowances regarding ICLUP finalization and ongoing negotiations, and revisions to ICLUP with relevant WG.</p> <p><b>[Action point]</b> <u>HCSA secretariat to confirm with the WG developing the ICLUP guidance and revert to NDTF.</u></p>
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		<p>initiation date is mentioned in any RSPO documents, FPIC is one of the 1<sup>st</sup> elements any company would initiate to identify the possible liability they would have by developing a parcel of land.</p> <ul style="list-style-type: none"><li>• A member added that in Indonesia, prior to awarding a HGU to a company, the government would have already initiated the FPIC process and the company would continue the process to determine the suitability of developing said land. FPIC would not only continue throughout the NPP and development process but would continue past certification.</li><li>• It was added the situation would be similar in Malaysia. For example, in Sarawak, the government would identify indigenous people within the land prior before awarding it to the company. This information would then be used by the company in its stakeholder engagement and FPIC initiatives.</li><li>• A question was raised whether permission of communities is required for desktop studies which do not require any site visit. These are usually done in the very early stage when a company is assessing the viability of the land before the decision to develop is made.</li><li>• HCVRN secretariat added that most issues regarding FPIC during ALS review is lack of evidence or documents regarding the FPIC activities. It is important to highlight the need for proper documentation and evidence to avoid issues during the review stage.</li><li>• RSPO secretariat asked the group whether it made sense to clarify in the document that a company is to initiate engagement and obtain permission from affected communities (to conduct the assessment) prior to conducting any assessment which required access to their land with proper documentation and evidence. It was agreed that it made sense to initiate engagement with communities prior to obtaining any land as it would avoid issues further down the</li></ul>	<p><u><a href="#">[Action point] NDTF to discuss and agree on proper documentation of evidence on communities' agreement prior to commencement of field assessment.</a></u></p>
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		<p>process, however more discussion is required to agree on the details.</p> <p><b>Mismatch in terminology – affected communities (HCSA) vs Local communities and indigenous people (RSPO)</b></p> <ul style="list-style-type: none"> <li>• The group discussed the on the difference and agreed that the intent was to ensure all affected stakeholders were included. A clarification was to be added to the compliance manual regarding this matter.</li> <li>• It was added that the term ‘affected communities’ also included the workers employed by the company. It was added this did not only include those from local communities employed by the company, but also workers migrating from outside the area.</li> <li>• The group decided to compare both definitions and discuss further to identify if any stakeholders are excluded. The group also asked that the HRS team be included in future discussions to assist the group.</li> </ul> <p><b>FPIC guidance: normative vs. informative</b></p> <ul style="list-style-type: none"> <li>• The group concluded that the normative items in FPIC were the elements mentioned specifically in the P&amp;C 2018.</li> <li>• It was agreed that while the elements were normative, the method in which to achieve those elements would differ in suitability depending on the landscape in question -i.e. locality, cultural, local and country laws, beliefs etc.</li> <li>• However, it was admitted that further clarity could be added specifying normative activities (which would be the same in any scenario i.e.), and normative elements in the document while explaining the methods to achieve them would be based on suitability on the ground.</li> </ul>	<p><u><a href="#">[Action point] RSPO Secretariat to invite HRS team to assist in future discussion.</a></u></p> <p><b>[Action point]</b> RSPO secretariat to conduct a comparison between both definitions for the next discussion.</p>
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		<p>the cost for notarizing the process were paid by the company.</p> <ul style="list-style-type: none"> <li>• A member questioned how the legal contract/notarization would fit together with the NPP process, as companies would <u>commence</u> active negotiations with communities after the NPP has passed the public consultation.</li> <li>• The need for a public consultation of the NPP was also questioned since companies would already have a contract with communities.</li> <li>• The secretariat added it would discuss the possibilities with lawyers within the RSPO secretariat on suitable options.</li> <li>• HCVRN secretariat gave caution on this as the legal requirements would differ for each country, causing a need to review all legal requirements where RSPO members operate. It would be time consuming and very difficult to review.</li> <li>• The group is to further discuss this matter in the next call.</li> </ul> <p>Due to time limitations, the NDTF decided to review other items in the subsequent calls.</p>	<p><u>[Action point] NDTF to discuss this matter in the next call.</u></p>
5	AOB	<p><b>Briefing on new RSPO operational strategy</b></p> <ul style="list-style-type: none"> <li>• RSPO secretariat briefed the group on the new operational strategy; a 5-year plan to operationalize the RSPO theory of change.</li> </ul>	

		<ul style="list-style-type: none"> <li>• The TOC strategies are classified into 5 operational pillars which include measurable targets the RSPO is to achieve by 2025.</li> <li>• It was added, to achieve these goals, the secretariat was currently reviewing its structure, and there was a possibility for changes in secretariat members facilitating WGs/TFs.</li> <li>• The group requested maintaining the current staff for the NDTF to avoid disruption to the current tasks and in view of the short timeframe that was needed to complete it.</li> </ul> <p><b>Next meeting</b></p> <ul style="list-style-type: none"> <li>• The NDTF agreed that the frequency of calls was to be increased to every two weeks to meet the NDTF workplan for the development of the document.</li> <li>• RSPO secretariat to advise on the total number of meetings required and circulate doodle polls for the proposed meeting dates.</li> </ul>	<p><b>[Action point]</b> RSPO secretariat to circulate the doodle polls to NDTF members</p>
6	End of meeting	The co-chair thanked the NDTF members for their participation and ended the call.	