

MINUTES OF MEETING 12th RSPO JWG MEETING (VIRTUAL)

Date: 27 January 2022 (Thursday) 8pm(MYT) to 10pm(MYT)

<p>Attendance:</p> <p>Members and Alternates</p> <ol style="list-style-type: none"> 1. Glyn Davies (WWFMY, GD – Co-chair) 2. Maria Amparo Alban (FEDAPAL, MAA) 3. Chin Kai Xiang (Bunge, CKX) 4. John Watts (INOBU, JW) 5. Lim Sian Choo (BAL, LSC) 6. Lee Kuan Chun (P&G, LKC) 7. Marcus Colchester (FPP, MC) 8. Paul Wolvekamp (BothEnds, PW) 9. Rauf Prasodjo (UNILEVER, RP) 10. Jon Hixson (YUM’s Brand, JH) <p>Absent with Apologies</p> <ol style="list-style-type: none"> 1. Sander van den Ende (NBPOL, SE - Co-chair) 2. Quentin Meunier (OLAM, QM) 3. Rob Nicholls (RN, MM) 4. Alagendran Maniam (SDP, AM) 5. Tom Lomax (FPP, TL) 6. Putra Agung (RA, PA) 7. Wahyu Wigati (GAR, WW) 	<p>RSPO Secretariat</p> <ol style="list-style-type: none"> 1. Francisco Naranjo (FN) 2. Javin Tan (JT) 3. Julia Majail (JM) <p>Speakers</p> <ol style="list-style-type: none"> 1. Heni Martanila , INOBU 2. Sean Andrew Labansing , Sabah JCSP0
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Agenda

Time (MYT)	Item #	Agenda	PIC
8.00pm - 8.10pm	1.0	Opening 1.1 Welcome & Re-cap 1.2 Agree on today meeting’s agenda 1.3 RSPO Antitrust Guidelines 1.4 RSPO consensus-based decision making 1.4 RSPO Declaration of Conflict of Interest 1.5 Accept the #10 JWG minutes of meeting	Co chair (Glyn)
8.10pm - 8.15pm	2.0	Updates from the Secretariat 2.1 Hiring of JA Manager 2.2 Activity: membership for JE 2.3 RaCP Review Process	RSPO Secretariat
8.15pm - 9.15pm	3.0	Updates from Pilot Sites: 3.1 Seruyan, Indonesia by Ms. Heni, INOBU 3.2 Sabah, Malaysia by Mr. Sean Andrew, Sabah JCSP0 3.3 Ecuador, Maria	
9.15pm - 9.30pm	4.0	Next Step & AOB	ALL

Minutes of Meeting:

No	Description	Action
1.0	<p>Opening remarks</p> <p>The meeting started at 8:07 pm Malaysia time with the participants confirming the agenda, as shared earlier to all participants.</p> <p>The RSPO Secretariat (Secretariat) read through the RSPO Antitrust Guidelines for conducting meetings and conference calls, the consensus based decision making process, the declaration of conflict of interests and that one's recusal from discussion and decision making is necessary if conflicts exist.</p> <p>When discussing acceptance of the 11th JWG meeting minutes, it was pointed out that the identity of members involved in discussions and / or decision making should remain anonymous, in adherence to the Chatham House Rule, which has been adopted in earlier meetings.</p> <p>This point was agreed by members and the Secretariat would ensure that the Chatham House Rule is observed , beginning with the minutes of 11th JWG meeting minutes. It was also agreed that previous minutes would not be amended.</p> <p>The 11th JWG meeting minutes would be revised and shared later to members via email for acceptance.</p>	<p>The Secretariat to revise the 11th JWG meeting minutes as per discussion and to re-circulate via email for acceptance</p>
2.0	<p>Updates from Pilot Sites:</p> <p>The meeting is attended by invited speakers, Heni Guests from the Seruyan, Sabah and Ecuador JA pilot projects were admitted to the meeting to share their experience and provide learning to the working group.</p> <p>The person-in-charge (PIC) of the Seruyan pilot shared 2021 Q4 updates for Seruyan and Kota Warangin Barat, relating to system and landscape performance indicators. The PIC also shared next steps targets for 2022 which, among other things, included agreement on JE with a multi stakeholders board and forming a fully functioning secretariat.</p> <p>A member mentioned that the government officials in Seruyan have asked if RSPO could issue a letter to encourage members in the area to engage more with the JA pilot there. The member also asked if the low / non-engagement was due to the JA still allowing members to certify directly, despite working in JA pilot area. The co-chair was not sure if he has the authority or if it is the right protocol for the Secretariat to write to RSPO members. The Secretariat added that it could send emails which are less formal for the same purpose.</p> <p>There was feedback from some RSPO members that saw JA as a top down approach and there was not much they could do about it. But with recent progress in Seruyan, the Secretariat could approach the members again.</p> <p>A member having plantations in the area highlighted that they see JA would take time and prefers to move ahead on their own. Another member asked the extent to which JA would be mandatory after the adoption of the approach by a political unit, or if it would remain voluntary.</p>	

On a different note, a member pointed out that it is encouraging to see the framework that has been set up by Seruyan local government and INOBU for registering and resolving land conflicts. Another member mentioned that programs that help to improve yield would help to create buy in for JA.

The PIC of the Ecuador pilot pointed out that the JA pilot has started in two areas, Sucumbios and Orellena, with the aim to expand to the whole country. 90% of growers in Ecuador are smallholders and JA is seen as the way to get them certified.

Since launching in 2017 with the support from the Ministry of Agriculture and Ministry of Environment, the pilot has somehow lost momentum. It is however relaunched recently. The PIC shared the progress since relaunch which included HCV and HCS studies that were ready, legal gap analysis that was underway and 34 smallholders that were selected to test out the certification process.

There were questions from a member – how is RSPO certification perceived in Ecuador? How is the communication about the pilot to larger player? And is UNDP Pro Amazonia the only funding source for the Ecuador pilot?

The PIC of the Ecuador JA pilot commented that there have been no large conflicts in Ecuador, but they still do want to have robust ethics guidelines.

The Ecuador JA pilot also faced the same slow progress problem as their counterpart in the Seruyan JA pilot where big companies are also directly certifying their own growers. However, the PIC is confident that these big companies are still committed to the JA pilot project

The other PIC of the Ecuador pilot also commented that their team has to re-brief the project to the new government team that just came into power six months ago. The Ecuador pilot team is working with the government to confirm its commitment by way of a ministerial decree.

A question was asked by a member regarding the HCV process in the area – does it cover non-oil palm and what were the resistance and challenges? The PIC explained that the HCV studies for the whole of Ecuador were commissioned by Pro Amazonia and that the information is available. They just needed guidelines to make the information more specific to the pilot areas.

Another member asked how the national interpretation has helped in the legal gap analysis. The PIC explained that it had been very useful, especially in determining the legal standing of the JE. The pilot team is also exploring with the Ministry of Environment to amend the licensing structure that would be more helpful to the smallholders.

Next up was the Sabah JA pilot and the PIC explained the structure of the JE which is headed by the Sabah State Secretary, supported by the JE secretariat, the steering committee, an advisor and RSPO. Three working groups have been established with three more to be established in 2022.

The PIC also briefed the members on the progress of system and landscape indicators and the challenges faced by the Sabah JA pilot which include translating the sustainability concept to layman terms for non-industry stakeholders and to support the move of MSPO to RSPO

	<p>A member asked the Sabah pilot team about the experiences in dealing with social labour issues. The PIC explained that with the industry facing labour shortages in Sabah, the social labour issue is not a priority for the industry. Another member added that with the labour shortage, the government must first put in place policy to deal with the labour shortage, before pushing for labour policy compliance.</p> <p>The PIC pointed out that Sabah also had a change in government so the pilot team would have to continue working with the government of the day and try to push the policy through.</p> <p>A member asked about the carbon trading scheme that was allegedly negotiated between the Sabah government and a foreign company, without any due process of consultation and what its implications are for JA in Sabah. The PIC replied that it has a big impact for JA in Sabah. However, the main concern should be how the industry players see RSPO. And if they see buy in from the Sabah government on the JA, then the players would also commit their support.</p> <p>The Co-chair shared the same concerns regarding the carbon credits discussion of the Sabah government. But he reminded members that those discussions are related to HCV – forest issues, not oil palm. The growers are quite separate from the government forest management and members should avoid confusions between the two different spaces.</p> <p>Co-chair thanked the contributors from outside the JAWG for sharing their experiences and challenges in their respective JA pilots.</p> <p>A member made one final comment about the Sabah government carbon discussions that although it does mainly relate to HCV, but it was the lack of FPIC in its process that was concerning and raised questions about the government’s feeling about everything else outside HCV issues.</p>	
<p>3.0</p>	<p>Updates from the Secretariat:</p> <p>The candidate for the JA manager position has been identified and the Secretariat is in the process of making an offer.</p> <p>Drafting terms of reference for RSPO legal advisor to review the Statutes, Membership Rules and Code of Conduct to explore a potential new membership category for JE.</p> <p>To arrange initial call for co-chairs and the CTF 2 to discuss the applicability of independent smallholders and scheme smallholders to the ongoing review of the Remediation and Compensation Procedures (RaCP)</p>	<p>The Secretariat to introduce the new JA manager when he starts work</p> <p>The Secretariat to share with JAWG the draft of the ToR, before sending it to the legal advisors</p>
<p>4.0</p>	<p>Recap - JAWG work plan</p>	

	<ul style="list-style-type: none"> ● HCV / HCS mapping guidance and JE membership category review to be completed by the end of 2022. Both to go for adoption by the end 2022. ● RaCP for JA review to be completed by mid 2023 ● ACOP to be done later, after getting more clarity on JE membership category ● Similarly, work on Palm Trace to start after getting more clarity on HCV / HCS mapping procedures and JE membership category ● Certification system documents for JA to be completed and ready by end 2023 <p>Another member from JA pilot asked for guidance to continue the JA process in her area, in the absence of finalised certification documents that are not expected to be ready before the second half of 2023. The Secretariat explained that jurisdictions that have conducted HCV / HCS mapping using the HCVN screening tools and have submitted to RSPO for verification, it is possible that the efforts could be recognised by RSPO. As for JE joining as RSPO member now, it is more complicated as we do not yet have a membership category specifically for JE</p>	<p>The Secretariat to have offline discussions with individual JA pilot, especially on HCV / HCS issues and to share notes with other members of JAWG</p> <p>The Secretariat and Co-chairs to start discussions with task forces and working groups in RSPO, focusing on HCV / HCS and RaCP</p>
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