

MINUTES OF MEETING

38th SSC Meeting

Time: 1630 - 1830 (MYT)

Date: Friday, 13th October 2023

Venue: Zoom Meeting <https://zoom.us/j/93618395604> Meeting ID: 936 1839 5604 Passcode: 38@SSC

ATTENDEES

Name	Initial	Organisation	
1. Lim Sian Choo (Co-Chair)	LSC	Bumitama Group	Grower (INA) - Substantive
2. Olivier Tichit (Co-Chair)	OT	Musim Mas	P & T – Substantive
3. Sander Van den Ende	SvE	SIPEF	Grower (RoW) – Substantive
4. William Siow	WS	MPOA/IOI	Grower (MY) – Substantive
5. Jenny Walther-Thoss	JWT	WWF Singapore	ENGO – Substantive
6. Ian Orrell	IO	NBPOL	Grower (Smallholder) - Substantive
7. Lee Kian Wei	LKW	United Plantations	Grower (MY) – Alternate
8. Silvia Irawan	SI	Kaleka	SNGO – Substantive
1. Leena Ghosh	LG	RSPO Secretariat	
2. Javin Tan	JT	RSPO Secretariat	
3. Daniel Liew	DL	RSPO Secretariat	
4. Akmal Arif Razali	AAR	RSPO Secretariat	
5. Ariel Toh	AT	RSPO Secretariat	
<i>Absence with apology:</i>			
1. Anne Rosenbarger	AR	WRI	ENGO – Substantive
2. Brian Lariche	BL	Humana	SNGO – Substantive
3. Librian Angraeni	LA	Musim Mas	P & T – Alternate
4. Mohammed Dao	MD	OLAM Group	Grower (RoW) – Alternate
5. Jerome Courtaigne	JC	L'Oreal	Consumer Goods Manufacturer – Substantive

AGENDA

Time	Item	Agenda	PIC
1630 - 1640	1.0 1.1 1.2 1.3 1.4 1.5	Opening Acceptance of agenda RSPO Antitrust Law RSPO Consensus-Based Decision Making RSPO Declaration of Conflict of Interest Welcoming New SSC Members: Silvia Irawan, Lee Kian Wei, Jerome Courtaigne	Co-Chairs
1640 - 1650	2.0 2.1 2.2 2.3	Meeting Dashboard Confirmation of the 37th MoM on 23 rd August 2023 Action Tracker Progress Update WG/TF/SG under SSC	Co-Chairs
1650 - 1735	3.0 3.1 3.2	For Endorsement NDJSG Revised ToR RSPO Memberships for Jurisdictional Entity	LZ/JT

	3.3	Acknowledgement of RSPO JA Pilot Progress Achievement of Step 1	
1735 – 1740	4.0	Any Other Business	
1740		END	

DISCUSSION:

No.	Description	Action Points (PIC)
1.0	Opening	
1.1	The Chairs welcomed everyone to the meeting and presented the agenda of the meeting.	
1.2	The RSPO Antitrust Law, Consensus-Based Decision Making, and Declaration of Conflict of Interest were read out to the Committee. No comments were received.	
1.3	The Chairs welcomed new SSC Members: Ms. Silvia Irawan from Kaleka, representing Social NGO; Mr. Lee Kian Wei from United Plantations Berhad, representing Growers Malaysia and Mr. Jerome Courtaigne from L’Oréal, representing Consumer Goods Manufacturers.	
2.0	Meeting Dashboard	
2.1	<p><u>Confirmation of the 37th MoM on 23rd August 2023</u> Page 2, Item 2.3, 2nd paragraph was amended to “With regards to the update of GHG WG2, the Committee commented from the methodology point of view”, according to the changes shared by LSC via email.</p> <p>The minutes of the meeting were endorsed subject to the correction mentioned above.</p>	
2.2	<p><u>Action Trackers</u> Action tracker of the previous meeting was presented. No comments were received.</p>	
2.3	<p><u>Progress Update WG/TF/SG under SSC</u> The progress update for the WG/TF/SG Committee was presented. No comments were received.</p>	
3.0	For Endorsement	
3.1	<p><u>NDJSG Revised ToR</u> The Secretariat presented the proposed amendment to the NDJSG Terms of Reference (ToR).</p>	

- The purpose of the amendment is to address the lack of complete representation (each sector or caucus needs to have at least one representative to allow any decision to be made as per NDJSG ToR), which is a key issue that hinders the NDJSG from making decisions and moving forward with their proposed activities.
- The NDJSG would like to seek the SSC’s endorsement to the proposed amendments in the ToR to enable the group to progress.
- Proposed amendments are to add two sub clauses as shown below:
 - a) Decisions made by the NDJSG during the meeting/call are considered FINAL if the main representatives from membership categories of RSPO and HCSA within the NDJSG are represented.
 - *In circumstances where proper representation for one or more caucuses is not possible, the HCSA Secretariat will facilitate the consultations with its members from the respective caucuses and share relevant information with the NDJSG (e.g., caucus views, stance, and decision).*
 - *Vacant seats due to the lack of representation should not be counted as part of the quorum requirements and this should not deter decisions from being made.*
- Secretariat had also identified the risk implications as follows:
 - Perceived credibility issue tied to the decisions made by a group with incomplete representation. Growers from both RSPO and HCSA are vital to be represented as ground implementation of procedures in HFCCs is closely related to this caucus.
 - The inability to make decisions will prevent the NDJSG from carrying out its activities in the remaining time given until the end of 2023.

Committee highlighted that:

- The representative is an issue as without a full representative, there is a question whether everyone accepts that proposal.
- Given the representation of HCSA and the capacity of its members to be represented in NDJSG, it is more important to ensure that NDJSG can function rather than try to achieve perfect representation.
- Another concern was raised regarding the suggestion to bring the topic back to the caucuses as this will delay the whole process again. We need to decide if we are really giving this one last chance to try to make progress in the working group.
- Committee raised a question whether there is any legacy case hanging in RSPO and if there is no case, why are we trying to formulate a procedure for something we do not have.
- OT clarified that there might be a slight misunderstanding on the representation. The proposed text means that the HCSA Secretariat has

	<p>the authority to make the decision in the name of the caucuses and not bring it back to the caucuses to avoid having that long back and forth process. The scope of the NDJSG is not limited to the legacy cases as it is just one element of the discussion. NDJSG focuses more on how to address High Forest Covered landscapes.</p> <ul style="list-style-type: none"> ● Basically, the main point is to ensure that the HCSA Secretariat can have the mandate to say that they are speaking in the name of the members and not just bringing information back and forth. The HCSA Secretariat can make decisions without going back to the caucus. ● Committee commented that it is good to see the streamlining of the decision making. Since so much time has been spent to consider this, we should be proactive and continue working with HCSA but also set a timeframe within which there has to be concrete deliverables and outputs. <p>Secretariat commented that:</p> <ul style="list-style-type: none"> ● It is not clearly spelled out in the decision paper that the HCSA Secretariat can represent the caucuses and make decisions during the meeting. It needs to be clear that the HCSA Secretariat representative in the meeting can speak on behalf of the missing caucuses. The Secretariat suggested getting further clarifications from HCSA. ● Secretariat raised a concern with regards to the main representatives from the HCSA side as there may be some members that do not attend the meeting. This does not resolve the problem in making sure NDJSG continue to function and deliver to what they are mandated to. ● It would be good to see more spelled out deliverables and timeline from the NDJSG in the revised ToR. Secretariat recommended for the NDJSG to relook at the ToR, with the support from the Secretariat to clarify on the decision-making power and a time bound work plan with deliverables. This will then be tabled for SSC’s endorsement. Specific detailed work plan may not be necessary, just a rough timeline. <p>Committee also commented that:</p> <ul style="list-style-type: none"> ● The facilitator faced difficulties in finding meeting dates for NDJSG with a minimum representation. We should recognise this and there should be a timeline with at least one or two deliverables included. ● Committee agreed to have a clearer text, seek explanation from the HCSA Secretariat and come back with a plan and timeline. ● The main issue of the NDJSG is the governance, the governance needs to be resolved first before the deliverables. <p>Decision SSC has not approved the document. The Secretariat will seek further</p>	<p>1. Seek clarification from HCSA and amend the ToR 2. Seek SSC’s endorsement via email</p>
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<p>3.2</p>	<p>clarifications from HCSA and amend the wording for SSC’s endorsement via email.</p> <p><u>RSPO Memberships for Jurisdictional Entity</u></p> <p>The Secretariat presented the decision paper on RSPO Memberships for Jurisdictional Entity (JE).</p> <ul style="list-style-type: none"> • The public consultation for the JE Membership Category was concluded on 11 October 2023. The Jurisdictional Working Group (JWG) had a meeting on 12 October to look at all the comments received and provide responses to them. • The JWG concluded that the proposal will remain as it is. A new membership category should be created for JE, with no voting rights, no Board of Governors (BoG) representation, no membership fees obligations and shall be bound by the Code of Conduct. JE and its affiliated organisations of Jurisdictional Members can participate in relevant Working Groups, Task Forces and any other form of working structure of RSPO. Affiliated organisations refer to stakeholders officially joining or becoming attached to the JE. It can be a form of membership and/or other official legal arrangements. This addresses some of the comments received during the public consultation on how to ensure that the JE can also be part of the development or revision of any of the RSPO system and requirements. • The JWG would like to seek SSC’s endorsement on the concept note and propose to the BoG to table a resolution for the General Assembly (GA), to create a new separate membership category for JE. <p>Committee highlighted that:</p> <ul style="list-style-type: none"> • This is a transitional phase for jurisdictional members to have no voting rights at this stage. • A concern was raised regarding the JE membership requirement on “shall be bound by Code of Conduct (Annual reporting of Progress and Time-bound Progression Plan)”. Committee suggested removing the requirement on time-bound plans because in the current form we do not have a certification system for JE and how members within jurisdiction can become certified. It would be better to remove this requirement that can create a lot of confusion. • The most important thing is to get JE recognised by the members and recognise their work to allow the next phase of work. <p>Secretariat explained that the working group discussed this and agreed to not be time bound but just have a work plan. There is no issue in removing this condition. The proposed membership clauses for Jurisdictional Members category will be reviewed once the Jurisdictional Approach (JA) mechanism</p>	<p>Action by: Secretariat</p>
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<p>3.3</p>	<p>starts functioning. Committee suggested adding at Item 7 in the resolution paper that the group is reporting to the Standard Standing Committee. The resolution has to be adopted by the next BoG meeting and OT will present this at the meeting.</p> <p>Decision</p> <p>The SSC approved the resolution paper and concept note with amendments made below:</p> <ul style="list-style-type: none"> ● Remove "Time-bound Progression Plan" in the JE membership requirement. ● Add in the paper that the RSPO Standard Standing Committee oversees the resolution. <p><u>Acknowledgement of RSPO JA Pilot Progress Achievement of Step 1</u></p> <p>The Secretariat presented the paper and JA pilot stepwise approach progress assessment to acknowledge the RSPO JA Pilot Progress Achievement of Step 1 for Sabah and Seruyan.</p> <ul style="list-style-type: none"> ● The Sabah and Seruyan JA pilot indicated that it has completed all indicators for Step 1 of the Stepwise Approach. The self-assessment was submitted to the Secretariat using the standardized format developed by the Secretariat and necessary supporting documents were provided. This format will also be used for any new applicants. ● The assessment and supporting documents were then reviewed by an independent panel consisting of JWG members. The panel concluded that both the Sabah and Seruyan JA pilot had indeed fulfilled all indicators and thereby achieved Step 1. Step 1 is mainly for the jurisdictions to declare their interest and develop plans. Step 2 is more about setting up the internal control system, grievance mechanism, conducting LUCA, etc. Step 3 is for external audit and Step 4 is more on the trading and volume aspects. ● The Ecuador pilot is still preparing to submit their assessment and will go through the similar process. ● The JWG recommends that the SSC approves the conclusion by the review panel and that formal recognition of achieving Step1 of the Stepwise Approach be issued to the Sabah and Seruyan JA pilot. <p>Committee commented that:</p> <ul style="list-style-type: none"> ● With the resolution that opens for the JE membership category, could Step 1 effectively become the membership requirements for JE? The Secretariat explained that the wording might cause confusion. Basically, one of the requirements of Step 2 is to become a member. ● Committee requested for guidance on communication as this is planned to be announced during RT2023. Secretariat explained that the next step 	<p>Amend the resolution paper and table it for BoG’s endorsement</p> <p>Action by: Secretariat</p>
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	<p>is to prepare a letter to recognise their achievement. The announcement during RT still requires further discussion, especially with the sensitivity around Seruyan. The Secretariat suggested putting the acknowledgement into the update to the GA report for the resolution that was received last year.</p> <p>Decision The SSC approved the assessments for both Sabah and Seruyan.</p>	<p>Put the acknowledgement into the GA update report Action by: Secretariat</p>
4.0	Any Other Business	
4.1	<p><u>Replacement for SSC Member</u> Mohamed Dao, who is representing Grower (Rest of the World) alternate seat, has resigned from his position. The Secretariat will discuss the replacement for him.</p>	
4.2	<p><u>Next SSC Meeting</u> The next SSC meeting was scheduled on 16th November 2023. However, this is a week before RT2023. Committee proposed to have an informal SSC meeting during the RT2023. The Secretariat will check with the RT Organising Committee for the possibility of an informal meet up for the SSC members.</p> <p>The next SSC meeting will be postponed to 13th December 2023. The Secretariat will send an email to inform all SSC members.</p>	<p>Send email to SSC members on the date changes for the next meeting. Action by: Secretariat</p>

MEETING ENDED AT 1753 MYT