

MINUTES OF MEETING
RSPO CTF2 The Gardens Hotel hybrid meeting (23-24 November 2022)

Attendance:

<p><u>Members and Alternates</u></p> <ol style="list-style-type: none"> 1. Harjinder Kler (HUTAN) 2. Lee Swee Yin (SDP) 3. Ambang Wijaya (GAR) 4. Ahmad Yudana (GAR) 5. Martin Mach (Bumitama) – Day 1 6. Lim Sian Choo (Bumitama) 7. Sander Van den Ende (SIPEF) – Day 1 8. Benjamin Loh (WWF) 9. Eleanor Spencer (ZSL) 10. Mahendra Primajati (FFI) 11. Olivier Tichit (Musim Mas) 12. Kalindi (Planting Naturals) <p><u>Absent with apologies</u></p> <ol style="list-style-type: none"> 1. Arnina Hussin (SDP) 2. Quentin Meunier (OLAM) 3. Anne Rosenbarger (WRI) 4. Bukti Bagja (WRI) 5. Michelle Desilets (OLT) 6. Cahyo Thandra (FFI) 7. Lanash Thanda (SEPA) 8. Chin Sing Yun (Wilmar) 9. Syahril Anhar (Wilmar) 10. Vivi Anita (Musim Mas) 	<p><u>RSPO Secretariat</u></p> <ol style="list-style-type: none"> 1. Julia Majail 2. Kaw Kar Mun 3. Lee Jin Min 4. Lydia Tan 5. Indrawan 6. Amirah 7. Siti Joanni <p><u>Facilitator</u></p> <ol style="list-style-type: none"> 1. Ginny Ng <p><u>Invited Guest</u></p> <ol style="list-style-type: none"> 1. Ruth (HCVN) 2. Danita (HCSA) 3. Sifior Muhamad (HCSA)
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*****Note: No decision can be made in the 2-Days meeting as there was no quorum**

Meeting Agenda:

Day 1

Agenda	PIC
1. Opening remarks	Co-chairs
2. Confirmation of previous meeting of minutes	Co-chairs
3. General walkthrough of the Draft-0 of RaCPv2 document	Facilitator
4. Protocol for recertification	Facilitator
5. Resolution GA18-2d on scheme smallholders	Facilitator
6. Discussion on the draft zero of RaCP version 2 document	Facilitator
7. End of meeting	Co-chairs

Day 2

AGENDA	PIC
1. Discussion on independent evaluator in the draft zero RaCPv2 document	Facilitator
2. Discussion on aggregating final liability of less than 100 ha in the draft zero RaCPv2 document	Facilitator
3. Discussion on the coefficient table in section 8.2.1 of the draft zero RaCPv2 document	Facilitator
4. Discussion regarding social liability and remediation plan	Facilitator
5. Discussion on the Draft on guiding principles for the RaCP for smallholders	Facilitator
6. Compensation panel session	Integrity Unit
7. Discussion regarding the protocol on recertification document	Facilitator
8. End of meeting	Co-chairs

No.	Details	Action
DAY 1		
1.	<p><u>Opening remarks</u></p> <p>The co-chairs welcomed all members to the hybrid meeting and re-introduced members as it has been a while since the last meeting.</p> <p>The co-chairs also welcomed:</p> <ul style="list-style-type: none"> ● Ginny Ng as the facilitator for the 2-days meeting but she will not participate the session on the compensation panel due to conflict of interest. ● Danita and Sifior Muhamad from HCSA and Ruth from HCVN will participate only in the session on the discussion draft zero of RaCP version 2. 	
2.	<p><u>Confirmation of previous meeting of minutes</u></p> <ul style="list-style-type: none"> ● The Secretariat presented the minutes of meetings 13 April 2022. ● The Co-chairs pointed out that the outcomes from Item 4 – Social liability subgroup (Planting Naturals and SEPA), which is the Annex 2 Self-Assessment and Verification draft, was set to discuss in the Day 1 meeting. ● Regarding Item 5 – Project portfolio subgroup (SDP, GAR, SIPEF, Wilmar, SEPA), a member requested an update on the project portfolio subgroup. The co-chairs commented that the progress of the subgroups was delayed and was set to be discussed in the Day 2 meeting. 	
3.	<p><u>General walkthrough of the Draft 0 of RaCPv2 document</u></p> <p>The facilitator presented the Draft 0 document for feedback from the floor.</p>	

	<p><u>Feedback from HCVN:</u></p> <ul style="list-style-type: none"> ● Managed to go through half of the documents and will provide feedback on the document after full review. ● The comments provided during the session were: <ul style="list-style-type: none"> ○ Suggested editorial changes to update/ harmonise with the language/ terms used in the new P&C. For example: <ul style="list-style-type: none"> ▪ from management unit to unit of certification ▪ definition for growers ▪ consistently referring to HCV-HCS assessment ▪ consistently referring to the cut-off date or requirement of HCV only and HCV-HCS. ○ Suggested to put footnote 4 in the glossary rather than in footnote for the definition of compensation as well as remediation. ○ In section 3.2, phrasing was not clear and needed refinement: ‘The following cases that are not automatically be treated as Compensation Cases’. Does it mean ‘the following cases are not automatically treated as Compensation Cases’? or ‘the following cases are automatically treated as Complaints’? Facilitator agreed that this required clarification and explained that it goes into the complaint panel first; it does not go into compensation. ○ In section 3.2 point a, suggested to be revised to: ‘ a. Cases where HCV assessments were conducted prior to land clearance since November 2005 or HCV-HCSA assessments were conducted prior to land clearance since Nov 2018 and where known and identified HCVs and/or HCVAs or HCS Forests were subsequently damaged because the member failed to adequately protect and/or manage the identified HCVs and/or HCVAs and HCS Forests.’ Facilitator agreed that a and b needed to be updated to include cut-off date of the 2018 for the HCSA and the new requirement since 2018 to identify HCS forest. ○ In section 8.1.1.1, suggestion to add at the end of the second bullet point: ‘ and the compensation plan has begun implementation (at the minimum have resources allocated, mechanisms to monitor progress are in place, and there is evidence implementation has started)’. Facilitator replied that this matter will be further discussed with the CTF members. ○ Sought clarification whether the first row of the peat table in section 8.2.2 will fall under complaint. Facilitator clarified that the idea was that if they disclosed it themselves and they planned to remediate, no need to go into complaints. This is to reduce the case of complaints and to have the company themselves remediate. <p><u>Feedback from HCSA</u></p>	<p>CTF to consider</p>
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- HCSA looked forward to working with RSPO Secretariat and would provide complete feedback to the document after they received comments from their members. Facilitator welcomed HCSA feedback as the document is incorporating HCSA tool kit.
- The comments that HCSA had so far were:
 - In section 3.2 point b on the phrase ‘identified HCVs and/ or HCVA’, HCSA asked whether it meant HCVA or HCSA? This needed further checking throughout the document. The Co-chair commented that it was HCVA.
 - Sought clarification on section 8.2.3, whether for the land clearance after 9 may 2014, will land clearance after Nov 2018 will be addressed upon discussion? Facilitator clarified that it will be done based on reference to the document on the interpretation of indicator 7.12.2 and Annex 5.
 - Sought clarification on the meaning of independent evaluator in section 9.5.2. Facilitator clarified that the idea was the growers would conduct the project and the annual reporting will be done, with the cost being borne by the growers.

CTF to consider

Feedback from facilitator, co-chair and the members

- Public consultation timeline was set to further discussion after taking into consideration feedback from HCVN and HCSA.
- Sought clarification on the procedure in section 3.2. Facilitator explained that cases will get raised to the complaint panel first and the complaint panel may refer to the compensation procedure; it will be reviewed on a case-by-case basis.
- Sought clarification on Section 7 Key Requisites item 1 bullet point 3, whether the social study/ assessment must be conducted before the self-assessment. Facilitator clarified that those are the supporting documents that members will need to attach with the self-assessment matrix to support the claims.
- On section 8.1.1, suggested to refine the first sentence to ‘All clearance without prior HCV since November 2005 and without HCV-HCSA assessment from November 2018 shall be disclosed as follows:’ Facilitator clarified that a session on this was scheduled in the afternoon to discuss whether it is required to disclose again related to the HCSA elements.
- Section 8.1.1, suggested “to have a timeline for the evaluator’s review process and the scope of their review, which should be limited to avoid subjectivity in the review process. Once it is approved under a compensation note stage by the Secretariat, the evaluator should ensure the format prescribed by RSPO is filled with the necessary information and then it should continue to approval and implementation. If there are additional concerns these can be re-evaluated during the implementation stage through the regular monitoring updates.” Facilitator clarified that this will need to be further discussed in more detail on a) whether there is a need to disclose again or to go through another process of disclosure, and b) how to proceed with it and

<p>if decided to that, it do not delay process or run into similar problem bottleneck as the original disclosure process.</p> <ul style="list-style-type: none"> ● Section 8.2.1, suggested to make clear on the table title the categories of land cleared without prior HCV HCSA assessment and put the cut off time period. ● On section 8.2.1, suggested to discuss coefficients for other ecosystems because that has been sitting as a note since 2014 and to include freshwater habitat and coastal areas. ● On section 8.2.2, suggestions were raised on this table: <ul style="list-style-type: none"> - Why would the table reflect actions to be undertaken by non-member; - Why is there a requirement to limit the peat plantation area to 100 ha while previous implementation of the RSPO P&C relates to implementing best management practices on peat. Facilitator suggested that CTF members and the RSPO Secretariat may need to arrange a meeting with the people on defunct peat working group (e.g. Faizal Praish from GEC) to address all the questions and to discuss on adapting a version to be incorporated into the RaCP. ● On section 8.2.3, the facilitator suggested the need to include the liability calculated for November 2018 till today in the table. HCVN commented to include reference to the document on interpretation of indicator 7.12.2 and Annex 5. ● In section 8.3.2, the facilitator suggested including a box to demonstrate environmental plan examples, similar to the box for social remediation plan. ● On section 8.3.4, the facilitator reminded the Secretariat to check whether the equitable and knowledge-based system would be changed already to reflect what the members have agreed from the previous minutes. ● Sought clarification on why prioritisation has been taken out of Table 4, the rationale and implication of it. The Co-chair explained that this was done to focus on the type of the project rather than focusing on prioritising from high to lowest. Facilitator suggested including a paragraph on the rationale. ● In section 9.4, the facilitator suggested elaborate on the payment mechanisms. The Secretariat mentioned that for the evaluator fees, the company will pay the fee via the Secretariat in order to maintain the independence of the evaluation process. This is based on the decision made by BHCVWG at its meeting in Aug 2017. <ul style="list-style-type: none"> ○ After discussion with present members, a proposal on the payment and timeline was crafted ● Sought clarification on section 9.4.1, whether the phrase ‘may choose to build upon an already approved compensation project’ means they cannot contribute to another company’s project? Facilitator clarified that this phrase referred to the approved compensation projects and this phrase needed to be carefully crafted. This was because there can be 2 companies 	<p>CTF to consider</p> <p>CTF to consider</p> <p>CTF to consider</p> <p>CTF to consider</p> <p>CTF to consider</p> <p>Secretariat to check</p> <p>CTF to consider</p> <p>CTF to decide (refer to Figure 1).</p>
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contributing to a similar project on a similar site as long as they can demonstrate the difference their contribution would achieve versus what the other company would achieve. This not only applies to segregated projects but all projects, just making sure each of them would have the additionality elements, would be very clear what their outputs be. The Co-chair concurred that it was also important that if the site were similar whereby 2 or more companies were contributing to the area of conservation, the values/ efforts would not be replicated.

- Sought clarification on section 9.4.1, whether there was any data on what proportion of the project tends to be based on hectareage. Facilitator clarified that the data was previously presented by the RSPO Secretariat.
- On the title of section 9.4.1, it was commented to rephrase 'fast track' as this section seemed to be another approach. Facilitator clarified that this phrase was fine because previously the document did not describe that members can aggregate their small liabilities together. The description would help to clarify some of the questions by the members and to reduce questions sent to the Secretariat.
 - Members further commented the need to further clarify whether they can aggregate across all geography or they have to be in rather similar areas. This is because aggregating different parts of the world would have different effects. The Co-chair agreed and it was clarified it has to be in the same geographical area.
- In section 9.6.2, the facilitator commented to conduct external evaluation every 5 years; the Secretariat can identify projects which are passing the 5 years mark and jointly do the evaluation. Co-chairs agreed but will need to have a separate discussion with the compensation panel.
- Sought clarification on section 9.6.1, whether CB has the authority to monitor the compensation project as there may be a problem when the compensation project is carried out off-site. Facilitator commented that the CB does not have the authority to monitor the implementation of the project as that is the responsibility of the growers. The CB role is to verify that work has been done because they do not necessarily actually have the right skills to evaluate whether the project implementation is done correctly. The point of the CB is to make sure that growers are actually monitoring implementation of the compensation plan and following the P&C compliance. Therefore, the document needs to be made clear of the role of the CB versus the role of the evaluator.
 - For example, 'CB responsible for monitoring implementation of RaCP being followed through in relation to the compensation plan. Evaluator will come in every 5 years to look at the technical content'
- On section 9.6.3, facilitator suggested to:
 - amend the word 'changes' in paragraph 2 to 'reduction'
 A proposal to the amended paragraph was provided in

CTF to consider (refer to Action Table 2, item 1c)

	<p>the action point document, in the sheet named 24.11.2022.</p> <ul style="list-style-type: none"> ○ delete the sentence ‘unless it can be demonstrated... will be delivered’. This is because if it is hectare to dollar then the total amount related to the liability should not be reduced. CTF to decide. ○ Indicate in a separate paragraph/make clear in this paragraph for cases like ha to ha compensation is ok but ha to dollar is not acceptable <ul style="list-style-type: none"> ● Sought clarification on section 9.6.3 whether financial audit is required. Facilitator clarified that it can be added as part of ToR for the evaluator to ensure that if it is option 2, that the payment has been made accordingly following the schedule as agreed between the proponent and the grower. 	CTF to consider
4	<p><u>Protocol for recertification</u></p> <ul style="list-style-type: none"> ● Sought clarification of the action required for the document. Facilitator clarified that the purpose is to refine the document and send it back to SSC for final approval. This is a time-limited document meant for a transitional period until the RaCP procedure is re-looked into because e.g. existing procedure did not incorporate HCS. Refinement is needed because the way it is written now gives the impression that the protocol will be in effect forever which will then undermine the entire RaCP process. ● A session to discuss on this topic was rescheduled to the 2nd day to allow extensive discussion with members who are involved and familiar with this matter. 	CTF to consider
5	<p><u>Document related to GA18-2d on scheme smallholders</u></p> <ul style="list-style-type: none"> ● Facilitator proposed that the Secretariat clean up the document, put it as an annex [insert number] and add a paragraph within the RaCPv2 which is in section 3.1 Applicability to mention that for scheme smallholders there is an existing reprieve and resolution GA18-2d is applicable and more description is in annex [insert number]. The document will then be circulated among the members for review, make a recommendation, and pass it to SSC for approval (refer to the action point excel document for suggested wordings). 	CTF to decide (refer to Action Table 1, item 1)
6	<p><u>Thorough discussion on the draft zero of RaCP version 2 document</u></p> <p><i>a. Section 8.1 Disclosure</i></p> <ul style="list-style-type: none"> ● Issues were raised on ‘disclosure’ that needs consideration: <ul style="list-style-type: none"> ○ Whether the growers are required to once again disclose any non-compliant land clearing of HCS areas for the 2018 to now period. Annex 5 in the P&C 2018 is in effect now, which makes the matter complex. Justification is needed if there is no need for disclosure. ○ How to demonstrate that RSPO grower members have not cleared land related HCSA, bearing in mind that HCV and HCS cannot be differentiated in any LUCA assessment being conducted. 	CTF to consider

	<ul style="list-style-type: none"> ○ Do we want to call for a disclosure and if not, we need to say something in the document and why. If yes, we need to think of ways that it could be done to prevent past bottlenecks. ○ Are these disclosures considered complaints and therefore have to go into the complaint process? Or are these disclosures treated as disclosures by the growers on good faith and then decision be made as whether they have to remediate or compensate? ○ The wording/ tone need to be softer ● In the second row of the table in section 8.1.1, it was commented that disclosure within 6 months is too soon. Facilitator proposed to give an extra 12 months for other documents (e.g. social liability, environmental remediation, etc.) submission (refer to the action point excel document for suggested wordings). ● Co-chairs raise a previous issue of self-disclosure for areas for clearance of HCV areas of less than 200 ha. The purpose of the framework was aimed to enable companies to self-declare and to reduce the weight of various complaints in small areas. Further discussion is needed for what happen if the disclosure is more than 200 ha: <ul style="list-style-type: none"> ○ Members commented that setting a threshold of 200 ha may be too much because cases (self-declare or not) are usually less than 200 ha. ○ Facilitator proposed to review the regional paper previously circulated to the members and revise the framework accordingly (refer to the action point excel document) and possibly incorporate into the RaCPv2. ○ Members questioned whether the 200 ha was contiguous or in patches. Facilitator clarified that it was not specified in the document but in the regional paper it was contiguous. ○ Members questioned whether this was related to raw liability or conservation liability. Facilitator clarified that it was a raw liability. ● On the disclosure related to the time period of Nov 2018 to current (i.e. to incorporate the HCSA elements related to P&C 2018), no conclusion was made. Facilitator proposed to conduct a macro level LUCA for the district with RSPO concession and if there is any irregularity (i.e. land clearance detected) then to drill down to the microlevel for investigation or to request the member in which that land irregularity occurred to furnish more data. Alternatively, the company may decide to voluntarily disclose it (refer to the action point excel document). <p><i>b. Peat table</i></p> <ul style="list-style-type: none"> ● Need to seek clarification on the following question from the people in the now defunct peat working group (refer to the action point excel document): 	<p>CTF to decide (refer to Action Table 1, item 4a)</p> <p>CTF to decide (refer to Action Table 1, item 4b)</p> <p>CTF to decide (refer to Action Table 1, item 4c)</p> <p>CTF to decide (refer Action Table 1, item 3)</p>
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	<ul style="list-style-type: none"> ○ Why would the table reflect actions to be undertaken by non-member? ○ Why is there a requirement to limit the peat plantation area to 100 ha while previous implementation of the RSPO P&C relates to implementing BMP on peat? 	
7	End of meeting	
Day 2		
1	<p><u>Through discussion on independent evaluator in the draft zero RaCPv2 document</u></p> <ul style="list-style-type: none"> ● On Section 4.5 Independent Evaluators proposed to reword point c to capture the intention of independent evaluation of compensation plan for every 5 years in view that remediation would be monitored by the company and in turn CB monitor the company to ensure it is done. (refer to the action point excel document) ● It was commented that the pool of evaluators that was internally provided for growers to select is to avoid ‘problematic’ evaluators that other certification units were reported to have trouble with. However, it was suggested to allow the use of other evaluators as long as the company can get the assessment done by an approved and certified independent company rather than to restrict the choice to the current pool of evaluators. The following proposals were made: <ul style="list-style-type: none"> ○ Working with the impact team to develop a checklist of key performance indicators to be used by the evaluators when conducting their evaluation. This is to standardise the process across the different consultants. ● It was commented that at least 2 compensation projects that may have reached the 5-year timeline mark are to be evaluated. The proposals were (refer to the action point excel document): <ul style="list-style-type: none"> ○ Secretariat to identify which compensation projects which have reached the 5-year mark and will require independent evaluation. ○ The Secretariat may want to start to discuss with the growers to engage with several evaluators for these projects collectively. This will allow RSPO to test the system of getting external evaluators to conduct these evaluations as well as obtaining information on the performance of the projects selected. ○ Develop a standard TOR to describe the necessary output from the evaluators. ○ The cost of this first evaluation exercise can be shared between the growers. ● Suggested to bring forward the evaluator to the start of the concept note. The concept note was meant to be short and concise and not meant to be evaluated; best to invest in the evaluator for the full proposal rather than for the concept note. ● Further discussion was needed for a proposal that mentioned the compensation plan may not necessarily need to be evaluated but rather just self-reported. 	<p>CTF to decide (refer to Action Table 2, item 1a)</p> <p>CTF to decide (refer to Action Table 2, item 1e)</p> <p>CTF to decide (refer to Action Table 2, item 1d)</p> <p>CTF to decide</p>

	<ul style="list-style-type: none"> ● Suggested to make section 8.3.3.1 into a paragraph instead of an entire section to describe growers are not limited to the type of project proponents and they are allowed to aggregate it. If they want to add more area it is possible too. ● Suggested to remove section 9.4.1 because it was repeated in earlier sections (refer to action point document). 	<p>CTF to decide (refer to Action Table 2, item 2a)</p> <p>CTF to decide (refer to Action Table 2, item 2b)</p>
3	<p><u>Discussion on the coefficient table in section 8.2.1 of the draft zero RaCPv2 document</u></p> <ul style="list-style-type: none"> ● Suggested not to combine coefficients 0.7 and 1 as previously proposed in the RaCP document and held further discussion on this matter. ● Need to consider and incorporate Annex 5 of P&C 2018 into RaCP document to account for members from 2018 to today, and the HCS elements. <ul style="list-style-type: none"> ○ Suggested to add a subsection - 8.2.1.1 Conservation Liabilities upon the adoption of HCSA Toolkit in the RSPO's P&C that described the incorporation of Annex 5 of RSPO P&C 2018 (refer to action point document). ○ Suggested to add the definition of Land clearance from Annex 5 into the glossary of the RaCP. ● Suggested to create a sub-group to look into developing coefficients for natural savannahs, cerrados and grasslands. It may be decided that these coefficient values can then be adapted to the national and/or regional context. 	<p>CTF to decide (refer to Action Table 2, item 3a)</p> <p>CTF to decide (refer to Action Table 2, item 4 Inclusion of Annex 5 of RSPO's P&C)</p> <p>CTF to decide (refer to Action Table 2, item 4 Glossary)</p> <p>CTF to decide (refer to Action Table 2, item 3b)</p>
4	<p><u>Discussion regarding social liability and remediation plan</u></p> <ul style="list-style-type: none"> ● On the Annex 2 Self-assessment and Verification document <ul style="list-style-type: none"> ○ Suggested to use the term 'self-assessment matrix' consistently (i.e. title needs to change from checklist to matrix). ○ Suggested to add '(if available)' after Anthropological studies ○ Suggested to add an explanatory text after the table on the meaning of 'no' does not necessary mean that it hasn't been done, it is more like growers cannot provide the evidence, to be fair ○ Kalindi volunteered to switch the matrix question for the yes and no response so that it automatically no means no, yes mean yes ○ Commented on the increasing difficulty of proving the consultation has been done of ensuring/ proving that 	<p>CTF to decide</p> <p>CTF to decide (refer to Action Table 2)</p> <p>CTF to decide (refer to Action Table 2, item 5d)</p> <p>Kalindi to amend</p>

	<p>there were impacts from 2005 to the communities because there could be many factors and no evidence</p> <ul style="list-style-type: none"> ○ Commented that for HCV ecosystem services in the table, proving the resulting impacts may be difficult; it may not be a specific or targeted result from the plantation itself as it could be from other types of land use changes around the estates. The correlation is so difficult especially if we are talking about historical cases. ○ Under matrix table, for HCV 6 <ul style="list-style-type: none"> ▪ Suggested to add "access" to sacred sites ▪ Commented that there is no reason to discriminate between established local communities and recent local communities. The question is, how "recent" would "recent" be? This needed to be defined properly. ○ Suggested to provide a sentence in the document that if there is no historical evidence, then current/recent consultation documents or assessments can be provided as a proxy to indicate that there is no social liability. ○ Suggested to have the CTF member to examine the document thoroughly and edit for consistency with section 8.1.3 and have another round of discussion. <ul style="list-style-type: none"> ● Suggested to revise the total liability table 2 to include a better timeline - between 15 Nov 2018 to until the approval of RaCP v2, the Annex 5 to the P&C applies. There is a need to think more on referring to Annex 5 and to incorporate it into the table as well as into the text ● On the box regarding the examples of remediation in page 20 <ul style="list-style-type: none"> ○ Suggested to replace the generic examples with existing examples from growers. Preferably where possible, remediation to cover the loss of HCV 4, 5 and/or 6. There could be examples of successful remediation cases and unsuccessful remediation cases to enable lessons to be learnt from other growers. ● On Section 8.3.1 <ul style="list-style-type: none"> ○ Suggested to edit the first sentence at the first paragraph for clarity (refer to action point document for suggested text). ● On Section 8.3.1.1 <ul style="list-style-type: none"> ○ Suggested to include references to the 'Experience worldwide' in the first sentence 	<p>CTF to decide (refer to action document, Action Table 2, item 5c) CTF to consider</p> <p>CTF to consider</p> <p>CTF to consider</p> <p>CTF to decide (refer to Action Table 2 item 4 Calculating conservation liability, section 8.2.3). CTF to decide (refer to Action Table 2, item 5f)</p> <p>CTF to consider</p> <p>CTF to decide (refer to Action Table 2, item 5a)</p>
5	<p><u>Draft on guiding principles for the RaCP for smallholders</u></p> <ul style="list-style-type: none"> ● Suggested that for second paragraph related to peat, rewording might be needed to consider period of time (previously it was extensive plotting of peat). 	<p>CTF to consider</p>

	<ul style="list-style-type: none"> ● Suggested to include the reprieve for scheme smallholders in this document. ● Suggested to refine the ‘Scope of liability’. ● Sought clarification on the second point in the caveat section. It was clarified that the idea is to find a balance between maintaining a livelihood while ensuring that growers reduce the impact. Both scheme and independent smallholders will still be required to incorporate remediation actions for each of their areas, as it is an in-situ site management (refer action point document). ● Commented that the LUCA for scheme smallholders is being conducted by the growers and the Secretariat has been conducting the LUCA for independent smallholders. <ul style="list-style-type: none"> ○ CTF proposed to add in the guidance document that the calculation from raw liability to final liability will be based on the existing co-efficient, and just the sum (no multiplication of total) of total raw liability (refer action point document). ○ There was a clear signal from the shared responsibility working group that the liability can be aggregated and shared within the entire supply chain. Further discussion is needed on how this can be shared between the smallholders and the supply chain. ○ To differentiate the scheme smallholder that should be responsible for their own clearance vs the one that are from the company to be held responsible. It is clear in the reprieve document that if companies would like to apply a reprieve on their scheme smallholders, there is a need to submit a disclosure separately for the scheme smallholders; if companies want to retain their original disclosure, that means the companies will not be able to apply for the reprieve. ● Once the final conservation liability has been worked out by the growers and Secretariat, there is a need for further discussion on the mechanism to address the methods to address these liabilities. 	<p>CTF to consider</p> <p>CTF to consider CTF to decide (refer to Action Table 2, item 6b)</p> <p>CTF to decide (refer to Action Table 2, item 6c)</p> <p>CTF to consider</p> <p>CTF to consider</p> <p>CTF to decide (refer to Action Table 2, item 6d)</p>
6	<p><u>Compensation panel session</u></p> <ul style="list-style-type: none"> ● Compensation was updated by the Secretariat on: <ul style="list-style-type: none"> ○ The progress of concept note, LUCA review and remediation and compensation cases review. ○ Alignment on content and challenges. ● Suggested the Secretariat: <ul style="list-style-type: none"> ○ to submit a decision paper (using a similar format to that Secretariat sent to the board) on the challenges and questions that Secretariat has and any decision required by the compensation panel for their considerations. ○ to come up with indicative number of how many of each type of cases the Secretariat can close in a year so that compensation panel can estimate how long it will take for the Secretariat to finish all the backlog and to allow 	<p>Secretariat to prepare the paper and submit to the compensation panel</p>

	<p>growers to use the number when they plan and sit down with RSPO CEO on how to resolve this matter.</p> <ul style="list-style-type: none"> ● The Secretariat presented a proposal for Compensation Panel follow up meeting in December 2022 or January 2023. 	
7	<p><u>Discussion regarding the protocol on recertification document</u></p> <ul style="list-style-type: none"> ● Facilitator clarified that the document was about reconciling what is declared and disclosed vs what is kept under the certification system and how do we provide for cases where there might be errors in information disclosed. ● Disagreement was raised on the applicability of this protocol. Where the original idea was to allow for re-certification of growers to undergo audits even as there are differences in information between what the CB has with what the growers have, and now the document has also included initial certification. <ul style="list-style-type: none"> ○ The argument for the inclusion of initial certification to allow for audits and certification to go ahead was to reduce the amount of backlog of the disclosure cases being cleared by the Secretariat and/or Compensation Panels. As it currently stands, there are 600 backlog cases. ○ The argument against the inclusion of initial certification cases to be allowed to use this protocol was that as the grower has yet to be certified, the matter of sales was not an issue. If this protocol is also applicable for initial certification, it may undermine the process of the RaCP to ensure that RSPO growers are able to demonstrate that they are compliant with the P&C. ● Emphasis was made to reiterate that re-certification audits may proceed upon approval of the Remediation and Compensation Concept note is verified by the Compensation Panel in the RaCPv2 document. ● There may be a need to move paragraph 5 to 7 in the section 9.4 to section 9.3, Remediation and Compensation Concept note stage. ● Proposal was made to include explanation regarding the final disclosure report which has been verified by the Compensation Panel into the document as follows: <ul style="list-style-type: none"> - In cases where there are discrepancies between information from the CB and the growers on final conservation liability based on the disclosure report, the disclosure report that has been approved by the Compensation Panel should be the final reference point, provided that the LUCA boundaries are similar to the boundaries of the area to be recertified. ● Proposal on timeline was made to provide growers undergoing re-certification to sort through discrepancies. <ul style="list-style-type: none"> ○ It was proposed that should there be further discrepancies between the grower undergoing re-certification and the CB which requires reconciliation, the audits may proceed even as the growers undertake 	<p>CTF to decide (refer to Action Table 3, item 1)</p> <p>CTF to decide (refer to Action Table 3, item 2)</p> <p>CTF to decide (refer to Action Table 3, item 3)</p> <p>CTF to decide (refer to Action Table 3, item 4)</p>

	<p>the process to reconcile the information. The CB should not issue a "Non Compliance" and the growers are given until the next surveillance to reconcile the data. Should the matter not be reconciled by then, the grower will have an NC raised.</p> <ul style="list-style-type: none"> • The need to re-write the protocol document was raised as the entire document contains information that was both repetitive in the RaCP. It should focus on the purpose of the document, with very little preamble and only refer to the RaCP main document for background information. This should be done after the BHCVWG has discussed and determined whether only re-certification applies or includes initial certification. 	<p>CTF to decide (refer to Action Table 3, item 5)</p>
8	<u>End of meeting</u>	

Action Table 1:

No.	Description	Document reference	Action points
		Words in <i>Italics</i> are text added into document.	
1.	Reprieve of RaCP for scheme shallholders, pursuant to GA18-2d. To include into the RaCP v2	a) Section 3 - Scope/ 3.1 Applicability/ Third para The full requirements of the procedure as outlined in this document does not apply to smallholders (scheme and independent). <i>Pursuant to Resolution GA 18-2d, the full requirements for implementing the RaCP will not be applicable to scheme smallholders. However, the scheme smallholders are required to submit their disclosure separately from the the unit of certification which are directly owned and/or managed by the company. The disclosure includes submission of the LUCA, environmental remediation and the social self-assessment matrix, as is outlined in Annex 7. The scheme smallholders, if necessary, are also required to complete the remediation plan following the RSPO template and be submitted to the Compensation Panel for review and approval.</i>	Feedback on the sentence being added
		b) Document which describes the process flow of the reprieve for schemed shallholders needs to be cleaned up and added as an Annex to the RaCP. Annex number to be determined once the RaCP is finalised.	Agreement to the process flow described in this document.
2.	Liability Disclosure for Recertification and Initial Certification Reconciliation Protocol	a) Discussion on 24 Nov to discuss the context, options and next steps related to this protocol document.	Meeting to discuss context and ways forward.
		b) In the current format, it may be possible for this document to be incorporated into the various sections of RaCP. However, some parts may be more applicable to be included into the certification or members documents.	
3.	Peat remediation table, section 8.2.2	a) The table describing the peat requirement timeline. Questions were raised on this table such as: - Why would the table reflect actions to be undertaken by non-member; - Why is there a requirement to limit the peat plantation area to 100 ha while previous implementation of the RSPO P&C relates to implementing best mgmt practices on peat.	CTF members and the RSPO Secretariat may need to arrange a mtg with GEC to address all the questions and to discuss on adapting a version to be incorporated into the RaCP.
4.	Disclosure	a) Section 8.1.1 - on the 6 months period given to submit disclosure for new areas acquired. Suggest rewording: <i>Submission of LUCA and raw liability to the RSPO secretariat within 6 months of acquisition for any clearance for expansion after November 2005 without prior HCV-HCS assessment on that land. Submission within subsequent 12 months of all disclosure documents including, but not limited to social self-assessment matrix and its supporting documents, environmental remediation plans, disclosure form under Annex 2, LUCA with final conservation liability.</i>	Review wording and revert to Secretariat
		b) Review the self disclosure framework for the HCV areas cleared with a threshold of 200ha, with the attached link to the journal to argue for 200 ha.	To agree on the framework for it to be incorporated into the RaCP. Up for discussion: the threshold area of 200 ha and whether this framework is agreeable or needs amendment.
		c) On the specific question of disclosure for growers to non-compliant land clearing prior to HCV-HCS, for the period of 15 November 2018 to today, the matter has yet to be decided. The following proposals were tabled: - Taking into account that during the period of 2019 - 2021 was the height of the pandemic, there might not be a lot of land clearing being conducted. Therefore, a macro-level LUCA assessment of areas in the respective landscape to identify if there are any land clearance that occurred within the plantations during this time period. In the case of where land use change is detected, then only will the Secretariat request clarification from the grower members to indicate as to whether there are any clearance and if the clearance followed the Annex 7 for RSPO mechanism; - The companies may decide to self-disclose and submit all the relevant documents voluntarily as a proactive action in compliance with the RSPO's 2018 P&C.	For further discussion and decision on whether these options are required, whether disclosures are required. If disclosures are not required, there is a need to indicate in the RaCP. If it is, to examine the two options related to the macro-level LUCA as well as the voluntary self-disclosure on its implementability, credibility and the ability for the Secretariat to monitor the information to be submitted.

Action Table 2:

No.	Description	Document reference	Action points
		Words in <i>Italics</i> are text added into document.	
1.	Independent evaluators	a) Under Section 4.5 c, to reword to the following: <i>Conduct external evaluation of the</i>	Feedback on the sentence being added

Sections 4.5, 9.4, 9.6.3	<i>compensation plan against implementation and to provide inputs towards ensuring that the compensation plans are moving towards achieving its output.</i>	
	b) Under Section 9.4, a timeline has been developed on the submission of Annex 8 Remediation and Compensation Plan along with a limit being added into the number of submissions and re-submissions allowed.	To agree on proposed timeline, cost and number of resubmission allowed for each Annex 8, Remediation and Compensation Plan.
	c) Under section 9.6.3, the following are suggested changes in text: <i>If Option 1 is selected</i> , changes in overall resource allocation (including budget) to the project are <i>may be permissible only if</i> it can be demonstrated that the same conservation outcomes will be delivered . However, it is acknowledged that shifts in budget and resource allocation on individual activities (under the hectare for hectare option) may sometimes be beneficial. <i>Reduction</i> to resource and budget allocation are not permitted under Option 2.	Feedback on sentence altered in italics
	d) As of 2023, there are at least two compensation projects that may have reached the 5-year timeline mark to be evaluated. There could be more cases. The proposal: - Secretariat to identify which compensation projects which have reached the 5-year mark and will require independent evaluation. - The secretariat may want to start to then discuss with the growers to engage with several evaluators to conduct evaluation for these projects collectively. This will allow RSPO to test the system of getting external evaluators to conduct these evaluations as well as obtaining information on the performance of the projects selected. - A TOR will likely need to be generated to describe the necessary output from the evaluators by the members of the BHCVWG and the Secretariat. - The cost of this first evaluation exercise can be shared between the growers.	Proposed action for follow-up by secretariat and the BHCVWG.
	e) In anticipation of more cases in the future where more compensation plans needs to be evaluated, there is a need for the Impacts team and members of the BHCVWG	Follow-up action by BHCVWG and Impacts team within RSPO.

		to develop a checklist of key performance indicators to be used by the evaluators when conducting their evaluation. This will allow for the standardisation of the process across the different consultants.	
2.	Aggregating final liability of less than 100 ha Sections 8.3.3, 8.3.3.1, 9.4.1	<p>a) To reword the last para of Section 8.3.3, by replacing <i>"Companies may propose transboundary projects in certain circumstances e.g. the lack of available conservation opportunities and/or whereby, larger conservation impact can be effected through collective compensation across two or more management units. In such cases, the legal liability still rests within the company and the company is accountable to establish the monitoring process i.e. by either the company or by the third party implementing the plan.</i></p> <p><i>Thus, where companies have final conservation liabilities not more than 50 ha, growers may consider the monetary-based compensation option and contribute to a centralised fund that is managed by the RSPO, whereby organisations with compensation projects can apply to access the fund for projects that actually meet the RaCP requirements."</i> with</p> <p>"Consideration should be taken when selecting compensation options, especially in cases where the final conservation liability maybe 100 ha and below. Growers may also propose transboundary projects in certain circumstances e.g. the lack of available conservation opportunities within the same countries. Where possible, compensation projects should opt for similar ecosystems and biogeographical regions.</p> <p>These final conservation liabilities may be aggregated to jointly contribute to the same conservation project, as this may provide for a longer and greater conservation impact. In such cases, the legal liability still rests within the company and the company is accountable to establish the monitoring process i.e. by either the company or by the third party implementing the plan.</p> <p>Growers may opt for service providers which would already have a portfolio of</p>	The CTF to review the proposed new wording for acceptance and inclusion into the RaCP document.

		<p>projects that has been evaluated, or towards an existing project being managed by conservation-related entities or organisation or by the growers themselves (Table x). It may also be possible for the growers may opt to compensate more than what is required under the Remediation and Compensation plan."</p>	
		<p>b) Remove section 9.4.1 because aggregation of projects is already mentioned</p>	<p>To review suggestions to for removal of Section 9.4.1</p>
3.	<p>Coefficient values, Section 8.2.1</p>	<p>a) The proposal in the RaCP is to combine the value of coefficient 0.7 to 1.</p>	<p>Suggestion is not to change the coefficient values as the BCHVWG have been ask on how the values are derived. Having being accepted, it would be better not to change the coefficient.</p>
		<p>b) To initiate a sub-group to look into developing coefficients for natural savannahs, cerrados and grasslands. It may be decided that these coefficient values can then be adapted to the national and/or regional context.</p>	<p>Secretariat along with the co-chairs to help form the sub-group.</p>

4.	Inclusion of Annex 5 of RSPO's P&C	<p>c) Under Section 8.2.1 - add a subsection - 8.2.1.1 Conservation Liabilities upon the adoption of HCSA Toolkit in the RSPO's P&C</p> <p><i>The inclusion of the HCSA Toolkit into RSPO's P&C on 15 November 2018, which is outlined in Indicator 7.12.2, resulted in the development of the Annex 5 of the P&C which came into effect from 15 November 2018 to current (?) or P&C 2023? Annex 5 describes the scenarios and requirements which allows for growers to use existing HCV stand alone assessments within certain conditions. In cases where there are land clearing being conducted, there was a need to conduct Land Use Change Risk Identification. In scenarios where there would be land clearing, where the grower's HCV assessments were conducted by HCVN Licensed Assessors, the growers are only required to conduct HCS stand alone assessments.</i></p> <p><i>The guidance in Annex 5 would ensure that since 15 November 2018 all growers would be able to fulfil the requirement to complete either a stand-alone HCS assessment or an integrated HCV-HCS assessment prior to any new land clearing.</i></p> <p><i>Table 3 shows the calculation for cases where non-compliant land clearing has occurred.</i></p>	<p>Proposed text to be reviewed by CTF for revision and acceptance. Also to review proposed revision of table 3 (following sheet in this excel doc)</p>
4.	Glossary	<p>To add the definition of Land clearance from Annex 5 into the glossary of the RaCP. The definition is as follows:</p> <p><i>Conversion of land from one land use to another. Clearing actively managed oil palm plantation to replant oil palm is not considered land clearing. Within existing certified units, clearing of less than 10 ha meeting all the requirements below is not considered land clearing:</i></p> <p><i>a) 10ha threshold is the maximum limit (cumulative) within a specified unit of certification over the lifetime of the plantation.</i></p> <p><i>b) Must not be contiguous to HCV and potential HCS forests.</i></p> <p><i>c) Must not be HCV and potential HCS forests.</i></p>	<p>Proposal to add the definition of Land Clearance from the Annex 5 P&C into the RaCP.</p>

4.	Calculating conservation liability, section 8.2.3	a) Summary of total liability table. To add to it between 15 Nov 2018 to until the approval of RaCP v2, the Annex 5 to the P&C applies. There is a need to think more on referring to Annex 5 and to incorporate it into the table as well as into the text..	Secretariat to craft out language to be included.
5.	Social liability and remediation plans, Section 8.1.3, 8.3.1 - 8.3.1.2, annex 2 Self-assessment matrix v 1.3	a) At the claim that "Experiences worldwide show that compensation monies, even where openly agreed, are too often spent unwisely and/or are allocated inequitably." There is a need to provide the necessary reference to "experiences worldwide".	Secretariat to find out references
		b) On the matrix, to add "(if available)" after Anthropological studies.	Agree on addition
		c) Under matrix table, for HCV 6, to add "access" to the s to sacred sites, There is no reason to discriminate between established local communities and recent local communities. The question is, how "recent" would "recent" be?	There is a need to refine the categories related to "recent" vs. established local communities rather than just being time-period in which communities settled
		d) For the self-assessment table and the verification table, there is a need to add the following text: <i>A "no" response does not denote that no compensation or negotiation occurred. However, it only indicates that there are no historical evidence that can be found for those actions. In those cases, the growers may present recent evidence of consultations, dialogue and/or negotiations can be used as proxies to indicate where past compensations and negotiations may have taken place since 2005.</i>	CTF to review text in Italics and agree on language and where it fits within the document.
		e) Under 8.3.1, the first sentence at the first para should be edited to: <i>Remediation measures include restoring, substituting, or financially compensating for the provision of and/or access to HCV 4, 5 and/or 6 which was lost due to earlier non-compliant land clearing, as is outlined in the RaCP.</i>	CTF to review text in Italics and agree on language.
		f) For the box in the examples of remediation, to replace the generic examples with existing examples from growers. Preferably where possible, remediation to cover the lost of HCV 4, 5 and/or 6. There could be examples of successful remediation cases and unsuccessful remediation cases to enable lessons to be learnt from other growers.	Secretariat to identify growers who may want to volunteer their cases. Examples may be anonymised.

6.	RaCP for smallholders Section 3.1 (para added on reprieve) and draft Guidance principles for the RaCP for smallholders	a) The reprieve for schemed smallholders is currently in effect, until the RaCP for the smallholders is being developed. The guidance principle for the smallholders is to ensure that there is a clear delienation of who is responsible for the land clearing and whether the land clearing is for corporate or non-corporate purposes, as defined in the RaCP. Where possible there is a need to gather baseline on how much liability is attributed to growers, schemed smallholders, and independent smallholders. It is imperative that the final conservation liability is determined for both schemed smallholders and independent smallholders.	
		b) Both scheme and independent smallholders will still be required to incorporate remediation actions for each of their areas, as it is an <i>in-situ</i> site management. To assist the smallholders, examples of how they have remediated in their own estates for peat, fragile soils, riparian and steep slopes and the extent, considering the limitations of resources and land area (as their entire plantation may be on peat etc.) as a means to find balance to allow for them to still be economically feasible while reducing their impact on the fragile environment.	Secretariat to find examples to be incorporated and discussed with CTF and SHWG on inclusion
		c) Currently the LUCA for scheme smallholders are being conducted by the growers and the Secretariat has been conducting the LUCA for independent smallholders. Adding to the guidance document, the CTF proposes that the calcuation from raw liability to final liability will be based on the existing co-efficients, and just the sum (no multiplication of total) of total raw liability.	CTF members to consider the proposal on the formulae to calculate final conservation liability.
		d) One the final conservation liability has been worked out by the growers and Secretariat, there is a need for further discussion on the mechanism to address the methods to address these liabilities.	Secretariat to collate the data on final conservation liability for smallholders, both schemed and independent.

Action Table 3:

No.	Description	Document reference	Action points
		Words in <i>Italics</i> are text added into document.	
1.	Applicability of the protocol	<p>There is a disagreement on the applicability of this protocol. Where the original idea was to allow for re-certification of growers to be allowed to undergo audits even as there are differences in information between what the CB has with what the growers have, currently the document has also included initial certification.</p> <p>- The argument for the inclusion of initial certification to allow for audits and certification to go ahead is to reduce the amount of backlog of the disclosure cases being cleared by the Secretariat and/or Compensation Panels. As it currently stands, there are 600 backlog cases; however</p> <p>- The argument against the inclusion of initial certification cases to be allowed to use this protocol is that as the grower has yet to be certified, the matter of sales are not an issue. If this protocol is also applicable for initial certification, it may undermine the process of the RaCP to ensure that RSPO growers are able to demonstrate that they are compliant with the P&C.</p>	<p>This matter will need to be further discussed by the BHCVWG on the applicability of this protocol.</p>
2.	Reiteration that re-certification audits may proceed upon approval of the Remediation and Compensation Concept note is verified by the Compensation Panel.	<p>Section 9.4 may need to be edited as it currently states: The remediation and compensation plan, and any supporting information is to be submitted to the RSPO Secretariat. Upon receiving the plan and supporting documents from the RSPO Secretariat, the Compensation Panel shall review and inform the RSPO Secretariat within thirty (30) working days whether the plan is acceptable or not.</p> <p>The completion of the review process with satisfactory status will result in:</p> <ul style="list-style-type: none"> •Temporary suspension of certification will be lifted; and •Growers allowed to proceed with certification <p>A summary of the approved compensation plan will be published on the RSPO website.</p> <p>There may be a need to move this section to section 9.3, Remediation and Compensation Concept note stage.</p>	<p>Secretariat to review text and move where appropriate, subject to agreement from BHCVWG.</p>
3.	Final disclosure report which has been verified by the Compensation Panel.	<p>In cases where there are discrepancies between information from the CB and the growers on final conservation liability based on the disclosure report, the disclosure report that has been approved by the Compensation Panel should be the final reference point, provided that the LUCA boundaries are similar to the boundaries of the area to be re-certified.</p>	<p>Should be incorporated into the Protocol document</p>
4.	Timeline provided for growers undergoing re-certification to sort through discrepancies	<p>It is proposed that should there be further discrepancies between the grower undergoing re-certification and the CB which requires reconciliation, the audits may proceed even as the growers undertake the process to reconcile the information. The CB should not issue a "Non Compliance" and the growers are given until the next surveillance to reconcile the data. Should the matter could not be reconciled by then, the grower will have an NC raised.</p>	<p>BHCVWG to check on the proposal and to agree.</p>
5.	Re-write required for protocol document	<p>The entire document contains information that is both repetitive in the RaCP. It should focus on the purpose of the document, with very little preamble and only refer to the RaCP main document for background information. It also needs to wait until the BHCVWG is able to discuss and determine whether only re-certification applies or includes initial certification.</p>	<p>Secretariat to re-write document for more clarity.</p>

Figure 1: Proposed timelines for the submission and re-submission of approval of Annex 8: Remediation and Compensation Plan

