

Liberia National Interpretation

**Adoption of the international
RSPO Criteria in its
Entirety as a
National Interpretation**

**Draft for public consultation
Version 1
24/10/2013**

INDEX

Preamble.....	3
Definitions	4
Principle 1: Commitment to Transparency.....	6
Principle 2: Compliance with Applicable Laws and Regulations.....	11
Principle 3: Commitment to Long-term Economic and Financial Viability.....	18
Principle 4: Use of Appropriate Best Practices by Growers and Millers	20
Principle 5: Environmental Responsibility & Conservation of Natural Resources & Biodiversity	35
Principle 6: Responsible Consideration of Employees, and of Individuals and Communities affected by Growers and Mills	46
Principle 7: Responsible Development of New Plantings.....	70
Principle 8: Commitment to Continuous Improvement in Key Areas of Activity.....	90

PREAMBLE

The Roundtable on Sustainable Palm Oil (RSPO) (www.rspo.org), created in 2004, was established 'to promote the growth and use of sustainable palm oil through co-operation within the supply chain and open dialogue between its stakeholders'. Today it has over 1,000 members worldwide, including plantation companies, processors, refiners, traders, manufacturers, retailers, banks and civil society. Together they have designed the RSPO Principles and Criteria for Sustainable Palm Oil Production, detailing eight major principles and thirty seven specific criteria to guide the production of sustainable palm oil. Performance indicators and guidance were then also developed to support compliance and assessment of compliance (leading to certification).

To ensure that indicators and guidance align with the expectations of stakeholders and are compatible with the norms, laws and values of an individual country, RSPO asks that a National Interpretation (NI) of the international indicators and guidance is developed. Once approved by the RSPO, the NI must then be followed by all producers and auditors seeking certification within that country.

The RSPO secretariat strongly encourages all countries to develop a full national Interpretation through participatory multi-stakeholder working groups. This Small Producing Country (SPC) National Interpretation is therefore produced as an interim measure while the full National Interpretation is being prepared.

A SPC involves the adoption of the International RSPO Principles, Criteria, Indicators and Guidance in its entirety and is applicable where the total output CPO production of the country must not exceed 5% of Global CPO production.

The RSPO SPC National Interpretation for Liberia is based on the following documents:

- RSPO Principles, Criteria and Indicators
- RSPO Principles and Criteria for Sustainable Palm Oil Production, Guidance on Scheme Smallholders (2009)
- RSPO Principles and Criteria for Sustainable Palm Oil Production, Guidance for Independent Smallholders under Group Certification (2010)
- A list of the Laws, Conventions and Treaties applicable in-country

This document was developed in accordance with RSPO Certification Systems Annex 1a: Procedure for Endorsement of the International Generic Criteria as a National Interpretation in small producing countries. It defines indicators and guidance for each criterion. Indicators are specific pieces of objective evidence that must be in place to demonstrate or verify that the criterion is being met. Guidance consists of useful information to help the grower/miller and auditor understand what the criterion means in practice, including in some cases specific guidance for national interpretation of the criterion and for application by smallholders.

This document will be subject to a 60 days public consultation period, after which it will be revised in the light of the comments received, and submitted for the review and formal endorsement of the RSPO.

Once endorsed by RSPO, this document shall become the applicable RSPO standard for all RSPO certification of oil palm producers in Liberia. The document will be revised periodically in accordance with any changes to the generic Principles and Criteria determined by RSPO

DEFINITIONS

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

High Conservation Value Forest (HCVF): The forest necessary to maintain or enhance one or more High Conservation Values (HCVs):

- HCV1. Forest areas containing globally, regionally or nationally significant concentrations of biodiversity values (e.g. endemism, endangered species).
- HCV2. Forest areas containing globally, regionally or nationally significant large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance.
- HCV3. Forest areas that are in or contain rare, threatened or endangered ecosystems.
- HCV4. Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control).
- HCV5. Forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health).
- HCV6. Forest areas critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

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

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

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

Primary Forest: A primary forest is a forest that has never been logged and has developed following natural disturbances and under natural processes, regardless of its age. Also included as primary, are forests that are used inconsequentially by indigenous and local communities living traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The present cover is normally relatively close to the natural composition and has arisen (predominantly) through natural regeneration. National interpretations should consider whether a more specific definition is required. (From FAO Second Expert Meeting On Harmonizing Forest-Related Definitions For Use By Various Stakeholders, 2001, http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y4171E/Y4171E11.htm).

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

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

Smallholders: Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides some of the labour, the farm provides the principal source of income and the planted area of oil palm is below 50 hectares in size. In the case of Honduras, this definition includes producers considered by law to be small producers (1–10 hectares) and medium- scale producers (11–50 hectares). Where land held under communal title is concerned, it is the number of hectares per member of the communal scheme that is taken into consideration.

Scheme smallholders, while very diverse, are characterised as smallholders who are structurally bound by contract to a particular mill. Scheme smallholders often receive technical assistance in planting and crop management. They are occasionally organised, supervised or directly managed by the managers of the enterprise with which they have a contractual relationship.²

Independent smallholders, while very varied in their situations are characterised by their freedom to choose how to use their lands, which crops to plant and how to manage them; being self-organised, self-managed and self-financed; and by not being contractually bound to any particular mill or any particular association. They may, however, receive support or extension services from government agencies.

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

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

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

User rights: Rights for the use of forest resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights. These rights may restrict the use of particular resources to specific levels of consumption or particular harvesting techniques

PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criterion 1.1 Growers and millers provide adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO criteria in appropriate languages and forms to allow for effective participation in decision making.		
Indicators	Guidance for scheme managers	National Legislation
<p>1.1.1: There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to relevant stakeholders for effective participation in decision making.</p> <p>1.1.2: Records of requests for information and responses shall be maintained.</p>	<p>Guidance for scheme managers: Scheme managers must ensure that participant smallholders are provided copies of :</p> <ul style="list-style-type: none"> • Contracts between scheme managers and smallholders (criterion 1.2). • Land titles/smallholders' user rights (2.2). • Training materials in IPM and safe use of agro- chemical use (4.6). • Health and safety plan (4.7). • Plans and impact assessments relating to environmental and social impacts (5.1, 6.1, 7.1, 7.3). • Pollution prevention plans (5.6). • Details of complaints and grievances (6.3). • Negotiation procedures (6.4). • Procedure for calculating prices, and for grading, FFB (6.10). • Up-to-date records of debts and repayments, charges and fees (6.10). • Continuous improvement plan (8.1). 	<p>Environmental Protection and Management Law (EMPL) 2002 - Section 11(1)</p> <p><i>"Prior to preparing an environmental review, impact study or impact statement, the Project proponent or applicant shall conduct public consultations to be termed as "scoping" to (a) identify, inform and receive input from the effected stakeholders and interested parties...(d) ensure public participation early in the EIA process." Section 3(75) of the EMPL defines public participation as including "the information relating to the right of any person to receive effective notice with relevant information and to review and comment on major decisions with such comments being taken into consideration at the decision making stage".</i></p> <p>Note that the criterion is more specific than the law. Accordingly, compliance with the criterion will require that "issues relevant to RSPO Criteria" are included in the EMPL-required disclosure of "information relating to the right of any person".</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance: For 1.1.1: Evidence should be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities</p>	<p>Group managers must provide documents showing compliance with Section 2.1 of the RSPO Standard for Group Certification as well as a continuous improvement plan (8.1).</p> <p>Group managers must ensure that each participant smallholder is provided a copy of the agreements</p>	

<p>Guidance: Growers and millers should have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe to respond to requests for information.</p> <p>Growers and millers should respond constructively and promptly to requests for information from stakeholders.</p> <p>Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate.</p> <p>See Criterion 1.2 for requirements relating to publicly available documentation See Criterion 6.2 on consultation. See Criterion 4.1 on SOPs.</p>	<p>between them and the group (criterion 1.2) and up-to-date records of sales and prices of their produce (6.10).</p> <p>Group managers should also provide all group members with simplified training materials in a format and language understood by the group members on:</p> <ul style="list-style-type: none"> • IPM and safe use of agro-chemicals (4.6) • Health and safety plan (4.7). • Plans and impact assessments relating to environmental and social impacts (5.1, 6.1, 7.1, 7.3). • Pollution prevention plans (5.6). • Details of complaints and grievance procedures (6.3). • Procedures for pricing and grading members' FFB (6.10) <p>Official versions are kept centralized at group manager level for reference and all group members are made aware of this. Training shall be identified and provided where appropriate in relation to these documents (see 4.8).</p>	
--	---	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
1.2 Management documents are publicly available, except where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.		
Indicators	Guidance for scheme managers	National Legislation
<p>1.2.1: Publicly available documents shall include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> • Land titles/user rights (Criterion 2.2); • Occupational health and safety plans (Criterion 4.7); • Plans and impact assessments relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8); • HCV documentation (Criteria 5.2 and 7.3); • Pollution prevention and reduction plans (Criterion 5.6); • Details of complaints and grievances (Criterion 6.3); • Negotiation procedures (Criterion 6.4); • Continual improvement plans (Criterion 8.1); • Public summary of certification assessment report; • Human Rights Policy (Criterion 6.13). 	<p>Scheme managers have shared and explained management plans to smallholders and/or their cooperatives, including documents summarising complaints and grievance procedures and land acquisition processes. Smallholders have contracts from the scheme managers.</p>	<p>Liberia Extractive Industries Transparency Initiative (LEITI) Act 2009. Sections 4.1 & 5.4 Section 5.4 of the LEITI Act includes the agriculture sector in the scope of LEITI, while Section 4.1 of the LEITI Act requires publication in an accessible medium of the Concession Agreement of every agricultural company along with all payments made and payable and paid to the government.</p> <p>Environmental Protection and Management Law (EMPL) 2002. Sections 11 & 14 Section 11 of the EMPL requires a project proponent to publish “the intended project and its anticipated effects” and Section 14(3) of the same EMPL states that the “environmental impact statement shall be a public document and may be inspected by any person”.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria. Management documents will include monitoring reports.</p> <p>The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report.</p> <p>Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data</p>	<p>Guidance for group managers: Group managers must also have shared and explained the relevant RSPO standard for Sustainable Oil Palm Production as set out in this document or in an approved national interpretation to group members. Group smallholders have agreements with the group managers.</p> <p>Group Managers must provide a copy of the agreement (mutually agreed) to each smallholder in the group</p> <p>Group Management Documentation is made available</p>	

<p>that affects personal privacy should also be confidential.</p> <p>On-going disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information. Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private.</p> <p>Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.</p> <p>For National Interpretation: Specific approaches to personal privacy safeguards, including any legal requirements, will be considered.</p>	<p>to group members by the group manager on request</p> <p>Additional management documents (e.g. related to marketing, pricing, purchasing of inputs etc.) should be made available for all group members.</p>	
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criterion 1.3 Growers and millers commit to ethical conduct all business operations and transactions.		
Indicators	Guidance for scheme managers	National Legislation
1.3.1: There shall be a written policy committing to a code of ethical conduct and integrity in all operations and transactions, which shall be documented and communicated to all levels of the workforce and operations.		
Guidance	Guidance for independent smallholders	International Legislation
<p>All levels of the operations will include contracted third parties (e.g. those involved in security).</p> <p>The policy should include as a minimum:</p> <ul style="list-style-type: none"> • A respect for fair conduct of business; • A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources; • A proper disclosure of information in accordance with applicable regulations and accepted industry practices. <p>The policy should be set within the framework of the UN Convention Against Corruption, in particular Article 12.</p>		

PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criterion 2.1: There is compliance with all applicable local, national and ratified international laws and regulations.		
Indicators	Guidance for scheme managers	National Legislation
<p>2.1.1: Evidence of compliance with relevant legal requirements shall be available.</p> <p>2.1.2: A documented system, which includes written information on legal requirements, shall be maintained.</p> <p>2.1.3: A mechanism for ensuring compliance shall be implemented.</p> <p>2.1.4: A system for tracking any changes in the law shall be implemented.</p>	<p>Scheme managers must regularly provide an up-to-date list of applicable laws and must ensure smallholders can show evidence of compliance with all relevant legal requirements including legally or contractually obligated provisions of lands, plantings, training and services to smallholders.</p> <p>Scheme smallholders should be aware of and understand the intent of applicable laws and regulations. Training of smallholders is required under 4.8. More detailed guidance should be given in the national interpretations.</p>	<p>General Business Law of Liberia 1973- Sections. 4.3; 4.5. The General Business Law requires annual registration of all business operating in Liberia,</p> <p>Associations Law of Liberia 1976- Section 4.2(1). Section 4.1 of the Associations Law provides that failure to affect annual registration may be ground for involuntary dissolution of a business entity operating in Liberia</p> <p>Labor Law 1963. Requires that every employer observes the Liberalization policy which states that no non-Liberian may be employed unless it is verifiably established that there is no qualified Liberian to fill the post. It also prescribes detailed protections for employees, including minimum wages, rest periods and social welfare.</p> <p>Revenue Code of Liberia Act of 2000. Requires the payment of all taxes, and the filing of annual tax returns by the end of the first quarter of the year</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance: For 2.1.4: The systems used for tracking any changes in laws and regulations should be appropriate to the scale of the organisation.</p> <p>Guidance: Implementing all legal requirements is an essential</p>	<p>Group managers must hold an up-to-date list of applicable laws and regulation, which is known to be available for reference by group members. Through periodic assessments, group managers must ensure smallholders can show evidence of compliance with all relevant legal requirements including the acquisition or holding of lands. Group smallholders should be aware of and understand the intent of applicable laws and</p>	

<p>baseline requirement for all growers whatever their location or size. Relevant legislation includes, but is not limited to: regulations governing land tenure and land-use rights, labour, agricultural practices (e.g. chemical use), environment (e.g. wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Key international laws and conventions are set out in Annex 1.</p> <p>Contradictions and inconsistencies should be identified and solutions suggested.</p> <p>For National Interpretation: All relevant legislation will be identified and any particularly important requirements identified.</p>	<p>regulations. More detailed guidance must be given in the national interpretations.</p>	
--	---	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 2.2. The right to use the land is demonstrated, and is not legitimately contested by local people who can demonstrate that they have legal, customary or user rights.		
Indicators	Guidance for scheme managers	National Legislation
<p>2.2.1: Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.</p> <p>2.2.2: Legal boundaries shall be clearly demarcated and visibly maintained.</p> <p>2.2.3: Where there are or have been disputes, additional proof of legal acquisition of title and evidence that fair compensation has been made to previous owners and occupants shall be available, and that these have been accepted with free, prior and informed consent (FPIC).</p> <p>2.2.4: There shall be an absence of significant land conflict, unless requirements for acceptable conflict resolution processes (see Criteria 6.3 and 6.4) are implemented and accepted by the parties involved.</p> <p>2.2.5: For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).</p> <p>2.2.6: To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence in maintaining peace and order in their current and planned operations.</p>	<p>Scheme managers have maps or other documents showing land allocations for scheme smallholders and can show these lands are not claimed or contested by third parties with legitimate claims. Where the land titles of scheme smallholders are retained by mills until the smallholder debts have been paid off, the scheme manager need to show clearly which lands are allocated to which smallholders (and see 1.1)</p>	<p>Community Rights Law 2009- Sections 1.3; 2.2 (a & c); and 3.1. Section 1.3 of the CRL 2009 provides that customary land includes “forest land, owned by individuals, groups, families or communities through longstanding rules recognized by the community. To be recognized as customary land it is not necessary for the land to have been registered under statutory entitlements. The Act also defines customary land area as an “area over which a community traditionally extends its proprietorship and jurisdiction, and is recognized as such by neighbouring communities.”</p> <p>Land Right Policy 2013. Recognizes customary land tenure as one of a couple land ownership regimes in Liberia</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 2.2.2:Plantation operations should cease on land planted beyond the legally determined area and there should be specific plans in place to address such issues for associated smallholders.</p> <p>For 2.2.6:Company policy should prohibit the use of</p>	<p>Group managers have mas or other documents showing the lands held by group smallholders and can show that these lands are not claimed or contested by third parties with legitimate claims. National Interpretations must identify what kind of documents are needed to show compliance.</p>	<p>ILO Convention 169 (1989) on Indigenous and Tribal people: Article 13-19</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007): Articles 25, 26</p>

<p>mercenaries and para-militaries in their operations. Company policy should prohibit extra-judicial intimidation and harassment by contracted security forces (see Criterion 6.13).</p> <p>Guidance:</p> <p>Where there is a conflict on the condition of land use as per land title, growers should show evidence that necessary action has been taken to resolve the conflict with relevant parties. A mechanism should be in place to resolve any conflict (Criteria 6.3 and 6.4).</p> <p>Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p> <p>For National Interpretation:</p> <p>Any legal, customary or user rights to land, or disputes, which are likely to be relevant, will be identified.</p>		<p>UN Convention on Biological Diversity (1992): Article 10 (c)</p>
---	--	---

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 2.3. Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their free, prior and informed consent.		
Indicators	Guidance for scheme managers	National Legislation
<p>2.3.1: Maps of an appropriate scale showing the extent of recognised legal, customary or user rights (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).</p> <p>2.3.2: Copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available and shall include:</p> <ul style="list-style-type: none"> a) Evidence that a plan has been developed through consultation and discussion with all affected groups in the communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making; b) Evidence that the company has respected communities’ decisions to give or withhold their consent to the operation at the time that this decision was taken; c) Evidence that the legal, economic, environmental and social implications for permitting operations on their land have been understood and accepted by affected communities, including the implications for the legal status of their land at the expiry of the company’s title, concession or lease on the land. <p>2.3.3: All relevant information shall be available in appropriate forms and languages, including</p>	<p>Scheme managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others’ customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation</p>	<p>Community Rights Law 2009- Section 2.2. Provides that any “decision, agreement, or activity affecting the status or use of community forest resources shall not proceed without the prior, free, informed consent of the said community.”</p>

<p>assessments of impacts, proposed benefit sharing, and legal arrangements.</p> <p>2.3.4: Evidence shall be available to show that communities are represented through institutions or representatives of their own choosing, including legal counsel.</p>		
<p>Guidance</p>	<p>Guidance for independent smallholders</p>	<p>International Legislation</p>
<p>Specific Guidance: For 2.3.4: Evidence should be available from the companies, communities or other relevant stakeholders.</p> <p>Guidance: All indicators will apply to current operations, but there are exceptions for long-established plantations which may not have records dating back to the time of the decision making, in particular for compliance with Indicators 2.3.1 and 2.3.2.</p> <p>Where there are legal or customary rights over land, the grower should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these should be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).</p> <p>This Criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations, and based on an open sharing of all relevant information. The representation of</p>	<p>Group managers can show that lands acquired for group smallholders do not diminish legal or customary rights of other users. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.</p>	<p>ILO Convention 169 (1989) on Indigenous and Tribal people: Article 10 (c)</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007): Article 10, 11 (2), 19, 28 (1), 29 (2) and 32 (2)</p> <p>Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economics, Social and Culture Rights, Inter American Human Rights System. UN CERD Committee, UN Committee on Social Cultural and Economic Rights, Inter-American Commission on Human Rights.</p>

<p>communities should be transparent and in open communication with other community members. Adequate time should be given for customary decision making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is of long-term benefit for all parties.</p> <p>Companies should be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as 'eminent domain').</p> <p>Growers and millers should refer to the RSPO approved FPIC guidance ('FPIC and the RSPO: A Guide for Companies', October 2008)</p> <p>For National Interpretation: Any commonly encountered situations should be identified.</p>		
--	--	--

PRINCIPLE 3: COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 3.1. There is an implemented management plan that aims to achieve long-term economic and financial viability.		
Indicators	Guidance for scheme managers	National Legislation
<p>3.1.1: A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.</p> <p>3.1.2; An annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available.</p>	<p>Scheme managers have a documented management plan for scheme smallholders (minimum 3 years) which are shared with them in appropriate languages.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance: For 3.1.1: The business or management plan should contain:</p> <ul style="list-style-type: none"> • Attention to quality of planting materials; • Crop projection = Fresh Fruit Bunches (FFB) yield trends; • Mill extraction rates = Oil Extraction Rate (OER) trends; • Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends; • Forecast prices; • Financial indicators. Suggested calculation: trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programmes). <p>Guidance: Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate</p>	<p>Group managers have a documented annual business plan which shows economic benefits for the group and sets out expansion plans (see 7.1). This plan is shared with group members in an appropriate format</p>	

<p>attention to economic and financial viability through long-term management planning. There should be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).</p> <p>Consideration of smallholders should be inherent in all management planning where applicable (see also Criteria 6.10 and 6.11). For scheme smallholders the content will vary from that suggested (refer to RSPO Guidance On Scheme Smallholders, July 2009).</p> <p>Growers should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements.</p> <p>This Criterion is not applicable to independent smallholders (refer to RSPO Guidance for Independent Smallholders under Group Certification, June 2010)</p>		
---	--	--

PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 4.1. Operating procedures are appropriately documented, consistently implemented and monitored.		
Indicators	Guidance for scheme managers	National Legislation
<p>4.1.1: Standard Operating Procedures (SOPs) for estates and mills shall be documented.</p> <p>4.1.2: A mechanism to check consistent implementation of procedures shall be in place.</p> <p>4.1.3: Records of monitoring and any actions taken shall be maintained and available, as appropriate.</p> <p>4.1.4: The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB).</p>	<p>Scheme managers can show how they document, monitor and manage implementation of best practices by smallholders. Scheme managers should ensure that smallholders can show evidence of compliance. More detailed guidance should be given in the national interpretations. Training should be provided under 4.8.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance: For 4.1.1 and 4.1.4: SOP and documentation for mills should include relevant supply chain requirements (see RSPO Supply Chain Certification Standard, Nov 2011).</p> <p>Guidance: Mechanisms to check implementations could include documentation management systems and internal control procedures.</p> <p>For National Interpretation: National codes of practice or Best Management Practices (BMPs) will be referenced.</p>	<p>Group managers can show how they document, monitor and manage the implementation of best practices by group smallholders e.g. through the internal assessment of members from Group Managers. Group Manager can show that awareness raising took place to address the non-compliant smallholders and these smallholders were included in the continuous improvement plan. Three years will be given for smallholders to comply with this non-conformance. More detailed guidance should be given in the national interpretations. Training should be provided under 4.8.</p>	

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 4.2. Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.		
Indicators	Guidance for scheme managers	National Legislation
<p>4.2.1: There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield, where possible</p> <p>4.2.2: Records of fertiliser inputs shall be maintained.</p> <p>4.2.3: There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.</p> <p>4.2.4: A nutrient recycling strategy shall be in place, and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting.</p>	<p>Scheme managers can show that lands prepared for smallholdings have been chosen so as to maintain soil fertility, that they have carried out trainings with scheme smallholders to explain best practices (see 4.8) and that they can monitor and verify effective implementation.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for by-products or energy production.</p> <p>For National Interpretation: The range of appropriate techniques will be identified</p>	<p>Group managers can show that they have carried out trainings with group smallholders to explain best practices to maintain soil fertility (see 4.8) and monitor effective implementation.</p>	

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 4.3. Practices minimise and control erosion and degradation of soils		
Indicators	Guidance for scheme managers	National Legislation
<p>4.3.1: Maps of any fragile soils shall be available.</p> <p>4.3.2: A management strategy shall be in place for plantings on slopes above a certain limit (this needs to be soil and climate specific).</p> <p>4.3.3: A road maintenance programme shall be in place.</p> <p>4.3.4: Subsidence of peat soils shall be minimised and monitored. A documented water and ground cover management programme shall be in place.</p> <p>4.3.5: Drainability assessments shall be required prior to replanting on peat to determine the long-term viability of the necessary drainage for oil palm growing.</p> <p>4.3.6: A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils).</p>	<p>Scheme managers can show that lands prepared for smallholdings have been chosen so as to minimise and control erosion and soil degradation in accordance with the indicators. National interpretations will include details on peat depth</p>	<p>Environmental Protection and Management Law (EPML) 2002- Section 76 entitles “protection of Landscape from environmental degradation”, emphasizes the need for identification and protection of land areas “which are at risk of from environmental degradation if:</p> <ul style="list-style-type: none"> a) It is prone to soil erosion; b) Landslides have occurred or are likely to occur in such areas; c) Vegetation cover has been removed or is likely to be removed from the area at a rate faster than it is being replaced; or d) It has been over utilized or excessively harvested”. <p>Section 76(3) authorizes the EPA to “provide guideline and measures necessary for protection of the areas which shall include “sustainable use of forest and any natural resources”. Prevention of soil erosion” and appropriate farming methods</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 4.3.4: For existing plantings on peat, the water table should be maintained at an average of 50cm (between 40 - 60cm) below ground surface measured with groundwater piezometer readings, or an average of 60cm (between 50 - 70cm) below ground surface as measured in water collection drains, through a network of appropriate water control structures e.g. weirs, sandbags, etc. in fields, and water gates at the discharge points of main drains (Criteria 4.4 and 7.4).</p> <p>For 4.3.5: Where drainability assessments have identified areas unsuitable for oil palm replanting,</p>	<p>Group managers can show that they have carried out trainings with group smallholders to explain best practices to minimise and control the erosion and degradation (see 4.8) and monitor and verify effective implementation.</p> <p>National interpretations shall contain details on peat depth.</p>	

<p>plans should be in place for appropriate rehabilitation or alternative use of such areas. If the assessment indicates high risk of serious flooding and/or salt water intrusion within two crop cycles, growers and planters should consider ceasing replanting and implementing rehabilitation.</p> <p>Guidance: Plantations on peat should be managed at least to the standard set out in the 'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat', June 2012 (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover).</p> <p>Techniques that minimise soil erosion are well known and should be adopted, where appropriate. These should include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replanting.</p> <p>For National Interpretation: National Interpretation (or an RSPO recognised parallel means) will refer to national guidance, and identify the best management practices and appropriate techniques for maintaining soil quality in local conditions, including guidance on soil types, and any appropriate performance thresholds such as maximum acceptable slope gradient for planting.</p>		
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 4.4. Practices maintain the quality and availability of surface and ground water		
Indicators	Guidance for scheme managers	National Legislation
<p>4.4.1: An implemented water management plan shall be in place.</p> <p>4.4.2: Protection of water courses and wetlands, including maintaining and restoring appropriate riparian and other buffer zones (refer to national best practice and national guidelines) shall be demonstrated.</p> <p>4.4.3: Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations (Criteria 2.1 and 5.6).</p> <p>4.4.4: Mill water use per tonne of Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored.</p>	<p>Scheme managers can show they have chosen and prepared lands allocated for smallholdings so as to maintain the quality and availability of surface and ground water have carried out trainings with scheme smallholders to explain best practices (and see 4.8) and can monitor, manage and verify effective implementation by smallholders.</p> <p>Scheme managers should provide information and training about appropriate technology and efficient water management practices to minimise water loss and improve efficiency of use.</p> <p>Scheme managers should ensure that smallholders can show evidence of compliance. More detailed guidance should be given in the national interpretations.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance: For 4.4.1: The water management plan will:</p> <ul style="list-style-type: none"> • Take account of the efficiency of use and renewability of sources; • Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users; • Aim to ensure local communities, workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes; • Avoid contamination of surface and ground water through run-off of soil, nutrients or 	<p>Group Managers shall ensure that group members are maintaining riparian buffer zones and not contributing to water quality degradation. This is monitored and overseen by the Group Manager.</p> <p>Where existing smallholdings are already established in riparian buffer zones these areas should be restored with natural vegetation at replanting.</p>	

<p>chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME).</p> <p>For 4.4.2: Refer to the 'RSPO Manual On Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat', July 2012.</p> <p>Guidance: Growers and millers should address the effects of their use of water and the effects of their activities on local water resources.</p> <p>For National Interpretation: National Interpretation will refer to national guidelines or best practice and where appropriate include performance thresholds for requirements such as the size and location and methods of restoration of riparian strips or acceptable maximum run-off levels.</p>		
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 4.5. Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.		
Indicators	Guidance for scheme managers	National Legislation
<p>4.5.1: Implementation of Integrated Pest Management (IPM) plans shall be monitored.</p> <p>4.5.2: Training of those involved in IPM implementation shall be demonstrated.</p>	<p>Scheme managers should provide regular training to scheme smallholders in IPM techniques (incorporating cultural, biological, mechanical or physical methods – see 4.8) to minimise use of chemicals and provide appropriate assistance for application.</p> <p>Scheme managers should manage implementation of best practices by smallholders and ensure that smallholders can show evidence of compliance where good quality inputs are available at affordable prices in local markets.</p> <p>More detailed guidance should be given in the national interpretations.</p>	<p>Agriculture Law 1966- Sections 1& 4. Section 1 of the Agriculture law states the purposes of the law as including “to prevent entry into Liberia of injurious plant and animal pests and diseases existing in foreign countries; to prevent the spread of such pests and diseases should they become established in Liberia”.</p> <p>Section 4 (4) of the same Law authorizes the Minister of Agriculture to “establish quarantines in defined areas when such action is deemed necessary in order to prevent the spread of any potentially dangerous pest or disease which may become established within the Republic”.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Guidance: Growers should apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals. Native species should be used in biological control where possible.</p> <p>For National Interpretation: National Interpretation will provide further guidance on what practices are most appropriate for a particular country, and where needed, on practices which are appropriate to smallholders.</p>	<p>Group managers should provide regular training to group smallholders in IPM techniques (incorporating cultural, biological, mechanical or physical methods – see 4.8) to minimise use of chemicals and provide appropriate assistance for application. More detailed guidance should be given in the national interpretations.</p>	

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 4.6. Pesticides are used in ways that do not endanger health or the environment		
Indicators	Guidance for scheme managers	National Legislation
<p>4.6.1: Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available</p> <p>4.6.2: Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided.</p> <p>4.6.3: Any use of pesticides shall be minimised as part of a plan, and in accordance with Integrated Pest Management (IPM) plans. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines.</p> <p>4.6.4: Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, except in specific situations identified in national Best Practice guidelines. The use of such pesticides shall be minimised and eliminated as part of a plan, and shall only be used in exceptional circumstances.</p> <p>4.6.5: Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion</p>	<p>Scheme managers will provide regular training to scheme smallholders on agrochemical use (see 4.8), especially on how:</p> <ul style="list-style-type: none"> • Chemicals should only be applied in accordance with the product label. • Appropriate safety equipment can be acquired and used (or provided by nucleus estates) • all precautions attached to the products should be properly observed, applied, and understood • Chemicals should be securely and safely stored and how all chemical containers should be properly disposed of and not used for other purposes (and see criterion 5.3). • Pesticides should be applied by proven methods that minimise risk and impacts. • Proper disposal of waste material, according to procedures that are fully understood (also see criterion 5.3 on waste disposal). <p>Scheme managers records will also show:</p> <ul style="list-style-type: none"> • Justification of all chemical use • List of all agrochemicals used • Records of pesticides supplied to smallholders. • Documentary evidence that use of chemicals categorised as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat is reduced and/or eliminated. • Evidence of CPO residue testing, as required by 	<p>Environmental Protection and Management Law (EPML) 2002- Section 52; 53</p> <p>Section 52 (1) of the EMPL states that “any pesticide or toxic substance” may be seized if the EPA “reasonably suspects” it to be harmful and in violation of the EMPL</p>

<p>4.7).</p> <p>4.6.6: Storage of all pesticides shall be according to recognised best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see Criterion 5.3)</p> <p>4.6.7: Application of pesticides shall be by proven methods that minimise risk and impacts.</p> <p>4.6.8: Pesticides shall be applied aurally only where there is documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.</p> <p>4.6.9: Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated; including provision of appropriate information materials (see Criterion 4.8).</p> <p>4.6.10: Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3).</p> <p>4.6.11: Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.</p> <p>4.6.12: No work with pesticides shall be undertaken by pregnant or breast-feeding women.</p>	<p>the supply chain</p> <ul style="list-style-type: none"> • Annual health screening for all smallholders using or handling agrochemicals categorised as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. • No chemical spraying by pregnant women or children. <p>Note: RSPO will identify safe and cost effective alternatives to replace chemicals that are categorised as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. Results will be collated and reported by November 2007.</p>	
<p>Guidance</p>	<p>Guidance for independent smallholders</p>	<p>International Legislation</p>
<p>Specific Guidance:</p> <p>For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification should consider less harmful alternatives and IPM.</p> <p>For 4.6.3: Justification of the use of such pesticides will be included in the public summary report.</p> <p>For 4.6.6: Recognised best practice includes: Storage</p>	<p>Group managers will provide regular training to group smallholders on agrochemical use (see 4.8), especially on how:</p> <ul style="list-style-type: none"> • Chemicals should only be applied in accordance with the product label. • Appropriate safety equipment can be acquired and used. 	<p>Stockholm Convention on Persistent Organic Pollutants (2001): Articles 1-5</p> <p>FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002): Article 5</p> <p>Rotterdam Conventions on prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998): Article 1,5 and</p>

<p>of all pesticides as prescribed in the FAO International Code of Conduct on the distribution and use of pesticides and its guidelines, and supplemented by relevant industry guidelines in support of the International Code (see Annex 1).</p> <p>Guidance:</p> <p>The RSPO has identified some examples of alternatives to pesticide use, which include those listed in the ‘Research project on Integrated Weed Management Strategies for Oil Palm; CABI, April 2011’.</p> <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent smallholders (refer to ‘Guidance for Independent Smallholders under Group Certification’, June 2010).</p> <p>For National Interpretation:</p> <p>National Interpretation will consider: statutory requirements concerning pesticide use, lists of legally prohibited pesticides, pesticide residues that should be tested for and the appropriate levels of residues and best management practices for pesticide use or sources of information on these. National Interpretation will develop best practice guidelines on the exceptional circumstances that would allow the use of pesticides categorised as World Health Organisation Class 1A or 1B, or those listed by the Stockholm or Rotterdam Conventions, and paraquat as well as how they will be used in ways that do not endanger health or the environment.</p>	<ul style="list-style-type: none"> • All precautions attached to the products should be properly observed, applied, and understood • The dangers of use of chemicals categorised as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. • Chemicals should be securely and safely stored and how all chemical containers should be properly disposed of and not used for other purposes (and see criterion 5.3). • There should be no chemical spraying by pregnant women or children. <p>Group managers records will also show:</p> <ul style="list-style-type: none"> • List of all agrochemicals used by group members • Documentary evidence that use of chemicals categorised as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat is reduced and/or eliminated and alternatives identified where possible by the group manager in accordance with the dangers identified of these chemicals • They have assessed options for regular health screening for all group smallholders and workers they employ (if any) using or handling agrochemicals categorised as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat and encouraged smallholders to have such screening where accessible facilities exist <p>Note: RSPO will identify safe and cost effective alternatives to replace chemicals that are categorised as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. Results will be collated</p>	<p>6</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007) Article 21 (1), 23, 24, 29 (3)</p>
--	---	--

	and reported by November 2007.	
Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 4.7. An occupational health and safety plan is documented, effectively communicated and implemented		
Indicators	Guidance for scheme managers	National Legislation
<p>The health and safety plan shall cover the following:</p> <p>4.7.1: A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored.</p> <p>4.7.2: All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers.</p> <p>4.7.3: All workers involved in the operation shall be adequately trained in safe working practices (see Criterion 4.8). Adequate and appropriate protective equipment shall be available to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, and land preparation, harvesting and, if it is used, burning.</p> <p>4.7.4: The responsible person/persons shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded.</p> <p>4.7.5: Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both</p>	<p>Scheme managers have a health and safety plan for scheme smallholders and their families which is managed, implemented and monitored. There are records of regular meetings between the responsible person and smallholders where concerns about health, safety and welfare are discussed. Accident and emergency procedures should exist and instructions should be clearly explained to all smallholders (and see 4.8) and provided in written form to all smallholders in appropriate languages.</p> <p>Scheme managers should ensure that smallholders understand and implement health and safety procedures. More detailed guidance should be given in the national interpretations.</p>	<p>Environmental Protection and Management Law (EPML) 2002 - Section. 49 Section 49 of the EMPL authorizes the EPA to establish, in consultation with relevant line agencies “standards, procedures and criteria for the protection of human health and the environment in: (a) Labor and Work Places; (b) Industrial products; (c)materials used in industry, agriculture and for domestic use”.</p> <p>Model Agriculture Concession Agreement (MACA)- Sections 9.1 & 9.2 Further Section 9.1 and 9.2 of the MACA oblige every grower with a concession agreement to provide adequate measures for the health, sanitation and occupational safety of workers. Note that the MACA is a special legislation enacted by the Liberian legislature and approved by the President just like all other statutes.</p>

<p>field and other operations, and first aid equipment shall be available at worksites. Records of all accidents shall be kept and periodically reviewed.</p> <p>4.7.6: All workers shall be provided with medical care, and covered by accident insurance.</p> <p>4.7.7: Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics.</p>		
<p>Guidance</p>	<p>Guidance for independent smallholders</p>	<p>International Legislation</p>
<p>Specific Guidance:</p> <p>For 4.7.7: The National Interpretation will define the metrics for LTA. For countries where there are no national interpretations, the growers will determine their own metrics.</p> <p>Guidance:</p> <p>Growers and millers should ensure that the workplace, machinery, equipment, transport and processes under their control are safe and without undue risk to health. Growers and millers should ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken. All indicators apply to all workers regardless of status.</p> <p>The health and safety plan should also reflect guidance in ILO Convention 184 (see Annex 1).</p> <p>For National Interpretation:</p> <p>National Interpretation will define the metrics for LTA. All legal requirements together with any local or national guidance on safe working practice in agriculture will be identified and used. It will also be important to identify what constitutes a ‘hazardous’ operation in the local context.</p>	<p>Group Manager will identify the risk related to the group smallholdings and will address them in awareness training for the Smallholders (and see 4.8). Major risks only will be addressed through emergency procedures. More detailed guidance should be given in the national interpretations.</p>	<p>ILO Convention 184 (2001) Safety and Health in Agriculture: Article 7-21</p>

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 4.8. All staff, workers, smallholders and contract workers are appropriately trained		
Indicators	Guidance for scheme managers	National Legislation
<p>4.8.1: A formal training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme.</p> <p>4.8.2: Records of training for each employee shall be maintained.</p>	<p>Scheme managers provide a formal training and awareness raising programme that includes regular assessment of training needs and documentation of the programme and records the training provided to each scheme smallholder. This training includes how to fulfil their tasks and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO principles, criteria and guidance for smallholders. Training and awareness raising may also be provided through extension services and through smallholders' organisations such as cooperatives or community institutions. Training methods must be effective utilising adult education methods. Training should cover:</p> <ul style="list-style-type: none"> • The relevance of the RSPO standard. • Legal compliance (see 2.1). • Operating procedures (see 4.1). • Soil and water management (see 4.2 & 4.4). • Integrated Pest Management (see 4.5). • Agrochemical use (see 4.6). • Occupational Health and Safety (see 4.7). • Use of fire and relevant regulations (see 5.5) 	<p>Model Agriculture Concession Agreement (MACA). Section 12. "Employment and Training" requires that agriculture companies with concessions from the Government provide appropriate training of its employees.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g.</p>	<p>Group managers should raise awareness on relevant issues and identify training needs and provided to smallholders where needed. Areas for assessment of training include:</p>	

<p>young workers, pregnant women); ways to minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.</p> <p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organisation.</p> <p>Training should be given to all staff and workers by growers and millers to enable them to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>Contract workers should be selected for their ability to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO Principles, Criteria, Indicators and Guidance.</p> <p>Growers and millers should demonstrate training activities for schemes smallholders who provide Fresh Fruit Bunches (FFB) on a contracted basis.</p> <p>Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of growers or millers that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations (refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009)</p> <p>For individual smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing (refer to 'Guidance for</p>	<ul style="list-style-type: none"> • The functioning of groups and the responsibilities of group members. • The relevance of the RSPO standard. • Legal compliance (see 2.1). • Operating procedures (see 4.1) • Soil and water management (see 4.2, 4.3 & 4.4). • Integrated Pest Management (see 4.5) • Agrochemical use (see 4.6). • Occupational Health and Safety (see 4.7). • Use of fire and relevant regulations (see 5.5) 	
---	---	--

<p>Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009)</p> <p>For National Interpretation: Appropriate occupational training qualifications will be identified.</p>		
--	--	--

PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY & CONSERVATION OF NATURAL RESOURCES & BIODIVERSITY

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 5.1. Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.		
Indicators	Guidance for scheme managers	National Legislation
<p>5.1.1: An environmental impact assessment (EIA) shall be documented.</p> <p>5.1.2: Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a comprehensive management plan. The management plan shall identify the responsible person/persons.</p> <p>5.1.3: This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.</p>	<p>Scheme managers must undertake and document an impact assessment, developed with the participation of smallholders, that includes all the scheme smallholdings and sets out appropriate management planning and operational procedures for each impact identified which requires changes in current practice. They have a timetable for the implementation of required actions, which are monitored to demonstrate continuous improvement. Impact assessments will include consideration of:</p> <ul style="list-style-type: none"> • Building and maintenance of roads to service smallholdings and provide access to mills • Putting in drainage or irrigation systems. • Replanting or expansion of smallholdings. • Clearing of remaining natural vegetation and the need to avoid the use of fire (see 5.5). 	<p>Environmental Protection and Management Law (EMPL) 2002- Sections 14 & 15.</p> <p>Section 14(1) provides, inter alia, that a project proponent provides an “identification and description of measures proposed for avoiding, minimizing, mitigating and monitoring the anticipated adverse effects of the project activity on the environment.”</p> <p>Section 15 of the EMPL requires the every project proponent to “provide an environmental mitigation plan”.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>The EIA should cover the following activities, where they are undertaken:</p> <ul style="list-style-type: none"> • Building new roads, processing mills or other infrastructure; • Putting in drainage or irrigation systems; • Replanting and/or expansion of planting areas; • Management of mill effluents (Criterion 4.4); • Clearing of remaining natural vegetation; 	<p>Group managers must undertake and document an impact assessment, development with the participation of smallholders and local communities, that includes all the group smallholdings and sets out appropriate actions to address each impact identified when:</p> <ul style="list-style-type: none"> • Replanting or expanding smallholdings • Clearing remaining natural vegetation and given the need to avoid the use of fire (See 5.5) 	

<ul style="list-style-type: none"> • Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7). <p>Impact assessment can be a non-restrictive format e.g. ISO 14001 EMS and/or EIA report incorporating elements spelt out in this Criterion and raised through stakeholder consultation.</p> <p>Environmental impacts should be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and people’s amenity (Criterion 6.1), both on and off-site.</p> <p>Stakeholder consultation has a key role in identifying environmental impacts. The inclusion of consultation should result in improved processes to identify impacts and to develop any required mitigation measures.</p> <p>For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results (refer to ‘Guidance for Independent Smallholders under Group Certification’, June 2010, and ‘Guidance on Scheme Smallholders’, July 2009).</p> <p>For National Interpretation: National Interpretation will consider any national legal requirements together with any other issues that are not required by law but are nevertheless important, e.g. independent social and environmental impact assessment (SEIA) for replanting may be desirable under specific situations.</p>		
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 5.2. The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.		
Indicators	Guidance for scheme managers	National Legislation
<p>5.2.1: Information shall be collated in a High Conservation Value (HCV) assessment that includes both the planted area itself and relevant wider landscape-level considerations (such as wildlife corridors).</p> <p>5.2.2: Where rare, threatened or endangered (RTE) species, or HCVs, are present or are affected by plantation or mill operations, appropriate measures that are expected to maintain and/or enhance them shall be implemented through a management plan.</p> <p>5.2.3: There shall be a programme to regularly educate the workforce about the status of these RTE species, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species.</p> <p>5.2.4: Where a management plan has been created there shall be on-going monitoring:</p> <ul style="list-style-type: none"> • The status of HCV and RTE species that are affected by plantation or mill operations shall be documented and reported. • Outcomes of monitoring shall be fed back into the management plan. <p>5.2.5: Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these rights.</p>	<p>Scheme managers will compile Information about the status of these aspects for scheme smallholdings, as well as the associated mill and directly managed estate (if any). This information should be provided to scheme smallholders and should cover:</p> <ul style="list-style-type: none"> • Presence of protected areas that could be significantly affected by smallholdings. • Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by the smallholdings. • Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the smallholdings. <p>If rare, threatened or endangered species, or high conservation value habitats, are present, appropriate measures for management planning and operations will include:</p> <ul style="list-style-type: none"> • Ensuring that any legal requirements relating to the protection of the species or habitat are met. • Avoiding damage to and deterioration of applicable habitats. • Controlling any illegal or inappropriate hunting, fishing or collecting activities; and developing responsible measures to resolve human-wildlife conflicts (e.g., incursions by elephants). 	<p>Environmental Protection and Management Law (EMPL) 2002- Sections 84 & 85: Section 84(1) of the EMPL provides for the issuance of guidelines and “measures to ensure the conservation of biological resources in situ for (a) land use methods that are compatible with the conservation of biological diversity” and ((d) “special measures for protection of species, ecosystems, and habitats that are threatened with extinction”.</p>

Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 5.2.1: This information will cover:</p> <ul style="list-style-type: none"> • Presence of protected areas that could be significantly affected by the grower or miller; • Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered (RTE) species that could be significantly affected by the grower or miller; • Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller; <p>For 5.2.2: These measures will include:</p> <ul style="list-style-type: none"> • Ensuring that any legal requirements relating to the protection of the species or habitat are met; • Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created; • Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants). <p>For 5.2.5: If a negotiated agreement cannot be reached, there should be evidence of sustained efforts to achieve such an agreement. These could include third party arbitration (see Criteria 2.3, 6.3 and 6.4).</p> <p>Guidance:</p> <p>This information gathering should include checking</p>	<p>Group managers will compile Information about the status of critical aspects as listed in National Interpretations within the area of group smallholdings. This information should be provided to group smallholders and should cover:</p> <ul style="list-style-type: none"> • Presence of protected areas that could be significantly affected by smallholdings. • Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by the smallholdings. • Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the smallholdings. • If rare, threatened or endangered species, or high conservation value habitats, are present, appropriate protection measures must be adopted by group managers in accordance with the National Interpretation and the relevant laws. 	

<p>available biological records and consultation with relevant government departments, research institutes and interested NGOs if appropriate. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.</p> <p>Wherever HCV benefits can be realised outside of the management unit, collaboration and cooperation between other growers, governments and organisations should be considered.</p> <p>For National Interpretation: Appropriate sources of information can include government or international lists of threatened species ('red data lists'), national wildlife protection legislation, authorities responsible for protected areas and species, or relevant NGOs.</p> <p>Note: Operators need to consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures; in other cases co-management options can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained or enhanced by the companies or State agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3).</p>		
--	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 5.3. Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner		
Indicators	Guidance for scheme managers	National Legislation
<p>5.3.1: All waste products and sources of pollution shall be identified and documented.</p> <p>5.3.2: All chemicals and their containers shall be disposed of responsibly.</p> <p>5.3.3: A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented.</p>	<p>Scheme managers must develop and implement a plan for the management and disposal of waste from smallholdings include the safe disposal of pesticide containers. This waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> • Identifying and monitoring sources of waste and pollution from smallholdings and the mills which process their FFB. • Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes). • Appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of such that there is no risk of contamination of water sources or to human health. The disposal instructions on manufacturer’s labels should be adhered to. 	<p>National Forestry Reform Law (NFRL) 2006- Section 12.4. Requires disposal of “construction materials, materials from the demolition of assets, and other assets in a lawful and environmentally responsible manner.”</p> <p>Environmental Protection and Management Law (EMPL) 2002- Sections 56, 57 & 58. Provides that “every owner or operator of a trade or industrial undertaking shall discharge any effluent or other pollutants originating from the trade or industrial undertaking only into existing sewage system after pre-treatment to meet sewage discharge standards.” Sections 57 and 58 of the EMPL provide civil and criminal sanctions for violation of this obligation. Section 56 of the EMPL prohibits “discharge of hazardous substances, chemicals or oils into the environment”.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>The waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> • Identifying and monitoring sources of waste and pollution. • Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes). • Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers should be reused, 	<p>Group Managers shall ensure that group members are made aware of the need to identify all waste and dispose of it in a responsible manner. This is monitored and overseen by the Group Manager. There should be appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of such that there is no risk of contamination of water sources or to human health. The disposal instructions on manufacturer’s labels should be adhered to.</p>	

<p>recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to.</p> <ul style="list-style-type: none"> • Use of open fire for waste disposal should be avoided. <p>For National Interpretation:</p> <p>National Interpretation (or an RSPO recognised parallel means) should include, as appropriate: details of relevant national laws or policies, a list of waste types (hazardous, non-hazardous, domestic, etc.) which must be considered, any types of disposal which are not acceptable (e.g. untreated waste water may not be discharged directly into streams or rivers (see Criterion 4.4), existing best practice guidelines on recycling and re-use of nutrients, managing effluent ponds, increasing mill extraction efficiency and appropriate disposal of wastes.</p>		
--	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 5.4. Efficiency of fossil fuel use and the use of renewable energy is optimised.		
Indicators	Guidance for scheme managers	National Legislation
5.4.1: A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy shall be in place and monitored.	Scheme managers should develop provisions for improving the efficiency of energy use by scheme smallholders. This provision may not apply to scheme smallholders who only use manual labour to care for and harvest FFB.	
Guidance	Guidance for independent smallholders	International Legislation
<p>Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill should be monitored.</p> <p>Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) should be monitored.</p> <p>Energy efficiency should be taken into account in the construction or upgrading of all operations.</p> <p>Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations.</p> <p>The feasibility of collecting and using biogas should be studied if possible.</p>	This criterion is not applicable to group smallholders.	

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 5.5. Use of fire for preparing land or replanting is avoided, except in specific situations		
Indicators	Guidance for scheme managers	National Legislation
<p>5.5.1: There shall be no land preparation by burning, other than in specific situations as identified in the ‘Guidelines for the Implementation of the ASEAN Policy on Zero Burning’ 2003, or comparable guidelines in other regions.</p> <p>5.5.2: Where fire has been used for preparing land for replanting, there shall be evidence of prior approval of the controlled burning as specified in ‘Guidelines for the Implementation of the ASEAN Policy on Zero Burning’ 2003 or comparable guidelines in other regions.</p>	<p>Scheme managers will carry out training and provide extension support to scheme smallholders to ensure smallholder awareness and that fire is not used except in accordance with ASEAN guidelines or other regional best practice (see 4.8). National Interpretations should consider setting thresholds of pest attacks before burning is acceptable.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution should be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation.</p> <p>Extension/training programmes for associated smallholders may be necessary.</p> <p>For National Interpretation:</p> <p>National Interpretation will identify any specific situations where such use of fire may be acceptable, for example through reference to ‘Guidelines for the Implementation of the ASEAN Policy on Zero Burning’ 2003, or comparable guidelines in other regions.</p>	<p>Group Managers shall ensure that group members are not utilizing fire in operations. This is monitored by the Group Manager.</p>	

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 5.6. Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.		
<p>Preamble: Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognised that it is not always feasible or practical to reduce or minimise these emissions. Growers and millers commit to an implementation period until the end of December 2016 for promoting best practices in reporting to the RSPO, and thereafter to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.</p>		
Indicators	Guidance for scheme managers	National Legislation
<p>5.6.1: An assessment of all polluting activities shall be conducted, including gaseous emissions, Particulate/soot emissions and effluent (see Criterion 4.4).</p> <p>5.6.2: Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimise them implemented.</p> <p>5.6.3: A monitoring system shall be in place, with regular reporting on progress for these significant Pollutants and emissions from estate and mill operations, using appropriate tools.</p>	<p>Scheme managers must include an assessment of all polluting activities of scheme smallholdings in their overall plans for pollution and emissions abatement. Significant pollutants and emissions from scheme smallholdings must be identified and plans to reduce them implemented.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 5.6.2: Plans will include objectives, targets and timelines. These should be responsive to context and any changes should be justified.</p> <p>For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded.</p> <p>For 5.6.3 (GHG): For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including land use practices) can be used as a monitoring tool.</p> <p>For 5.6.3: In addition, during the implementation period, growers will start to assess, monitor and report emissions arising from changes in carbon</p>	<p>This criterion is not applicable to group smallholders.</p>	

<p>stocks within their operations, using the land use in November 2005 as the baseline. The implementation period for Indicator 5.6.3 is the same implementation period for Criterion 7.8.</p> <p>During the implementation period, reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance for the process.</p> <p>Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognising the challenges associated with measuring GHG and carbon stock.</p> <p>PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions.</p> <p>Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>Guidance: Where practically feasible, operations should follow best management practices to measure and reduce emissions. Advice on this is available from the RSPO.</p>		
---	--	--

PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES, AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.1. Aspects of plantation and mill management that have social impacts, including replanting, are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement		
Indicators	Guidance for scheme managers	National Legislation
<p>6.1.1: A social impact assessment (SIA) including records of meetings shall be documented.</p> <p>6.1.2: There shall be evidence that the assessment has been done with the participation of affected parties.</p> <p>6.1.3: Plans for avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, shall be developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation.</p> <p>6.1.4: The plans shall be reviewed as a minimum once every two years and updated as necessary, in those cases where the review has concluded that changes should be made to current practices.</p> <p>There shall be evidence that the review includes the participation of affected parties.</p> <p>6.1.5: Particular attention shall be paid to the impacts of smallholder schemes (where the plantation includes such a scheme).</p>	<p>Scheme managers must be able to demonstrate that scheme smallholders participated in the development of impact assessments for smallholder schemes.</p> <p>Scheme managers must provide:</p> <ul style="list-style-type: none"> • A documented social impact assessment. • Evidence that the assessment has been done with the participation of scheme smallholders. Participation in this context means that scheme smallholders are able to express their views through their own representative institutions during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans. • A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary, in those cases where the assessment has concluded that changes should be made to current practices. <p>The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</p>	<p>Environmental Protection and Management Law (EMPL) 2002- Sections 6, 7,8,11, 13 & 14 provide detailed requirements for project brief, scoping and environmental impact study and assessment.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Identification of social impacts should be carried out by the grower with the participation of affected</p>	<p>Group managers must be able to demonstrate that group smallholders participated in the</p>	

<p>parties, including women and migrant workers as appropriate to the situation. The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</p> <p>Participation in this context means that affected parties are able to express their views through their own representative institutions, or freely chosen spokespersons, during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.</p> <p>Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms; smallholder schemes.</p> <p>Plantation and mill management may have social impacts (positive or negative) on factors such as:</p> <ul style="list-style-type: none"> • Access and use rights; • Economic livelihoods (e.g. paid employment) and working conditions; • Subsistence activities; • Cultural and religious values; • Health and education facilities; • Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force. <p>The review can be done (once every two years) internally or externally.</p>	<p>development of a simplified impact assessment for their holdings. Group managers must provide:</p> <ul style="list-style-type: none"> • A documented simplified social impact assessment • Evidence that the assessment has been done with the participation of group smallholders, local communities and stakeholders. • A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary, in those cases where the assessment has concluded that changes should be made to current practices 	
---	--	--

<p>For National Interpretation:</p> <p>As social impacts are particularly dependent on local social conditions, National Interpretation will identify the important issues, and methodologies for collecting data and using the results. This should include adequate consideration of the impacts on the customary or traditional rights of local communities and indigenous people, where these exist (Criteria 2.3 and 6.4).</p>		
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.2. There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties		
Indicators	Guidance for scheme managers	National Legislation
<p>6.2.1: Consultation and communication procedures shall be documented.</p> <p>6.2.2: A management official responsible for these issues shall be nominated.</p> <p>6.2.3: A list of stakeholders, records of all communication, including confirmation of receipt and that efforts are made to ensure understanding by affected parties, and records of actions taken in response to input from stakeholders, shall be maintained.</p>	<p>Scheme managers must have documentary evidence that they have clear, implemented procedures for regular communications and consultations with scheme smallholders, including:</p> <ul style="list-style-type: none"> • A nominated manager responsible for these issues. • Maintenance of a list of scheme smallholders, records of all communication and records of actions taken in response to input from scheme smallholders. <p>Communications and consultations should make use of existing local mechanisms and languages.</p>	<p>Environmental Protection and Management Law (EMPL) 2002 - Sections 6,9 11, 17 & 18.</p> <p>The principle of public participation is established as one of the key principles of the EMPL.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Decisions that the growers or mills are planning to make should be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation.</p> <p>Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These should consider the use of appropriate existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum. Communications should take into account differential access to information by women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.</p> <p>Consideration should be given to involving third</p>	<p>Group managers must have documentary evidence that they have implemented procedures for regular communications with, and assessments of, group smallholders in line with the requirements of the RSPO Standard for Group Certification and liaise with local communities</p>	

<p>parties, such as disinterested community groups, NGOs, or government (or a combination of these), to facilitate smallholder schemes and communities, and others as appropriate, in these communications.</p> <p>For National Interpretation: National Interpretation will consider issues such as appropriate levels of consultation and the types of organisation or individuals that should be included.</p>		
--	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.3. There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.		
Indicators	Guidance for scheme managers	National Legislation
<p>6.3.1: The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistle-blowers, where requested.</p> <p>6.3.2: Documentation of both the process by which a dispute was resolved and the outcome shall be available.</p>	<p>Scheme managers have a documented system to resolve disputes concerning scheme smallholdings in an effective, timely and appropriate manner. Documents exist of both the process by which a dispute was resolved and the outcome showing the process was open to any affected parties. These dispute resolution mechanisms should be established through open and consensual agreements with smallholders.</p>	<p>Labor Law 1963- Sections 4400, 4401 & 4402 Section 4400 of the Labor Law provides that “when a labor dispute arises between an employer and his employees or some of them, the employees, or the labor organization representing the employees shall submit a written statement of the specific demands to the labor inspector, or in the absence of the labor inspector, to the Ministry of Labor. The authority receiving the statement shall notify the employer or his agent or representative, within forty-eight hours, allowing the employers three days to answer.”</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance: For 6.3.1: The system should aim to reduce the risks of reprisal.</p> <p>Guidance: See also to Criterion 1.2. Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties. Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation as necessary. Grievances may be internal (employees) or external. For scheme and independent smallholders, refer to ‘Guidance for Independent Smallholders under Group Certification’, June 2010, and ‘Guidance on Scheme Smallholders’, July 2009. Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO</p>	<p>Group managers have a documented system to resolve disputes concerning group smallholdings in an effective, timely and appropriate manner. Documents exist of both the process by which a dispute was resolved and the outcome showing the process was open to any affected parties. These dispute resolution mechanisms should be established through open and consensual agreements with smallholders.</p>	

<p>Complaints System. Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework', 2011.</p>		
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.4. Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.		
Indicators	Guidance for scheme managers	National Legislation
<p>6.4.1: A procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, shall be in place.</p> <p>6.4.2: A procedure for calculating and distributing fair compensation (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, ownership and access to land; differences of transmigrants and long-established communities; and differences in ethnic groups’ proof of legal versus communal ownership of land.</p> <p>6.4.3 The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available.</p>	<p>Scheme managers must be able to show that they have acquired and/or allocated land for smallholdings in compliance with this criterion. This includes:</p> <ul style="list-style-type: none"> • Establishment of a procedure for identifying legal and customary rights and a procedure for identifying people entitled to compensation. • A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented. These procedures should take into account gender differences in the power to claim rights, ownership and access to land; differences of transmigrants and long-established communities and; differences in ethnic groups’ proof of legal versus communal ownership of land. Compensation should be in line with fair market value or replacement cost. • The process and outcome of any negotiated agreements and compensation claims is documented and made publicly available where beneficiaries agree. <p>This criterion should be considered in conjunction with Criterion 2.3 and the associated guidance.</p>	<p>Community Rights Law 2009 (CRL 2009)- Sections 2.2 & 4.1</p> <p>Section 2.2 (c) of the CRL states that “any decision, agreement, or activity affecting the status of or use of community forest resources shall not proceed without the prior, free, informed consent of the said community.” Section 4.1 states that “the Community Assembly shall be the highest decision-making body of the community with respect to community forestry matters.” Section 4.1(b) then states the members of the Community Assembly.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance: For 6.4.2: Companies should make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in smallholder schemes</p> <p>Guidance: This criterion should be considered in conjunction</p>	<p>Group managers must be able to show that group members have acquired lands by legal or accepted customary means. This includes:</p> <ul style="list-style-type: none"> • Establishment of a process for identifying legal and customary rights and for identifying people entitled to compensation. • A procedure for calculating and distributing 	

<p>with Criteria 2.2 and 2.3, and the associated Guidance</p>	<p>fair compensation (monetary or otherwise) is established and implemented.</p> <p>These procedures should take into account gender differences in the power to claim rights, ownership and access to land; differences of transmigrants and long-established communities and; differences in ethnic groups' proof of legal versus communal ownership of land. Compensation should be in line with fair market value or replacement cost.</p> <p>This criterion should be considered in conjunction with Criterion 2.3 and the associated guidance. National interpretations should provide additional guidance.</p>	
---	---	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.5. Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.		
Indicators	Guidance for scheme managers	National Legislation
<p>6.5.1: Documentation of pay and conditions shall be available.</p> <p>6.5.2: Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc.) shall be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>6.5.3: Growers and millers shall provide adequate housing, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible.</p> <p>6.5.4: Growers and millers shall make demonstrable efforts to monitor and improve workers' access to adequate, sufficient and affordable food.</p>	<p>Scheme managers must ensure that workers employed to service smallholders enjoy the same rights, conditions and protections as estate and mill employees in accordance with RSPO P&C.</p>	<p>Labor Law 1963- Sections 507; 510, 511,511 & 512.</p> <p>Section 507 of the Labor law requires every employer to observe an established minimum wage. Section 510 of the Labor Law states that “any provision in a contract of employment for the payment of wages less than the rate fixed by the Minimum Wage Board shall be null and void.”</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>For National Interpretation:</p> <p>National Interpretation will define a Decent Living Wage. Where there is no National Interpretation, the legal minimum wage will be used.</p>	<p>Group managers must ensure that workers employed to service smallholders enjoy the labour rights, conditions and protections stipulated in the respective National Interpretations.</p>	

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criterion 6.6 The employer respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.		
Indicators	Guidance for scheme managers	National Legislation
<p>6.6.1: A published statement in local languages recognising freedom of association shall be available.</p> <p>6.6.2: Minutes of meetings with main trade unions or workers representatives shall be documented.</p>	<p>Scheme managers must respect the right of scheme smallholders to form and represent themselves through their own representative associations and / or trades unions and accept them as parties to participatory processes, consultations, communications and negotiations in the management of the scheme.</p>	<p>Labor Law 1963-Sections 4600 & 4104 provides that “employees and employers, without distinction whatsoever, shall have the right to establish, and, subject to the rules of the organization concerned, to become members of organization of their own choosing without previous authorization or coercion. Section 4600(2) further states that “no employer shall discriminate against an employee because of membership in a Labor organization.” Section 4700(8) defines a labor organization as “any organization of any kind, or any agency or employee representation committee or plan, joint board or joint council, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.”</p> <p>Liberia Constitution-Article 17</p> <p>Labor Law 1963-Section 4104; Appendix #5(1)</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>The right of employees, including migrant and trans-migrant workers and contract workers, to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation (ILO).</p> <p>Labour laws and union agreements, or in their</p>	<p>This criterion is not applicable to group smallholders.</p>	<p>ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise: Article 2-11</p> <p>ILO Convention 98 (1949) Right to Organise and Collective Bargaining: Article 1-4</p> <p>ILO Convention 141 (1975) Rural Workers’</p>

<p>absence direct contracts of employment detailing payments and other conditions, should be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>For National Interpretation: National Interpretation will define migrant and transmigrant workers. ILO definitions and other international protocols, instruments and explanations should be used throughout.</p>		<p>Organization: Article 2-3</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007) Article 3</p>
--	--	---

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.7. Children are not employed or exploited.		
Indicators	Guidance for scheme managers	National Legislation
6.7.1: There shall be documentary evidence that minimum age requirements are met.	Scheme managers will train scheme smallholders in the national and ratified international legal requirements for avoiding the use of child labour. Work by children on family smallholdings within the scheme is only acceptable under adult supervision and when not interfering with education programmes and if permitted by national and ratified international laws.	Labor Law 1963-Sections 74 states that “it shall be unlawful for any person to employ or hire any child under the age of sixteen years during the hours when he is required to attend school in any portion of any month when school is in session; provided that a person may employ minors under sixteen if he keeps a register and the school certificates of such employees open to inspection, which certificates shall show that each of the said minors listed in the register is attending school regularly and is able to read at sight and write simple sentences legibly.”
Guidance	Guidance for independent smallholders	International Legislation
Growers and millers should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should not be done by those under 18, as per International Labour Organisation (ILO) Convention 138. Please refer to ‘Guidance for Independent Smallholders under Group Certification’, June 2010, and ‘Guidance on Scheme Smallholders’, July 2009 for additional guidance on family farms.	Group managers will train group smallholders in the national and ratified international legal requirements for avoiding the use of child labour Work by children on family smallholdings is only acceptable under adult supervision and when not interfering with education programmes and if permitted by national and ratified international laws.	ILO Convention 138 (1973) Minimum Age: Article 1-3 ILO Convention 182 (1999) Worst Forms of Child Labour Article 1-7 UN Declaration on the Rights of Indigenous of Peoples (2007) Articles 17 (2), 21, 22 (2)

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.8. Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.		
Indicators	Guidance for scheme managers	National Legislation
<p>6.8.1 A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented.</p> <p>6.8.2 Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against.</p> <p>6.8.3 It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available.</p>	<p>Scheme managers must ensure that there is no discrimination in the recruitment and employment of workers employed to service smallholders. Scheme managers will not allocate smallholdings or recruit smallholders in a discriminatory way, except where local communities have negotiated to be provided smallholdings in accepting the establishment of schemes on their lands. Scheme managers must ensure that women, indigenous peoples and minorities participate in negotiating processes.</p>	<p>Liberian Constitution (1986)-Article 18</p> <p>Article 11 (b) of the Liberian Constitution states that “all persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual”. Further Article 18 of the Constitution .of the Liberian Constitution states that “all Liberian citizens shall have equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation, and all shall be entitled to equal pay for equal work.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers, and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p>	<p>Group managers must provide training to group members about the need to avoid discrimination in the recruitment and employment of workers employed by, or to assist, smallholders.</p>	<p>ILO Convention 111 (1958): Article 1-2</p> <p>ILO Convention 100 (1958) Equal Remuneration: Article 1-3</p> <p>UN Declaration on the Rights of Indigenous People (2007): Article 1-9</p> <p>ILO Convention 143 (1975) Migrant Workers (Supplementary Provision): Articles1-12</p>

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.9: There is no harassment or abuse in the work place, and reproductive rights are protected.		
Indicators	Guidance for scheme managers	National Legislation
<p>6.9.1 A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.2 A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.3 A specific grievance mechanism which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce.</p>	<p>Scheme managers must ensure that this provision applies to personnel employed to service smallholders, as well as those working in mills and estates as well as smallholders and those they employ.</p>	<p>Ministry of Labor Regulation #3, 1982-Sections (1, 2, & 3)</p> <p>Section 3 of Regulation #3 states that “an employer shall not dismiss a female who is pregnant to avoid maternity leave payment.”</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 6.9.1 and 6.9.2: These policies should include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which should include representatives from all areas of work, will consider matters such as: training on women’s rights; counselling for women affected by violence; child care facilities to be provided by the growers and millers; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding.</p>	<p>Group managers must provide training to group members about the need to prevent sexual harassment and the abuse of women among both smallholders and any workers employed by them.</p>	

<p>For 6.9.2: see Indicator 4.6.12.</p> <p>Guidance: There should be a clear policy developed in consultation with employees, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded. Notwithstanding national legislation and regulation, reproductive rights are respected.</p>		
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.10: Growers and millers deal fairly and transparently with smallholders and other local businesses.		
Indicators	Guidance for scheme managers	National Legislation
<p>6.10.1 Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.</p> <p>6.10.2 Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).</p> <p>6.10.3 Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.</p> <p>6.10.4 Agreed payments shall be made in a timely manner.</p>	<p>Scheme managers must ensure that</p> <ul style="list-style-type: none"> • Current and past prices paid for FFB are publicly available. • Fair and transparent pricing mechanisms must be established. • Pricing mechanisms for FFB and inputs/services are documented (where these are under the control of the mill or plantation). • Evidence is available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal, and transparent and in appropriate languages and all costs, fees and levies are explained and agreed in advance. • Agreed payments are made in a timely manner. Debt repayment schemes are fair and fully transparent. • Where smallholders pay relevant service fee, roads must be maintained and transportation provided in a timely manner. • Renegotiations over second plantings or extensions are commenced with an adequate lead in time <p>Transactions with scheme smallholders should deal fairly with issues such as the role of middle men, transport and storage of FFB, quality and grading, and inputs from family labour.</p> <p>Smallholders must have access to the grievance procedure under criterion 6.3, if they consider that they are not receiving a fair price for FFB, whether or</p>	

	<p>not middle men are involved.</p> <p>If mills require smallholders to change practices to meet RSPO criteria, consideration must be given to the costs of such changes, and the possibility of advance payments for FFB could be considered.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Transactions with smallholders should consider issues such as the role of middle men, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 4.2) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Smallholders should have access to the grievance procedure under Criterion 6.3 if they consider that they are not receiving a fair price for FFB, whether or not middle men are involved.</p> <p>The need for a fair and transparent pricing mechanism is particularly important for outgrowers who are contractually obliged to sell all FFB to a particular mill.</p> <p>If mills require smallholders to change practices to meet the RSPO Principles and Criteria, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.</p>	<p>Group managers must ensure that:</p> <ul style="list-style-type: none"> • Current and past prices paid for FFB are freely available to group members and other parties. • Fair and transparent mechanisms must be established to pay members and other parties for their FFB. • Agreed payments are made in a timely manner. <p>Transactions with group smallholders should deal fairly with issues such as the role of middle men, transport and storage of FFB, quality and grading, and inputs from family labour.</p> <p>Smallholders must have access to the grievance procedure under criterion 6.3, if they consider that they are not receiving a fair price for FFB, whether or not middle men are involved</p>	<p>ILO Convention 110 (1958) Plantations: Articles 5-91</p> <p>ILO Recommendation 132 (1968) Tenants and Sharecropper: Article 4-8</p> <p>ILO Convention 117 (1962) Social Policy (Basic Aims and Standards): Article 4</p>

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.11: Growers and millers contribute to local sustainable development where appropriate		
Indicators	Guidance for scheme managers	National Legislation
<p>6.11.1 Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.</p> <p>6.11.2 Where there are scheme smallholders, there shall be evidence that efforts and/or resources have been allocated to improve smallholder productivity.</p>	<p>This criterion is not applicable at the generic level but could be considered by National Interpretations. However, scheme managers are encouraged to facilitate the identification of local sustainable development needs.</p> <p>Contributions to local sustainable development should be based on the results of consultation with local communities and should be entered into on a free will basis.</p> <p>See also criterion 6.2. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men and women. Funds should where possible be used in ways that are sustainable, productive, build community capacity and ownership, do not create dependency and seek to achieve long-term, quality of life improvements for local communities.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Contributions to local development should be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be</p>	<p>This criterion is not applicable to group smallholders</p>	

<p>recognised as conflicting with Criterion 6.8. Efforts should be made to identify independent smallholders in the supply base.</p> <p>Where sourcing of fruit is from identified independent smallholders, efforts should be made to contribute to the improvement of their farming practices.</p> <p>For National Interpretation: National Interpretation will consider specific parameters or thresholds such as use of local and national goods and services where possible, whether a certain percentage of the plantation's profit/turnover should be used for social development projects, and minimum quotas for local employment.</p>		
--	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.12: No forms of forced or trafficked labour are used.		
Indicators	Guidance for scheme managers	National Legislation
<p>6.12.1 There shall be evidence that no forms of forced or trafficked labour are used.</p> <p>6.12.2 Where applicable, it shall be demonstrated that no contract substitution has occurred.</p> <p>6.12.3 Where temporary or migrant workers are employed, a special labour policy and procedures shall be established and implemented.</p>		<p>Liberian Constitution(1986)-Article 12</p> <p>Article 12 of the Liberian Constitution states that “no person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia or any person resident therein deal in slaves or subject any person to forced labor, debt bondage or peonage”.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 6.12.1: Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.3: The special labour policy should include:</p> <ul style="list-style-type: none"> • Statement of the non-discriminatory practices; • No contract substitution; • Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.; • Decent living conditions to be provided. <p>Guidance</p> <p>Migrant workers should be legalised, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a decent living wage.</p> <p>Passports should only be voluntarily surrendered.</p>		<p>ILO Convention 29 (1930) Forced Labour: Article 5</p> <p>ILO Convention 105 (1957) Abolition of Forced Labour: Article 1</p>

<p>There should be evidence of due diligence in applying this to all sub-contract workers and suppliers. National guidance should be used on contract substitution.</p> <p>For National Interpretation: National Interpretation will define the following: temporary workers; migrant workers; special labour policy; contract substitution; and decent living wage. International Labour Organisation (ILO) definitions (ILO Convention 29 and 105) and other international protocols, instruments and explanations should be used throughout. See Criterion 6.5 for further guidance.</p>		
--	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 6.13: Growers and millers respect human rights		
Indicators	Guidance for scheme managers	National Legislation
<p>6.13.1. A policy to respect human rights shall be documented and communicated to all levels of the Workforce and operations (see Criteria 1.2 and 2.1).</p>		<p>Liberian Constitution (1986)-Articles 11 states that “all persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, or pursuing happiness and maintaining the security of the person and of acquiring, possessing and protecting property”. Subsection (b) of Article 11 states that “all persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual”.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>See also Criterion 6.3. All levels of operations will include contracted third parties (e.g those involved in security).</p> <p>From the UN Guiding Principles on Business and Human Rights: “The responsibility of business enterprises to respect human rights refers to internationally recognised human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</p> <p>The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address</p>		

human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.		
--	--	--

PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 7.1: A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations.		
Indicators	Guidance for scheme managers	National Legislation
<p>7.1.1 An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p> <p>7.1.2 Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p> <p>7.1.3 Where the development includes an outgrower scheme, the impacts of the scheme and the implications of the way it is managed shall be given particular attention.</p>	<p>When proposed new plantings include schemes for smallholders, scheme managers should ensure that local communities, indigenous peoples and prospective smallholders participate actively in impact assessments. In addition to the considerations outlined in the RSPO P&C such assessments must include participatory consideration of:</p> <ul style="list-style-type: none"> • Land use planning and land allocations to smallholders and arrangements regarding land acquisition. • Identification and mitigation of environmental impact, road building and road maintenance. • Debt provisions and payments, FFB pricing procedures, transport and grading • Conservation Values (see criterion 7.3) that could be negatively affected. • Assessment of potential effects on adjacent natural ecosystems of planned smallholding developments, including whether development or expansion will increase pressure on nearby natural ecosystems. • Identification of watercourses and assessment of potential effects on hydrology by planned smallholding developments. Measures should be planned and implemented to maintain the quantity and quality of water resources. 	<p>Environmental Protection and Management Law (EMPL) 2002-Sections 11(2)a, b, c & d; and 15</p> <p>Section 11 of the EMPL provides for public participation in matters related to any project which activities are likely to have environmental and social effects or impacts.</p>

	<ul style="list-style-type: none"> • Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting • Analysis of type of land to be used (forest, degraded forest, cleared land). • Analysis of land ownership and user rights. • Analysis of current land use patterns. • Assessment of potential social impact on surrounding communities of the group of smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents. <p>Plans and field operations should be developed and implemented with the participation of smallholders to incorporate the results of the assessment.</p> <p>National interpretations should consider setting a minimum threshold of the size of new plantings, e.g. 50 ha, above which an SEIA is required and should consider listing unacceptable negative social impacts (e.g., displacement, loss of the food security of local people, etc.) in the national context.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>The terms of reference should be defined and impact assessment should be carried out by accredited independent experts, in order to ensure an objective process. Both should not be done by the same body. A participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts. Stakeholders such as local communities, government departments and NGOs should be involved through the use of interviews and meetings, and by reviewing findings and plans for mitigation.</p>	<p>Guidance for group managers:</p> <p>Where groups plan to expand their aggregate holdings by more than 500 ha. in any one year, group managers should ensure that local communities, indigenous peoples and prospective smallholders participate actively in impact assessments. In addition to the considerations outlined in the RSPO P&C such assessments must include participatory consideration of:</p> <ul style="list-style-type: none"> • Land use planning and land allocations to smallholders and arrangements regarding 	

<p>It is recognised that oil palm development can cause both positive and negative impacts. These developments can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.</p> <p>The potential impacts of all major proposed activities should be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p> <ul style="list-style-type: none"> • Assessment of the impacts of all major planned activities, including planting, mill operations, roads and other infrastructure; • Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected; • Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems; • Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources; • Baseline soil surveys and topographic information, including the identification of steep slopes, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding; 	<p>land acquisition.</p> <ul style="list-style-type: none"> • Identification and mitigation of environmental impact, road building and road maintenance • Conservation Values (see criterion 7.3) that could be negatively affected. • Assessment of potential effects on adjacent natural ecosystems of planned smallholding developments, including whether development or expansion will increase pressure on nearby natural ecosystems. • Identification of watercourses and assessment of potential effects on hydrology by planned smallholding developments. Measures should be planned and implemented to maintain the quantity and quality of water resources. • Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting, where such data already exists • Analysis of type of land to be used (forest, degraded forest, cleared land). • Analysis of land ownership and user rights. • Analysis of current land use patterns. • Assessment of potential social impact on surrounding communities of the group of smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents. <p>Where groups plan to expand their aggregate holdings by less than 500 ha. In any one year, group managers should carry out a simplified social and environmental impact assessment which assesses HCVs, identifies suitable lands and other rights</p>	
---	---	--

<ul style="list-style-type: none"> • Analysis of type of land to be used (forest, degraded forest, cleared land); • Analysis of land ownership and user rights; • Analysis of current land use patterns; • Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents; • Identification of activities which may generate significant GHG emissions. <p>Plans and field operations should be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment process is that the development may not proceed because of the magnitude of potential impacts.</p> <p>For smallholder schemes, the scheme management should address this Criterion. For individual smallholders, this Criterion does not apply.</p> <p>Where there is no National Interpretation, for land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken.</p> <p>For National Interpretation:</p> <p>National Interpretation will identify the relevant accreditations for independent experts. National</p>	<p>holders.</p>	
---	-----------------	--

<p>Interpretation will consider setting an appropriate threshold for the size of new plantings, below which an internal assessment is allowed, and above which an independent SEIA is required. This will list negative social impacts (e.g. displacement, loss of the livelihoods of local peoples, etc.) in the national context.</p>		
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 7.2: Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.		
Indicators	Guidance for scheme managers	National Legislation
<p>7.2.1 Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation shall be available and taken into account in plans and operations.</p> <p>7.2.2 Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken into account in plans and operations.</p>	<p>Scheme managers must ensure that they apply the same procedures required for mills and new estates to all associated smallholder schemes. Information on soils may be collected and provided by scheme management or the mill that purchases the scheme's FFB. National interpretations should include detail on peat depth.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but need not be done by independent experts.</p> <p>Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development. Soils requiring appropriate practices should be identified (see Criteria 4.3 and 7.4). This information should be used to plan planting programmes, etc. Measures should be planned to minimise erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc. Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p>	<p>Where groups plan to expand their aggregate holdings by more than 500 ha. in any one year, group managers must ensure that these requirements are applied to all group members planning to expand their holdings or acquire new ones. National interpretations should include detail on peat depth.</p> <p>Where groups plan to expand their aggregate holdings by less than 500 ha. in any one year only a simplified soil survey is required (see 7.1)</p>	

<p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location. Information should be collected on soil suitability by companies planning to purchase Fresh Fruit Bunches (FFB) from potential developments of independent smallholders in a particular location. Companies should assess this information and provide information to independent smallholders on soil suitability, and/or in conjunction with relevant government/public institutions and other organisations (including NGOs) provide information in order to assist independent smallholders to grow oil palm sustainably.</p> <p>For National Interpretation: National Interpretation will specify the local or national code of practice or other guidelines that should be followed, or set out what 'good practice' constitutes within the local and national context</p>		
--	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 7.3: New plantings since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values		
Indicators	Guidance for scheme managers	National Legislation
<p>7.3.1 There shall be evidence that no new plantings have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantings shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).</p> <p>7.3.2 A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new planting. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status.</p> <p>7.3.3 Dates of land preparation and commencement shall be recorded.</p> <p>7.3.4 An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower's relevant operational procedures (see Criterion 5.2).</p> <p>7.3.5 Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2).</p>	<p>Scheme managers must ensure that this criterion is applied to scheme smallholdings.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>For 7.3.1: Evidence should include historical remote sensing imagery which demonstrates</p>	<p>Group managers must ensure that this criterion is applied to group smallholdings. This criterion also</p>	

<p>that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps should be used to inform the HCV assessment.</p> <p>Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6. Decisions will be made in consultation with the affected communities.</p> <p>Guidance: This Criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place since November 2005. HCVs may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced.</p> <p>The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments should be conducted according to the National Interpretation of the HCV criteria or according to the Global HCV Toolkit if a</p>	<p>applies to independent smallholders who later seek to become members of smallholder groups seeking certification.</p>	
--	--	--

<p>National Interpretation is not available (see Definitions).</p> <p>Developments should actively seek to utilise previously cleared and/or degraded land on mineral soil. Plantation development should not put indirect pressure on forests through the use of all available agricultural land in an area.</p> <p>Where landscape level HCV maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government land use plans.</p> <p>In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardise large areas or species, an independent assessment will be required. HCV areas can be very small.</p> <p>Once established, new developments should comply with Criterion 5.2.</p> <p>For National Interpretation: National Interpretation should refer to existing national definitions of HCVs (or where these do not exist refer to definitions in this document), or equivalent land-use/conservation plans or consider how growers and the audit team can identify High Conservation Values. This may involve collaboration with other bodies.</p>		
--	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 7.4. Extensive planting on steep terrain, and/or marginal and fragile soils, including peat, is avoided		
Indicators	Guidance for scheme managers	National Legislation
<p>7.4.1: Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided.</p> <p>7.4.2: Where limited planting on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts</p>	<p>Scheme managers must ensure that no lands are allocated to scheme smallholders on steep terrain and/or on marginal and fragile soils. Where limited planting is proposed it must be fully justified and must not to push people into poverty, and must be done in accordance with the indicators.</p> <p>National interpretations should consider including specific controls and thresholds, such as slope limits, listing soil types that on which planting should be avoided (especially peat soils), the proportion of plantation area that can include marginal/fragile soils, and/or definitions of ‘extensive’, ‘marginal’ and ‘fragile’. Marginal and degraded lands suitable for restoration should be distinguished from fragile lands that need to be avoided.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Planting on extensive areas of peat soils and other fragile soils should be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p> <p>For National Interpretation:</p> <p>National Interpretation will determine specific controls and thresholds, such as slope limits, listing soil types on which planting should be avoided (especially peat soils), the proportion of plantation area that can include marginal/fragile soils, and definitions of ‘extensive’, ‘marginal’, ‘fragile’, and ‘excessive’</p>	<p>Where groups plan to expand their aggregate oil palm holdings by more than 500 ha. in any one year, group managers must ensure that no new lands are acquired by existing group members on steep terrain and/or on marginal and fragile soils.</p>	

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 7.5. No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.		
Indicators	Guidance for scheme managers	National Legislation
<p>7.5.1: Evidence shall be available that affected local peoples understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the grower/miller is signed and ratified by these local peoples.</p> <p>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p>	<p>This criterion must be considered with 2.2, 2.3, 6.4 and 7.6. Scheme managers must ensure that they first identify local owners of any and all lands for proposed scheme smallholdings. Scheme managers must provide:</p> <ul style="list-style-type: none"> • Maps showing extent of recognised customary rights (criteria 2.3, 7.5 and 7.6). • Copies of negotiated agreements detailing process of consent (criteria 2.3, 7.5 and 7.6) <p>General Guidance:</p> <p>Where lands are encumbered by legal or customary rights, the group manager must demonstrate that these rights are understood by group members and are not being threatened or reduced.</p> <p>This criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements to acquire lands for group smallholdings should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Communities must be permitted to seek legal counsel if they so choose.</p> <p>Communities selling or leasing lands must be represented through institutions or representatives of their own choosing, operating transparently and in open communication with other community members. Adequate time must be given for</p>	<p>Community Rights Law 2009-Sections. 2.2 & 4.1</p> <p>Section 2.2 (c) of the CRL states that “any decision, agreement, or activity affecting the status of or use of community forest resources shall not proceed without the prior, free, informed consent of the said community.” Section 4.1 states that “the Community Assembly shall be the highest decision-making body of the community with respect to community forestry matters.”</p>

	<p>customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.</p> <p>Scheme managers have maps or other documents showing the land holdings of group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims.</p> <p>Scheme managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken- over there is proof of transfer of rights (e.g. sale or lease) and of payment or provision of agreed compensation.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 7.1.</p> <p>Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites. Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantings.</p> <p>Free, prior and informed consent (FPIC) is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Companies', October 2008).</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p>	<p>This criterion must be considered with 2.2, 2.3, 6.4 and 7.6. Group managers must ensure that members first identify local owners of any and all lands for the expansion or acquisition of new group smallholdings.</p> <p>General Guidance:</p> <p>Where lands are encumbered by legal or customary rights, the group manager must demonstrate that these rights are understood by group members and are not being threatened or reduced.</p> <p>This criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements to acquire lands for group smallholdings should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit</p>	

	<p>sharing and legal arrangements. Those selling or leasing lands must be permitted to seek legal counsel if they so choose. Communities selling or leasing lands must be represented through institutions or representatives of their own choosing, operating transparently and in open communication with other community members. Adequate time must be given for customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.</p> <p>Group managers have maps or other documents showing the land holdings of group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims.</p> <p>Group managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken- over there is proof of transfer of rights (e.g. sale or lease) and of payment or provision of agreed compensation.</p>	
--	---	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 7.6. Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements		
Indicators	Guidance for scheme managers	National Legislation
<p>7.6.1: Documented identification and assessment of demonstrable legal, customary and user rights shall be available.</p> <p>7.6.2: A system for identifying people entitled to compensation shall be in place.</p> <p>7.6.3: A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.</p> <p>7.6.4: Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.</p> <p>7.6.5: The process and outcome of any compensation claims shall be documented and made publicly available.</p> <p>7.6.6: Evidence shall be available that the affected communities and rights holders have access to information and advice that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands.</p>	See 7.5 above.	<p>Community Rights Law 2009 (CRL 2009)-Sects. 2.2 & 4.1</p> <p>Section 2.2 (c) of the CRL states that “any decision, agreement, or activity affecting the status of or use of community forest resources shall not proceed without the prior, free, informed consent of the said community.” Section 4.1 states that “the Community Assembly shall be the highest decision-making body of the community with respect to community forestry matters.” Section 4.1(b) then states the members of the Community Assembly.</p>
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 7.6.1: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>For 7.6.6: Growers and millers will confirm that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the new issuance of a concession or land title to</p>	See 7.5 above.	

<p>the operator.</p> <p>Guidance:</p> <p>Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance.</p> <p>This requirement includes indigenous peoples (see Annex 1).</p> <p>Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Companies', October 2008).</p>		
Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 7.7. No use of fire in the preparation of new plantings other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.		
Indicators	Guidance for scheme managers	National Legislation
<p>7.7.1 There shall be no land preparation by burning, other than in specific situations, as identified in the 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p> <p>7.7.2 In exceptional cases where fire has to be used for preparing land for planting, there shall be evidence of prior approval of the controlled burning as specified in 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p>	<p>Scheme managers must ensure that no fire is used to establish new plantings. Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.</p> <p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the implementation of the ASEAN policy on zero burning', or comparable guidelines in other locations.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Guidance:</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the</p>	<p>Group managers must ensure that no fire is used to establish new plantings.</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.</p>	

<p>risk of severe pest and disease outbreaks, and exceptional levels of caution are required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for smallholders may be necessary.</p> <p>For National Interpretation:</p> <p>National Interpretation will identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p>	<p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the Implementation of the ASEAN policy on zero burning' or comparable guidelines in other locations.</p>	
---	--	--

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 7.8 New plantation developments are designed to minimise net greenhouse gas emissions		
<p>7.8 Preamble</p> <p>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate RSPO’s commitment to establishing a credible basis for the Principles and Criteria on GHGs.</p> <p>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognised that these emissions cannot be projected with accuracy with current knowledge and methodology.</p> <p>Growers and millers commit to plan development in such a way to minimise net GHG emissions towards a goal of low carbon development (noting the recommendations agreed by consensus of the RSPO GHG WG2).</p> <p>Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.</p>		
Indicators	Guidance for scheme managers	National Legislation
<p>7.8.1: The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated.</p> <p>7.8.2: There shall be a plan to minimise net GHG emissions which takes into account avoidance of land areas with high carbon stocks and/or sequestration options.</p>	<p>Scheme managers must develop an action plan for continual improvement, developed in a participatory manner with smallholders, based on a consideration of the main social and environmental impacts and opportunities of the smallholdings, and should include a range of indicators covered by these principles and criteria.</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Specific Guidance:</p> <p>For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The RSPO carbon assessment tool for new plantings will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process.</p>	<p>Group managers must develop an action plan for continual improvement, developed in a participatory manner with group smallholders, based on a consideration of the main social and environmental impacts and opportunities of the smallholdings, and should include a range of indicators covered by these principles and criteria.</p>	

<p>The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantings.</p> <p>Parties seeking to use an alternative tool for new plantings will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>For 7.8.2: Growers are strongly encouraged to establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Millers are encouraged to adopt low-emission management practices (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.</p> <p>Growers and millers should plan to implement RSPO best management practices for the minimisation of emissions during the development of new plantations.</p> <p>Guidance:</p> <p>This Criterion covers plantations, mill operations, roads and other infrastructure. It is recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation.</p> <p>Public reporting is desirable, but remains voluntary until the end of the implementation period. During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and</p>		
---	--	--

<p>provide additional guidance on the process. During the implementation period the RSPO working group will seek to further develop and continually improve the RSPO carbon assessment tool for new plantings, recognising the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.</p> <p>Thereafter growers and millers will ensure that new plantation developments are designed to minimise net GHG emissions and commit to reporting publicly on this.</p> <p>Once established, new developments should report on-going operational, land use and land use change emissions under Criterion 5.6.</p> <p>For National Interpretation:</p> <p>National Interpretation will provide guidance within the national context for national requirements (e.g. high and low carbon stock lands or emission reduction requirements).</p>		
---	--	--

PRINCIPLE 8: COMMITMENT TO CONTINUOUS IMPROVEMENT IN KEY AREAS OF ACTIVITY

Indicator/Guidance	Guidance for Smallholders	Laws, Conventions and Treaties
Criteria 8.1. Growers and millers regularly monitor and review their activities, and develop and implement action plans that allow demonstrable continual improvement in key operations		
Indicators	Guidance for scheme managers	National Legislation
<p>8.1.1: The action plan for continual improvement shall be implemented, based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of Indicators covered by these Principles and Criteria.</p> <p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"> • Reduction in use of pesticides (Criterion 4.6); • Environmental impacts (Criteria 4.3, 5.1 and 5.2); • Waste reduction (Criterion 5.3); • Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8); • Social impacts (Criterion 6.1); • Optimising the yield of the supply base. 	<p>Scheme administrators should develop an action plan according to the scheme.</p> <p>Scheme managers must develop an action plan for continual improvement, developed in a participatory manner with group smallholders, based on a consideration of the main social and environmental impacts and opportunities of the smallholdings, and should include a range of indicators covered by these principle s and criteria</p>	
Guidance	Guidance for independent smallholders	International Legislation
<p>Growers should have a system to improve practices in line with new information and techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continual improvement.</p> <p>For National Interpretation:</p> <p>National Interpretation will include specific minimum performance thresholds for key indicators (Criteria 4.2, 4.3, 4.4, and 4.5).</p>		