

RSPO

Roundtable on Sustainable Palm Oil

GHANA NATIONAL INTERPRETATION OF RSPO PRINCIPLES AND CRITERIA FOR SUSTAINABLE PALM OIL

DRAFT 3

June 2010

Ghana National Interpretation Working Group (GNIWG)

Preamble

Sustainable palm oil production is comprised of legal, economically viable, environmentally appropriate and socially beneficial management and operations. This is delivered through the application of the generic set of RSPO Principles and Criteria (P&C), and the accompanying indicators and guidance. These principles, criteria, indicators and guidance were applied for an initial pilot implementation period up to November 2007, and were reviewed at the end of this period. The objective of the pilot implementation period was to enable field testing of the principles and criteria, and thereby allow guidance to be improved. The final generic document was dated: October 2007.

In the generic document (October 2007), the guidance provided mainly focused on large scale producers. However on the 2nd of July 2009, a guidance for scheme smallholders was adopted by the RSPO Executive Board. In the mean time, the Smallholder Task Force has also developed a guidance for independent smallholders, which is currently being finalized (most recent document: 15 March 2010, public consultation until 18 May 2010).

National Interpretation Working Groups (NIWGs) have to develop a national interpretation for 1) the generic document of October 2007 (containing Principles, Criteria, National Indicators and Guidance), 2) the specific guidance for scheme smallholders of July 2009 and 3) the specific guidance of independent smallholders of March 2010 (draft).

The Ghana National Interpretation is based on the generic RSPO Principles & Criteria and on the generic guidances for scheme and independent smallholders as stated above. The document is being developed by a multi-stakeholder Working Group, the Ghana National Interpretation Working Group (GNIWG) (Annex 3).

This document is the third draft created by the GNIWG after their third meeting held on the 26th of May 2010. This draft includes revisions of the national indicators and guidance, lists of relevant international and national laws and regulations, outcomes of the second public consultation period, outcomes of the 1st meeting of the Scheme Smallholder Working Group on the 11th of May 2010.

The 3rd draft is open for comments from 14/06/2010 – 31/07/2010. Comments can be submitted through the website of the GNIWG (www.rspo-in-ghana.org) or by email to anke.massart@gmail.com. Hard copies of the draft are also available at offices of Ghana Oil Palm Development Company Ltd., Benso Oil Palm Plantation Ltd., Norpalm Ghana Ltd. and Technoserve.

The following must be noted:

- So far, the interpretation of the scheme smallholder guidance covered criterion 1.1 – 6.9. No interpretation was carried out yet for criterion 6.10 – 8.1 (indicated in red).
- The interpretation of the independent smallholder guidance was not yet carried out as the generic guidance is still in draft stage (indicated red).

Way forward ...

During the 3rd consultation period, 3 forums will be held on “Environment & Natural Resources”, on “Labour Issues”, and on “Smallholder Issues”.

A 2nd meeting for the guidance on scheme smallholders is scheduled in July 2010 to finalize the discussion on the remaining points (i.e. Principle 6 (criterion 6.10) – Principle 8). Afterwards, attention will also be given to the development of the guidance for independent smallholders. Both guidances for scheme and independent smallholders are to be included in the 4th and probably final draft of the Ghana National Interpretation document.

After submitting the Ghana National Interpretation document to the RSPO Executive Board (EB), the RSPO EB will review the document and afterwards the GNIWG will revise the document to meet RSPO EB recommendation. The revised document will also be opened for 14 days public comment as required by RSPO EB. The National Interpretation will be revised periodically in accordance with any changes to the generic Principles and Criteria determined by RSPO.

Definitions concerning the SCHEME and INDEPENDENT SMALLHOLDERS¹

Who are scheme smallholders? Who are independent smallholders?

The RSPO currently defines smallholders as:

“Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labour and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 hectares in size.”

The RSPO Task Force on Smallholders has agreed that the most appropriate terms are “**scheme**” and “**independent**” smallholders.

In the context of RSPO systems, **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 organisation. They may, however, receive support or extension services from government agencies.

Scheme smallholders, while also very diverse, are characterised as smallholders who are structurally bound by contract, by credit agreement or by planning to a particular mill. Scheme smallholders are often not free to choose which crop they develop, are supervised in their planting and crop management techniques, and are often organised, supervised or directly managed by the managers of the mill, estate or scheme to which they are structurally linked.

In accordance with the RSPO Certification Protocol, whereas scheme smallholders should be certified along with the mill with which they are associated², **independent smallholders**, who may sell their FFB either directly or through intermediaries to a number of mills, are to be certified on their own.

¹ Source: Guidance on scheme smallholders – Task Force on Smallholders – 2nd July 2009

² RSPO Certification Unit = mill and its supply base.

As the costs of audits are likely to be too high for any smallholder to afford, the RSPO Task Force on Smallholders and the RSPO Certification Working Group have recommended that a **Group Certification Protocol** should be developed to allow independent smallholders to share these costs³.

Who should have responsibility for ensuring scheme smallholders to comply with the standard?

The main responsibility for ensuring compliance with the RSPO standard falls on the scheme manager. Such scheme managers will range from mill owners, through nucleus estate managers to government agencies or even traders. This does not obviate the fact that the smallholders who are members of the schemes also have responsibilities to comply.

Are there specific indicators for smallholders?

Currently, there are no specific indicators for smallholders. The indicators of the main National Interpretation document will be used, but can be revised at a later stage.

Scheme smallholders and Independent smallholders in GHANA

There are three types of smallholders in Ghana:

1. **Term “Smallholder”, part of a smallholder scheme:**

= Person who cultivates oil palm on a portion of the nucleus estate.

³ See following documents on RSPO Group Certification Protocol developed by BIOCERT Indonesia and Proforest:

- RSPO Accreditation and Certification Requirements for Group Certification – 28th February 2010, 3rd draft.
- RSPO Certification Standard for Group Certification – 28th February 2010, 3rd draft.

2. **Term “Outgrower”**, part of an outgrower scheme:

= Person who has a contractual agreement with a company or mill. Inputs like seedlings, fertilizer and extension services are provided to the farmer on a loan basis. The farmer cultivates the oil palm on his own land (i.e. outside the nucleus estate) and is obliged to sell his FFB the company or mill.

3. **Term “Private farmers”**, individuals that are not part of any scheme.

=> **Ghanaian Context:** The “private farmer” is an independent smallholder, while the “smallholders” and “outgrowers” are scheme smallholders.

Principle 1: Commitment to transparency.

Criterion 1.1:

Oil palm growers and millers provide information to other stakeholders on environmental, social and legal issues relevant to RSPO criteria, in appropriate languages & forms to allow for effective participation in decision making.

Indicator 1.1.1:

- Evidence of a system whereby growers and millers respond constructively and promptly to requests for information of stakeholders. Records of request and responses must be maintained.

=> MAJOR.

Guidance:

Growers and millers should respond constructively and promptly to requests for information from stakeholders.

See criterion 1.2 for requirements relating to publicly available documentation.

See also criterion 6.2 relating to consultation.

Scheme SH guidance:

Scheme managers must ensure that participant smallholders are provided copies of:

- *Contracts between scheme managers and smallholders (criterion 1.2);*
- *Up-to-date records of debts and repayments, charges and fees (criterion 6.10).*

Scheme managers must have database of land titles/smallholders' user rights.

=> For outgrower schemes, the individual farmer must proof that he is entitled to the land before he can join the scheme. The scheme manager has copies of the land title/smallholder's user rights.

=> For smallholder schemes, the scheme manager has a copy of the land title covering the concession available for smallholders.

Scheme manager must ensure that copies of following documents are available at vantage points (e.g. through association representatives, in office of extension staff):

- *Training materials in IPM and safe use of agro-chemicals (criterion 4.6);*
- *Health and safety plan (criterion 4.7);*
- *Plans and impacts assessments relating to environmental and social impacts (criteria 5.1, 6.1, 7.1, 7.3)*
- *Pollution prevention plans (criterion 5.6);*
- *Details of complaints and grievances (criterion 6.3);*

- *Negotiation procedures (criterion 6.4);*
- *Procedure for calculating prices, and for grading, FFB (criterion 6.10);*
- *Continuous improvement plan (criterion 8.1).*

Brief summaries of the documents mentioned above can be made available to all participant smallholders.

Independent SH guidance:

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 (criterion 8.1). Group managers ensure that each participant smallholder is provided a copy of the agreements between them and the group (criterion 1.2) and up-to-date records of sales and prices of their produce (criterion 6.10).

Group managers should also provide all group members with simplified training materials in a language understood by the group members on:

- *IPM and safe use of agro-chemical use (criterion 4.6)*
- *Health and safety plan (criterion 4.7)*
- *Plans and impact assessments relating to environmental and social impacts (criteria 5.1, 6.1, 7.1, 7.3)*
- *Pollution prevention plans (criterion 5.6)*
- *Details of complaints and grievance procedures (criterion 6.3)*
- *Procedures for pricing and grading members FFB (criterion 6.10)*

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 (criterion 4.8).

Criterion 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.

Indicator 1.2.1:

This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria. Documents that must be publicly available include, but are not necessary limited to:

- Company policies.
- Land titles/user rights (criterion 2.2).
- 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).
- Continuous improvement plan (8.1).
- Community relations strategy/CSR.
- Labour force information.

⇒ MAJOR

Guidance:

Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.

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. It must be noted that non-disclosure of such information must be as a last resort after educating the parties involved.

Hard copies and electronic copies should be available on site for review by relevant stakeholders with legal or public interest. However, copies are at a cost.

Documents (e.g. policies & plans) can be made available on the company website or in the company journal.

The system used should be appropriate to the scale of the organization.

Every undertaking involving land clearing of more than 40 hectares in area for agricultural purposes or every undertaking involving the construction of crude oil or oil processing facilities, must be registered by the Environmental Protection Agency (Environmental Protection Agency Act, Act 490, 1994) and must obtain an environmental permit from the agency before commencement (Environmental Assessment Regulations, 1999).

One of the preconditions to obtain an environmental permit, is the development and submission of an Environmental Impact Assessment (EIA) (or a Preliminary Environmental Report (PER) for small scale projects). The content of the EIA or PER is determined by the EPA Environmental Assessment & Audit Department in cooperation with other relevant Departments.

One of the permit conditions is the submission of an Environmental Management Plan (EMP) within 18 months after commencement and thereafter every 3 years. The content of the EMP is determined by the following EPA departments: 1) Natural Resources Department, 2) Manufacturing Industries Department and 3) Built Environment Department. The content covers the majority of the policies, plans and procedures stated in the indicator. The EMP is a confidential document, but extracts can be made available to the public to ensure compliance with indicator.

Scheme SH guidance:

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.

Independent SH guidance:

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.

Principle 2: Compliance with applicable laws and regulations

Criterion 2.1

There is compliance with all applicable local, national and ratified international laws and regulations.

Indicator 2.1.1:

- Evidence of compliance with relevant legal requirements.

⇒ MAJOR

Indicator 2.1.2:

- A mechanism for ensuring that relevant legal requirements are implemented.

⇒ MAJOR

Indicator 2.1.3:

- A documented system, which includes written information on legal requirements.

⇒ MINOR

Indicator 2.1.4:

- A system for tracking any changes in the law.

⇒ MINOR

Guidance:

Implementing all legal requirements is an essential 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 Biodiversity, CBD).

Furthermore, where countries have provisions to respect customary law, these must be taken into account.

The system used to ensure compliance to legal requirements should be appropriate to the scale of the organization and should include the following:

- *List all applicable laws including international laws and conventions ratified by the Ghanaian government.*
- *Display applicable licenses and permits including their conditions.*
- *Identify person(s) responsible to monitor compliance to both (1) and (2).*

Scheme SH guidance:

Scheme managers must ensure that their organized smallholders are aware of and comply with relevant legal requirements. This would require provision of information (e.g. up-to-date list and summary) regarding relevant legal requirements to participant smallholders or their appointed representatives and the extension staff.

Independent SH guidance:

Group managers must hold an up-to-date list of applicable laws, 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 acquisition or holding of lands. Group smallholders should be aware of and understand the intent of applicable laws and regulations. More detailed guidance must be given in the national interpretations.

Criterion 2.2

The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.

Indicator 2.2.1:

- Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land.

⇒ MAJOR

Indicator 2.2.2:

- Evidence that legal boundaries are clearly demarcated and visibly maintained.

⇒ MAJOR

Indicator 2.2.3:

- Where there are, or have been, disputes, proof of resolution or progress towards resolution by conflict resolution processes acceptable to all parties are implemented (criteria 6.3 and 6.4).

⇒ MAJOR

Guidance:

All operations should cease on land planted beyond the legal boundary.

For any conflict or dispute over the land, the extent of the disputed area should be mapped out in a participatory way.

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.

Ensure a mechanism to solve the conflict (criteria 6.3 and 6.4).

Scheme SH guidance:

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.

Independent SH guidance:

Group managers have maps or other documents showing the lands held by group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims. National interpretations must identify what kinds of documents are needed to show compliance.

Criterion 2.3

Use of the land for oil palm does not diminish the legal rights, or customary rights, of other users, without their free, prior and informed consent.

Indicator 2.3.1:

- Maps of an appropriate scale showing extent of recognized customary rights (criteria 2.3, 7.5 and 7.6).

⇒ MAJOR

Indicator 2.3.2:

- Copies of negotiated agreements detailing process of consent (criteria 2.3, 7.5 and 7.6).

⇒ MAJOR

Guidance:

Where lands are encumbered by legal or customary rights, the grower must 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 are best established through participatory mapping exercises involving affected and neighbouring communities.

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 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. Communities 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. Establishing certainty in land negotiations is of long-term benefit for all parties.

For definition of 'customary rights', see definitions.

Scheme SH guidance:

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.

Independent SH guidance:

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.

Principle 3: Commitment to long-term economic and financial viability

Criterion 3.1

There is an implemented management plan that aims to achieve long-term economic and financial viability.

Indicator 3.1.1:

- A documented business or management plan (minimum 5 years).

⇒ MAJOR

Indicator 3.1.2:

- Annual replanting programme, where applicable, projected for a minimum of 5 years with yearly review.

⇒ MAJOR

Guidance:

Whilst it is recognized that long-term profitability is also affected by factors outside their direct control, top management must be able to demonstrate attention to economic and financial viability through long-term management planning.

The business or management plan may contain:

- *Attention to qualify of planting materials.*
- *Crop projection = FFB yield trends.*
- *Mill extraction rates = OER trends.*
- *Cost of Production = cost per tonne of CPO trends.*
- *Marketing plan (e.g. forecast prices, forecast sales).*
- *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).*

Growers should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management will be expected to provide their members with information on significant improvements.

Scheme SH guidance:

Scheme managers have a documented management plan for scheme smallholders (minimum 3 years), the plan is shared with them in appropriate languages.

Independent SH guidance:

Group managers have a documented annual business plan which shows economic benefits for the group (and set out expansion plans – see criterion 7.1). This plan is shared with the group members in an appropriate format.

Principle 4: Use of appropriate best practices by growers and millers

Criterion 4.1

Operating procedures are appropriately documented and consistently implemented and monitored.

Indicator 4.1.1:

- Standard Operating Procedures for estates and mills are documented.

⇒ MAJOR

Indicator 4.1.2:

- A mechanism to check consistent implementation of procedure is in place.

⇒ MAJOR

Indicator 4.1.3:

- Records of monitoring & the actions taken are maintained.

⇒ MINOR

Guidance:

No specific guidance.

Scheme SH guidance:

Scheme managers should ensure that Standard Operating Procedures for smallholder schemes, which are developed with participation of smallholders, are available and there should be evidence of education/training of scheme smallholders to ensure that working practices are consistent with the procedures. Scheme managers must do the monitoring of farmers activities on a regular basis.

Independent SH guidance:

Group managers can show how they document, monitor and manage the implementation of best practices by group smallholders in accordance from the internal assessment of members from Group Managers. Group managers should ensure that group smallholders can show evidence of compliance. More detailed guidance should be given in the national interpretation. Training should be provided under criterion 4.8.

Criterion 4.2

Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.

Indicator 4.2.1:

- Records of fertilizer inputs & application are maintained.

⇒ MINOR

Indicator 4.2.2:

- Evidence of periodic tissue and soil sampling to monitor changes in nutrient status.

⇒ MINOR

Indicator 4.2.3:

- A nutrient recycling strategy should be in place.

⇒ MINOR

Guidance:

Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil.

Managers should ensure that best agricultural practice is followed. Thereby, the establishment of cover crops is highly recommended. In addition, leaf fronds should be packed in the field.

Nutrient efficiency must take account of the age of plantations and soil conditions.

The nutrient recycling strategy should include EFB, POME, palm residues after replanting and any use of biomass for by-products or energy production.

It is advised that leaf sampling is done annually and soil sampling at least every 5 years.

Scheme SH guidance:

Scheme managers can show that land is prepared for smallholdings in a way that soil fertility is maintained, that they have carried out trainings with scheme smallholders to explain best practices (see criterion 4.8) and that they can monitor and verify effective implementation. Evidence of effective implementation can be: packing of fronds, establishment of cover crop, zero burning.

Scheme smallholders should be able to demonstrate that they have an understanding of the techniques required to maintain soil fertility and that they are being implemented (e.g. checking soil types, slopes, buffer zones).

The use of covers crops is recommended however early intercropping of certain crops should be accepted as specified by the scheme manager.

In regard to leaf sampling, farmers may request analysis, done by the processor, at their own expense.

Independent SH guidance:

Group managers can show that they have carried out trainings with group smallholders to explain best practices to maintain soil fertility (see criterion 4.8) and monitor and verify effective implementation.

Criterion 4.3⁴

Practices minimize and control erosion and degradation of soils.

Indicator 4.3.1:

- Maps of fragile soils must be available, indicating topography and soil types.
- ⇒ MINOR

Indicator 4.3.2:

- Slopes between 0 and 16° are suitable. A management strategy should exist for plantings on slopes between 17 and 30° (i.e. marginal soils). There will be no planting on slope above 30° (i.e. unsuitable soils).
- ⇒ MINOR

Indicator 4.3.3:

- Presence of road maintenance programme.
- => MINOR

Indicator 4.3.4:

- A management strategy should be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulfate soils).

⁴ Confirm latest edition of FAO Guidelines on slopes suitable for oil palm.

⇒ MINOR

Guidance:

Techniques that minimize soil erosion are well-known and should be adopted, wherever appropriate. This may include practice such as ground cover management, biomass, recycling, terracing, and natural regeneration or restoration instead or replanting.

The following should be taken into account upon constructing roads: wetlands, culverts, contours.

Management strategy for fragile soils must include EFB application to improve soil structure.

Scheme SH guidance:

Scheme managers can show that lands prepared for smallholdings have been chosen so as to minimise and control soil erosion and soil degradation in accordance with the indicators. Scheme managers should be able to demonstrate that their participant smallholders have an understanding of the techniques required to manage their soils and that they are being implemented. Techniques may be: the use of cover crops and lemon grass (a deep rooting plant) and/or arrangements of fronds across the slope to avoid soil degradation.

Independent SH guidance:

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 of soils (see criterion 4.8) and monitor and verify effective implementation.

Criterion 4.4

Practices maintain the quality and availability of surface and ground water.

Indicator 4.4.1:

- Apply to Water Resources Commission (WRC) to ensure that the implemented Water Management Plan is in line with WRC and EPA standards.

⇒ MAJOR

Indicator 4.4.2:

- Protection of local water courses and wetlands, including maintaining and restoring appropriate riparian buffer zones, as per WRC guidelines.

⇒ MAJOR

Indicator 4.4.3:

- Monitoring of effluent parameters.

⇒ MAJOR

Indicator 4.4.4:

- Monitoring of mill water use per tonne of FFB.

⇒ MINOR

Guidance:

Growers and millers should address the effects of their use of water and the effects of their activities on local water resources.

In accordance to the Water Use Regulations LI 1962 (2001), a person may obtain a permit from the Water Resource Commission for various types of water use. The permit is subject to the conditions specified in the permit to the applicant. The permit holder shall keep records and shall furnish the Commission at all times with these records.

The Water Management Plan may include:

- *Taking account of the efficiency of use and renewability of sources.*
- *Ensuring that the use of water does not result in adverse impacts on other users.*
- *Avoiding contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including POME.*
- *Appropriate treatment of mill effluent and regular monitoring of discharge quality, which should be in compliance with national regulations.*

The monitoring results of effluent parameters should be part of the quarterly monitoring returns to EPA (in accordance with the EPA permit conditions).

Scheme SH guidance:

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 criterion 4.8) and can monitor, manage and verify effective implementation by smallholders. Buffer zone areas along rivers/streams have to be chosen in compliance with the National Buffer Zone Policy.

Independent SH guidance:

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.

Criterion 4.5

Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques.

Indicator 4.5.1:

- An IPM plan is documented and current.

⇒ MINOR

Indicator 4.5.2:

- Monitoring extent of IPM implementation including training. (e.g. Oryctes and leaf miner checks).

⇒ MINOR

Indicator 4.5.3:

- Monitoring of pesticide toxicity units (a.i. / LD 50 per tonne of FFB or per hectare).

⇒ MINOR

Guidance:

Growers should apply recognized IPM techniques, incorporating cultural, biological, mechanical or physical methods to minimize use of chemicals.

Native species should be used in biological control wherever possible.

Scheme SH guidance:

Scheme managers should provide regular training to scheme smallholders in IPM techniques (incorporating cultural, biological, mechanical or physical methods – see criterion 4.8) to minimise use of chemicals and provide appropriate assistance for application of agro-chemicals.

Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to smallholders.

Independent SH guidance:

Group managers should provide regular training to group smallholders in IPM techniques (incorporating cultural, biological, mechanical and physical methods – see criterion 4.8) to minimise use of chemicals and provide appropriate assistance for application. More detailed guidance should be given in the national interpretations.

Criterion 4.6

Agrochemicals are used in a way that does not endanger health or the environment. There is no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines. Where agrochemicals are used that are categorized as World Health Organisation Type 1A or 1B, or are listed by the Stockholm or Rotterdam Conventions, growers are actively seeking to identify alternatives, and this is documented.

Indicator 4.6.1:

- Only agrochemicals registered by the Environmental Protection Agency are used.

⇒ MAJOR

Indicator 4.6.2:

- Documented justification of all agrochemical use should be in line with the IPM plan.

⇒ MINOR

Indicator 4.6.3:

- Records of pesticide use (including active ingredients used, area treated, amount applied per ha and number of applications).

⇒ MAJOR

Indicator 4.6.4:

- Documentary evidence that use of chemicals categorized as World Health Organisation type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat, is eliminated.

⇒ MAJOR

Indicator 4.6.5:

- Chemicals should only be applied by qualified persons who have received the necessary training and should always be applied in accordance with the product label. Appropriate safety equipment must be provided and used. All precautions attached to the products should be properly observed, applied, and understood by workers. Also see criterion 4.7 on health and safety.

⇒ MAJOR

Indicator 4.6.6

- Storage of all chemicals is prescribed in FAO or GIFAP Code or Practice (see Annex 1). All chemical containers must be properly disposed of and not used for other purposes (see criterion 5.3).

⇒ MAJOR

Indicator 4.6.7:

- Application of pesticides by proven methods that minimize risk and impacts. Pesticides are applied aerially only where there is a documented justification.

⇒ MINOR

Indicator 4.6.8:

- Proper disposal of waste material, according to procedures that are fully understood by workers and managers. Also see criterion 5.3 on waste disposal.

⇒ MAJOR

Indicator 4.6.9:

- Specific annual medical surveillance for pesticide operators, and documented action to eliminate adverse effects.

⇒ MAJOR

Indicator 4.6.10:

- No work with pesticides for pregnant and breast-feeding women.

⇒ MAJOR

Guidance:

The list of agrochemicals registered by the Environmental Protection Agency should be reviewed every six months.

Use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species should be used where available. However, measures to avoid the development of resistance (such as pesticide rotations) are applied.

Scheme SH guidance:

Scheme managers will provide regular training to scheme smallholders on agrochemical use (see criterion 4.8), especially on how:

- *Chemicals should only be applied in accordance with 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. All chemical containers must be properly disposed of and not use 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 by workers and managers. (Also see criterion 5.3 on waste disposal).*
- *The pesticide register of the Environmental Protection Agency should be made available to the farmers (e.g. by posting it at the collection centers).*

Scheme manager's records will also show:

- *Justification of all chemical use.*
- *List of all agro-chemicals used.*
- *Records of pesticides supplied to smallholders.*
- *Documentary evidence that use of chemicals categorised as World Health Organisation Type IA or IB, or listed in the Stockholm or Rotterdam Conventions, and paraquat is eliminated.- Evidence of CPO residue testing, as required by the supply chain.*
- *Annual health screening for all smallholders using or handling agrochemicals categorised as World Health Organisation Type IA or IB, or listed in the Stockholm or Rotterdam Conventions, and paraquat.*
- *No chemical spraying by pregnant women or children.*

Independent SH guidance:

Group managers will provide regular training to group smallholders on agro-chemical use (see criterion 4.8), especially on:

- *How chemicals should only be applied in accordance with the product label*
- *Appropriate safety equipment can be acquired and used*
- *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 IA and IB, or listed by the Stockholm or Rotterdam Conventions, and paraquat*
- *Chemicals should be securely and safely stored. All chemical containers must be properly disposed of and not used for other purposes (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 by workers and managers (also see criterion 5.3 on waste disposal)*
- *There should be no chemical spraying by pregnant women or children.*

Group managers records will also show:

- *List of all agrochemicals used by group members*
- *Documentary evidence that use of chemicals categorised as World Health Organisation (Type IA and IB) or listed by 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.*

- Annual health screening for all group smallholders and workers they employ (if any) using or handling agro-chemicals categorised as World Health Organisation Type IA or IB, or listed by Stockholm or Rotterdam Conventions, and paraquat.

Criterion 4.7

An occupational health and safety plan is documented, effectively communicated and implemented. The health and safety plan covers the following:

Indicator 4.7.1:

- A health and safety policy, which is implemented and monitored.

⇒ MAJOR

Indicator 4.7.2:

- All operations where health and safety is an issue have been risk assessed and procedures and actions are documented and implemented to address the identified issues. All precautions attached to products should be properly observed and applied to the workers.

⇒ MAJOR

Indicator 4.7.3:

- All workers involved in the operations have been adequately trained in safe working practices (see also criterion 4.8). Adequate and appropriate protective equipment should be available to labourers at the place of work to cover all potentially hazardous operations, such as pesticide application, land preparation, harvesting and, if it is used, burning.

⇒ MAJOR

Indicator 4.7.4:

- The responsible person should be identified. There are records of regular meetings between the responsible person and workers where concerns of all parties about health, safety and welfare are discussed. Records detailing the occurrence and issues raised should be kept.

⇒ MAJOR

Indicator 4.7.5:

- Accident and emergency procedures should exist and instructions should be clearly understood by all workers. Accident procedures should be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both field and other

operations and first aid equipment should be available at worksites. Records should be kept of all accidents and periodically reviewed. Workers should be covered by accident insurance.

⇒ MAJOR

Indicator 4.7.6:

- Recording of occupational injuries. Suggested calculation: Lost Time Accident (LTA) rate (either specify acceptable maximum, or demonstrate downward trend).

⇒ MAJOR

Guidance:

Growers and millers should ensure that the workplaces, 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.

A safe and healthy working environment should be provided for all workers whether they are employees or contractors.

The health and safety plan should also reflect guidance in ILO convention 184 (see Annex 1).

Scheme SH guidance:

Scheme managers will conduct a risk assessment for their schemes and as an outcome develop a work related 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 criterion 4.8) and provided in written form to all smallholders in appropriate languages. For example, booklets and posters can be used that are posted at the collection centres or that are distributed during extension meetings. Scheme managers should ensure that smallholders understand and implement health and safety procedures. The Health and Safety Plan must include at minimum issues such as HIV, Malaria and Health & Safety on the Plantation/Farms.

Independent SH guidance:

Group managers provide training in health and safety and accident and emergency procedures to occupants of group smallholdings (and see criterion 4.8). More detailed guidance should be given in the national interpretations.

Criterion 4.8

All staff, workers, smallholders and contractors are appropriately trained.

Indicator 4.8.1:

- A formal training programme that includes regular assessment of training needs and documentation of the programme.

⇒ MAJOR

Indicator 4.8.2:

- Records of training for each employee kept.

⇒ MINOR

Guidance:

The training programme should be appropriate to the scale of the organization.

Training should be given to all staff, workers and contractors 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 and guidance.

Scheme SH guidance:

Scheme managers should provide a formal training and awareness raising programme that includes regular assessment of training needs, documentation of the programme and records of the training should be provided to each scheme smallholder on a regularly basis, e.g. during extension meetings. 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 rising should 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. It is recommended that scheme smallholders are trained in record keeping.

Training should cover:

- *The relevance of the RSPO standard;*
- *Legal compliance (see criterion 2.1);*
- *Operating procedures (see criterion 4.1);*
- *Soil and water management (see criterion 4.2 & 4.4);*
- *Integrated Pest Management (see criterion 4.5);*
- *Agrochemical use (see criterion 4.6);*
- *Occupational health and safety (see criterion 4.7);*
- *Use of fire and relevant regulations (see criterion 5.5.).*

Independent SH guidance:

Group managers should raise awareness on relevant issues and identify training needs and provided to smallholders where needed. Areas for assessment of training include:

- The functioning of groups and the responsibilities of group members*
- The relevance of RSPO standard*
- Legal compliance (see criterion 2.1)*
- Operating procedures (see criterion 4.1)*
- Soil and water management (see criterion 4.2, 4.3 & 4.4)*
- Integrated Pest Management (see criterion 4.5)*
- Agrochemical use (see criterion 4.6)*
- Occupational health and safety (see criterion 4.7)*
- Use of fire and relevant regulations (see criterion 5.5)*

Principle 5: Environmental responsibility and conservation of natural resources and biodiversity

Criterion 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 continuous improvement.

Indicator 5.1.1:

- Documented Environmental Impact Assessment (according to EPA Act 490, 1994).
- ⇒ MAJOR

Indicator 5.1.2:

- Obtain EPA Permit and comply with permit conditions (according to EPA Act 490, 1994).
- ⇒ MINOR

Indicator 5.1.3:

- Where the identification of impacts requires changes in current practices, in order to mitigate negative effects a timetable for changes should be developed and implemented.
- ⇒ MINOR

Guidance:

Environmental impact assessment should cover the following activities, where they are undertaken:

- *Building new roads, processing mills or other infrastructure.*
- *Putting in drainage or irrigation system.*
- *Replanting or expansion of planting area.*
- *Disposal of mill effluents (see criterion 4.4);*
- *Clearing of remaining natural vegetation.*

Impact assessment may be a non-restrictive format e.g. ISO 14001 EMS and/or EIA report incorporating elements spelt out in this criterion 5.6), biodiversity and ecosystems, and people's amenity (see criterion 6.1 for social impacts), both on and off-site.

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.

It is important that where activities, techniques or operations change over time, identifications of impacts, and any required mitigation, are updated as necessary.

Scheme SH guidance:

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:

- Buildings and maintenance of roads to service smallholdings and provide access to mills.*
- Implement drainage or irrigation systems.*
- Replanting or expansion of smallholders.*
- Clearing of remaining natural vegetation and the need to avoid the use of fire (see 5.5).*

Independent SH guidance:

Group managers must undertake and document an impact assessment, developed 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:

- Replanting or expanding smallholdings*
- Clearing remaining natural vegetation and the need to avoid the use of fire (see criterion 5.5)*

Criterion 5.2

The status of rare, threatened or endangered species and 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 their conservation taken into account in management plans and operations.

Information should be collated that includes both the planted area itself and relevant wider landscape-level considerations (such as wildlife corridors). This information should cover:

Indicator 5.2.1:

- Presence of protected areas that could be significantly affected by the grower or miller.

⇒ MAJOR

Indicator 5.2.2:

- 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 grower or miller.

⇒ MAJOR

Indicator 5.2.3:

- Identification of high conservation value habitats, such as rare and threatened ecosystems that could be significantly affected by the grower or miller.

⇒ MAJOR

If rare, threatened or endangered species, or high conservation value habitats, are present, appropriate measures for management planning and operations will include:

Indicator 5.2.4:

- Ensuring that any legal requirements relating to the protection of the species or habitat are met.

⇒ MINOR

Indicator 5.2.5:

- Avoiding damage to and deterioration of applicable habitats.

⇒ MINOR

Indicator 5.2.6:

- Evidence of a commitment to discourage any illegal or inappropriate hunting, fishing or collecting activities; and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants).

⇒ MINOR

Guidance:

This information gathering should include checking 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.

Scheme SH guidance:

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:

- 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 smallholdings.*
- *Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by smallholdings.*

If rare, threatened or endangered species, or high conservation value habitats, are present, appropriate measures for management planning and operations will include:

- *Ensuring that any legal requirements relating to the protection of the species 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.*

Independent SH guidance:

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:

- *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 NI and the relevant laws.*

Criterion 5.3⁵

Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.

Indicator 5.3.1:

- Documented identification and quantification of all waste products and sources of pollution.

⇒ MAJOR

Indicator 5.3.2:

- Having identified wastes, a waste management and disposal plan must be developed and implemented, to avoid or reduce pollution.

⁵ Look up EPA Guidelines for Land Fills.

⇒ MAJOR

Guidance:

The waste management and disposal plan should include measures for:

- *Identifying and monitoring sources of waste and pollution.*
- *Improving the efficiency of resource utilization 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 or cleaned in an environmentally and socially responsible way (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 to human health. The disposal instructions on manufacturer's labels should be adhered to.*

Scheme SH guidance:

Scheme managers must develop and implement a plan for the management and disposal of waste from smallholdings including the safe disposal of pesticide containers. This waste management and disposal plan should include measures for:

- *Identifying and monitoring sources of waste and pollution from smallholders and mills which process their FFB.*
- *Improving the efficiency of resource utilization and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes). EFB will be brought back to the field of smallholders, due to the distance the EFB are not being brought to outgrower farms; in addition the EFB can be composted.*
- *Appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of or cleaned in an environmentally and socially responsible way (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 to human health. The disposal instructions on manufacturer's labels should be adhered to.*

Independent SH guidance:

Group managers shall ensure that group members have identified all waste and are disposing these 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 in such that there is no risk of contamination of water sources or human health. The disposal instructions on manufacturer's labels should be adhered to.

Criterion 5.4

Efficiency of energy use and use of renewable energy is maximized.

Indicator 5.4.1:

- Regular monitoring of renewable energy use per tonne of CPO or palm product in the mill.

⇒ MINOR

Guidance: EPA rules: daily measurement, monthly data collection and quarterly reporting.

Indicator 5.4.2:

- Monitoring of direct fossil fuel use per ton of CPO (or FFB where the grower has no mill).

⇒ MINOR

Guidance:

Growers and mills 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 contractors, including all transport and machinery operations.

Records on energy generation and use are to be measured on a daily basis, collected on a monthly basis and reported to EPA on a quarterly basis.

The feasibility of collecting and using biogas should be studied if possible.

Scheme SH guidance:

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.

Independent SH guidance:

This criterion is not applicable to group smallholders.

Criterion 5.5

Use of fire for waste disposal and for preparing land for replanting is avoided except in specific situations, as identified in the ASEAN guidelines or other regional best practice.

Indicator 5.5.1:

- Documented assessment where fire has been used for preparing land for replanting.

⇒ MAJOR

Guidance:

Fire should be used **only** where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and with evidence that fire-use is carefully controlled. Use of fire on peat soils should be avoided.

Scheme SH guidance:

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 criterion 4.8).

Independent SH guidance:

Group managers shall ensure that group members are not utilizing fire in operations. This is monitored and overseen by the Group manager.

Criterion 5.6

Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.

Indicator 5.6.1:

- A register and assessment of all polluting activities must be conducted, including gaseous emissions, particulate/soot emissions and effluent (see also criterion 4.4). Significant pollutants and emissions must be identified and plans to reduce them implemented.

⇒ MAJOR

Indicator 5.6.2:

- A monitoring system must be in place for these significant pollutants to ensure national compliance as a minimum.

⇒ MINOR

Indicator 5.6.3:

- The treatment methodology for POME and effluent quality is recorded.

⇒ MINOR

Guidance:

The Environmental Management Plan (Environmental Assessment Regulations 1999) contains plans to reduce pollution, including greenhouse gases.

Note: RSPO needs to address all issues relating to Greenhouse Gas emissions, as set out in the Preamble to this document.

Scheme SH guidance:

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. The assessment results and plans should be part of the impact assessment (criterion 5.1).

Possible pollutants and emissions could be: smoke (gas), chemicals...

Independent SH guidance:

This criterion is not applicable to group smallholders.

Principle 6: Responsible consideration of employees and of individuals and communities affected by growers and millers.

Criterion 6.1

Aspects of planting and mill management, including replanting, that have social impacts 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 continuous improvement.

Indicator 6.1.1:

- A documented social impact assessment including records of meetings. Evidence that the assessment has been done with the participation of affected parties. Particular attention paid to the impacts of outgrower schemes (where the plantation includes such a scheme).

⇒ MAJOR

Indicator 6.1.2:

- 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.

⇒ MINOR

Guidance:

Identification of social impacts should be carried out by the grower with the participation of affected 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.

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.

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.

The documentation, participation and monitoring of such impact assessments should be included into the EMP.

Plantation and mill management may have social impacts (positive or negative) on factors such as:

- 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.

Scheme SH guidance:

Scheme managers must be able to demonstrate that scheme smallholdings participated in the development of impact assessments for smallholder schemes. Scheme managers must provide:

- *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*
- The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.*

Independent SH guidance:

Group managers must be able to demonstrate that group smallholders participated in the development of a simplified impact assessment for their group holdings. Group managers must provide:

- *A documented simplified social impact assessment.*
- *Evidence that the assessment has been done with 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.*

Criterion 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.

Indicator 6.2.1:

- Documented consultation and communication procedures.

⇒ MAJOR

Indicator 6.2.2:

- A nominated management official responsible for these issues.

⇒ MAJOR

Indicator 6.2.3:

- Maintenance of a list of stakeholders, records of all communication and records of actions taken in response to input from stakeholders.

⇒ MINOR

Guidance:

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.

Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These should consider the use of 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 of women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.

Consideration should be given to involving third 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.

Scheme SH guidance:

Scheme managers must have documentary evidence that they have clear, implemented procedures for regular communications and consultations with scheme smallholders, including:

- *A nominated manager responsible for these issues.*
- *Maintenance of a list of scheme smallholders, records of all communications and records of actions taken in response to input from scheme smallholders.*

Communication and consultations should make use of existing local mechanisms and languages.

Independent SH guidance:

Group managers must have documentary evidence that they have clear, 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.

Criterion 6.3

There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.

Indicator 6.3.1:

- A documented system open to all affected parties which resolves disputes in an effective, timely and appropriate manner and records the outcome.

⇒ MAJOR

Guidance:

Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.

Complaints may be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation. Grievances may be internal (employees) or external.

Scheme SH guidance:

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. In case a dispute can not be resolved between the affected parties, an intermediate person who will be chosen by the affected parties, may be invited

Independent SH guidance:

Group managers have a documented system to resolved 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.

Criterion 6.4

Any negotiations concerning compensation for loss of legal or customary rights are dealt with through a documented system that enables indigenous people, local communities and other stakeholders to express their views through their own representative institutions.

Indicator 6.4.1:

- Establishment of a procedure for identifying legal and customary rights and a procedure for identifying people entitled to compensation.

⇒ MAJOR

Indicator 6.4.2:

- A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented.

⇒ MAJOR

Indicator 6.4.3:

- The process and outcome of any negotiated agreements and compensation claims is documented and made publicly available.

⇒ MINOR

Guidance:

This criterion should be considered in conjunction with criterion 2.3 and the associated guidance.

The procedure for calculating and distributing fair compensation takes into account gender differences in the power to claim rights, ownership and access to land; difference of transmigrates and long-established communities; differences in ethnic groups' proof of legal versus communal ownership of land.

Compensation payments should be timely.

Scheme SH guidance:

Smallholder schemes are located within the concession for which compensation should be paid according to the three indicators of Criterion 6.4.

Outgrower contracts are signed upon proof of land title or tenancy agreement. Therefore, no compensation payments are to be made.

This criterion should be considered in conjunction with criterion 2.3 and the associated guidance.

Independent SH guidance:

Group managers must be able to show that group members have acquired land by legal or accepted customary means. This includes:

- 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 in transmigrants and long-established communities and; differences in ethnic group's proof of legal versus communal ownership of land. Compensation should be in line with fair market value or replacement cost.

This criterion should be considered in conjunction with Criterion 2.3 and the associated guidance. National Interpretations should provide additional guidance.

Criterion 6.5

Pay and conditions of employees and for employees of contractors always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.

Indicator 6.5.1:

- Documentation of pay and conditions.

⇒ MAJOR

Indicator 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) are available in the languages understood by the workers or explained carefully to them by a management official.

⇒ MAJOR

Indicator 6.5.3:

- Growers and millers provide adequate housing, water supplies, medical, educational and welfare amenities to national standard or above, where no such public facilities are available or accessible (not applicable to smallholders).

⇒ MINOR

Guidance:

Reference to the Labour Act, Act 651 (2003).

Where temporary or migrant workers are employed, a special labour policy should be established. This labour policy would state the non discriminatory practices; no contract substitution; post arrival orientation program to focus especially on language, safety, labour laws, cultural practices etc; decent living conditions to be provided. Migrant workers are legalized, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers, and international standards. Deductions do not jeopardize a decent living wage.

Forced labour is not used (see ILO conventions 29 and 105, Annex 1).

Scheme SH guidance:

Scheme managers must ensure that workers employed to service smallholders enjoy the same rights, conditions and protections as estate and mill employees in accordance to RSPO P&C.

Independent SH guidance:

Group managers must ensure that workers employed to service smallholders enjoy rights, conditions and protections stipulated in the respective National Interpretations.

Criterion 6.6

The employer respects the right 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.

Indicator 6.6.1:

- A published statement in English (explained in local languages) recognizing freedom of association.

⇒ MAJOR

Indicator 6.6.2:

- Documented minutes of meeting with main trade unions or workers representatives.

⇒ MAJOR

Guidance:

The right of employees and contractors to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation.

Labour laws and union agreements or in their absence, direct contracts of employment detailing payments and other conditions are available in the languages understood by the workers or explained carefully to them by a management official.

Scheme SH guidance:

Scheme managers must respect the right of scheme smallholders to form and represent themselves through their own representative associations and/or trade unions and accept them as parties to participatory processes, consultations, communications and negotiations in the management of the scheme.

Independent SH guidance:

This criterion is not applicable to individual smallholders.

Criterion 6.7

Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision, and when not interfering with education programmes. Children are not exposed to hazardous working conditions.

Indicator 6.7.1:

- Documentary evidence that minimum age requirement is met.

MAJOR

Guidance:

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, with the stated exception of family farms.

The minimum age of workers will not be less than stated in the Childrens Act, Act 560, 1998

Scheme SH guidance:

Scheme managers will train scheme smallholders in the national and ratified international legal requirements for avoiding use of child labour.

Light work (reference to Childrens Act, Act 560, 1998) 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.

Independent SH guidance:

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. (Reference to Childrens Act, 560, 1998)

Criterion 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.

Indicator 6.8.1:

- A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment.

⇒ MAJOR

Indicator 6.8.2:

- Evidence that employees and groups have not been discriminated against.

⇒ MINOR

Guidance:

The grievance procedures detailed in 6.3 apply.

Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.

Scheme SH guidance:

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 people and minorities participate in negotiating processes.

Independent SH guidance:

Group managers must provide training to group members about the need to avoid discrimination in the recruitment of employment of workers employed by, or to assist, smallholders.

Criterion 6.9

A policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive rights is developed and applied.

Indicator 6.9.1:

- A public statement and policy on sexual harassment and violence and records or implementation.

⇒ MAJOR

Indicator 6.9.2:

- A specific grievance mechanism is established.

⇒ MINOR

Guidance:

Reference to Domestic Violence Act 732, 2007.

There should be a clear policy developed in consultation with employees, contractors and other relevant stakeholders, and the policy should be publicly available.

Progress in implementing the policy should be regularly monitored, and the result of monitoring activities should be recorded.

A gender committee specifically to address areas of concern to women may be requested to comply with the criteria. This committee, to have representatives from all areas of work, will consider matters such as; trainings 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 (check national law) before resuming chemical spraying or usage tasks, and women to be given specific break times to enable effective breastfeeding.

Scheme SH guidance:

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.

Independent SH guidance:

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.

Criterion 6.10

Growers and mills deal fairly and transparently with smallholders and other local businesses.

Indicator: 6.10.1:

- Current and past prices paid for FFB shall be publicly available.

⇒ MINOR

Indicator 6.10.2:

- Pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).

⇒ MAJOR

Indicator 6.10.3:

- Evidence shall be available that all parties understand the contractual agreement they enter into, and that contracts are fair, legal and transparent.

⇒ MAJOR

Indicator 6.10.4:

- Agreed payments shall be made in a timely manner.

⇒ MAJOR

Guidance:

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 (under 4.2) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported might be made via the FFB price.

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.

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.

If mills require smallholders to change practices to meet the RSPO criteria, consideration must be given to the costs of such changes, and the possibility of advance payments for FFB could be considered.

Scheme SH guidance:

Scheme managers must ensure that:

- 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, 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.*

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.

Smallholders must have access to the grievance procedure under criterion 6.3, if they consider that they are not receiving a faire price for FFB, whether or not middle men are involved.

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.

Independent SH guidance:

Group managers must ensure that

- Current and past prices paid for FFB are freely available to the 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.*

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.

Smallholders must have access to 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.

Criterion 6.11

Growers and millers contribute to local sustainable development wherever appropriate.

Indicator 6.11.1:

- Demonstrable contributions to local development that are based on the results of consultation with local communities.

⇒ MINOR

Guidance:

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.

The local authority should always be involved in community development projects.

Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognized as conflicting with criterion 6.8.

Scheme SH guidance:

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. 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. 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.

Independent SH guidance:

This criterion is not applicable to group smallholders.

Principle 7: Responsible development of new plantings.

Criterion 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.

Indicator 7.1.1:

- Independent environmental and social impact assessment, undertaken through a participatory methodology including external stakeholder groups (if > 40 ha).

⇒ MAJOR

Indicator 7.1.2:

- Appropriate environmental and social management planning and operational procedures through the development of the Environmental Management Plan (EMP).

⇒ MINOR

Indicator 7.1.3:

- Where the development includes an outgrower/smallholder scheme, the impacts of the scheme and the implications of the way it is managed should be given particular attention.

⇒ MINOR

Guidance:

See also criteria 5.1 and 6.1

The terms of reference should be defined by the Environmental Protection Agency (EPA) of Ghana and impact assessment should be carried out by qualified 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.

The potential impacts of all major proposed activities should be assessed prior to development. The assessment should include, in no order of preference, as a minimum:

- Assessment of the impacts of all major planned activities, including planning, 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 water courses and assessment of potential effects on hydrology by planned developments. Measures should be planned and implemented to maintain the quantity 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.
- 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 a plantation, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents.

Assessment of above and below ground carbon storage is important but beyond the scope of an EIA. Note: This aspect will be considered by an RSPO Greenhouse Gas Working Group (see Preamble).

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 should not proceed, because of the magnitude of potential impacts.

Scheme SH guidance:

Where the proposed new plantings include schemes for smallholders, scheme managers should ensure that local communities, indigenous people and perspective smallholders participate actively in impacts assessments. In addition to the consideration outlined in the RSPO P&C such assessments must include participatory consideration of:

- 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 pressures 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.
- 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 a plantation and associated smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents.*

Plans and field operations should be developed and implemented with the participation of smallholders to incorporate the results of the assessment.

National Interpretations should consider setting a minimum threshold of the size of plantings, e.g. 50 ha above which a SIEA is required and should consider listing unacceptable negative social impacts (e.g. displacement, loss of food security of local people etc.) in the national context.

Independent SH guidance:

Where groups plan to expand their aggregate holdings by more than 500 hectares in any one year, group managers should ensure that local communities, indigenous peoples and prospective smallholders participate actively in impacts assessments. In addition to considerations outlined in the RSPO P&C such assessments must include participatory consideration of:

- *Land use planning and land allocations to smallholders and arrangements regarding land acquisition.*
- *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 developments 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 quantity and quality of water resources.*
- *Baseline soil surveys and topographic information, including 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 lands).*
- *Analysis of land ownership and user rights.*
- *Analysis of current land use patterns.*
- *Assessment of potential social impact on surrounding communities of a plantation and associated smallholdings, including an analysis of differential effect on women, versus men, ethnic communities, migrant versus long-term residents.*

Where groups plan to expand their aggregate holdings by less than 500 hectares in any one year, group managers should carry out a simplified social and environmental impact assessment which assesses HCVs, identifies suitable lands and other rightsholders.

Criterion 7.2

Soils surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.

Indicator 7.2.1:

- Soil suitability maps or soils surveys adequate to establish the long-term suitability of land for oil palm cultivation should be available.

⇒ MAJOR

Indicator 7.2.2:

- Topographic information adequate to guide the planning of drainage and irrigation system, roads and other infrastructure should be available.

⇒ MAJOR

Guidance:

These activities may be linked to the SEIA (7.1) but need not be done by independent experts.

Soil suitability maps or soils surveys should be appropriate to the scale of operation and should include information on soil types, topography, rooting depth, moisture availability, stoniness, fertility and long-term soil sustainability.

Soils unsuitable for planting or those requiring special treatment should be identified. This information should be used to plan planting programmes, etc.

Measures should be planned to minimize erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.

Scheme SH guidance:

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 the scheme management or the mill that purchases the scheme's FFB.

Independent SH guidance:

Where groups plan to expand their aggregate by more than 500 hectares 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 Interpretation should include detail on peat depth.

Where groups plan to expand their aggregate by less than 500 hectares, in any one year, only simplified soil survey is required (see criterion 7.1).

Criterion 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.

Indicator 7.3.1:

- An HCV assessment, including stakeholder consultation, is conducted prior to any conversion.

⇒ MAJOR

Indicator 7.3.2:

- Dates of land prepared and commencement are recorded.

⇒ MAJOR

Guidance:

This activity could be integrated with the SEIA required by 7.1.

This criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership of farm management that have taken place after this date.

High Conservation Values (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.

The HCV assessment process requires appropriate training and expertise, and must include consultation with local communities, particularly for identifying social HCVs.

HCVs assessments should be conducted according to the National Interpretation of the HCV criteria, or according to the Global HCV Toolkit if a National Interpretation is not available [see Definitions].

Development should actively seek to utilize previously cleared and/or degraded land.

Plantation development should not put indirect pressure on forests through the use of all available agricultural land in an area.

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.

For definition of 'High Conservation Values', see definitions.

Scheme SH guidance:

Scheme managers must ensure that this criterion is applied to scheme smallholdings.

Independent SH guidance:

Group managers must ensure that this criterion is applied to group smallholdings.

This criterion also applies to independent smallholders who later seek to become members of smallholder groups seeking certification.

Criterion 7.4

Extensive planting on steep terrain, and/or on marginal and fragile soils, is avoided.

Indicator 7.4.1:

- No planting on slopes above 30 °.

⇒ MAJOR

Indicator 7.4.2:

- Maps identifying marginal and fragile soils, including excessive gradients, should be available.

⇒ MINOR

Indicator 7.4.3:

- Where limited planting on fragile and marginal soils is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.

⇒ MINOR

Guidance:

This activity may be integrated with the SEIA required by 7.1.

Planting on fragile soils should be avoided (see also criterion 4.3).

Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (criterion 5.5).

Scheme SH guidance:

Scheme managers must ensure that no lands are allocated to scheme smallholders on steep terrain and/or marginal and fragile soils. Where limited planting is proposed it must be fully justified and must not push people into poverty, and must be done in accordance with the indicators.

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 are 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.

Independent SH guidance:

Where groups plan to expand their aggregate holdings by more than 500 hectares 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.

Criterion 7.5

No new plantings are established on local peoples' land without their free, prior and informed consent, dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

Indicator 7.5.1:

- This activity should be integrated with the SEIA required by 7.1.

⇒ MAJOR

Guidance:

Refer to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for indicators and guidance on compliance.

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 2.3).

Relevant stakeholders include those affected by or concerned with the new plantings.

Scheme SH guidance:

This criterion must be considered with criterion 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:

- *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).*

Where lands are encumbered by legal or customary rights the scheme manager must demonstrate that these rights are understood and are not being threatened or reduced. This criterion should be considered in conjunction with criteria 6.4 and 7.6. Where customary rights areas are unclear these are best established through participatory mapping exercises involving affected and neighbouring communities.

This criterion allows for sales and negotiated agreements to compensate other users for lost benefit, and/or relinquished rights.

Negotiated agreements to acquire lands for scheme 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. Communities 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 negotiation allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.

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.

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.

Independent SH guidance:

This criterion must be considered with criteria 2.2, 2.3, 6.4 & 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.

General guidance:

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. This criterion should be considered in conjunction with criteria 6.4 and 7.6.

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. 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.

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.

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.

Criterion 7.6

Local people are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements.

Indicator 7.6.1:

- This activity should be integrated with the SEIA required by 7.1.

⇒ MAJOR

Indicator 7.6.2:

- Documented identification and assessment of legal and customary rights.

⇒ MAJOR

Indicator 7.6.3:

- Establishment of a documented system for identifying people entitled to compensation.

⇒ MAJOR

Indicator 7.6.4:

- Establishment of a system for calculating and distributing fair compensation (monetary or otherwise).

⇒ MAJOR

Indicator 7.6.5:

- Communities that have lost access and rights and rights to land for plantation expansion are given opportunities to benefit from plantation development.

⇒ MINOR

Indicator 7.6.6:

- The process and outcome of any compensation claims should be documented and made publicly available.

⇒ MINOR

<u>Guidance:</u>

Refer also to 2.2, 2.3 and 6.4 associated guidance.

This requirement includes indigenous peoples (see Annex 1).

A resettlement action plan should be in place.

Scheme SH guidance:

See criterion 7.5 above.

Independent SH guidance:

See criterion 7.5 above.

Criterion 7.7

Use of fire in the preparation of new plantings is avoided other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.

Indicator 7.7.1:

- This activity should be integrated with the SEIA required by 7.1.

⇒ MAJOR

Indicator 7.7.2:

- No evidence of land preparation by burning, but where the use of fire for land preparation became necessary a documented assessment must be in place.

⇒ MINOR

Indicator 7.7.4:

- Evidence of approval of controlled burning as specified in ASEAN guidelines or other regional best practice.

⇒ MINOR

Guidance:

*Fire should be used **only** where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and with evidence that fire-use is carefully controlled.*

Extension/training programmes for smallholders may be necessary.

Scheme SH guidance:

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.

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.

Independent SH guidance:

Group 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.

National Interpretations 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.

Principle 8: Commitment to continuous improvement in key areas of activity.

Criterion 8.1

Growers and millers regularly monitor and review their activities and develop and implement action plans that allow demonstrable continuous improvement in key operations.

Indicator 8.1.1:

The action plan for continual improvement should be based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and should include a range of indicators covered by these principles and criteria. It should be part of the Environmental Management Plan (EMP). As a minimum, these must include, but not necessary be limited to:

- Reduction in use of certain chemicals (criterion 4.6)
- Waste reduction (criterion 5.3)
- Pollution and emissions (criterion 5.6)
- Social impacts (6.1)

⇒ MAJOR

Guidance:

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.

Scheme SH guidance:

Scheme managers must develop an action plan for continual improvement, 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.

Independent SH guidance:

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.

Annex 1: International laws

Principles	International Standards	Key provisions	Summary of Protections
Just Land Acquisition	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 13-19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 25, 26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.
	UN Convention on Biological Diversity (1992)	Article 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.
Fair Representation And Participation of Indigenous and Tribal Peoples	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 6-9	Represent themselves through their own representative institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve offences according to customary law (compatible with international human rights).
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).	Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.
	Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, InterAmerican Human Rights System.	UN CERD Committee, UN Committee on Social Cultural and Economic Rights, Inter-American Commission on	Free, Prior and Informed Consent for decisions that may affect indigenous peoples. (This standard has been widely accepted as a 'best practice' standard by bodies such as World Commission on Dams, Extractive

		Human Rights ⁶	Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN and WWF).
No Forced Labour	ILO Convention 29 (1930) Forced Labour	Article 5	No concession to companies shall involve any form of forced or compulsory labour.
	ILO Convention 105 (1957) Abolition of Forced Labour	Article 1	Not make use of any form of forced or compulsory labour.
Protection of Children	ILO Convention 138 (1973) Minimum Age	Articles 1-3	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).
	ILO Convention 182 (1999) Worst Forms of Child Labour	Articles 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children.
Freedom of Association and Collective Bargaining	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise	Articles 2- 11	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.
	ILO Convention 98 (1949) Right to Organise and Collective Bargaining	Articles 1-4	Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.
	ILO Convention 141 (1975) Rural Workers' Organisations	Articles 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom of association; free from interference and coercion.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Article 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development.

⁶ For details see www.forestpeoples.org.

Non-Discrimination and Equal Remuneration	ILO Convention 100 (1951) Equal Remuneration	Articles 1-3	Equal remuneration for men and women for work of equal value.
	ILO Convention 111 (1958) Discrimination (Employment and Occupation)	Articles 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women.
Just Employment of Migrants	ILO Convention 97 (1949) Migration for Employment	Articles 1-9	Provision of information; no obstacles to travel; provision of health care; non-discrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.
	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)	Articles 1- 12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.
Protection of Plantation Workers ⁷	ILO Convention 110 (1958) Plantations	Articles 5- 91	Protection of members of families of recruited workers; protection of workers' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation to use company stores; adequate accommodation and conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organise and collective bargaining; proper

⁷ Convention 110 Article 1(1) defines a plantation as *'an agricultural undertaking regularly employing hired workers....concerned with the cultivation or production of [inter alia] palm oil'....*

			labour inspection; decent housing and medical care.
Protection of Tenants and Sharecroppers	ILO Recommendation 132 (1968) Tenants and Sharecroppers	Articles 4-8	Fair rents; adequate payment for crops; provisions for well-being; voluntary organisation; fair contracts; procedures for the settlement of disputes.
Protection of Smallholders	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)	Article 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards.
Health and Safety	ILO Convention 184 (2001) Safety and Health in Agriculture	Articles 7- 21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect to workplaces, machinery, equipment, chemicals, tools and processes; ensure dissemination of information, appropriate training, supervision and compliance; special protections for youth and women workers; coverage against occupational injuries and disease.
Control or Eliminate Use of Dangerous Chemicals and Pesticides	Stockholm Convention on Persistent Organic Pollutants (2001)	Articles 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (e.g. Aldrin, Chlordane, PCB); restrict production and use of chemicals in Annex B (e.g. DDT); reduce or eliminate releases of chemicals listed in Annex C (e.g. Hexachlorobenzene).
	FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002)	Article 5	Curtail use of dangerous pesticides where control is difficult; ensure use of protective equipment and techniques; provide guidance for workers on safety measures; provide extension service to smallholders and farmers; protect workers and bystanders; make available full information on risks and protections; protect biodiversity and minimize impacts on

			environment; ensure safe disposal of waste and equipment; make provisions for emergency treatment for poisoning.
	Rotterdam Conventions on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)	Articles 1, 5 and 6	Curb trade in banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 21(1), 23, 24, 29(3)	Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain traditional health systems; effective monitoring of health.
	UN Convention on All Forms of Discrimination against Women ⁸		

⁸ To check details with GAWU.

Annex 2: National laws & Regulations

Criterion	Relevant laws, regulations and guidelines.
1.1	-
1.2	- Land Title Registration Law, PNDCL 152, 1986 - Environmental Protection Agency Act, Act 490, 1994 - Environmental Assessment Regulations, 1999
2.1	-
2.2 & 2.3	- Land Registry Act, Act 122 (1962) - Administration of Lands Act, Act 123 (1962) - Concessions Act, Act 124 (1962) - Survey Act, Act 127 (1962) - Land Title Registration Law, PNDCL 152 (1986) - National land Policy – June 1999 - Lands Commission Act, Act 767 (2008)
3.1	-
4.1	-
4.2	- Land Planning and Soil Conservation Act, No. 32 (1953) - Land Planning and Soil Conservation (Amendment) Act, No. 35 (1957)
4.3	-
4.4	- Water Resource Commission Act, Act 522 (1996) - Water Use Regulations, LI 1692 (2001) - National Water Policy, June 2007 - Ghana Water and Sewerage Corporation Act, Act 310 (1965) - Ghana Water Company Limited (GWCL) Act, Act 4611 (1999)

	<ul style="list-style-type: none"> - Community Water and Sanitation Agency (CWSA) Act, Act 564 (1998) - Ghana Irrigation Development Authority (GIDA), SMCD 85 (1977) - Irrigation Development Authority Regulations, LI 1350 (1987) - GIDA's Technical Guidelines for Irrigated Agriculture, 2004 - National Irrigation Policy, Strategies and Regulatory Measures – May 2006 - Drilling Licence and Groundwater Development Regulations, LI 1827 (2006) - Rivers Act, CAP 226 (1903) - The Fisheries Act, Act 625, 2002 - Sector Specific Effluent Guidelines for Discharges into Natural Water Bodies - Wetland Management Regulation (1997) - Wetland Management (Ramsar sites) Regulations (1999)
4.5	<i>(legislation: IPM)</i>
4.6	- Environmental Protection Agency Act, 490, 1994 - PART 2
4.7	<ul style="list-style-type: none"> - Factories, Offices and Shops Act, Act 328 (1970) - National Health Insurance Act (2003) - National Health Insurance Regulations, LI 1809 (2004)
4.8	<ul style="list-style-type: none"> - Labour Act, Act 651 (2003) - Factories, Offices and Shops Act, Act 328 (1970)
5.1	<ul style="list-style-type: none"> - Environmental Protection Agency Act, At 490 (1994) - Environmental Assessment Regulations, LI 1652 (1999) - Environmental Assessment (Amendment) Regulations , LI 1703 (2002)
5.2	<ul style="list-style-type: none"> - Wild Animals Preservation Act, Act 43 (1961) - Wildlife Reserves Regulations, LI 710 (1971) - Wildlife Reserve (Amendment) Regulations, LI 881 (1974) - Wildlife Reserve (Amendment) Regulations, LI 1022 (1975)

	<ul style="list-style-type: none"> - Wildlife Reserve (Amendment) (Declaration of Game Reserves) Regulations, LI 1085 (1976) - Wildlife Reserve (Amendment) Regulations, LI 1105 (1977) - Wildlife Reserve (Amendment) (Declaration of Game Reserves) Regulations, LI 1525 (1991) - Wildlife Reserve (Amendment) Regulations, LI 1283 (1983) - Wildlife Conservation Regulations, LI 685 (1971) - Wildlife Conservation (Amendment) Regulations, LI 1284 (1983) - Wildlife Conservation (Amendment) Regulations, LI 1357 (1988) - Wildlife Conservation (Amendment) Regulations, LI 1452 (1989) - Wetland Management Regulation (1997) - Wetland Management (Ramsar sites) Regulations (1999) - An Interpretation of Global HCVF Toolkit for use in Ghana – May 2006 - Water Resource Commission Act, Act 522 (1996) - Water Use Regulations, LI 1692 (2001) - Buffer zone policy (2008) - Timber Resource Management Act, Act 547 (1998) - Biodiversity Strategies and Action Plan (1998)
5.3	<ul style="list-style-type: none"> - Environmental Protection Agency Act, 490, 1994 – PART 2 - Environmental Sanitation Policy (May 1999, reprinted November 2001) - Environmental Assessment Regulations, LI 1652 (1999) - Environmental Assessment (Amendment) Regulations , LI 1703 (2002)
5.4	<ul style="list-style-type: none"> - Energy Commission Act, Act 541 (1997) - EPA – Energy Sector Guidelines Development
5.5	<ul style="list-style-type: none"> - Ghana National Fire Service Act, Act 537 (1997) - Fire Precaution (Premises) Regulations, LI 1724 (2003)

	<ul style="list-style-type: none"> - Control and Prevention of Bushfires Act, PNDCL 229 (1990) - National Wildfire Policy – November 2006
5.6	<ul style="list-style-type: none"> - Management of Ozone Depleting Substances and Products Regulations, LI 1812 (2005)
6.1	<ul style="list-style-type: none"> - Environmental Protection Agency Act, At 490 (1994) - Environmental Assessment Regulations (1999) - Environmental Assessment (Amendment) Regulations , LI 1703 (2002)
6.2	-
6.3	-
6.4	-
6.5	<ul style="list-style-type: none"> - Labour Act, Act 651 (2003) - Labour Regulations, LI 1833 (2007) - Fair wages and Salaries Commission Act, Act 737 (2007) - Human Trafficking Act, Act 694 (2005) - Public Holidays Act, Act 601 (2001) - National Pensions Act, Act 766 (2008) - Social Security Law, PNDCL 247 (1991) - Workmen’s Compensation Law, PNDCL 187 (1987)
6.6	<ul style="list-style-type: none"> - Labour Act, Act 651 (2003) - Labour Regulations, LI 1833 (2007)
6.7	<ul style="list-style-type: none"> - Labour Act, Act 651 (2003) - Labour Regulations, LI 1833 (2007) - Children’s Act, Act 560 (1998)
6.8	<ul style="list-style-type: none"> - Labour Act, Act 651 (2003) - Ghana Constitution 1992

	- Labour Regulations, LI 1833 (2007)
6.9	- Labour Act, Act 651 (2003) - Labour Regulations, LI 1833 (2007) - Domestic Violence Act, Act 732 (2007) - Ghana Constitution 1992
6.10	-
6.11	-
7.1	- Environmental Protection Agency Act, At 490 (1994) - Environmental Assessment Regulations (1999) - Environmental Assessment (Amendment) Regulations , LI 1703 (2002)
7.2	-
7.3	- An Interpretation of Global HCVF Toolkit for use in Ghana – May 2006
7.4	-
7.5	-
7.6	-
7.7	- Ghana National Fire Service Act, Act 537 (1997) - Fire Precaution (Premises) Regulations, LI 1724 (2003) - Control and Prevention of Bushfires Act, PNDCL 229 (1990) - National Wildfire Policy – November 2006
8.1	

Annex 3: Ghana National Interpretation Working Group

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