

**MINUTES OF THIRD GHANA NATIONAL INTERPRETATION WORKING GROUP
MEETING ON ROUND TABLE ON SUSTAINABLE PALM OIL PRINCIPLES & CRITERIA
HELD AT THE CENTRE FOR AFRICAN WETLANDS-UNIVERSITY OF GHANA
ON 26TH OF MAY 2010**

ATTENDANCE

Annex 1.

PROGRAM

Annex 2.

INTRODUCTION

The workshop started at 9:15 am after the registration of the participants. Anke Massart (GOPDC) welcomed the participants to the third meeting of the GNIWG. She explained that the members would be taken through the following topics:

- Brief introduction of RSPO Certification Scheme;
- Endorsement procedure of National Interpretation;
- Presentations by guest speakers of Croplife Ghana and GAWU¹
- Procedure for New Plantings;
- HCV assessments;
- Zero-burning policy (ASEAN Guidelines);
- Certification of scheme and independent smallholders;
- Outcome of evaluation of Ghana NI process by Proforest (UK) in January 2010;
- Evaluation of changes to develop third draft; and
- Way forward.

Introduction to RSPO Certification Scheme & NI Development

The majority of the participants is familiar with the RSPO Certification Scheme and the NI Development as it was explained during the sensitization meeting (March 2009), the GNIWG 1 (October 2009) and

¹ Ghana Agricultural Workers Union

GNIWG 2 (January 2010). However, it was decided to go once more through the topics due to the fact that new faces were encountered in the audience.

Guest speaker: CropLife Ghana

W. Kotey and F. Boampong gave a power point presentation on the activities of CropLife Ghana and more specifically about the CleanFarms project that is organized together with the Environmental Protection Agency (EPA) and the Ministry of Food and Agriculture (MOFA).

CropLife Ghana, was said, to be a non-profit making association that represents importers, formulators and distributors of agri-inputs in Ghana, as well as the plant science industry. It is affiliated with CropLife International and a member of the CropLife West & Central Africa Hub (CLWCA).

It was said that the CropLife key activities are: 1) promote safe uses & effective handling of CPPs through effective stewardship programs; 2) developing & implementing training programs; 3) support regulatory agencies in the formulation of policies on pesticide usage, regulation and inspection; and 4) provide relevant information for the benefit of farmers and input dealers.

Special attention was given to the CleanFarms Ghana Program. It was said that the program started thanks to a MOU between Government of Ghana and CropLife International signed in August 2009. The Government of Ghana was represented by the MOFA and CropLife International was represented by CropLife Ghana. Finally the program is being implemented by CropLife Ghana and MOFA, in collaboration with EPA.

The CleanFarms program aims to carry out an inventory of all obsolete pesticides in government facilities, company stores and farmers fields; to repack and move products safely to secured storage location until such time that the products can be taken out of the country for an environmentally sound destruction. In addition, the program aims at creating awareness to prevent future build up of obsolete chemicals. It must be noted that the program also collects empty pesticides containers. At the end of the presentation, brochures and registration forms were distributed to interested participants.

The following questions and answers were discussed after the presentation:

- 1) The registration and disposal through the CleanFarms program is for free during a three months period (March 22 – June 22 2010); what happens after that period? Will the program still take care of obsolete chemicals and empty containers?
 - ⇒ The program will be there for at least 2 years, though disposal after the three months period will come with a cost. The awareness campaign should also prevent from having a serious build up of obsolete chemicals in the future as people will be trained in ordering the correct product and quantities.
- 2) The EPA document for registering pesticides says that the one who registers a pesticide “is responsible for the environmentally sound management of empty containers that may arise from the use of the pesticide product”. Does this mean that agro-industrial companies and other organizations that use pesticides should make an agreement with suppliers of pesticides for returning empty containers?
 - ⇒ Knowing that Ghana at the moment does not have a method to dispose of the obsolete pesticides or empty containers, it would be good if suppliers take up there responsibility, as stated by EPA. The members of CropLife Ghana are all taking back empty containers of their products, and some companies have started to return them.
- 3) What is the program doing about the small scale suppliers (mainly at Kumasi) that sell pesticides which are often not on the pesticide register of EPA?
 - ⇒ The best way would be to integrate these suppliers into the program, though they will need to sell only products that are registered by EPA. The regulatory agencies should be sanctioning suppliers that do not obey the laws and regulations of the country.
- 4) Smallholders have to pay transport to bring their few empty containers or to the MOFA department at the District level, or to the supplier. Can there be an incentive to motivate them?
 - ⇒ As for now, there are no incentives for farmers to bring their empty containers or obsolete products.
 - ⇒ A member stated that collection can be organized on district level (MOFA) or by a private company for its scheme smallholders. Therefore, proper information/education is necessary and also there is the need for a functioning infrastructure between supplier - MOFA/District officer - Scheme Manager/Scheme smallholders/Individuals.

5) How about reusing the empty containers?

- ⇒ The EPA document for registering pesticides says that the one who registers a pesticide “is responsible for the environmentally sound management of empty containers that may arise from the use of the pesticide product”.
- ⇒ If certain reuses are considered environmental friendly by the EPA then there is no problem. Example was given whereby empty containers were used to make flower pots. However, the general public agreed that most of the re-uses would not be accepted and that the EPA must judge.

6) Which guidelines for safe storage of chemicals does Croplife Ghana suggest?

- ⇒ FAO Guidelines, as stated in RSPO generic P&C.

Guest speaker: Ghana Agricultural Workers Union (GAWU)

Adwoa Sakyi worked up to end of April 2010 for GAWU as the Head of Industrial Relations. Currently, she is working for the International Union of Food and Agriculture.

She explained that GAWU is a trade union organization for the agricultural sector. GAWU has formed unions and collective bargaining agreements (CBAs) in the main palm oil producing companies, based upon the ILO Convention 87 “freedom of association”. The aim is to harmonize management and workers to look at the company environment and the conditions of the workers. Through the CBAs, international and national laws and regulations are being discussed on company level and integrated into the company management through negotiations. For example, the CBA will determine the working hours.

Concerning MINIMUM WAGE (criterion 6.5):

A tripartite committee, existing of Government of Ghana, employers and trade unions, meets annually to determine the minimum wage for the country. It was acknowledged that the minimum wage is determined based upon a compromise between the economic situation and the Decent Living Wage.

Occupational Health and Safety (criterion 4.7):

Occupational Health and Safety has become very important for GAWU in negotiations with companies. In all the CBAs there is a clause for the establishment of a Health and Safety Committee.

Discrimination (criterion 6.8):

Discrimination mainly happens against women as women are often casual workers. GAWU focuses through CBA process on the issues that affect casual workers. The Labour Act says that casual workers should be treated in the same way as permanent workers.

Another issue mentioned is “maternity leave”, whereby a woman can take 12 weeks continuous and when she resumes she can give 1 or 2 hours a day breast-feeding. All these issues are being discussed in the CBA together with management and workers.

Violence against women (criterion 6.9):

Earlier was mentioned that violence against men also exists. Adwoa agreed but stated that in the context of oil palm plantations and local Ghanaian traditions the focus should be mainly on violence against women. There is a ratified convention in Ghana, being the Convention on discrimination against women and also the Ghana Constitution is against violence against women.

Note: The national law on Domestic Violence (Act 732), 2007 recognizes both violence against men and women.

Sexual harassment (criterion 6.9):

Again mainly focus on women who can be victim of managers, supervisors, etc. who use their higher position.

Child Labour (criterion 6.7):

The Childrens Act, Act 560, 1998, says: “A child is a person below the age of eighteen years.”

“No person shall engage a child in exploitative labour. Labour is exploitative of a child if it deprives the child of its health, education or development.”

“The minimum age for the engagement of a child in light work shall be thirteen years. Light work constitutes work which is not likely to be harmful to the health or development of a child and does not affect the child’s attendance at school or the capacity of the child to benefit from school work.”

“The minimum age for the engagement of a person in hazardous work is eighteen years. Work is hazardous when it poses danger to the health, safety or morals of a person. Hazardous work includes: a) going to sea; b) mining and quarrying, c) portering of heavy loads, d) manufacturing industries where

chemicals are produced or used, e) work in place where machines are used, f) work in places such as bars, hotels and place of entertainment where a person may be exposed to immoral behaviour.

Agriculture was said to be hazardous work as well, it belongs to the 3 most dangerous work environments. It was stated that large scale producers do not employ persons below 18 years old. Therefore the main focus should be on the smallholder schemes. By means of awareness campaigns scheme smallholders should be educated on child labour issues.

The following questions and answers were discussed after the presentation:

- 1) Some members were sceptical on how Ghana determines Decent Living Wages (DLW)?
 - ⇒ The definition of DLW from ILO is being used. However, it is clear that the DLW also has to be economically possible. Therefore GAWU stated that there is always a compromise when determining DLW.
 - ⇒ However, when discussing wages there are often communication gaps between workers and management.
- 2) Child labour versus child work?
 - ⇒ Picking fire wood and collection loose fruits on holidays or weekends for children of 12-15 years old is very common. This should not be considered as child labour?
 - ⇒ Proper information/education should be given to the scheme smallholders.

New Plantings, HCV Assessment and Zero-Burning Policy

The flow chart for New Plantings was distributed and explained to all members, including the condition of RSPO to carry out HCV assessment before planting. Local ngo's were advised to apply for becoming RSPO accredited HCV assessors.

In addition, WWF distributed the following documents:

- An Interpretation of Global HCVF Toolkit for use in Ghana; and
- Training Workshop Outputs (June 2007): Capacity Building for HCVF Assessment and Management in Ghana.

Lastly, the ASEAN guidelines on zero-burning were presented to the members. It became clear that most of the methods proposed in the guidelines, imply the use of various heavy machinery such as excavators, bulldozers,... which are often not available.

One member made the remark that zero-burning does not necessarily mean that use of heavy machinery. The main producers agreed that they are already implementing the zero-burning policy. Although there will always be a risk for *Oryctes* outbreak if the trunks are not well tapped by palm wine tappers or not quickly covered by cover crops.

One member mentioned that that there is evidence of higher yields with zero-burning practices in Indonesia and Malaysia and that he would recommend a fallow period after felling to avoid pest outbreaks. The fallow period should then be followed by the establishment of cover crops. However, the group said that leaving fallow for a year or more is not done.

Certification of scheme and independent smallholders

The members were introduced to the guidance for scheme smallholders (July 2009) and the guidance for independent smallholders (March 2010, under public consultation until 18th of May 2010).

In the Ghanaian context, the terms “outgrowers” and “smallholders” are used for smallholders that are contracted to companies. The former ones are having own land outside the concession, while the latter ones are having a parcel within the concession. These two groups are farmers are therefore SCHEME SMALLHOLDERS.

In the Ghanaian context, INDEPENDENT SMALLHOLDERS are called “private farmers”. They are free to choose the crop they want to cultivate and they are not contractually bound to any mill, estate or organization.

SCHEME SMALLHOLDERS:

It was explained that the smallholder team worked on a national interpretation of the guidance for scheme smallholders during the meeting on the 11th of May 2010. They were able to cover principle 1 – 6 (partly).

The scheme smallholders will follow the RSPO Certification Systems document and will be certified along with the mill and estates that they are bound to. Therefore, the product for certification is crude palm oil or palm kernel oil. However, the mill gets 3 years time to ensure 100% certification of its schemes. Audits of scheme smallholder farms will be conducted using the following formula $0.8\sqrt{y}$, whereby y is the total number of entities.

INDEPENDENT SMALLHOLDERS:

As the guidance of independent smallholders is under revision, the smallholder team did not yet start with the interpretation. However, from July 2010 onwards interpretation should commence.

It was explained to the members that RSPO developed a Group Certification Protocol, which implies that independent smallholders group themselves to lower the cost of certification. Due to the fact that they are not bound to a mill, the certified product would be the FFB!

The documents on the Group Certification Protocol are available on www.rspo.org or www.rspo-in-ghana.org.

Questions/concerns:

- 1) How should the group be formed?
 - ⇒ RSPO has given characteristics for the formation of groups.
 - ⇒ It was suggested by a member that the group should be formed with a legal status.
 - ⇒ Are there any incentives for a group to be formed?

Outcome of evaluation of Ghana NI process by Proforest (UK) in January 2010

Overall NI process is compliant to the endorsement procedure of the RSPO (Annex 1 of RSPO Certification Systems), however 3 areas of “partially compliance” were identified:

- No official field testing was done so far.
- No determination of review period.
- The indicators of 3 criteria were only partially covering the criterion content.

Evaluation of changes to develop third draft

The following changes were proposed as an outcome of the second public consultation period:

1) Criterion 2.1

EMP is confidential but the company can decide what parts of the EMP to make available. In any way, the company has to make the documents stated in the indicator available for the public in order to obtain compliance.

Content and format of EMP are developed by various departments of the EPA: 1) Natural Resources Department; 2) Manufacturing Industries Department; and 3) Built Environment Department.

The Environmental Assessment and Audit Department determines the content of impact assessments for new projects.

2) Criterion 4.4, Indicator 4.4.3:

To be added in the guidance: The monitoring results should be part of the quarterly monitoring returns to the EPA (in accordance with the EPA permit conditions).

3) Criterion 4.6, Indicator 4.6.4:

Ghana EPA Pesticide Register was compared with the WHO and other international conventions and the following was found:

WHO Class IA and IB: 3 rodenticides registered in Ghana.

- These products are not used in oil palm farms.

WHO Class II: various products of paraquat registered in Ghana.

- Paraquat is not used in oil palm farms, glyphosate is the main herbicide that is being used.

It was accepted to replace “reduced and/or eliminated” by “eliminated”.

4) Criterion 4.6, Indicator 4.6.9:

Indicator: “Specific annual medical surveillance for pesticide operators, and documented action to eliminate adverse effects.”

Confirmed by the Labour Regulations, LI 1833, 2007: « An employee who works in hazardous situations such as contact with fumes and gaseous substances shall undergo a periodic medical examination once a year. »

5) Criterion 5.1

First two indicators were changed to:

- ⇒ Documented environmental impact assessment (according to EPA Act 490, 1994).
- ⇒ Obtain EPA Permit and comply with permit conditions (according to EPA Act 490, 1994).

Third indicator unmodified.

6) Criterion 5.3:

Discussion on the inclusion of “triple rinse method” into the guidance as part of the members preferred that empty containers are sent back to the vendor without risking contamination of water and personnel during rinsing and disposal of rinse water.

Fertilizer bags are often re-used for loos fruit picking or storage of cover crop seeds. Can this be tolerated?

7) Criterion 5.5:

Burning of waste in landfill should be abandoned. EPA has regulations for landfills which should be included into the document. There is a strong need to discuss the issue about waste disposal among the environmental forum.

The ASEAN guidelines are not very relevant due to high need for heavy machinery. Though zero-burning policy and its implementation are ongoing and accepted in both smallholder farms and large estates.

One member suggested that burning of waste should be stopped and land fills should be properly developed and used. Another member stated that waste should be separated and disposal should depend on type of waste (e.g. household waste, clinic waste,...).

8) Criterion 7.3:

The criterion must be discussed with RSPO EB as the majority of the African producers were not aware of RSPO in November 2005/November 2007. RSPO is only being introduced since 2009, and at a very low speed. The date for the deadline should be discussed if possible with the RSPO EB. In addition, currently no local ngo’s are accredited by RSPO for HCV assessment. Though, they were encouraged to apply for accreditation, this might come with a delay. Therefore, the

GNIWG fears that the deadlines are not applicable to the African continent. It was made clear that from now on, nobody should develop without HCV assessment and EIA.

Questions to the RSPO Executive Board

- 1) Deadline November 2005 and November 2007.
- 2) Does a grower with more than 50 ha of vast land follow the certification standard for large scale producers as he is not a smallholder according to the RSPO definition? If so, it will become impossible for those minority producers to obtain an RSPO certificate.
- 3) How do we determine the review period that has to be consistent with the review period of the generic RSPO P&C?

Way forward

The way forward is to develop the third draft and to open the third consultation period. The third draft will contain the partly (principle 1 – 6) revised scheme smallholder guidance. In June, various forums on labour environment and smallholders will take place. These forums are organized by members and are sponsored by Solidaridad (Netherlands). In July, more smallholder meetings should take place to ensure interpretation of scheme and independent smallholder guidances and incorporation of those into the fourth draft. The latter is intended to be the last draft made before submission of the document to the RSPO Executive Board (EB).

Prepared by Anke Massart

Annex 1: Attendants GNIWG 3

Ghana Oil Palm Development Company (GOPDC) Ltd.	Anke Massart
Ghana Oil Palm Development Company (GOPDC) Ltd.	Emmanuel K. Wiafe
Ghana Oil Palm Development Company (GOPDC) Ltd.	Isabel Schlegel
Student Ghana Oil Palm Development Company (GOPDC) Ltd.	Charles Baysett
Agricultural Research Center (ARC) - Kade	Godfred Ofosu-Budu
CSIR – Oil Palm Research Institute	G. Okyere - Boateng
Benso Oil Palm Plantations/Twifo Oil Palm Plantations Ltd.	Samuel Avaala Awonnea
Twifo Oil Palm Plantations Ltd.	Charles M. Sackey
Golden Star Oil Palm Plantations Ltd.	Peter Addai
GOPDC Outgrower Association	B.K. Oppong
TOPP Smallholder Association	Paul F. Tandol
BOPP Outgrower Association	Kwaku Appega
TOPP Smallholder Association	Martin K. Arthur
Benso Oil Palm Plantations	Kwasi Ofori
Ghana Sumatra Ltd.	John Chester
Ghana Sumatra Ltd.	Ben Nuerthey
Agriserv	Raja A. Najjar
QEW Ghana Ltd.	Reynier Funke
Ministry of Food and Agriculture	Joseph Baidoo-Williams
Ministry of Food and Agriculture	Susana Yohuno
SAL Consult Ltd.	Seth A. Larmie
WWF Ghana	Glen Asomaning
Environmental Protection Agency	Yaw Sarfo-Afriyie
Environmental Protection Agency	Florence Agyei
Energy Commission	Mawufenu Modjison
International Finance Corporation (IFC)	Ken Key
GTZ	Rudiger Behrens
PhD Student for GTZ	Susanne V�ath
Ghana Agricultural Workers Union (GAWU)	Walter Atiako
Private consultant - Labour and Human Resources	Cornelius Yawson

External Guests:

- Adwoa Sakyi – Ghana Agricultural Workers Union (GAWU) and International Union for Food And Agriculture.
- William Kotey – Croplife Ghana (CleanFarms project)
- Frederick B. Boampong – Croplife Ghana (CleanFarms project)
- Bob Adjakloe - Croplife Ghana (CleanFarms project)

Media: University of Legon - Campus Radio.

Annex 2: Program GNIWG 3

Date: Wednesday 26 May		
8.30 – 9.00	Arrival & Registration participants.	Centre for African Wetlands Building
9.00 – 10.00	Introduction RSPO Certification Scheme & NI development.	
10.00 – 10.45	Presentation Croplife Ghana (Clean Farms Project) – William Kotey and Frederick B. Boampong	
10.45 – 11.00	Coffee break.	
11.00 – 12.30	Presentation Ghana Agricultural Workers Union (GAWU) – Adwoa Sakyi	
12.30 – 13.30	Lunch.	
13.30 – 15.00	Update on RSPO progress made: <ul style="list-style-type: none"> ⇒ Membership and Certifications ⇒ New Plantings and HCV Assessment ⇒ Zero-burning Policy (ASEAN Guidelines) ⇒ Certification Protocol of Scheme/Independent SH. 	
15.30 – 15.45	Coffee break.	
15.45 – 17.00	Developing third draft Outcome - Evaluation of Ghana NI process by Proforest (UK) Way forward	