

Home Work per Criterion

The HOME WORK per Criterion consists of:

- Achieving compliance to the National Interpretation Guidance per criterion;
- Collection of international, national and local laws and regulations (i.e. Acts, Regulations, Performance Standards, etc.)
- Finding solutions for issues discussed during GNIWG 1.

Note:

- Every GNIWG member can give his view on each of the issues below. We have indicated where we expect certain organizations/GNIWG sub-groups to assist.
- Relevant laws and regulations can be sent to Anke Massart (anke.massart@gmail.com): both the name of law/regulation and its content!
- The legal register of Malaysia and Indonesia can be found in their NI document (in your file), and can serve as an example.

Criterion	NI Guidance, Issues Raised, Home Work	Responsible
1.1	<p>No specific NI guidance.</p> <ul style="list-style-type: none"> ➤ Are there any national laws/regulations/guidelines related to company information disclosure? 	ALL
1.2	<p>“For national interpretation, specific approaches to personal privacy safeguards, including any legal requirements, should be considered.”</p> <ul style="list-style-type: none"> ➤ Any relevant law concerning personal privacy safeguards? ➤ Legal requirements for disclosure of the documents stated? ➤ Laws concerning <u>land titles</u>? ➤ Laws concerning public disclosure of <u>environmental, health and safety, social issues</u>? <ul style="list-style-type: none"> • <i>Environmental Assessment Regulations 1999 + Amendment 2002; Environmental Protection Agency Act 1994</i> • Others? <p>Issues discussed:</p> <ul style="list-style-type: none"> – Continuous improvement should be disclosed in that sense that each company should explain its strategies without going into the details of success. – The rule is that information should be disclosed as much as possible 	<p>ALL</p> <p>Land Valuation Board</p> <p>EPA/environmental consultants</p>

	<p>(i.e. transparency). However, in exceptional circumstances RSPO has created the opportunity for non-disclosure of information (e.g. if disclosure would cause negative impact on environment or social life). Education can facilitate the disclosure of information. Non-disclosure should be as a last resort.</p> <p>– Guidance: It was said to mention EMP in the guidance. The EMP is required by the EPA (Environmental Assessment Regulations 1999) but does it state that the EMP should be public? I can find public hearing throughout the application process. Is there an index of what should be stated in the EMP?</p>	
<p>2.1</p>	<p>“For national interpretation, all relevant legislation should be identified, and any particularly important requirements identified. Contradictions and inconsistencies should be identified and solutions suggested.”</p> <ul style="list-style-type: none"> ➤ International law register must be developed based on Annex 1 of P&C document. ➤ National and local law register must be developed: including Acts, Regulations, Performance Standards, <i>etc.</i> ➤ Collect all Performance Standards of measurable indicators that are used in Ghana (i.e. water, air, etc.) for comparison with International Standards. 	<p>ALL</p> <p>ALL</p> <p>EPA</p>

	Note: Unclear sentence in generic P&C: “For small-scale producers the focus should be on the grower having adequate knowledge of the main legal requirements and implementing them.”	Proforest
2.2	<p>“For national interpretations, any customary land use rights or disputes which are likely to be relevant should be identified.”</p> <ul style="list-style-type: none"> ➤ Assistance needed with the definition of “customary rights / customary land use rights”. ➤ Can we identify any customary land use rights/disputes which are likely to occur? 	Land Valuation Board/Proforest
2.3	<p>“For national interpretations, any commonly encountered situations should be identified.”</p> <ul style="list-style-type: none"> ➤ Any commonly encountered situations? <p>Note: How about customary rights such as “No farming on Tuesdays” vs. “Local festivals”. What does the Ghanaian law say about these types of customary rights?</p> <p>Definition needed of customary rights.</p> <p>Can negotiation (FPIC) resolve such issues?</p>	ALL/Proforest
3.1	<p>No specific NI guidance.</p> <p>Note: Confusion on the terms “Economic viability” and “Financial viability”. The principles seems to cover only short term view (i.e. financial viability), rather than</p>	Proforest/RSPO Criteria Working Group

	<p>the long term view (i.e. economic viability). Financial viability (expenses and revenues => profit or loss) seems covered by presenting and implementing a business plan. However, economic viability looks also at e.g. import protection, subsidies, etc.</p>	
4.1	<p>“For national interpretation, national codes of practice or Best management practices (BMPs) should be referenced.”</p> <ul style="list-style-type: none"> ➤ Are there any national codes adopted of e.g. Good Agricultural Practices? 	ALL
4.2	<p>“National interpretation should identify the range of appropriate techniques.”</p> <p>Kindly add:</p> <ul style="list-style-type: none"> ➤ Use of appropriate fertilizer ➤ Establishment of cover crops ➤ Annual leaf and soil sampling (=> fertilizer recommendations) ➤ Packing of fronds in the farm ➤ EFB as mulch ➤ POME land application ➤ Palm residues are kept in field after replanting ➤ 	Agronomy & Research/Environmentalists
4.3	<p>“National interpretation should refer to national guidance, and identify the best management practices and appropriate techniques for maintaining soil quality in local conditions, including guidance on soil types, and any appropriate performance</p>	

	<p>thresholds, such as maximum acceptable slope gradient for planting.”</p> <ul style="list-style-type: none"> ➤ Assistance from <u>Soil Science Department</u> and <u>Soil Research Institute (CSIR)</u>. OPRI to discuss who can attend our next meeting and how to prepare for discussions (e.g. soil types of Ghana, fragile soils, soil fertility, acceptable slope gradient, performance thresholds, etc. ➤ Assistance from international experts: GOPDC will contact soil scientists from <u>CIRAD</u> (Centre de coopération internationale en recherche agronomique pour le développement). ➤ Are there any other local experts that can assist us? ➤ Any laws related to soil conservation;; e.g. <i>Land Planning and Soil Conservation Act 1953, National Land Policy 1999. The latter one contains a list of land and natural resource laws and regulations. Others?</i> 	<p>OPRI to invite CSIR: Soil Science Department or Soil Research Institute</p> <p>GOPDC to contact soil scientists from CIRAD</p> <p>ALL</p> <p>Land Valuation Board/Environmental consultants and Nature Conservation ngo’s</p>
<p>4.4</p>	<p>“National interpretation should refer to national guidelines or best practice and where appropriate include performance thresholds for requirements such as the size and location and methods of restoration of riparian strips or acceptable maximum runoff levels.”</p> <ul style="list-style-type: none"> ➤ Assistance from Water Resource Commission to collect the correct laws, regulations and performance standards! (E.g. <i>WRC Act 522, Water Use Regulations LI 1692, Ghana Water and Sewage 1965, Drilling License and Groundwater Development Regulations, 2006 LI 1827, National Irrigation</i> 	<p>WRC /EPA/Environmentalists & Natural Resources</p>

	<p><i>Policy, National Water Policy, Irrigation Development Authority Act), Others?</i></p> <ul style="list-style-type: none"> ➤ Water Resouce Commission: What should be included on the water management plan? (abstraction, consumption (domestic, agricultural, industrial (water per ton FFB), water quality (effluent discharge, drinking water, streams coming in and going out of the plantation), run-off and rainfall.) ➤ What are the laws and regulations: effluent (EPA standard ?, water quality standards? Does Ghana have ratified standards or will the NI state international standards? ➤ Standard needed for POME land application. ➤ Assistance from environmental and nature conservation ngo's and consultants. 	
<p>4.5</p>	<p>“National interpretation should provide further guidance on what practices are most appropriate for a particular country, and where needed, on practices which are appropriate to smallholders.”</p> <ul style="list-style-type: none"> ➤ National laws concerning Integrated Pest Management? (OPRI, EPA) <p>Kindly add:</p> <ul style="list-style-type: none"> ➤ Hooking of <i>Oryctes</i> beetles ➤ Checks of leaf miner ➤ Chemical treatment of leaf miner (what chemicals are registered by EPA?) 	<p>Research & Agronomy/EPA</p>

	➤	
4.6	<p>“National interpretation should consider: statutory requirements concerning pesticide use, lists of legally prohibited agrochemicals, agrochemical residues that should be tested for and the appropriate levels of residues, and best management practices for pesticide use or sources of information on these.</p> <p><i>Note: RSPO will urgently identify safe and cost effective alternatives to replace chemicals that are categorized as World Health Organisation Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat.”</i></p> <ul style="list-style-type: none"> ➤ EPA: provide GNIWG members with the latest list of registered chemicals and compare list with international classifications. ➤ EPA: laws and regulations concerning use of pesticides, disposal of chemical containers and obsolete chemicals, etc. (<i>Pesticides Act 528</i>). Others, like sale of drugs/poisons, Food regulations (residue), etc.? 	EPA
4.7	<p>“For national interpretation, all legal requirements together with any local or national guidance on safe working practice in agriculture should be identified and used. It will also be important to identify what constitutes a ‘hazardous’ operation in the local context.”</p> <ul style="list-style-type: none"> ➤ OHS act? Other guidelines? 	ALL
4.8	<p>For national interpretation, appropriate occupational training qualifications should be identified.</p> <ul style="list-style-type: none"> ➤ Factories and machinery Act? 	ALL
5.1	National interpretation should consider any national legal requirements together	EPA

	<p>with any other issue that are not required by law but are nevertheless important, e.g. independent SEIA for replanting may be desirable under specific situations.</p> <ul style="list-style-type: none"> ➤ Impact assessment laws (EPA) 	
5.2	<p>For national interpretation, appropriate sources or information include government or international lists of threatened species ('red data lists'), national wildlife protection legislation, authorities responsible for protected areas and species, or relevant NGOs.</p> <ul style="list-style-type: none"> ➤ Data lists of threatened species used in Ghana. ➤ National wildlife protection legislation 	<p>Environment & Natural Resources (GWS, WWF, etc)</p>
5.3	<p>National interpretation could include, as appropriate: details or relevant national laws or policies, a list of waste types which must be considered, any types of disposal which are not acceptable (e.g. untreated waste water may not be discharged directly into streams or rivers-refer to criterion 4.4), existing best practice guidelines on recycling and re-use of nutrients, managing effluent ponds, increasing mill extraction efficiency and appropriate disposal of wastes.</p> <ul style="list-style-type: none"> ➤ Laws and regulations on waste types, disposal, ➤ EPA guidelines? 	<p>EPA/Environmentalists</p>
5.4	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Legislation concerning energy generation, use of energy, etc. 	<p>Energy Commission</p>
5.5	<p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to "Guidelines for the implementation of the ASEAN policy on zero burning', or comparable guidelines in other locations.</p>	<p>ALL</p>

	<ul style="list-style-type: none"> ➤ Bush fire law? Other laws? 	
5.6	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Pollution prevention laws and regulations? ➤ Air emissions, air quality standards? National or international? 	EPA
6.1	<p>As social impacts are particularly dependent on local social conditions, national interpretation should identify the important issues, and methodologies for collecting data and using the results. This should include adequate consideration of the impacts on the customary or traditional rights of local communities and indigenous people, where these exist (see also criteria 2.3 and 6.4).</p> <ul style="list-style-type: none"> ➤ Where is it stated that social impact assessments are part of the environmental impact assessment and part of the EMP? ➤ Is there any guideline on the content of a social impact assessment for oil palm plantation development? 	EPA/environmental & social consultants
6.2	<p>National interpretation should consider issues such as appropriate levels of consultation and the types of organizations or individuals that should be included.</p> <ul style="list-style-type: none"> ⇒ Are there any existing guidelines for appropriate communication and consultation? ⇒ Does anyone like to propose guidelines? 	Social consultants
6.3	No specific guidance.	/
6.4	No specific guidance.	/
6.5	No specific guidance.	Labour group

	<ul style="list-style-type: none"> ➤ Decent Living Wage: laws and regulations (Palm Oil Producers Association, etc.) ➤ National Minimum ➤ Collection of laws/regulations/guidelines on Decent Living Wage 	
6.6	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Collection of all ILO conventions in addition to freedom of association. ➤ National labour laws and regulations 	Labour group (GAWU, etc.)
6.7	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Child labour vs child work: Learn from cocoa experience ➤ Legal minimum age? ➤ Can GEA assist? 	Labour group (GAWU, etc.) and others with knowledge on what happened in cocoa project
6.8	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Check laws concerning migrant workers. ➤ Other laws, regulations or guidelines concerning discrimination? 	GAWU and labour consultants
6.9	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Check upon laws concerning breastfeeding. 	GAWU and labour consultants
6.10	No specific guidance.	/
6.11	National interpretation should consider specific parameters or thresholds such as use of local and national goods and services where possible, whether a certain	ALL

	<p>percentage of the plantation's profit/turnover should be used for social development projects, and minimum quotas for local employment.</p> <ul style="list-style-type: none"> ➤ Are there laws/regulations or guidelines for the above? 	
7.1	<p>National interpretation should identify the relevant accreditations for independent experts.</p> <p>National interpretation should consider setting a minimum threshold of the size of new plantings, e.g 50 ha, above which an SEIA is required. Consider listing unacceptable negative social impacts (e.g., displacement, loss of the food security of local people, etc.) in the national context.</p> <ul style="list-style-type: none"> ⇒ What can be relevant accreditations for independent experts? ⇒ EPA to check if the proposed 40ha is ok? ⇒ Terms of Reference: EPA? 	EPA/environmental consultants
7.2	<p>National interpretation should specify the local or national code of practice or other guidelines that should be followed; or set out what 'good practice' constitutes within the local and national context.</p> <ul style="list-style-type: none"> ➤ 	Research (OPRI to check with CSIR)
7.3	<p>National interpretation should refer to existing national definitions of HCVs (or where these do not exist refer to definitions in the annex) or equivalent land – use/conservation plans or consider how growers and the audit team can identify High Conservation Values. This may involve collaboration with other bodies.</p> <ul style="list-style-type: none"> ➤ EPA to check if Environmental Sensitive Area's are the same as HCV's. ➤ Does Ghana have a definition of HCV's? 	Nature Resource ngo's/EPA

<p>7.4</p>	<p>National interpretation should consider including specific controls and thresholds, such as slope limits, listing soil types that on which planting should be avoided (especially peat soils), the proportion of plantation area that can include marginal/fragile soils, and /or definitions or ‘extensive’, marginal’ and ‘fragile’</p> <p>➤ Assistance need from Soil Science Department and Soil Research Institute.</p>	<p>Research (OPRI to check with CSIR)</p>
<p>7.5</p>	<p>No specific guidance.</p>	<p>/</p>
<p>7.6</p>	<p>No specific guidance.</p>	<p>/</p>
<p>7.7</p>	<p>National interpretation should identify any specific situation where such use of fire may be acceptable, for example through reference to ‘Guidelines for the implementation of the ASEAN policy on zero burning’, or comparable guidelines in other locations.</p> <p>➤ Propose specific situations whereby use of fire for <u>new plantings</u> may be acceptable, if any?</p>	<p>ALL</p>
<p>8.1</p>	<p>National interpretation should include specific minimum performance thresholds for key indicators (see also criteria 4.2, 4.3, 4.4, and 4.5).</p>	