



No Deforestation Joint Steering Group (NDJSG)

Terms of Reference

RSPO Secretariat
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Contents

| | |
|----------------------------------------------------------------------------------|----------|
| 1 Introduction..... | 2 |
| 2 Vision, Mission and Objectives..... | 4 |
| 2.1 Joint Steering Group..... | 4 |
| 2.1.1 Vision | 4 |
| 2.1.2 Mission | 4 |
| 2.1.3 Objectives..... | 4 |
| 3 Structure..... | 5 |
| 3.1 Criteria for Membership and Composition | 5 |
| 3.1.1 Roles and Responsibilities | 5 |
| 3.2 Retirement Criteria/Reselection of inactive Joint Steering Group Member..... | 6 |
| 3.3 Management..... | 6 |
| 3.3.1 Communication..... | 7 |
| 3.3.2 Planning..... | 7 |
| 3.3.3 Projects..... | 7 |
| 3.4 Role of the Secretariat..... | 8 |

List of Acronyms

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| CSOs | Civil Society Organizations |
| BHCVWG | Biodiversity, and High Conservation Values for Certification Working Group |
| BoG | Board of Governance |
| EC | Executive Committee |
| HFC | High Forest Cover |
| HFCWG | High Forest Cover Working Group |
| HCSA | High Carbon Stock Approach |
| HCVRN | HCV Resource Network |
| JWG | Jurisdictional Working Group |
| NDJSG | No Deforestation Joint Steering Group |
| NGO | Non-Government Organisation |
| NPP | New Planting Procedure |
| PLWG | Peatland Working Group |
| P&C | Principles & Criteria |
| SHIG | Smallholder Interim group |

1 Introduction

During the review of the RSPO Principles & Criteria (P&C 2018), no deforestation has been a critical issue. The P&C Review Task Force agreed to include new requirements to halt deforestation through the use of the High Carbon Stock Approach (HCSA) Toolkit in the revised standard to ensure the effective contribution of RSPO to transitioning the palm oil sector towards becoming deforestation-free.

The RSPO P&C 2018 includes new requirements to ensure the effective contribution of the RSPO to halting deforestation. This will be achieved by incorporating the HCSA Toolkit in the revised standard.

The RSPO Theory of Change also commits to balancing sustainable livelihoods and poverty reduction with the need to conserve, protect and enhance ecosystems. High forest cover countries urgently require economic opportunities that enable communities to choose their own development path, while providing socio-economic benefits and safeguards.

Following communication with HCSA Executive Committee during the 2nd public consultation on the RSPO P&C in June-July 2018, there is strong recognition of the need and desirability for RSPO to work in collaboration with the High Carbon Stock Approach (HCSA) to ensure that requirements around No Deforestation are aligned and harmonized.

There is therefore a need for a new Joint Steering Group, namely the 'No Deforestation Joint Steering Group' (NDJSG) and a joint collaboration with other initiatives, particularly HCSA, to guide the development and implementation of the procedures, methodologies and guidance for Criterion 7.12, particularly around High Forest Cover countries and landscapes.

2 Vision, Mission and Objectives

2.1 Joint Steering Group

2.1.1 Vision

The NDJSG vision seeks to halt deforestation and ensure the effective joint contribution of RSPO and HCSA to support the palm oil sector to transition to be free from deforestation and achieve positive impacts balancing sustainable livelihood and poverty reduction with the need to conserve, protect and enhance ecosystems and respect land users' rights.

2.1.2 Mission

The NDJSG will be the central body for discussing and guiding development of the framework for implementation and decisions on no deforestation in HFC landscapes within High Forest Cover (HFC) Countries¹ in consultation with Indigenous Peoples, local communities and in-country Civil Society Organizations.

2.1.3 Objectives

The NDJSG will oversee the efforts to reach the following overarching objectives and strategically important tasks:

- Develop, support and guide the implementation of the RSPO High Forest Cover (HFC) procedures, including suggest revisions to P&Cs and/or guidance that would allow HFC procedures to be used in HFC landscapes within HFC Countries, if in the case-study areas a mandate is given from Indigenous Peoples and local communities to representatives in the NDJSG to develop such procedures for their lands.
- Develop safeguards and their associated procedures to protect Indigenous Peoples and local communities that are right-holders to High Forest Cover lands from coercion, intimidation or violence by RSPO members, Government officials or other stakeholders that stand to benefit from the development of exemptions to the No Deforestation methodologies outlined in the HCSA Toolkit or the revised RSPO P & C's (7.12).
- Seek to harmonise HCSA and RSPO P&C approaches to legacy cases located in High Forest Cover Landscapes within HFC countries.
- Propose governance processes for the application of HFCL within HFCC Procedures requirements in the RSPO P&C once developed.
- Provide guidance on implementation, audit checklists and cross link with current best practice of the procedures once developed.
- Develop socialization plans to ensure inclusive participation of local CSOs, indigenous people and local communities:
 - Seek a mandate from respective local land right holder(s) in case-study areas for the development of procedures for HFCL within HFCC.
 - Seek inputs to the draft procedure
 - Share the final proposed procedure for feedback prior to its submission for formal endorsement.

¹ For guidance and recommendations relating to HFCL within non-HFC countries, the NDJSG will refer to the HCSA legacy case review process. The revised P&C define the scope as only HFCL within HFC countries. Legacy cases in HFCL outside of HFCC are currently addressed via a separate HCSA legacy case review process, which includes joint multi-stakeholder case-study focused work lead by HCSA together with CSOs and local community representatives. The NDJSG will follow this work and may make recommendations for including the outcomes from that process into the RSPO's standards and procedures. Any changes to the RSPO P&Cs must follow the RSPO's procedures for standard-setting.

- Socialization will include information on other development options besides oil palm and will provide information on incentives and support available to communities that are willing to identify and maintain HCS forests.
- Coordinate and clarify collaboration roles with relevant RSPO Working Groups, including but not limited to BHCVWG, PLWG2, JWG and SHIG, and HCSA Working Groups, including but not limited to the Legacy WG of the HFCLWG.
- Inform changes needed to the New Planting Procedure (NPP) to incorporate Criterion 7.12.
- Advise on the NI process C7.12 process for the HFC Procedures once developed
- Provide guidance on capacity development and procedures to address non-compliances related to the implementation of the HFC Procedures once developed.

3 Structure

3.1 Criteria for Membership and Composition

The NDJSG will consist of members of RSPO and of the HCSA Steering Group. Six RSPO representatives will reflect the sectorial and geographical composition of the RSPO membership. Four members will collectively represent consumer goods manufacturers, retailers and financial institutions, processors & traders, growers and two shall represent environmental and social NGOs. The HCSA will be represented, by six members from its five membership categories of the HCSA Steering Group, including two NGOs; these members may also be members of the RSPO.

The NDJSG will be co-chaired by two members, one selected representative from the RSPO and one from the HCSA. The co-chair seats will not be held by organisation associated with the same caucus by either organisation nominated by the respective RSPO and HCSA members.

Appropriate in-country CSOs supporting Indigenous Peoples and local communities and relevant institutions or experts, as well as HCV RN or human rights experts, may be invited to participate and provide advice and guidance as technical experts. They will not take part in any decision making.

Candidates must be nominated by the constituencies and agreed by the NDJSG members through consensus. Membership in the NDJSG is “institutional” rather than personal; change in employment status should be reflected in the composition of the committee. Participation is voluntary and non-remunerative, but reimbursement for travel expenses may be considered to facilitate participation of all stakeholder groups.

Members are expected to participate actively to the proceedings on behalf of their caucus and to ensure they are represented by a designated alternate if they are unable to do so.

Action: RSPO to engage independent facilitator as agreed with the HCSA.

3.1.1 Roles and Responsibilities

The NDJSG is supported by the RSPO Secretariat and will report its findings to the appropriate RSPO Board Committee. The HCSA Secretariat and/or represented HCSA member will report NDJSG findings to HCSA EC.

The NDJSG will be the central body for discussing pragmatic and effective ways to align and implement the decisions on issues around no deforestation in High Forest Cover Landscapes within HFC Countries by RSPO and HCSA. NDJSG will coordinate its work with relevant Working Groups and Taskforces within RSPO and HCSA e.g. the RSPO’s BHCVWG, PLWG2, JWG and SHIG and HCSA’s HFCWG. It will oversee the socialization program, seek a mandate from Indigenous Peoples and local communities

to develop procedures that may be applied to their lands, and review all relevant RSPO and HCSA documents regarding implementation of the HFC Procedures before their recommended adoption. It may appoint sub-committees to focus on different components of the work, including for technical implementation guidance. Its recommendations will need to be endorsed by the RSPO BoG Committee and HCSA EC and communicated to the relevant organizations' working groups, task forces and Secretariat, as coming from the RSPO Standards & Certification Steering Committee and HCSA Steering Group.

The RSPO secretariat will be the principal coordinator and conduit of communication between NDJSG and RSPO working groups and taskforces, as well as respective HCSA working groups through HCSA Secretariat. Key individuals (in particular respective Chairs or Co-chairs) of these working groups and taskforces will be invited to attend NDJSG meetings when appropriate.

3.2 Retirement Criteria/Reselection of inactive Joint Steering Group Member

The NDJSG can exercise the right to retire the membership of a SG member. However, the decision must be made by consensus of the SG (excluding the affected party).

The reasons (not exhaustive) for the SG to consider retirement of a SG members are:

1. Absence from SG meetings for three consecutive meetings without arranging for an alternate to attend these meetings.
2. Persistent refusal to furnish information in timely manner as requested by the SG. Information requested, if deemed beneficial to the objectives of the SG, shall not be unreasonably withheld except for those which are commercially sensitive and/or prohibited by law for dissemination.
3. Failure to meet the requirements for declaring and acting in a manner that is free of conflicts of interests.

Retirement of membership will be informed in writing by the Co-Chairs of the NDJSG, copied in to the RSPO secretariat.

The Co-Chairs of the NDJSG will invite the constituents of the affected sectorial and/or geographical stakeholder group to nominate a new representative to the SG.

3.3 Dissolution of the NDJSG

At the time when it is decided to dissolve the NDJSG, the RSPO will resume full responsibility for reviewing, reporting and verifying the implementation of the RSPO procedures for HFCL with HFCC and adjust as necessary by making recommendations to the appropriate RSPO Board Committee and the HCSA Executive Committee (EC) for approval.

3.4 Management

Each member must declare any conflict of interest on any matters on the agenda and/or matters arising at the beginning or during the course of the meeting. Should a conflict of interest exist, the member concerned must recuse themselves from the decision-making process or sensitive discussions.

All members of the NDJSG are required to sign the Code of Conduct for the NDJSG.

All outcomes and decisions are made on consensus basis², members shall ensure the accuracy of the information and that the interpretation of all outcomes and decisions of the NDJSG are consistent with the consensus reached within the NDJSG.

If consensus is not possible for any specific issue or criteria and this results in a deadlock, i.e. whereby opposing parties come to a point of fundamental disagreement on a significant topic and no progress can be made risking a standstill or stalemate of the entire process, the SG shall refer the matter to the RSPO Board Committee, who shall seek to resolve the issue in question by consensus (as per the RSPO Standard Operating Procedure for Standard Setting and Review (June 2017)).

3.4.1 Communication

It is desirable that the Joint Steering Group organizes face to face meeting 4 times a year or teleconferences where necessary. The co-chairs and the RSPO Secretariat and HCSA Secretariat will have frequent communication updates.

During these meetings, Chatham House rules apply. The Chatham House Rule aims provide anonymity to speakers. This rule is applied throughout all meetings as an aid to free discussion, encouraging openness and the sharing of information. The Chatham House Rule reads as follows:

‘When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.’

Any public communications related to the NDJSG and its work will be agreed by the NDJSG members and approved by the RSPO and HCSA communications teams.

Minutes of the meeting and clarifications of decisions made by the NDJSG are to be shared publicly no more than one month after the meeting.

NDJSG will determine the need for translation of minutes of meeting, relevant materials and documents, and making its available and accessible to all relevant parties.

3.4.2 Planning

In order to fulfil these tasks and meet NDJSG objectives, it will be necessary to establish a yearly work program including a series of targets or deliverables.

3.4.3 Projects

Projects that are currently on-going and/or receiving funding from the RSPO will be placed under the purview of the NDJSG.

- i. The NDJSG can formulate projects or may accept projects of third parties. Project implementation can be outsourced to the RSPO Secretariat or to external parties. In both cases, the Joint Steering Group will be responsible for the overall steer of the projects subject to their being agreed by the appropriate RSPO Board Committee.
- ii. In case a project receives funding from the RSPO, then the RSPO Secretariat is responsible for the details of the project management (narrative and financial). In the situation that the NDJSG and the RSPO Secretariat hold different opinions regarding the approval or continuation of a project, the matter will be brought to the appropriate Board Committee for a final decision.

² Consensus is defined as the lack of a sustained objection by one or more members

- iii. The NDJSG could request project implementer(s) to update on the progress and performance during the NDJSG's meetings, i.e. to discuss issues or challenges and to come up with means for addressing them.

3.5 Role of the RSPO Secretariat

The RSPO Secretariat will provide the financial, human and logistical support that the NDJSG requires to meet, conduct business and achieve its objectives: The secretariat will assist and support the NDJSG and will provide the NDJSG members with technical reports from in-house and outsourced studies, terms of reference for consultancies, and other information that is requested by the NDJSG to fulfil its objectives.