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RSPO JURISDICTIONAL APPROACH for CERTIFICATION

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LIST OF ACRONYMS

CB	Certification Body
CPO	Crude Palm Oil
CSO	Civil Society Organisation
CSPO	Certified Sustainable Palm Oil
FFB	Fresh Fruit Bunch
FPIC	Free, Prior and Informed Consent
HFCC	High Forest Cover Country
HFCL	High Forest Cover Landscape
HCS	High Carbon Stock
HCV	High Conservation Value
HRD	Human Rights Defenders
ICS	Internal Control System
ISH	Independent Smallholder
JA	Jurisdictional Approach
LUCA	Land Use Change Analysis
MB	Mass Balance
NGO	Non-Governmental Organisation
NI	National Interpretation
NPP	New Planting Procedure
PKO	Palm Kernel Oil
P&C	Principles & Criteria
RaCP	Remediation and Compensation Procedure
RSPO	Roundtable on Sustainable Palm Oil
SEIA	Social and Environmental Impact Assessment
SG	Segregated
SOP	Standard Operating Procedures
ToC	Theory of Change

GLOSSARY

Book & Claim (RSPO Credits)	Model that supports the production of RSPO-certified sustainable oil palm products through the sale of RSPO Credits. One RSPO Credit represents one metric tonne of RSPO-certified sustainable oil palm product.
Certification Body (CB)	An independent body that is accredited by an accreditation body for RSPO to conduct certification audits against the requirements of the RSPO Standards.
Claims	Any communication to any stakeholder group in any format of the presence of certified sustainable oil palm product in a specific product or product groups.
Identity Preserved (IP)	The Identity Preserved (IP) supply chain model assures that the RSPO certified oil palm product delivered to the end user is uniquely identifiable to a single RSPO certified mill and its certified supply base.
Independent smallholders	All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers.
Jurisdiction	A jurisdiction is a government administrative area where a system of laws is applied, it could mean a country, a state, a province or a district, led by an authority that has the power or right to govern and to interpret and apply the law. Jurisdictions hence operate according to a set of regulations, which define the mandates and authorities in planning, budgeting and implementation of programs and activities.
Jurisdictional Approach	A type of landscape management, to integrate policy and practice for multiple (and often) competing needs and challenges of growers and millers (especially independent smallholders and medium growers) as well as relevant stakeholders for inclusion in the RSPO system.
Jurisdictional Entity (JE)	An association, corporation, partnership, proprietorship, trust, or individual that has legal standing in the eyes of law established within a respective jurisdiction. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions ¹ .
Mass Balance (MB)	Supply chain model that allows certified claims to be transferred from one oil palm product to another either through physical blending or administratively under strictly controlled circumstances.
Off-product Claims	Claims regarding the membership status of an individual member and/or their support of the aims of the RSPO.
Oil Palm Products	Products produced by the oil palm, including its fruits and kernels. Depending on the context, the phrase 'oil palm products' in this document can also refer to products such as shells, palm kernels, palm kernel expeller, palm oil, palm kernel oil (PKO) or products derived thereof, palm (kernel) fatty acids (P(K)FAD), olein, stearin or products that are derived from fractionation of palm oil and palm kernel oil. Oil palm products may also refer to products containing any of the above.
Refinery	A production site that processes fats and oils into higher value fats and oils.
RSPO Certified Oil Palm Products	Any product that contains oil palm products certified in compliance with RSPO Standards through individual RSPO membership and/or properly sourced

¹ Business Dictionary, 2019, <http://www.businessdictionary.com/definition/legal-entity.html>

through the RSPO 'Identity Preserved' (IP), 'Segregated' (SG) or 'Mass Balance' (MB) supply chain models.

Scheme Smallholder

Smallholder farmers, landowners or their delegates that do not have the:

- Enforceable decision-making power on the operation of the land and production practices; and/or
- Freedom to choose how they utilize their lands, type of crops to plant, and how they manage them (whether and how they organize, manage and finance the land).

Segregated (SG)

The Segregated (SG) supply chain model assures that RSPO certified oil palm products delivered to the end user come only from RSPO certified sources.

Smallholder

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 ha in size.

Social and Environmental Impact Assessment (SEIA)

An analysis and planning process to be carried out prior to new plantings or operations. This process incorporates relevant environmental and social data, as well as stakeholder consultations, in order to identify potential impacts (both direct and indirect) and to determine whether these impacts can be satisfactorily addressed, in which case the proponent also defines specific actions to minimise and mitigate potential negative impacts.

Stakeholders

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

1. INTRODUCTION

The Roundtable on Sustainable Palm Oil (RSPO) is a global, multi-stakeholder initiative to promote sustainable palm oil production and use. Members of the RSPO and participants in its activities come from many different backgrounds, including farmers, plantation companies, manufacturers and retailers of oil palm products, environmental and social non-governmental organizations (NGOs), and from many countries that produce or use oil palm products.

The principal objective of the RSPO is to promote the growth and use of sustainable palm oil through cooperation within the supply chain and open dialogue between its stakeholders. RSPO certification is an assurance to the customer that the standard of palm oil production is sustainable.

In 2018, the RSPO Theory of Change (ToC) identified the jurisdictional approach as one of the key strategies in achieving its vision of making sustainable palm oil the norm (Refer Annex 1). Next to the conventional certification approach, where the focus is the mill and its supply based, RSPO was looking to upscale this approach onto a jurisdictional level.

In the context of sustainable oil palm products, this will involve the certification and verification of the production & management. This approach is referred to as the Jurisdictional Approach to Certification (JA for short). Due to the scale and the complexity of any jurisdiction, the proposed system shall be practical, credible and robust enough to enable the whole jurisdiction to comply with relevant RSPO standards & requirements.

1.1 WHAT IS RSPO JURISDICTIONAL APPROACH TO CERTIFICATION?

RSPO Jurisdictional Approach to Certification (JA) is an approach to minimize the negative impact of palm oil cultivation on the environment and on communities, at the scale of government administrative areas, through the stepwise certification of the production & processing of sustainable oil palm products at a jurisdictional level.

It involves continuously progressing towards i) achieving landscape level no deforestation, no new planting on peat, ensuring safe and decent working conditions, and upholding human rights, and ii) the **certification** of sustainable production and processing of oil palm products, managed and supported through a multi-stakeholder governed entity (referred as **Jurisdictional Entity (JE)** within this document).

The approach requires government leadership, support, and collaboration in playing a key role in facilitating a multi-stakeholder process, setting up overall governance, regulations and frameworks to bring jurisdictional members to apply RSPO standards progressively.

1.2 WHY IMPLEMENT JURISDICTIONAL APPROACH TO CERTIFICATION?

The JA is a type of landscape management that responds strongly to the needs and challenges of growers and millers (especially independent smallholders and medium growers) as well as other relevant stakeholders for inclusion in the RSPO system. JA provides a more cost-effective management and approach (through consolidation of resources and efforts) by strengthening stakeholders' engagement through strong government involvement and broadening stakeholder actions for structural change on topics that go beyond the capacity of single producers or even the full supply chain.

The Jurisdictional Approach to address deforestation and environmental degradation, as well as strengthening social safeguarding, emerged from major public and private sector commitments as a means to scale positive results both for responsible production and conservation. It emphasizes multi-stakeholder partnerships to tackle landscape/jurisdictional environmental challenges, focuses on the political level at which land use decisions and relevant governance policies for sustainability are made and enforced.

JA holds the key for strengthening enabling conditions that are locked into public policies and business models while conferring benefits to producers, such as increased access to markets and finance, job creation, poverty alleviation, more abundant natural resources, and a healthier and more resilient environment.

The Jurisdictional Approach streamlines some of the processes with all stakeholders involved, from local governments to large mill owners to small-scale farmers. For example, the government and larger companies may pay for landscape-wide mapping and monitoring. This ensures that family farms are not in protected areas and that farmers are not cutting

down primary and regenerative forests to expand their fields. It also takes some of the financial burden off smallholders and medium growers to meet the requirements for certification.

Companies also appreciate the potential of JA - in particular jurisdictional sourcing and certification – to simplify traceability and certification, and to lower the cost of meeting their commitments through efficiencies of scale. Local stakeholders welcome JA as a means to make sure that strategies and paths towards sustainability are owned and defended by regional society and not imposed from outside.

The most important and promising element of JA so far has been the opportunity to drive dialogue and convergence of common goals across business, government, and community stakeholders. With governance, planning and enforcement repeatedly identified as both critical and limiting factors, this opportunity for dialogue and convergence is most valuable because it can redirect, focus and/or energise governments.

This approach is also a significant step towards working collaboratively to improve the livelihoods of small-scale farmers and conserving forest areas important for biodiversity and the wider environment. This collaborative effort also enables the approach to solve sustainability problems at the grassroots level; optimising the use of resources and sharing expertise within the jurisdiction.

JA is dependent on government policy to support RSPO certified production at jurisdictional level, and government backed institutions to implement and enforce the JA.

In conclusion, Jurisdictional Certification will follow the RSPO 2018 Principles & Criteria, as well as other RSPO Standards. The challenge, however, is that the RSPO P&Cs have been developed with plantation concessions and estates, or growers and smallholders in mind, and not whole jurisdictions. Even the National Interpretation processes have not considered jurisdictions. This means that complicating factors of government policy or laws, which may allow or even encourage certain activities that are inconsistent with RSPO jurisdictional certification will need to be addressed by RSPO for the first time. In addition, there may be actors within a jurisdiction which are non-compliant with the Jurisdictional Approach, but are still acting within the law, and their actions could put at risk the compliance of the majority. Taking these factors together, the RSPO Jurisdictional Working Group has agreed upon the framework which follows, but notes that new Standards and processes may be needed to address new challenges as they arise.

1.3 THE PURPOSE OF THIS DOCUMENT

This document establishes requirements with clarity for enabling Jurisdictional Approach to Certification. It encompasses clarities on the unit of certification and verification; applicability of relevant RSPO standards, requirements and procedures; system and management requirements, highlighting the roles of governments; verifications, claims and credit system; and certification system requirements for jurisdictional certification.

This document is organised as follows:

SECTION	CONTENT
Section 2. Scope	General context of Jurisdictional Approach to Certification 2.1 Boundary of the Jurisdiction 2.2 Jurisdictional Approach Requirements 2.3 Stepwise Approach 2.4 RSPO Memberships within the Jurisdiction 2.5 Financing Mechanisms
Section 3. Application of Standards & Requirements	3.1 Jurisdictional-level Performance 3.2 Which RSPO Standards are Applicable to Whom? 3.3 General RSPO Requirements
Section 4. Jurisdictional System Requirements	4.1 Element 1: Jurisdictional Entity Management Requirements 4.2 Element 2: Policy Framework 4.3 Element 3: Internal Grievances, Complaints and Appeals System
Section 5. Stepwise Approach to Making Claims	5.1 Stepwise Approach Requirements 5.2 Making JA RSPO Certified Claims
Section 6. Certification Process Requirements	6.1 Landscape-level Performance 6.2 Family Farm-, Estate-, Mill- and Facility-level Compliance

Note:

This document does not provide general guidance for *how* to set up a Jurisdictional Approach.

2. SCOPE

This section on scope provides a general context of the Jurisdictional Approach to Certification framework: i) defining the boundary of the Jurisdiction and units of certification; ii) what are the requirements applying Jurisdictional Approach; iii) verification and claims mechanism; and iv) process establishing compliance with relevant requirements. Detailed requirements are captured in following sections of this document.

2.1 BOUNDARY OF THE JURISDICTION

The **boundary of a Jurisdiction** is defined by the area over which a local authority (government body) has legislative, regulatory, political and general administrative authority, thus giving it sufficient authority to apply the RSPO standards.

JA is a Group Certification Approach which allocates legal commitments and enforcement to the Jurisdictional Entity (JE), the central facilitating and governing body, which will adopt an Internal Control System to facilitate full compliance with the RSPO Standards.

This approach puts emphasis on FFB producers (estates and individual farmers), millers, crushers, refiners, and oleochemical plants continuously strengthening their sustainable practices.

The approach allows individual growers to be certified against RSPO Standards alongside separate group or individual certificate, which are held and supported by a Jurisdictional Entity (JE) progressively.

Individual industry participants (RSPO members within the jurisdiction) are free to opt to be certified either through the JE or to pursue their own certification within the Jurisdiction. Independently certified participants will have access to the overall enabling environment provided by JE within the Jurisdiction.

In large Jurisdictions, the JE may choose to apply the JA landscape by landscape or through smaller administrative units.

2.2 JURISDICTIONAL APPROACH REQUIREMENTS

RSPO JA leverages multi-stakeholder partnerships for policy interventions, market incentives and finances to advance careful land use planning of production and protection of: HCV, HCS, peatland and protected areas; human rights ; land rights ; and improved livelihoods, social wellbeing and; environmental standards for all stakeholders that live and work in and around oil palm operations.

As such, JA requirements are built around:

- i. Management structure and system – the crucial need for a central facilitating and governing body (the JE referred in this document) & management system
- ii. Impact at scale – Jurisdictional Performance
- iii. Stepwise approach (refer to Section 5) – certification & regulatory interventions

2.2.1 ROLE OF THE JURISDICTIONAL ENTITY: MANAGEMENT STRUCTURE & SYSTEM

Government leadership, support and collaboration play a crucial role in facilitating a multi-stakeholder process to strengthen overall governance, regulations and frameworks to bring everyone to reach a similar standard, thus facilitating compliance with the RSPO standards. This is to be done through the establishment of the JE, responsible for:

- i. Ensuring credible and effective functioning of the JE governed by a multi-stakeholder board;
- ii. Facilitate respective jurisdictional assessments, procedures and processes (i.e. HCV/HCS, RaCP), informed by a gap analysis of local jurisdictional law and regulations compared with RSPO Standards;
- iii. Conducting, monitoring, and reporting on the performance of compliance with landscape level indicators² and compliances with RSPO Standards by relevant and respective stakeholders;

² Refer section 5 of this document for landscape indicators

- iv. Establishing an Internal Control System which provides oversight and controls (through an internal audit system) and for carrying out internal assessments of all growers, mills, processors, and supply chain actors' performance towards complying with RSPO production requirements;
- v. Establishing an internal Grievances, Complaints & Appeals System which ensures a fair, transparent and impartial process to duly handle and address grievances, complaints, and appeals;
- vi. Providing support to all stakeholders through training on all aspects of compliance to RSPO Standards and requirements, market incentives and government regulations.
- vii. The JE has the authority to determine membership eligibility and enforce suspension or termination of non-compliant members within the Jurisdiction.
- viii. Commissioning external audits for the jurisdictional certification.

Multi-stakeholder processes that are supported by transparent and credible management systems are essential for the efficient and effective functioning of the JE.

Detailed management system requirements are captured in Section 4 of this document.

2.2.2 LANDSCAPE PERFORMANCE - IMPACT AT SCALE

By undertaking JA, landscape indicators will include environmental and social measures, beyond the immediate area of oil palm production, and will depend on a credible, holistic and integrated landscape management at the scale of the entire jurisdiction. In addition to needing a credible management system, landscape level indicators are essential for assessing impacts and for reliable reporting of progress of significant steps towards jurisdictional sustainability.

It is the ambition of the JA to provide a context in which all commodities can benefit from the RSPO standards and follow the jurisdiction land-use plan. It is however recognized that a JE established under the RSPO cannot vigilate non palm oil crops and that a certain level of non-compliance (i.e. clearing of HCV/HCS etc) may continue through licensing or illegal activities for non-palm oil crops. This means that LUCA, RaCP, and NPP requirements only apply to oil palm. Rather than having this possibility disqualify the entire approach it is hoped that a positive example set by the JA will provide the catalyst for other commodities to follow, utilizing the framework provided.

New measures for assessing jurisdictional sustainability, in which sustainable development and management of palm oil are explicit goals, are required to credibly assess, report, verify and make claims about sustainability of production in the Jurisdiction. These new measures are developed in accordance to RSPO Standards which contribute to delivering positive impacts to Planet, People and Prosperity (RSPO's three key pillars of Impacts).

Refer Section 3.1 of this document for more detailed information and descriptions.

2.3 STEPWISE APPROACH

Given the scale of intervention required for jurisdictional certification, and the range of readiness and compliance of different actors within a jurisdiction, it is necessary to take a stepwise approach to achieving full jurisdictional certification. The stepwise approach allows all FFB and palm oil producers, as well as supply chain actors to enter the system through either individual membership (company level) or JE membership, and gives time for the necessary institutional, policy, regulation and management changes to be put in place. The approach is designed to allow time for continual improvement and progress towards meeting all requirements by all producers and supply chain actors, including strengthening the role of government within the system.

Key requirements are:

- Multi-stakeholder Board established with balanced representative of stakeholders (government, producers, NGOs, community spokespersons and supply chain actors).
- JE is established with legal authority over all producers and demonstrates progress in meeting landscape indicators and ensuring compliance of producers and supply chain actors.
- Transparent and effective functioning internal control system, with grievance and complaints mechanisms established, ensuring credible governance of JE.
- Compliance to landscape performances/measures and procedures (such as the New Planting Procedure [NPP]) at every step are measured by fulfilling all the requirements of the current step and all proceeding steps, in addition to compliance to applicable standards.

- Progressively adopting sustainable practices on farm- or estate- level production of palm oil.

Although the jurisdictional certification is a gradual process, four distinct steps have been identified that allow progress to be monitored. The details of these steps are elaborated in *Section 5: Stepwise Approach* (Table 2), and they move from:

- Step 1: Pilot step**, when a jurisdiction determines that they would like to pursue a jurisdictional approach to certification and make public policy statements and / or put in place regulations in support of this objective. The RSPO Board must approve the jurisdiction’s written request to be identified as a RSPO Pilot.
- Step 2: Application step** is achieved when a multi-stakeholder board is in place, and a Jurisdictional Entity (JE) established, and various landscape indicators are being measured. This step is completed when the JE has successfully applied to the RSPO Membership Unit to become a RSPO member.
- Step 3: Implementation step** is when the internal control systems of the JE are well established and requirements for RSPO certification are being put in place. This step is completed when an independent and accredited Certification Body completes a full audit of the JE for RSPO certification.
- Step 4: Certification step**, is the final step in the process, at which point the producers, processors and supply chain actors within the jurisdiction which have been certificated under the JE may trade RSPO certified products. Market claims can be made based on the volume in accordance to latest RSPO Rules on Market Communications and Claims.

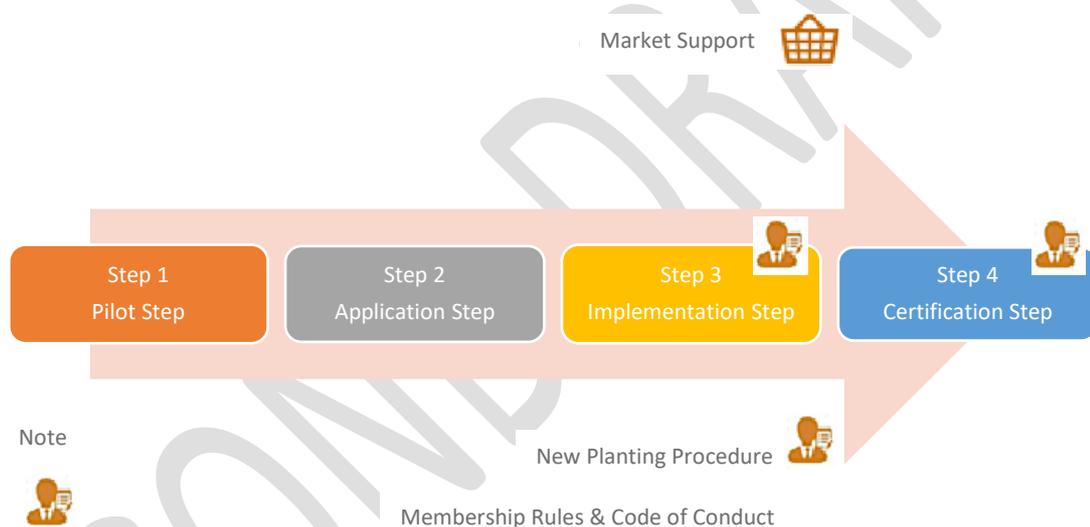


Figure 1: JA Stepwise Approach

2.4 RSPO MEMBERSHIPS WITHIN THE JURISDICTION

Once the jurisdiction has complied with the preconditions and there is a functional and resourced JE, the jurisdiction can streamline the certification process. The jurisdiction will treat all existing and potential participants as JE Members. JE Members will be informed that they must comply with the Government Regulation³ regarding JE Membership as per the requirements of JE mentioned above. The JE Membership requires potential members to be either considered a **Provisional JE Member** or a **Certified JE Member**. Certified JE Members can be any of the existing categories or as part of the JE Group. The possible categories and basic conditions and rights are summarized in Table 1 below.

Table 1: Possible categories and basic conditions and rights

	<i>Not RSPO Certified</i>		<i>RSPO Certified</i>			
	Provisional JE Member	JE	Chain of Custody	of Scheme Smallholders (certified with mill)	Independent Smallholder Group	JE Group
<i>Conditions and rights</i>	JE Compliant	JE Compliant	JE Compliant	JE Compliant	JE Compliant	JE Compliant
	Not RSPO Certified	RSPO Member	Linked to RSPO Member	Linked to RSPO Member	RSPO Member	RSPO Member
	No certificate number	Individual RSPO certificate	Linked to Individual RSPO certificate	Linked to Individual RSPO certificate	RSPO Group Certificate	Linked to RSPO JE Group Certificate
	Cannot trade CSPO	Can trade	Can trade	Can trade	Can trade	Can trade

Existing certified RSPO Members can continue to operate and be certified independently or join a JE Group. As with all other certificate holders, JE Group members are only considered certified once they have been included in and been verified through an external RSPO audit. The JE Group Manager will provide the support to achieve this, and only propose those growers for audit which have achieved sufficient standard (as determined through internal audit). JE Group Members can include any category of industry participant (i.e.: large- medium- or small-grower, smallholder, trader, processor)⁴. JE Group Members will receive individual Palm Trace accounts linked to the JE Group certificate. Unresolved non-compliances of an individual JE Group Member will result in only that Member's trading rights to be suspended.

The legally registered JE will become a RSPO Member, representing growers, traders and processors, refiners, crushers and any other relevant stakeholders within the defined Jurisdiction. Stakeholders represented within the jurisdiction encompass RSPO members and non-RSPO members.

RSPO member(s) within the jurisdiction may pursue their own certification, leveraging on jurisdictional level performance of the jurisdiction. Alternatively, RSPO members within the jurisdiction may make the management decision to pursue certification through membership of a JE managed group.

Non RSPO member(s) within the jurisdiction may pursue certification through JE Group membership. Alternatively, non RSPO members may make the management decision to pursue their own certification by becoming RSPO members in their own right.

1) JE Group as one RSPO member

As the participants within the JE will consist of Growers, Traders and Processors it may be required for the RSPO to either create a new membership category or allow for JE participants to become individual members. The first option would require RSPO to create a new Membership category, i.e.: JE Member, with voting rights. The JE Administrator would have to submit an ACOP report for its group as a whole.

³ It is recommended that the Government pass specific regulations with respect to the JE requirements

⁴ Recognizing the difficulty of auditing such a heterogeneous group, the RSPO System requirements for auditing JE Groups may need to be adjusted to allow for strategies to streamline the auditing compliance.

2) JE Group as many RSPO members

Alternately, RSPO can recognize JE Participants within the existing membership framework. Since existing RSPO Members working within a JE will not need to relinquish their membership, each JE participant may be required to become an individual RSPO Member and retain their original identity, i.e. Grower, Trader, Processor. These Members may have their Membership fee waived as they will fall under the JE umbrella. However, individual members will need to provide ACOP reports and commitments to the RSPO as do all other members. This latter model may commit members to comply with RSPO standards beyond the boundaries of the JE.

2.5 FINANCING MECHANISMS

The guiding principle of the JA is that growers (or groups of growers) should be allowed to trade their produce and retain sales revenue, from both physical sales and PalmTrace credits, thus retaining the financial incentives for individual and groups of growers to participate in the RSPO certification process. The current system of RSPO members getting income from FFB and palm oil credits trading would continue, and this system would apply to non-RSPO members that are certified under the JE group certificate, where each grower / group would be issued an independent 'trading number' to generate sales income. This would provide financial benefits to JE group members in addition to the considerable cost savings that derive from being a JE group member (e.g. reduced audit fees, HCV and HCS assessments done centrally, etc.).

The financing of the Jurisdictional Entity to be an effective institution (to oversee, implement and enforce the jurisdictional approach to RSPO certification) is, therefore, not generated through income from FFB, palm oil or credit sales of its members. The financing of the JE will vary in each jurisdiction, and will need to be financed through a number of potential mechanisms including, *inter alia*: i) direct government budgetary support; ii) grants from public and private sector; iii) JE membership subscriptions and fees; iv) a proportion of the current RSPO trading fee which would be redirected to the JE.

3. APPLICATION OF STANDARDS & REQUIREMENTS

It is fundamental to the integrity, credibility and continued progress of the RSPO that every member supports, promotes and works towards the production, procurement and use of sustainable palm oil. JA is an important complement to farm- and processor-level interventions to promote and measure progress towards sustainability. Technical assistance, finance, law enforcement and other types of Jurisdictional-level interventions are essential to drive changes at farm-, processor- and landscape level.

Jurisdictional-level measures based on RSPO Standards are required to streamline jurisdictional-level interventions and processes through strengthening overall governance, regulations and frameworks. This contributes to streamlining both internal and external auditing, monitoring and reporting processes for all stakeholders across the entire jurisdiction, while maintaining high certification standards.

3.1 JURISDICTIONAL-LEVEL PERFORMANCES

Streamlining jurisdictional-level interventions or processes is key to the success of JA. Hence, it is crucial to ensure that jurisdictional-level interventions and/or activities are properly implemented and measured. Table 2 in Section 5.1 presents key requirements on jurisdictional level performance.

Progress through the stepwise approach is verified through external audits to ensure the measures of each step are achieved.

3.2 WHICH RSPO STANDARDS AND APPLICABLE TO WHOM?

To ensure the credibility of palm oil sustainability claims by the Jurisdiction, relevant stakeholders within the jurisdiction that take legal ownership and produce or handle oil palm products need to be RSPO certified to make claims and trade CSPO. Effective 'mainstreaming' of sustainability for production on jurisdictional level shall encompass most (if not all) stakeholders within its supply chain.



The JE will apply RSPO Standards which are relevant to actors with different size and characteristics:

- RSPO Principles & Criteria for the Production of Sustainable Palm Oil (RSPO P&C 2018)⁵
- RSPO Independent Smallholder Standard (RSPO ISS 2019)⁵
- RSPO Supply Chain Certification Standard (RSPO SCCS)

The latest versions of the above documents apply.

⁵ In absence of National Interpretation, generic P&C and Standard applied.

	RSPO Principles & Criteria (P&C 2018)	RSPO Independent Smallholder Standard (ISS 2019)	RSPO Supply Chain Certification Standard (SCCS)
 <p>Competitive, resilient, and sustainable sector</p>	<ol style="list-style-type: none"> 1. Behave ethically and transparently 2. Operate legally and respect rights 3. Optimise productivity, efficiency, positive impacts and resilience 	<ol style="list-style-type: none"> 1. Optimise productivity, efficiency, positive impacts and resilience 	<p>General Chain of Custody Requirements and specific modules are:</p> <p>Module A – Identity Preserved</p> <p>Module B – Segregated</p>
 <p>Sustainable livelihoods & poverty reduction. Human rights protected, respected & remedied</p>	<ol style="list-style-type: none"> 4. Respect community and human rights and deliver benefits 5. Support smallholder inclusion 6. Respect workers' rights and conditions 	<ol style="list-style-type: none"> 2. Legality, Respect for Land Rights and Community Wellbeing 3. Respect human rights, including workers' rights and conditions 	<p>Module C – Mass Balance</p> <p>Module D – CPO Mills: IP</p> <p>Module E – CPO Mills: MB</p> <p>Module F – Multi-site Certification</p>
 <p>Conserved, protected and enhanced ecosystems that provide for the next generation</p>	<ol style="list-style-type: none"> 7. Protect, conserve and enhance ecosystems and the environment 	<ol style="list-style-type: none"> 4. Protect, conserve and enhance ecosystems and the environment 	<p>Module G – Supply Chain Group Certification</p>
<p>Applicable to WHOM?</p>	 <p>Mill with supply base</p>  <p>Estate</p>	 <p>Independent Smallholder</p>	 <p>Independent Mill</p>  <p>Crusher</p>  <p>Refiner</p>  <p>Oleochemical</p>

Note that the RSPO has a specific standard for independent smallholders which is designed to encourage their certification. This may be further facilitated by the JA.



I AM AN INDEPENDENT SMALLHOLDER IF:

- ✓ I am NOT a **scheme smallholder** (see Glossary).
- ✓ The total **size** of my oil palm production areas is
 - ≤ smaller or equal to 50 ha if no threshold is defined in National Interpretation; OR
 - ≤ smaller or equal to the maximum size defined in National Interpretations (e.g., for Indonesia this implies threshold size is 25 ha or below and for Ecuador 75 ha or below.)
- ✓ I have the enforceable decision-making power on the operation of the land and production practices; and/or
- ✓ I have the freedom to choose how I utilize the land, type of crops to plant, and how I manage them (whether and how they organise, manage and finance the land).
- ✓ I meet any further criteria relative to the applicability of this standard as provided in the National Interpretation in my country.



How to define the total size of a palm production area?

The total size of the oil palm production area is defined by accumulating all plots owned by a smallholder. These are existing plots as well as areas available for the expansion of new oil palm plantings, or areas allocated for new plantings, that are owned by one single smallholder – within the unit of certification (e.g. the group the smallholder is part of).

Source: RSPO Independent Smallholder Standard (2019)

3.3 GENERAL RSPO REQUIREMENTS

General RSPO requirements applicable to the JE and all producers and supply chain actors are:

- ✓ Annual Communications of Progress (ACOP) 2015⁶ (<http://acop-rspo-org/faq.php>)
- ✓ RSPO New Plantings Procedure (NPP) 2015 (RSPO-PRO-T01-009 V1.0 ENG). Endorsed by the Board of Governors on 20th November 2015
- ✓ RSPO Remediation and Compensation Procedures (RSPO-PRO-T02-001 V2.0 ENG). Endorsed by BoG on 16th November 2015
- ✓ RSPO Policy on the Protection of Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons 2018 (RSPO-POL-T08-003 V1 ENG). Endorsed by the Board of Governors on 24th September 2018.
- ✓ RSPO Code of Conduct for Members 2017 (RSPO PIL F02 001 V2.0 ENG), Endorsed by the RSPO General Assembly GA14, on 30th November 2017 in Kuala Lumpur, Malaysia, taking account of the role of government.

The latest versions of the above documents apply.

Note:

- i. Existing LUCA process can be adopted for assessing environmental and social liability for JA. However applicable practical compensation mechanism is to be developed.

⁶ Specific ACOP reporting requirement is to be developed and applicable for JE.

4. JURISDICTIONAL SYSTEM REQUIREMENTS

The Jurisdictional Entity (JE) plays a key role ensuring industrial players move towards full certification and compliance and is structured in such a way to ensure strong checks and balances in the jurisdiction. Effective and credible governance, landscape-level planning and management, and enforcement are all critical to achieving jurisdictional certification.

As captured in Section 2.2, inter alia, JE is required to meet Jurisdictional System Requirements. The following three elements outline the system requirements for Jurisdictional Certification:

- Element 1: Jurisdictional Entity (JE) Management Requirements
- Element 2: Policy Framework
- Element 3: The Internal Grievances, Complaints & Appeals System

4.1 ELEMENT 1: JURISDICTIONAL ENTITY (JE) MANAGEMENT REQUIREMENTS

Rationale: In order to be able to have commercial relationships in relevant transactions of FFB & palm oil certificates the entity carries a liability, which requires it to be legally registered.

Element 1.1 The JE shall be legally formed

- ✓ Be a registered entity as defined by law in the country of registration
- ✓ Has appointed management representatives (either an individual or institution)
- ✓ Is authorised by the government to apply RSPO Standards to all palm oil producers and processors in the jurisdiction, either through membership of the JE or legal agreement
- ✓ Become a member of RSPO (by Step 3)
- ✓ Has established and documented clear organisational structure and statutes, clearly defining its scope, functions and legal authority, and detailing the positions and responsibilities of all personnel involved
- ✓ JE shall be able to communicate its structure, roles, objectives and functions of the Entity
- ✓ All JE personnel shall demonstrate commitment to impartiality
- ✓ All JE personnel shall be free of conflicts of interest. Any potential conflict shall be properly identified, declared and documented, and dealt with in a credible and transparent manner.

Note:

The sovereignty of the government is to be recognised.

Element 1.2 The JE shall be governed by a Multi-stakeholder Supervisory Board

- ✓ The multi-stakeholder supervisory board consists of balanced representation of stakeholders (at minimum, government representatives, Social NGOs, Environmental NGOs, producers (millers, smallholders, estates and workers) and supply chain actors)
- ✓ All members of the multi-stakeholder supervisory board shall commit to ensure impartiality and be free of conflicts of interest in decision-making
- ✓ The functions, roles and responsibilities of all members of the multi-stakeholder supervisory board shall be documented
- ✓ The specific mandate of the multi-stakeholder supervisory board to ensure the JE is well managed and that procedures are in place to review all aspects of its operations shall be documented
- ✓ The multi-stakeholder Supervisory Board shall carry, at least, the following roles and responsibilities:

- Ensure annual financial audit conducted for JE
- Oversee the financial stability and feasibility of the JE
- Ensure effective implementation of all procedures and processes
- Ensure continuous progress towards certification and compliances

Element 1.3 The JE shall be able to demonstrate sufficient resources and capacity for managing JA and performance assessments against the RSPO Standards

- ✓ The JE and/or personnel shall demonstrate competence and knowledge of RSPO Standards
- ✓ The JE shall be able to demonstrate competence and knowledge of applicable international, national and/or local regulatory requirements and mechanisms
- ✓ Demonstrate a robust business plan including income generation
- ✓ Sufficient resources (human, financial, physical and others)

Element 1.4 The JE shall be able to demonstrate sufficient capacity to control, monitor and evaluate all key players as to their compliance to landscape-level performance and relevant RSPO Standards

- ✓ Manage Internal Control System (ICS)
- ✓ Manage internal auditing process and procedure
- ✓ Manage Internal Grievance & Complaints System
- ✓ Ensure compliance with RSPO Standards and procedures
- ✓ Internal procedures and processes, including record keeping
- ✓ Ensure no conflicts of interest
- ✓ Ensure yearly independent financial audit conducted

4.2 ELEMENT 2: POLICY FRAMEWORK

Element 2.1 The JE shall have documented policies and procedures for operational management

- ✓ Procedures for decision-making
- ✓ Policy consistent with all the requirements of RSPO, including but not limited to, the Protection of Human Rights Defenders, Whistle-blowers, Complainants and Community Spokespersons
- ✓ Uphold commitment to impartiality
- ✓ Management of conflict of interests
- ✓ Governance structure and appointment of members of the Supervisory Board
- ✓ Functions, roles and responsibility of JE personnel and the Supervisory Board
- ✓ Recording and documentation, and records keeping
- ✓ Conduct internal auditing, including competence and knowledge of internal auditor
- ✓ Handling and resolving grievance & complaints
- ✓ Monitoring and reporting
- ✓ Consultation process
- ✓ Budgeting and financing

- ✓ Procedures to implement other relevant RSPO requirements (i.e. NPP)
- ✓ Management of outsourcing activities/events

Element 2.2 The JE shall develop and implement the internal audit system, which includes, but not exclusively: procedures, processes, timeline, operational plans, monitoring and evaluation records.

- ✓ Procedure to maintain up to date records of all JE group members and all their internal auditors
- ✓ All JE members have to be internally audited against relevant RSPO Standards before going for the initial and recertification external audits.
- ✓ Sanctions, rewards and training mechanisms promoting progressive improvement and compliance of producers and supply chain actors
- ✓ Requirements on internal auditor competences and knowledge
- ✓ Procedures: methodology, audit criteria, frequency and addressing non-conformity
- ✓ Internal auditors declare no conflict of interest
- ✓ Ensure the quality of internal audit. Guidance will be provided for internal audit.

Element 2.3 JE ICS shall develop and implement an effective monitoring and reporting system for recording information on oil palm products production and trades

- ✓ Establish and implement a monitoring system and mechanism for HCV/HCS/peat for the entire jurisdiction but only for compliance of the JE members
- ✓ Establish baseline with improvement plan on:
 - Landscape-level performance (landscape indicator)
 - Farm-, Management unit-, and facility- level compliances to RSPO Standards
 - Certification progress by JE members
- ✓ Record keeping of maps (.shp files) of existing production areas, land bank and facilities of all JE members
- ✓ Checking of FFB and all palm product production and sales (credit and physical).
- ✓ Establish recording and reporting of data and document management system for:
 - Documentation and evidence recording for compliance to RSPO Standards
 - Facilitate access to relevant documentation and evidence recording appropriate for external auditing
 - External auditing by accredited CB of JA requirements

4.3 ELEMENT 3: THE INTERNAL GRIEVANCES, COMPLAINTS & APPEALS SYSTEM

The JE shall have an effective grievance mechanism in accordance with P&C 2018 4.2. The JE and Supervisory Board shall also ensure there is a transparent, independent and reliable capacity to receive, review and adjudicate complaints and appeals, and take effective action. JE may either rely on the existing RSPO Complaints and Appeals Procedure or ensure there is a separate body at the jurisdictional level to handle complaints and appeals. In either case, parties have the right to escalate complaints and appeals to the RSPO Complaints Panel which will have authority over the JE and its producers since the JE is a member of the RSPO and producers are related to the JE.

To avoid conflict of interest in the complaints and appeals procedure, there will be a separate body to manage the complaints. The Complaints and Appeals bodies have the authority to impose sanctions on members and / or suspend members. These mechanisms complement and do not replace local systems in the Jurisdiction for dispute resolution such as ombudsmen, arbitration bodies and courts.

- **Grievances, complaints, and appeals:** The JE shall have documented procedure for handling grievances, complaints, and appeals, including:
 - A documented process to receive, evaluate and make decisions on grievances.
 - JE members can raise complaints where they are unsatisfied with the conclusion of the grievance mechanism, and this procedure should be documented.
 - As parts of the complaints procedure, it will include processes for making an appeal and this process shall be transparent and publicly accessible;
 - Data demonstrating and tracking the receiving, validation, and investigation of grievances, complaints, and appeals;
 - Documenting the decisions and actions taken to resolve the grievances, complaints, and appeals including actions to prevent re-occurrence.
- **Appeals:** can be made regarding decisions taken by the complaints panel. The following evidence (as a minimum) is required for demonstrating the appeal handling process:
 - The complaints/appeals panel shall give written acknowledgment to the appellant (person/entity) about the receipt, progress, and outcome of the appeal;
 - The decision to be communicated to the appellant shall be made by, or reviewed and approved by, individual members of a complaints panel not previously involved in the subject of the appeal;
 - The appeals panel shall give formal notice to the appellant of the end of the appeals-handling process.

5. STEPWISE APPROACH TO MAKING CLAIMS

5.1 STEPWISE APPROACH REQUIREMENTS

Each step has its own requirements on systems and landscape-level performance, in addition to farm-, estate-, mill- and facility-level compliance of FFB and oil palm producer and supply chain actors to RSPO Standards (see Table 2).

Table 2. Stepwise Approach for Jurisdictional Approach for Certification Requirements

	Step 1	Step 2	Step 3	Step 4
System Performance Indicators	<ul style="list-style-type: none"> I. Multi-stakeholder group established with mandate from the relevant government authority II. Statement of intent to achieve 100% RSPO compliance made public by relevant government authority. III. Plan developed for: <ul style="list-style-type: none"> a. Establishment of the JE b. Relevant policies, system, procedures to support Jurisdictional Approach c. Spatial mapping of all producers, millers, refinery and crushers, HCV/HCS and other relevant information. d. Database of information on producers, processors, and supply chain actors within the Jurisdiction. 	<ul style="list-style-type: none"> I. JE is legally established with a multi-stakeholder board in place (Element 1.1 and 1.2 of System Requirements) II. JE Internal Control System (ICS) developed (see Element 2) III. Oil palm planted areas and land bank of all producers, millers, refineries and crusher and refinery facilities spatially mapped. IV. Database compiled on producers, processors, and supply chain actors within the Jurisdiction. 	<ul style="list-style-type: none"> I. Internal Control System of JE (including internal audit) is functioning (Element 2 – fully implemented). II. Quality control system in place and policy framework (Element 1 and Element 2) III. Plan in-place to establish Internal Grievances, Complaints & Appeals Mechanisms (Element 3). IV. Financing viability and transparent accounting procedures in place. V. Oil palm planted areas and land bank of JE members, and a detailed database required for RSPO certification. VI. Other relevant RSPO requirements implemented (e.g: ACOP (annual reporting of progress)) 	<p>Fully functioning JE (see Section 4).</p> <p>The JE receives group certification through external audit, following respective RSPO Standards.</p> <p>Allocation of trading rights to JE group members.</p>
Landscape-Performance Indicators	<p>Plan developed to conduct and/or develop jurisdictional level:</p> <ul style="list-style-type: none"> I. Procedures for FPIC and for recognition of land rights (legal, customary and user rights) formulated II. Indicative HCV and HCS mapping (in alignment with RSPO requirements), includes mapping of peatlands III. Historical Land Use Change Analysis (LUCA) in accordance to RSPO 	<ul style="list-style-type: none"> I. Indicative map of peatlands, HCV and HCS areas. II. Jurisdictional level ‘No-go’ zones (for conservation and protection) mapped. III. LUCA completed with (potential) liability declared and made publicly available. IV. Procedures for recognition of land rights (legal, customary and user rights) developed. 	<ul style="list-style-type: none"> I. FPIC and land rights recognition procedures and guidelines are in place and being implemented. II. Spatial planning is in place, including HCV, HCS, and peatland, and RaCP requirements are being implemented. III. SEIA procedures and guidelines are being implemented. IV. New Planting Procedures as per RSPO requirements being implemented 	

	<p>LUCA guidance document.</p> <p>IV. Legal gap analysis of differences between RSPO P&C and jurisdiction law and policies.</p> <p>V. Regulation on use of fire, fire prevention and control measures</p>	<p>V. FPIC procedure and guidelines completed for the Jurisdiction.</p> <p>VI. Regulation on use of fire, fire prevention and control measures in-place.</p> <p>VII. Legal gaps identified on the differences between RSPO P&C and jurisdiction law and policies.</p> <p>VIII. Assessment of disqualifying social and environmental issues and steps taken to address them: including, no conversion of HCV, HCS or peatlands, and serious human rights violations and, systemic land grabbing.</p>	<p>V. Disqualifying social and environmental criteria are addressed or certification cannot proceed.</p>	
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Note:

- i. Guidance on jurisdictional-level indicative HCV and HCS mapping (assessment and governance mechanism) is to be developed alongside the NDJSG's development of Procedure for High Forest Carbon Countries (HFCC) and High Forest Carbon Landscapes (HFCL). As an interim measure, existing jurisdictional-level landscape mapping efforts and initiatives (methodologies, approach) can be recognised.
- ii. Existing RSPO mechanisms will be utilised to verify the requirements in each step. The first point of contact for a JE to be a member is the RSPO membership unit. Relevant units within the RSPO Secretariat will conduct the verification of each of the requirements.
- iii. New SOPs /mechanisms will be developed for the verification process by the RSPO Membership Unit for approving Step 1 completion. The SOPs shall include timeline of approval.
- iv. Full internal audit is required for all growers over 50ha, while maintaining the current smallholders internal audit procedures.
- v. For landscape or performance indicators, make use of national interpretation, where it is available.
- vi. Reference should be made to HCVRN's '*Scaling up the HCV Approach in Landscapes and Jurisdiction*' guidance for landscape performance indicators.
- vii. Follow the HCVRN guidelines for jurisdictional assessment of HCV / HCS.

5.2 MAKING JE RSPO CERTIFIED CLAIMS

Any individual batch of RSPO certified compliant oil palm products can be traded through 'Book and Claim' (credit), 'Mass Balance' (MB), 'Segregated' (SG) or 'Identity Preserved' (IP) supply chain models via JE membership once the JE is certified (Step 4).

The JE will be recognized by the RSPO as a JA pilot upon reaching Step 2 and the JE will be registered as RSPO member upon reaching Step 3. Submission of relevant documents and statements as evidence of compliance to listed requirements of relevant steps to RSPO Secretariat is mandatory.

Certified RSPO Claims must be compliant with the latest RSPO Rules on Market Communications and Claims (currently version 2016) as published on the RSPO website.

There will be a specific category to label JE RSPO certified credits and physical oil palm products in PalmTrace and on RSPO certificates that will distinguish the oil palm products from RSPO Certified plantations and mills that have obtained their own certification through regular RSPO external audits. Total volumes of JE RSPO certified oil palm will be separated from total volumes of certified oil palm products from regular RSPO certified plantations and mills in RSPO Supply Chain Certificates.

JE RSPO certified credits will be labelled as JE-CSPO, JE-CSPKO, and JE-CSPKE in PalmTrace. JE RSPO certified palm oil mills will be clearly labelled as MB-JE, SG-JE and IP-JE palm oil mills in RSPO Supply Chain Certificates.

JE members who are RSPO members will be allowed to choose to trade their RSPO products either as a regular RSPO member or as a JE member but cannot trade through both routes to avoid double counting of volumes.

JE members who are not RSPO members will be allowed to trade their JE RSPO certified products when the JE is certified. The RSPO will issue an RSPO trading number to each JE member of the certified JE. The JE certificate will list all JE members who would like to trade their JE RSPO certified palm oil products with each of the participating JE members' RSPO trading number.

Note:

- i. Membership fee shall be paid.
- ii. Membership sector is to be determined.
- iii. Participation of JA into RSPO supporting bodies (i.e. standing committees, WG, TF etc.) are to be further determined.

6. CERTIFICATION SYSTEM REQUIREMENTS

Stepwise approach has been established to recognise credible steps towards jurisdictional certification.

Assurance mechanism (certification system) of JA is built upon existing RSPO process and system, with added requirements and elements for a credible claim to be made towards sustainability of production and consumption jurisdiction. The certification system made up of three key elements:

- I. Certification Standards/RSPO Standards and relevant requirements – refer Section 3 and Section 5 of this document
- II. Accreditation requirements will follow the RSPO existing system and will be provided by ASI.
- III. Certification will proceed following RSPO Standards and Systems and carried out by accredited CBS.

New requirements to allow jurisdictional certification processes include:

- I. Required new SOPs for RSPO membership unit determining correct procedures for establishing JE as RSPO members.
- II. PalmTrace identifies producers and mills which are members of the JE Group Certification.
- III. The Standing Committee on Standards and Assurance Committee will be required, from time to time, to assess the quality of JA certification document.

6.1 LANDSCAPE-LEVEL PERFORMANCE

In the process of auditing, the CB will need to examine jurisdiction-wide compliance with the landscape performance indicators. This is different to the JE Group audit where sampling may be used, as per current group certification practice.

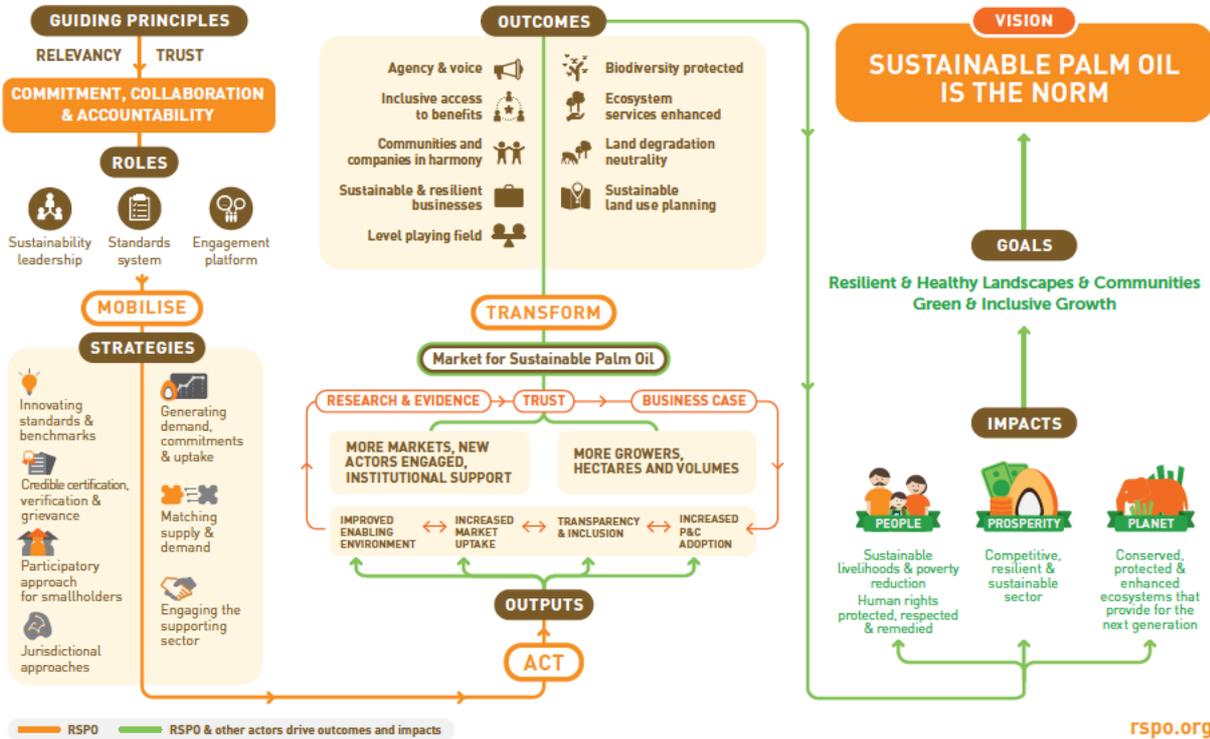
6.2 FAMILY FARM-, ESTATE-, MILL- AND FACILITY-LEVEL COMPLIANCE

There are three certification systems which apply:

- a) RSPO Certification System Document for Production of Sustainable Palm Oil (to be endorsed by BoG first quarter of 2020)
- b) RSPO Supply Chain Certification Systems to be endorsed by the BoG in 2020.
- c) RSPO Independent Smallholders Standard

ANNEX 1. RSPO VISION AND THEORY OF CHANGE

THEORY OF CHANGE RSPO'S ROADMAP FOR SUSTAINABLE PALM OIL



The RSPO Theory of Change (ToC) is a roadmap that demonstrates how RSPO will achieve its vision of making sustainable palm oil the norm. With the support of its members, partners and other actors, RSPO will implement key strategies and activities to trigger the transformation of the palm oil sector.

These strategies are intended to bring about direct outputs in the form of increased adoption of the RSPO standards, greater transparency and inclusivity in the RSPO system, increased market uptake of sustainable palm oil, and an improved enabling environment.

Over time, these outputs will lead to outcomes that are expected to improve the quality of life of oil palm farmers, create a more prosperous palm oil industry, and enable us to better conserve our planet and its resources.

When the ToC is fully realised, it delivers change where it matters most – on the ground; a space where oil palm, the environment, and local communities can co-exist in harmony.

SECOND DRAFT

The RSPO is an international non-profit organisation formed in 2004 with the objective to promote the growth and use of sustainable oil palm products through credible global standards and engagement of stakeholders.

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