

**LEGAL REVIEW OF RSPO SIERRA LEONE**

**HENRIETTA E.E.COLE  
BASMA &MACAULAY**

## TABLE OF CONTENTS

1. Executive Summary	page 3
2. Methodology	page 4
3. Possible Conflicts between RSPO Criteria and Related Laws and Regulations in Sierra Leone	page 5
Annex-1 List of applicable Sierra Leonean laws arranged by RSPO Criteria	page 48
Annex 2 List of Related International Standards	page 53

## 1 Executive Summary

There are a number of criteria that must be fulfilled by organizations seeking certification by The Roundtable on Sustainable Palm Oil, hereafter referred to as RSPO. The RSPO Principles and Criteria for sustainable palm oil includes indicators and guidelines, these are collectively referred to as the RSPO Criteria in this document. This report deals with the legal aspects of RSPO certification as outlined in sections 2.2 and 2.4 of RSPO Annex 1a: Procedure for Endorsement of the International Generic Criteria as a National Interpretation in small producing countries (October 2011). The first task of this analysis is to provide a list of all applicable local, national, international laws, conventions and treaties. The second component of the analysis is to ensure there are no actual or potential conflicts between RSPO principles and criteria and national law. For this reason the information contained in this report lists all such applicable laws, conventions and treaties and also states whether or not there is any conflict between national laws and RSPO principles and criteria.

The eight (8) RSPO principles are:

1. Commitment to transparency.
2. Compliance with applicable laws and regulations
3. Commitment to long-term economic and financial viability.
4. The use of appropriate best practices by growers and millers.
5. Environmental responsibility and conservation of natural resources and biodiversity.
6. Responsible consideration of employees and of individuals and communities affected by growers and mills.
7. Responsible development of new plantings
8. Commitment to continuous improvement in key areas of activity.

It should be noted at the outset that, on the basis of our analysis, there is no direct conflict or contradiction between national law and the RSPO principles and criteria. However there are a number of areas, as noted in the report, in which RSPO principles and criteria offer greater provisions than that provided under national laws. In such cases we have taken a view and recommended that RSPO principles and criteria should be used. In practice this would mean that the growers and millers must fulfill both the provisions under The Laws of Sierra Leone and RSPO principles and criteria.

In some areas there are no provisions under national law for example (7) above (Responsible development of new plantings). In such cases only provisions under RSPO principles and criteria would have to be used. However if The Government of Sierra Leone introduces any new laws or policies, then the position already outlined in the paragraph above would have to be followed.

Annex 1 of this report is an up to date list of all national laws relating to each of the relevant eight RSPO criteria.

Annex 2 is a list of all relevant international laws and conventions relating to the RSPO principles and criteria.

## **2 Methodology**

The research that forms the basis of this report was conducted in two stages. Stage one was mainly desk based. Included in the Terms of Reference for this project was a suggested list of possible areas of laws relating to all eight RSPO principles and criteria. This list was used as a guide in identifying the relevant laws, regulations and policies.

The references for all such legislation and statutory instruments were noted, these were mainly: the number of the legislation, the year and the short title of the legislation or statutory instrument. In cases in which the laws have been repealed or amended, note was made of this and the appropriate action taken to ensure that it is the provisions of the most current law that are used in the report. All the legislations that are in Appendix 1 were read and the provisions relevant to the report noted. All such sections of the laws are quoted in the body of this report under the category Laws of Sierra Leone Citation.

The Environment Protection Agency Act of 2008 is a key national legislation used in this report. Its provisions are relevant to almost all of the eight RSPO principles and criteria. Extensive reference is also made to The Draft Guidelines for Sustainable Agricultural and Bioenergy Investments 2013, although it is only in its draft stage at the date of this report. The reason for this is that it is perceived amongst key stakeholders that this document is very likely to be accepted as a policy in the agricultural and bioenergy industry in its current draft.

The second stage is to publish a draft of the report for consultation. The consultation period is 60 days from the date of publication. The consultation process will include: public consultation meetings, meetings of key stakeholders and direct consultation with government ministers and other interested parties. All comments, related to the legal review, received during the consultation period, will be considered and the final draft of the report will be amended accordingly.

**3 POSSIBLE CONFLICTS BETWEEN RSPO CRITERIA  
AND RELATED LAWS AND REGULATIONS IN SIERRA LEONE**

<b>PRINCIPLE</b>	<b>1. COMMITMENT TO TRANSPARENCY</b>
<b>CRITERION</b>	1.1 Growers and millers provide adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO criteria, in appropriate languages and forms to allow effective participation in decision.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 11/2008 The Environment Protection Agency Act 2008 (EPA). Third Schedule (e) Draft Guidelines for Sustainable Agricultural Bioenergy Investment 2013 Statutory Instrument No 14/2010 The Environment Protection Agency (Environmental Impact Assessment Licence) Regulation.
<b>SUMMARY OF LAWS</b>	Act No 11/2008 3 <sup>rd</sup> Schedule: “An environment impact assessment shall contain a true statement and description of... (e) the communities, interested parties and Government ministries consulted”. Statutory Instrument No 14/2010 deals with the details of the project that is required to be submitted with the application for a licence. “ (a) the design of the project ... (c) the number of people to be employed by the project. (d) the project area of land, air or water that may be affected by the project.”
<b>COMMENT</b>	The Minister has powers under Section 40 of the EPA to make statutory instruments detailing the type of information that should be included in the environmental impact assessment. The Draft Guidelines for Sustainable Agricultural and Bioenergy Investment 2013 also provides an effective means of consultation that is equivalent to that contained in the RSPO criteria and principles. There is no conflict or contradiction between this RSPO criterion and the Laws of Sierra Leone.

PRINCIPLE	1. COMMITMENT TO TRANSPARENCY
<b>CRITERION</b>	1.2 Management documents are publicly available, except where this is prevented by confidentiality or where disclosure of information would result in negative environmental or social outcomes.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 11/2008 Section 12 (s) Act No11/2008 The Environment Protection Agency Act Section 27
<b>SUMMARY OF LAWS</b>	<p>“... collect and make available to the public or interested persons or bodies, through publications and other appropriate means and in cooperation with public or private organisations, environmental data and information”.</p> <p>“The Agency shall, after receiving an environmental impact assessment, circulate it to professional bodies or associations, Government Ministries and non –governmental organisations for their comments.”</p>
<b>COMMENT</b>	There is no conflict or contradiction between this RSPO criterion and the laws of Sierra Leone. It should however be noted that RSPO criterion 1.2 ensures greater transparency. This should therefore be used in addition to the provisions under national law listed above.

<b>PRINCIPLE</b>	<b>2. COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS</b>
<b>CRITERION</b>	2.1 There is compliance with all applicable local, national and ratified international laws and regulations
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 18/2007 The Registration of Business Act 2007, Section 12 Act no 18/2007 The Registration of Business Act 2007, Section 21 Act No 5/2009 The Companies Act 2009 Act No 11/2008 The Environment Protection Agency Act Section 23 (1)
<b>SUMMARY OF LAWS</b>	Section 12 Act No 18/2007“ ... subject to this part, no person shall carry on any business unless the business has been validly registered”. This section gives the Registrar power to enter and inspect business premises Act No5/ 2009 contains detailed provisions regulating all companies operation in Sierra Leone. Section 23 (1) EPA 2008“... no person shall undertake or cause to be undertaken any of the projects set out in the First Schedule unless he holds a valid licence in respect of such project.”
<b>COMMENT</b>	There is no conflict between the RSPO provisions and the Laws of Sierra Leone in this area. All business entities operating in Sierra Leone are all subject to The Laws of Sierra Leone, this includes international laws that Sierra Leone is a signatory to or that have been ratified by The Government of Sierra Leone.

PRINCIPLE	2. COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS
<b>CRITERION</b>	2.2 The right to use the land is demonstrated, and is not legitimately contested by local people who can demonstrate that they have legal, customary or user rights
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 169 (1989) on Indigenous and Tribal people-Articles 13-19;</u> <u>UN Declaration on the Rights of Indigenous People (2007)-Articles 25-26;</u> <u>UN Convention on Biological Diversity (1992)-Article 10 (c)</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	<u>ILO Convention 169</u> : Respect and safeguard rights to land and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury; <u>UN Declaration on the Rights of Indigenous People</u> : Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources. <u>UN Convention on Biological Diversity (1992)</u> : Protect and encourage customary use of biological resource in accordance with traditional practice
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	CAP 122 Laws of Sierra Leone Draft Sierra Leone Land Policy 2011. Customary Land Law. CAP 256 Laws of Sierra Leone Section 4
<b>SUMMARY OF LAWS</b>	Section 3 (1) CAP 122 “No land in the Protectorate shall be occupied by a non-native unless he has obtained the consent of the Tribal Authority to his occupation of such land”. 4.1.1 “(1v) ... ensure that land management in cooperatives or company owned farms are regulated by law to secure the rights of affiliate members and safeguard against subdivisions into uneconomical land sizes and non- adherence to planning requirements.” 4.1.2 (v)”establish participatory and accountable mechanisms for the allocation, development and disposal of public land by the National Land Commission. 4.1.3 (iii) (e) This section proposes a Land Act which should ensure that “governing community land transactions using participatory process”. Under Section 4 of CAP 256 all deeds, contracts and conveyances only take effect against other instruments relating to the same land from the date of registration.
<b>COMMENT</b>	There is no conflict or contradiction between this criterion and provisions under The Laws of Sierra Leone.

PRINCIPLE	2. COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS
<b>CRITERION</b>	2.3 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their free, prior and informed consent
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 169 (1989) on Indigenous and Tribal people-Article 10(c);</u> <u>UN Declaration on the Rights of Indigenous People (2007)-Articles 10-12, 19, 28-29, 32;</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	<u>ILO Convention 169</u> : Represent themselves through their own representative institutions; consultations with objective of achieving agreement or consent; rights to decide own priorities; retain their own customs and resolve offense according to customary law (compatible with international human rights). <u>UN Declaration on the Rights of Indigenous and Tribal people</u> : Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	The Concession Ordinance 1927 CAP 122 Public Lands Ordinances 1898 The Concession Amendment Act 29 of 1972. The Provinces Lands (Amendment) Act No 11/ 1965. Act No 19/1960 The State Lands Act. Act No 30/1966 The Non-Citizens (Interest in Land) Act. The Unoccupied Lands (Ascertainment of Title) Ordinance, 1911(CAP 117) Draft National Land Policy
<b>SUMMARY OF LAWS</b>	See above Section 3 (1) CAP 122 The Guidelines on Sustainable Agricultural and Bioenergy Investment (Draft). 4.1.2 (v)“establish participatory and accountable mechanisms for the allocation, development and disposal of public land by the National Land Commission. 4.1.3 (iii) (e) This section proposes a Land Act which should ensure that “governing community land transactions using participatory process
<b>COMMENT</b>	There is no conflict between this criterion and The Laws of Sierra Leone in this area. It is however our opinion that RSPO criterion 2.1 stronger. customary law partly governs this area and is unwritten.

<b>PRINCIPLE</b>	<b>3.COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY</b>
<b>CRITERION</b>	3.1 There is an implemented management plan that aims to achieve long-term economic and financial viability.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	N/A
<b>SUMMARY OF LAWS</b>	N/A
<b>COMMENT</b>	RSPO criterion 3.1 should be adopted as there is no national law in this area.

---

<b>PRINCIPLE</b>	<b>4. USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS</b>
<b>CRITERION</b>	4.1 Operating procedures appropriately documented, consistently implemented and monitored.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	No Laws on this under the current Laws of Sierra Leone. Guidelines for Sustainable Agricultural Bioenergy Investment – Draft. Page 2
<b>SUMMARY OF LAWS</b>	This Guideline provides for a rating system in the management of Sierra Leone’s agricultural industry. (a) minimum criteria, (b) good practices and (c)exemplary performance.
<b>COMMENT</b>	Although The Draft Guidelines for Sustainable Agricultural and Bioenergy Investment 2013 is only a draft as of this date, the provisions in this document will adequately address this RSPO criterion, once it becomes a policy document.

<b>PRINCIPLE</b>	<b>4. USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS</b>
<b>CRITERION</b>	4.2 Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optional and sustained yield.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Guidelines for Sustainable Agricultural Bioenergy Investment – Draft
<b>SUMMARY OF LAWS</b>	Page 33 Minimum Criteria: “Integrated plant nutrient management to enhance nitrogen fixation while reducing volatilization, nitrate runoff, and leaching from fertilizer application.
<b>COMMENT</b>	There is no conflict or contradiction between the provisions in the policy document referred to above and this RSPO criterion. It is however our opinion that the RSPO guidelines provide a more effective mechanism for ensuring this criterion is met.

<b>PRINCIPLE</b>	<b>4. USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS</b>
<b>CRITERION</b>	4.3 Practices minimize and control erosion and degradation of soils.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	The Draft Guidelines on Sustainable Agricultural and Bioenergy Investment (2013) page 30 – Minimum Criteria.
<b>SUMMARY OF LAWS</b>	Page 30 of the above document “No clearing of forest after 2005 for agricultural production”.
<b>COMMENT</b>	There is no conflict between national law and RSPO 4.3 provisions in this area. It should be noted that the national provision in this area is based on related RSPO principles and criteria.

<b>PRINCIPLE</b>	<b>4. USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS</b>
<b>CRITERION</b>	4.4 Practices maintain the quality and availability of surface and ground water.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 16/1963 Water Control and Supply Act Act No 13/2011 The Sierra Leone Electricity and Water Regulatory Commission Act. Water Bill 2012
<b>SUMMARY OF LAWS</b>	Section 49 of Act No 16/1963 makes it an offence for someone to pollute or “causes risk of pollution” to water. Act No 13/2011 establishes a regulatory commission for water and energy. One of its functions as provided in Section 10 (2) (e) is to “monitor standards of performance for provision of electricity and water services.” Section 78 of Water Bill 2012: Pollution of water resources “A person who, except in accordance with the provisions of this Act or with the approval of the Environmental Protection Agency’ (a) interferes with or alters the flow of; or (b) pollutes or fouls any water resource beyond such level as the Environmental Protection Agency may prescribe, commits an offence and is liable on conviction to a fine not exceeding 1,000,000 Leones or to a term of imprisonment not exceeding three years or both”.
<b>COMMENT</b>	There is no conflict or contradiction between the RSPO criterion and national law in this area.

PRINCIPLE	4. USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS
CRITERION	4.5 Pest disease, weeds and invasive introduced species are effectively managed using appropriate integrated Pest Management techniques
INTERNATIONAL STANDARDS	N/A
SUMMARY OF THE INTERNATIONAL STANDARD	N/A
RELATED SIERRA LEONEAN LAWS AND REGULATIONS	<p>CAP 185 Laws of Sierra Leone.  Guidelines on Sustainable Agricultural and Bioenergy Investment.  Draft Integrated National Pesticides Management Policy 2010  Public Notice No 120/1956  Public Notice No 107/1946  CAP 188  CAP 185</p>
SUMMARY OF LAWS	<p>Pages 34 to 35 of The Draft Guidelines on Sustainable Agricultural and Bioenergy Investments <u>minimum criteria</u> “Integrated pest management is practiced to reduce chemical pesticide application”.</p> <p>The Noxious Weeds (Control) Rules Public Notice No 107/1946  “(3). No person shall land or cause to be landed in Sierra Leone whether by post or otherwise, any plant including the seed of any noxious weed.”</p> <p>Section 4 of the Public Notice makes it an offence to possess or cultivate noxious weed.</p> <p>Under Section 3 “An inspector may enter upon any land at all reasonable hours for the purpose of inspecting any tree, plant or crop...”  Public Notice No 44/1975 CAP 185</p> <p>Section 3 gives the inspector power to order the destruction or treatment of trees that are pest infested.</p> <p>“3. Every owner or occupier or person having the charge or management of and on which agricultural or arboricultural crops are standing shall report the existence of egg laying locust, locust eggs or locust hoppers on such land ...”</p> <p>Duty on farm owners to give notice of infestation to the Chief Agriculturist.</p>
COMMENT	<p>There is no conflict between the RSPO criterion and the provisions under national law. National law provisions broadly equate to those of RSPO criteria in this area. Compliance with the RSPO principles, guidelines and criteria in this area would ensure compliance with domestic laws and policies in this area as well.</p>

<b>PRINCIPLE</b>	<b>4. USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS</b>
<b>CRITERION</b>	4.6 Pesticides are used in ways that do not endanger health or the environment.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Public Notice No 66 of 1974 The Plant Phytosanitary (Import) Rules, 1974 Draft Integrated National Pesticides Management Policy 2012.
<b>SUMMARY OF LAWS</b>	Public Notice No 66/1974 "2. No person shall import into Sierra Leone – <ul style="list-style-type: none"> <li>(a) Any plants, whether alive or dead and whether or not such plants are used as packing materials;</li> <li>(b) Any seeds;</li> <li>(c) Any soil other than sterilised peats and special rooting compost, or</li> <li>(d) Any material mixed with soil;</li> </ul> Except under and in accordance with the conditions of a Permit issued by an Authorised Officer within the meaning of these Rules." Contravening the above rule is an offence.
<b>COMMENT</b>	There is no conflict or contradiction between RSPO criterion 4.6 and the Laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>4. USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS</b>
<b>CRITERION</b>	4.7 An occupational health and safety plan is documented, effectively communicated and implemented.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 110 (1958) Plantations-Articles 5-91</u> <u>ILO Convention 184 (2001) Safety and Health in Agriculture. Articles 7 – 21</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	<u>ILO C110</u> – Sierra Leone is not a signatory to this convention.  <u>ILO C184</u> – Provides for regulation of health and safety in agriculture including insuring employees against injury and death
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Collective Bargaining Agreement for Agricultural Workers hereafter “CBA”. Draft Guidelines on Sustainable Agricultural and Bioenergy Investment 2013 CAP 212
<b>SUMMARY OF LAWS</b>	Article 16 CBA “task risk assessment will be undertaken for all jobs and protective clothing and equipment should be issued. Page 40 of the draft document referred to above requires employers in the agricultural sector to keep: “ Written records of all accidents that occur in the workplace and in company control residences and property.” Section 23 of CAP 212 imposes a duty on the employer to report accidents. “ An employer shall report without delay to the nearest magistrate every accident involving the death or serious injury of a labourer”.
<b>COMMENT</b>	There is no conflict or contradiction between this criterion and The Laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>4. USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS</b>
<b>CRITERION</b>	4.8 All staff, workers and contract workers are appropriately trained.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 142 on HR Development.</u> Not ratified by Sierra Leone.
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 11/2009 The National Youth Commission Act 2009 Section 10 (d) Act No 12/2011 The Finance Act The Sierra Leone Local Content Policy 2012
<b>SUMMARY OF LAWS</b>	Act No 11/2009 Section 10 (d) One of the functions of this body is to “Collaborate with other governmental or non- governmental bodies in the provision of youth skill, training programs and schemes” .  Under Section 15 of The Finance Act 2011 investors in Sierra Leone can offset up to 100% of the cost of training local staff against their tax liability. 6.3.3 of The Sierra Leone Local Content Policy 2012 provides “ Sierra Leoneans shall be given the first consideration for employment and training in any project executed by any enterprise or investor in Sierra Leone” .
<b>COMMENT</b>	Although there is no conflict or contradiction between the RSPO provisions in this area and national law, the RSPO provisions is more generous. The provisions under the Finance Act are not mandatory and only an incentive for employers to offer training. I

<b>PRINCIPLE</b>	<b>5. ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY</b>
<b>CRITERION</b>	5.1 Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 11/2008The Environment Protection Agency Act Section 34 Section 12
<b>SUMMARY OF LAWS</b>	<p>Section 34 EPA section gives the Executive Director of the Agency following consultation with the Board the power to</p> <p>“ (1) cancel the licence:  (ii) suspend the licence for such time as he thinks appropriate: or  (iii) impose additional or modified conditions for the licence.”</p> <p>“ (a)advise the Minister on the formulation of policies on all aspects of the environment and in particular make recommendation for the protection of the environment;”</p> <p>Under Schedule 2 of EPA. An Environmental Impact Assessment should contain a true statement and description of “ ...(c) direct and indirect effect that the project is likely to have on the environment”.</p> <p>One of the functions of the agency under Section 12 of EPA is to consider the performance of existing projects when deciding whether or not to grant a new licence.</p>
<b>COMMENT</b>	There are no contradictions or conflict between the RSPO provision 5.1 and the Laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>5. ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY</b>
<b>CRITERION</b>	5.2 The status of rare, threatened or endangered species and other high conservation value habitats if any that exist in the plantation or that could be affected by plantation or mill management shall be identified and operations managed to best ensure that they are maintained and/or enhanced.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Wildlife Conservation Act 1972 Section 7 Act No 11/2012 The National Protected Area Authority and Conservation Trust Fund Act Act No 6/2008 The Bumbuna Watershed Authority and the Bumbuna Conservation Act
<b>SUMMARY OF LAWS</b>	<p>Section 3 of The Wildlife Conservation Act 1972“... the Minister may by Order published in the Gazette constitute any area if land to be a Strict Natural Reserve, except that where such area of land is situated anywhere in the Provinces he shall only exercise this power after consultation with the Chiefdom Council concerned.”</p> <p>Section 7 of Act No 11/2012 Lists a number of activities that are prohibited in National Parks such as the introduction of any species of fauna and flora, whether indigenous or imported, wild or domesticated.</p> <p>Section 12 (1) Section 12 (1) Act No 11/2012 “ The Object for which the Authority is established is to exercise oversight authority over national parks and protected area designated for conservation purposes so as to protect fauna and flora into natural state, promote sustainable land use practices and environmental management.”</p> <p>Under Act No 6/2008 This agency also has responsibility to: “promote biodiversity research.”</p> <p>The long title of the act: “ Being an Act to provide for the establishment of the Bumbuna Watershed Management Authority, to coordinate sustainable land use and agriculture programmes in an environmentally compatible manner in the Bumbuna Watershed, to promote environmental management and biodiversity conservation in the Bumbuna Conservation Area, in order to address environmental and social needs associated with the operation of the Bumbuna Hydroelectric Dam, including, the physical protection and sustainability of the Bumbuna reservoir and to provide for other related matters.”</p> <p>Page 30 of the Draft Guidelines for Sustainable Agricultural and Biodiversity 2013 “Agricultural production cannot occur in key biodiversity areas and biological areas ...”</p>

---

**COMMENT**

There is no conflict between the national legal provisions and criterion 5.2 of RSPO concerning the protection of threatened or endangered species.

---

<b>PRINCIPLE</b>	<b>5. ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY</b>
<b>CRITERION</b>	5.3 Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Draft Integrated Waste Management Policy and Strategic Plan 2012 Act No 11/2008 Environment Protection Agency Act. Environment Protection Agency (Amendment) Act 2010 Environmental Protection Agency (Environmental Impact Assessment Licences) Regulation 14/2010 Guidelines for Sustainable Agricultural and Bioenergy Investment.
<b>SUMMARY OF LAWS</b>	Section 12 (d) Act No 11/2008 “secure, in collaboration with such persons as it may determine the control and prevention of discharge of waste into the environment and the protection and improvement of the quality of the environment;” Under the Licence Regulations 2010 “all liquid effluent and solid waste must meet treatment standards stipulated by EPA The Draft Guidance on Sustainable Agricultural and Bioenergy Investment provides for “A collection and storage area for management of waste materials”.
<b>COMMENT</b>	There is no conflict between RSPO criteria and national laws and regulations in this area. It should however be noted that the RSPO standard is significantly higher and likely to result in the reduction and disposal of waste in an environmentally responsible manner. For example it makes provision for recycling.

<b>PRINCIPLE</b>	<b>5. ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY</b>
<b>CRITERION</b>	5.4 Efficiency of fossil fuel use and the use of renewable energy is optimized.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	The Sierra Leone National Energy Policy and Strategic Plan 2009 Act No 13/2011 Sierra Leone Electricity and Water Regulatory Commission Act 2011. The Draft Guidelines on Sustainable Agricultural and Bioenergy Investment.
<b>SUMMARY OF LAWS</b>	The Sierra Leone National Energy Policy and Strategic Plan 2009 Objective 3 "To improve the efficiency of energy use" Objective 4 "to increase and diversify sources of energy" Objective 5 "the use of low carbon and renewable energy resources"
<b>COMMENT</b>	There is no conflict between this criterion and the provisions under domestic law.

<b>PRINCIPLE</b>	<b>5. ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY</b>
<b>CRITERION</b>	5.5 Use of fire for preparing land for replanting is avoided except in specific situations as identified in the ASEAN guidelines or other regional best practices
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	CAP 189 Forestry Prohibited Acts CAP 193 Public Lands Ordinance
<b>SUMMARY OF LAWS</b>	Section 4 (6) of CAP 189 “The lighting of fires in any forest reserve or prohibited forest or causing fire to come within 24ft of the external boundaries of forest reserve ...” is prohibited. Section 5 CAP 193 A licence is required to take forest produce or to cut protected trees. Section 36 “any person who shall set fire or cause the same to spread to any crown land unless such person is a lessee or, holds a licence to occupy and use the same ... shall be guilty of an offence...” Section 37 – Makes it an offence for the occupier or licensee of crown land to allow fire to spread to another land
<b>COMMENT</b>	There is no apparent conflict between this RSPO criterion and provisions under The Laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>5. ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY</b>
<b>CRITERION</b>	5.6 Plans to reduce pollution and emissions including greenhouse gases are developed, implemented and monitored.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 11/2008 The Environment Protection Agency Act Environmental Protection Agency (Environmental Impact Assessment Regulation 2010
<b>SUMMARY OF LAWS</b>	
<b>COMMENT</b>	

---

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.1 Aspects of plantation and mill management that have social impacts, including replanting, are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 11 / 2008 Environment Protection Agency Act Guidelines for Sustainable Agricultural and Bioenergy Investment.
<b>SUMMARY OF LAWS</b>	Act No 11/2008 already mentioned above sets out the information that an environmental assessment should contain Page 15 of The Draft Guidelines for Sustainable Agricultural and Bioenergy Investment. “Measures are taken to support marginalised group’s (eg women, youth, disabled, elderly) participation in the consultation process.
<b>COMMENT</b>	There is no conflict between the provisions under RSPO 6.1 and national laws.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.2 There are open and transparent methods for communication and consultation between growers and/ or millers, local communities and other affected or interested parties.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Recommendation 132 (1968) Tenants and Sharecropper-Articles 4-8;</u> <u>ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)-</u> <u>Article 4</u> This Convention has not been ratified by Sierra Leone.
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Draft Guidelines for Sustainable Agricultural and Bioenergy Investment.
<b>SUMMARY OF LAWS</b>	This document emphasises the importance of public consultation and effective communication between investors and the local communities. Effective communication is set as one of the criteria against which projects will be rated.
<b>COMMENT</b>	There is no conflict between RSPO provisions in this area and the draft document referred to above. However it should be noted that this is only a draft document.

---

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.3 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.
<b>INTERNATIONAL STANDARDS</b>	INTERNATIONAL STANDARDS: <u>ILO Recommendation 132 (1968) Tenants and Sharecropper-Articles 4-8;</u> <u>ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)-</u> <u>Article 4</u> This Convention has not been ratified by Sierra Leone.
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	The Draft Collective Bargaining Agreement for Agricultural workers
<b>SUMMARY OF LAWS</b>	Article 30 “...Should any difference arise between the employer and their employees or the Union ... an earnest effort shall be made to settle difference at the lowest level possible...” it then sets out the grievance procedure
<b>COMMENT</b>	There is no conflict or contradiction between the RSPO criterion 6.3 and the provisions of the Collective Bargaining Agreement under national law.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.4 Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous people, local communities and other stakeholders to express their views through their own representative institutions.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 169 (1989) on Indigenous and Tribal people-Article 10(c);</u> <u>UN Declaration on the Rights of Indigenous People (2007)-Articles 10-12, 19, 28-29, 32;</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	<u>ILO Convention 169:</u> Represent themselves through their own representative institutions; consultations with objective of achieving agreement or consent; rights to decide own priorities; retain their own customs and resolve offense according to customary law (compatible with international human rights). <u>UN Declaration on the Rights of Indigenous and Tribal people:</u> Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Section 15 (d) Act No 6/1991 The Constitution of Sierra Leone
<b>SUMMARY OF LAWS</b>	"... protection of deprivation of property without compensation."
<b>COMMENT</b>	The right of individuals to compensation is provided for under The Constitution of Sierra Leone. This in line with the provisions under RSPO criterion 6.4, this criterion however provides a more transparent process for dealing with such rights.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.5 Pay and conditions for employees and for contract workers always meet at least the legal or industry minimum standards and are sufficient to provide decent living wages
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 110 (1958) Plantations-Articles 5-91</u> Sierra Leone is not a signatory to this convention.
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No /1997 Minimum Wages Act Collective Bargaining Agreement in the Agriculture industry. Guidelines for Sustainable Agricultural and Bioenergy Investment – Draft 2013 Act No1 /1997 Minimum Wages Act Collective Bargaining Agreement in the Agriculture industry. Guidelines for Sustainable Agricultural and Bioenergy Investment – Draft 2013
<b>SUMMARY OF LAWS</b>	S21 of The Minimum Wages Act 1997“ the sum of 21,000,00 per month is hereby fixed as the minimum wage which any employer may pay an employee or servant Page 40 Under The Draft Guidelines for Sustainable Agricultural and Bioenergy Investment “Records and mechanisms for disseminating information regarding labour and employment conditions”. Sections 8 (3) (b) to (e) Act No 6/2009 The Constitution of Sierra Leone. “(b) Conditions of service and work are fair, just and humane and that there are adequate facilities for leisure and for social, religious and cultural life. ©Health and Safety (a) Adequate medical and health facilities (b) ... and satisfactory remuneration is paid to all persons in employment.” Section 34 (2) (b)Act No 16/2007 “There are no Sierra Leonean workers who are able, willing, qualified and available to take and perform the work for which the application has been made.”
<b>COMMENT</b>	Although provisions under national law seem inadequate, the Draft 2013 document referred to, makes provisions that are equal to those under 6.4 of RSPO. There is potential conflict between legislative provisions and the RSPO criterion in this area. However such is redressed by the provisions of the Collective Bargaining Agreement for Agricultural Workers and those of the Guidelines for Sustainable Agricultural and Bioenergy Investments. There is therefore no conflict between RSPO criterion 6.5 and provisions under The Laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.6 The employer respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the rights to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 87 (1948) Freedom of Association and Protection of Rights To organize-Articles 2-11</u> <u>ILO Convention 98 (1949) Right to Organize and Collective Bargaining</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	<u>ILO Convention 87 (1948)-Articles 2-11</u> : Freedom to join organizations, federations and confederations of their own choosing; with freely chosen constitutions, and rules; measure to protect the right to organize. <u>ILO Convention 98 (1949)-Articles 1-4</u> : Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Collective Bargaining Agreement for Agricultural Workers. Act No 6/1991 Section 26
<b>SUMMARY OF LAWS</b>	26. (1) of Act No 6/1991 Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to any political party, trade unions or other economic, social or professional associations, national or international, for the protection of his interests.”
<b>COMMENT</b>	There is no conflict between national law provisions and RSPO criterion 6.6 as it relates to the right of workers to form and join trade unions of their choice.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.7 Children are not employed or exploited.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 138 (1973) Minimum Age-Article 1-3 (1999) Worst Forms of Child Labour. Articles 1-7</u> <u>UN Declaration on the Rights of Indigenous People (2007)-Articles 17(2), 21, 22(2)</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	<u>ILO Convention 138 (1973):</u> Abolition of child labour and definition of national minimum age for labor not less than 15-18 years (depending on occupation) <u>(1999) Worst Forms of Child Labour:</u> Abolition of Child Slavery; debt, bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance <u>UN Declaration on the Rights of Indigenous people (2007):</u> No exploitation or exposure to hazard or discrimination against indigenous women and children
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No2/2004 The Education Act Section 3 (1) and (2) Employers and Employed (Amendment) Act Act No 6/1991 Section 8 (3) (f) Act no 7 /2007 The Child Rights Act Sections 32 (1) and (2)
<b>SUMMARY OF LAWS</b>	Under Act No 2/2004 Section Sections 3 (10 and (2)“The six years of primary and three years of junior secondary schooling provided under paragraphs (a) and (b) of subsection (1) of section (2) shall constitute formal basic education in Sierra Leone. (2) Every citizen in Sierra Leone shall have the right to basic education which accordingly shall be compulsory ...” Act No 6/1991This act provided that it is illegal to employ a child under the age of 15. Act No 7/2007 “care and welfare of the young, aged and disabled shall be actively promoted and safeguarded.” “No person shall subject a child to exploitative labour as defined in subsection (2) (2) Labour is exploitative of a child if it deprives the child of its health, education or development.”
<b>COMMENT</b>	There is no conflict between this RSPO criterion and the laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.8 Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 111 (1958)-Articles 1-2</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No6/1991 The Constitution of Sierra Leone 1991 Section 27 See also Section 15 Act No 6/1991 Section 6 (2) Act No 11/2011 National HIV and AIDS Commission Act Section 39 Act No 3/2011 Persons with Disability Act
<b>SUMMARY OF LAWS</b>	Section 39 Act No 6/1991 Act No 3/2011 Persons with Disability Act This act makes it an offence to discriminate against anyone on grounds of their HIV/AIDS status. It covers areas such as education, employment and public office. “ No person shall be denied access to any employment for which the person is qualified, or transferred, denied promotion or have his employment terminated on the grounds only of his actual, perceived or suspected HIV status.” Section 19 (1) “No person shall deny a person with disability having the requisite skill and qualification, access to opportunities for suitable employment.”
<b>COMMENT</b>	There is no conflict between this RSPO criterion and the laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS</b>
<b>CRITERION</b>	6.9 A policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive right is developed and applied.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 100 (1958) Equal remuneration-Articles 1-3.</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	Equal remuneration for men and women for work of equal value
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 12/2012 Sexual Offences Act Section 13 The common law offences of assault and battery. Collective Bargaining Agreement CAP 30 Laws of Sierra Leone Protection of Women and Girls Act.
<b>SUMMARY OF LAWS</b>	Act No 12/ 2012“ a person who repeatedly makes unwanted sexual advances ... commits the offence of harassment ... or a term of imprisonment not exceeding 3 years.” Under the provisions of The Agricultural Workers Collective Bargaining Agreement, women who have been in employment for over 12 months are entitled to 10 weeks maternity leave and any additional annual leave they may be entitled to.
<b>COMMENT</b>	There is no conflict or contradiction between this provision and that of The Laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS.</b>
<b>CRITERION</b>	6.10 Growers and Millers deal fairly and transparently with smallholders and other local businesses.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No /1977 The Cooperative Societies Act. Local Content Policy 2012 The Sale of Goods Act 1939 CAP 225 Laws of Sierra Leone 1960 CAP 256 The Registration of Instruments Act Act No 10/2004 The Investment Promotion Act
<b>SUMMARY OF LAWS</b>	Section 28 of The Sale of Goods Act “ it is the duty of the seller to deliver the goods,..” Section 14 Implied condition by the seller that he has right to sell the goods. Section 7 of Act No 10/2004 CAP 225 “In order to further improve the capacity of Sierra Leonean business enterprises to compete effectively, both locally and internationally, the Government with assistance from its development partners shall provide to such business enterprises a number of capacity building and special support programmes which may include– (a) business training; (b) micro-finance (including support for bulk-buying); (c) technical assistance; (d) business incubator programmes; (e) pre-qualification programmes for access to credit; (f) credit registry; and (g) registry of local enterprises for joint venture
<b>COMMENT</b>	There is no contradiction between national law provisions and RSPO criterion 6.10. However the RSPO criterion on this is more generous as it provides that the cost of pricing adjustment should be met by growers and millers.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS.</b>
<b>CRITERION</b>	6.11 Growers and Millers contribute to local sustainable development whenever appropriate
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	The Guidance for Sustainable Agricultural and Bioenergy Investments. 2013.
<b>SUMMARY OF LAWS</b>	Page 43 Minimum Criteria “An engagement and development program, defined jointly with communities with objectives, targets, budget and indicators The investor includes a menu of options-based on community defined needs, for individuals to select from without assuming that all members will require /desire the same option.”
<b>COMMENT</b>	There is no contradiction between national law provisions and RSPO criterion. It should be noted that to date The Draft Guidelines on Sustainable Agricultural and Bioenergy Investment is only a draft policy document.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS.</b>
<b>CRITERION</b>	6.12 No forms of forced or trafficked labour are used.
<b>INTERNATIONAL STANDARDS</b>	<u>ILO Convention 29 (1930) Forced Labour-Article 5</u> ; <u>ILO Convention 105 (1957) Abolition of Forced Labour-Article 1</u>
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	<u>ILO Convention 29 (1930)</u> : No concession to companies shall involve any form of forced labour or compulsory labour. <u>ILO Convention 105 (1957)</u> : No concession to companies shall involve any any form of of forced labour or compulsory labour
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No6/1991 The Constitution of Sierra Leone Section 19 Act No 7/2005 Anti-Human Trafficking Act 2005 Section 22 CAP 215 Laws of Sierra Leone
<b>SUMMARY OF LAWS</b>	Act No 6/1991 “No person shall be held in slavery or servitude to perform forced labour or traffic or deal in human beings”.  It is a criminal offence to falsely imprison someone in Sierra Leone, this offence is commonly known as “false imprisonment”. Act No 7/2005 Section 22 “A person convicted of the offence of trafficking shall be liable to a fine not exceeding fifty million leones or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.”  Section 3 of CAP 215 makes it an offence for anyone to employ, supply, exacts forced labour or permits forced labour to be enacted for his benefit
<b>COMMENT</b>	There is no conflict or contradiction between RSPO provisions in this area and national law as forced or trafficked labour is completely prohibited under the Laws of Sierra Leone.

<b>PRINCIPLE</b>	<b>6 RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLS.</b>
<b>CRITERION</b>	6.13 Growers and Millers respect human rights
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 6/1991 The Constitution of Sierra Leone Section 15 Act No 9/2004 Human Rights Commission for Sierra Leone Act. Section 7 (1)
<b>SUMMARY OF LAWS</b>	Act No 6 1991 “Whereas every person in Sierra Leone is entitled to the fundamental human rights and freedoms of the individual that is to say, has the right, whatever his race, tribe, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following: (a) Life, liberty, security of person, the enjoyment of prosperity, and the protection of law... (b) (d) Protection from the deprivation of property without compensation.  Under Act No 9/2004 “The object for which the Commission is established is the protection and promotion of human rights in Sierra Leone.”
<b>COMMENT</b>	Human rights provisions in Sierra Leone are contained in its Constitution. Such provisions provide adequate protection of human rights in line with the RSPO provisions in this area. There is therefore no conflict or contradiction between the RSPO provisions and national law provision in this area.

<b>PRINCIPLE</b>	<b>7. RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b>
<b>CRITERION</b>	7.1 A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No 11/2008 Environment Protection Agency Act Section 37 of Act No 11/2008
<b>SUMMARY OF LAWS</b>	<p>“The Agency shall, within fourteen days of receiving an application decide whether an environmental impact assessment is required of the project.” (Section 25 EPA 2008)</p> <p>Section 37 of Act No 11/2008 states “The Agency shall monitor all projects in respect of which licences have been issued in order to assess their effect on the environment or ascertain compliance with this Act.”</p> <p>This section also gives the Agency power to request for information and enter premises.</p>
<b>COMMENT</b>	There is no conflict or contradiction between the provisions under national law and RSPO criterion 7.1

<b>PRINCIPLE</b>	<b>7. RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b>
<b>CRITERION</b>	7.2 Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	No Applicable Laws under The Laws of Sierra Leone.
<b>SUMMARY OF LAWS</b>	N/A
<b>COMMENT</b>	N/A

---

<b>PRINCIPLE</b>	<b>7. RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b>
<b>CRITERION</b>	7.3 New plantings since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	The Draft Guidelines for Sustainable Agricultural and Bioenergy Investment 2013
<b>SUMMARY OF LAWS</b>	The minimum criteria for Biodiversity and Conservation provides "... no clearing of forest after 2005 for agricultural production...".
<b>COMMENT</b>	There is no contradiction or conflict between provisions in the above document and the requirements of 7.3 of the RSPO criteria.

---

<b>PRINCIPLE</b>	<b>7. RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b>
<b>CRITERION</b>	7.4 Extensive planting on steep terrain, and/or on marginal and fragile soils, is avoided
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Same as 7.2
<b>SUMMARY OF LAWS</b>	See 7.2
<b>COMMENT</b>	N/A

---

<b>PRINCIPLE</b>	<b>7. RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b>
<b>CRITERION</b>	7.5 No new plantings are established on local peoples' land without their free, prior and informed consent, dealt with through a documented system that enables indigenous people, local communities and other stakeholders to express their views through their own representative institutions.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Already dealt with under 1.1 above.
<b>SUMMARY OF LAWS</b>	See 1.1 above
<b>COMMENT</b>	There is no contradiction between national law provisions and RSPO 7.5 criterion.

---

<b>PRINCIPLE</b>	<b>7. RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b>
<b>CRITERION</b>	7.6 Local people are compensated for any agreed land acquisitions and relinquishment of rights subject to their free, prior and informed consent and negotiated agreements
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Act No6/1991 The Constitution of Sierra Leone Section 21  Section 15 (d)
<b>SUMMARY OF LAWS</b>	Section 21 of Act No 6/1991 deals with deprivation of property, it states: “... for prompt payment of adequate compensation.”  Section 15 of Act No 6/1991 refers to “protection from deprivation of property without compensation.
<b>COMMENT</b>	The provision provided under the RSPO criteria is more generous when compared to that under national law. It sets out very clear guidelines for calculating such compensation and fully engages local people in the process. However there is no conflict between the two sets of provisions.

<b>PRINCIPLE</b>	<b>7. RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b>
<b>CRITERION</b>	7.7 No use of fire in the preparation of new plantings other than in specific situations, as identified in the ASEAN guidelines or other regional best practices.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	No Applicable Laws under The Laws of Sierra Leone
<b>SUMMARY OF LAWS</b>	N/A
<b>COMMENT</b>	N/A

---

<b>PRINCIPLE</b>	<b>7. RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS</b>
<b>CRITERION</b>	7.8 New plantation developments are designed to minimize net greenhouse gas emission.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	No Applicable Laws under The Laws of Sierra Leone
<b>SUMMARY OF LAWS</b>	N/A
<b>COMMENT</b>	N/A

<b>PRINCIPLE</b>	<b>8. COMMITMENT TO CONTINUOUS IMPROVEMENT IN KEY AREAS OF ACTIVITY.</b>
<b>CRITERION</b>	8.1 Growers and Millers regularly monitor and review their activities and develop and implement action plans that allow demonstrable continuous improvement in key operations.
<b>INTERNATIONAL STANDARDS</b>	N/A
<b>SUMMARY OF THE INTERNATIONAL STANDARD</b>	N/A
<b>RELATED SIERRA LEONEAN LAWS AND REGULATIONS</b>	Local Council Act 2004 Statutory Instrument No 14/2010 The Environment Protection Act (Environmental Impact Assessment Law) Regulation CAP 193 Public Lands Ordinance
<b>SUMMARY OF LAWS</b>	Section 4 S/I No 14/2010 “The Agency shall monitor the activities of the licence holder ... (e) Whether the project poses a threat to the environment which could not have been reasonably foreseen at the time of the submission of the Environmental Impact Assessment.” Section 3 of CAP 193 “ In every agricultural lease under this ordinance, there shall be by virtue of this Ordinance be implied by the lease a covenant that he will improve and develop the natural resources of the land in a prudent and business- like manner and will abstain from the undue destruction or exhaustion of any timber trees or plants...”
<b>COMMENT</b>	Growers and Millers will seek to continuously improve their key areas of operations knowing that their licence can be revoked under the provisions of this section. Although there is no conflict between this and national law, it is our opinion that the system set out under this RSPO criterion is more robust in ensuring continuous improvement.

## ANNEX 1

### List of applicable Sierra Leonean laws arranged by RSPO Criteria

Criterion	Related Laws and Regulations
1.1 Growers and millers provide adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO criteria, in appropriate languages and forms to allow effective participation in decision	Section 26 (2) of Act No 11/2008 The Environment Protection Act.  Schedule 3 (e) of The Environment Protection Act 2008. Page 15 Draft Guidelines for Sustainable Agricultural And Bioenergy Investment.
1.2 Management documents are publicly available, except where this is prevented by confidentiality or where disclosure of information would result in negative environmental or social outcomes.	Section 12 (s) Act No 11/2008 The Environment Protection Agency Act.  Section 27 Act No 11/2008 The Environment Protection Agency Act.
2.1 There is compliance with all applicable local, national and ratified international laws and regulations.	Section 12 AND 21, Act No 18/2007 Registration of Business Act 2007 All Sections of Act No 5/2009 Companies Act. Section 23 (1) Act No 11/2008 Environment Protection Act.
2.2 The right to use the land is demonstrated, and is not legitimately contested by local people who can demonstrate that they have legal customary or user rights.	Section 3 (1) CAP 122 Laws of Sierra Leone. Customary Land Law Section 4.1.1 Draft Land Policy 2011.
2.3 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their free prior and informed consent	Section 3 (1)CAP 121 Laws of Sierra Leone. Protectorate Land.
3.1 There is an implemented management plan that aims to achieve long-term economic and financial viability	No Applicable law under the Laws of Sierra Leone
4.1. Operating procedures are appropriately documented, consistently implemented and monitored.	No Applicable National Laws.
4.2. Practices maintain soil fertility at, or where possible, improve soil fertility to, a level that ensures	No Applicable National Laws

optional and sustainable yield.	
4.3 Practices minimize and control erosion and degradation of soils.	No Applicable National Laws
4.4 Practices maintain the quality and availability of surface and ground water.	Section 49 Act No 16/1963 Water Control and Supply Act. Section 10 (2) (e) Act No13/2011 The Sierra Leone Electricity and Water Regulation Commission Act. Draft Water Bill 2012
4.5 Pest disease, weeds and invasive introduced species are effectively managed using appropriate integrated pest management techniques.	Section 2 AND Section 5 CAP 185 The Agricultural Act, Public Notice No 66/1974 Draft National Pesticides Management Policy 2010 Section 2 (1) CAP 185 Public Notice No 44 of 1975 The Agricultural Act.
4.6 Pesticides are used in ways that do not endanger health or the environment	All Sections of Public Notice No 66/1974. The Plant Phytosanitary (Import) Rules. Draft National Pesticides Management Policy 2010.
4.7 An occupational health and safety plan is documented effectively communicated and implemented	Section 23 of CAP 212 Laws of Sierra Leone. Page 40 Draft Guidelines for Sustainable Agricultural and Bioenergy Investment 2013.
4.8 All Staff, Workers and contract workers are appropriately trained.	Section 10 (d) Act No 11/2009 The National Youth Commission Act 2009. Act No 12/2011 The Finance Act Article 21 The Draft Collective Bargaining Agreement for Agricultural workers 2013 – Technical Training and Scholarship. Sierra Leone Local Content Policy 2012.
5.1 Aspects of plantation and mill management, including replanting, that have environment impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	Section 34 AND 12 Act No 11/2008 The Environment Protection Agency Act
5.3 The status of rare, threatened or endangered species and other high Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.	Sections (3) AND Section 12 (10 Act No 11/2012 The National Protected Area Authority and Conservation Trust Fund Act.  Section 12 Act No 6/2008 The Bumbuna Watershed and the Bumbuna Conservation Act.
5.3 Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner. grievances, which is implemented and	Draft Integrated Waste Management Policy and Strategic Plan 2012. The Environment Protection Agency (Environmental Impact Assessment Licence) Regulation 2010.

accepted by all affected parties	Section 12 (d) Act No 11/2008 The Environment Protection Agency Act
5.4 Efficiency of fossil fuel use and the use of renewable energy is optimized.	Energy Policy 2009
5.5 Use of fire for preparing land or replanting is avoided, except in specific situations as identified in the ASEAN guidelines or other regional best practices.	Section 4 (6) CAP 189 Laws of Sierra Leone. The Forestry Prohibited Acts. Section 5 CAP 193 Laws of Sierra Leone. Public Lands Ordinance.
5.6 Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.	No Applicable Laws under the Laws of Sierra Leone.
6.1 Aspects of plantation and mill management that have social impacts, including replanting, are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	
6.2 There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.	Draft Guidelines on Sustainable Agricultural and Bioenergy Investments 2013 Page 15.
6.3 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties	Article 30. Draft Collective Bargaining Agreement for Agricultural Workers 2013.
6.4 Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.	Section 15 (d) Act No 6/1991 The Constitution of Sierra Leone.
6.5 Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.	Section 21 of The Minimum Wage Act 1997. Article 34 of The Draft Collective Bargaining Agreement for Agricultural Workers 2013. Page 40 Guidelines for Sustainable Agriculture and Bioenergy Investment Sections 8 (3) (b) to (e) Act No 6/1991 The Constitution of Sierra Leone

	Act No 16/2007 The General Business Start – Up (Amendment) Act.
6.6 The employer respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.	Article 3 Draft Collective Bargaining Agreement for Agricultural Workers 2013.  Section 26 Act No 6/1991 The Constitution of Sierra Leone.
6.7 Children are not employed or exploited	Sections 3 (1) AND (2) Act No 2/2004 The Education Act . Sections 8 (3) (f) Act No 6/1991 The Constitution of Sierra Leone. Sections 32 (1) AND (2) Act No 2/2007. The Child Rights Act.
6.8 Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.	Sections 27, 15 and 6 (2) Act No 6/1991 The Constitution of Sierra Leone. Section 39 of Act No 11 / 2011 National HIV and AIDS Commission Act. Section 19 (1) Act No 3/2011 Persons with Disability Act.
6.9 There is no harassment or abuse in the work place, and reproductive rights are protected.	Article 12 of The Draft Collective Bargaining Agreement for Agricultural Workers 2013. Section 13 Act No 12/2012 Sexual Offences Act . Common Law offences of assault and battery.
6.10 Growers and millers deal fairly and transparently with smallholders and other local businesses.	The Sale of Goods Act 1839. CAP 25 Laws of Sierra Leone 1960. The Arbitration Act. The Cooperative Societies Act 1977. Local Content Policy 2012. The Minimum Criteria set out on Page 41 of The Draft Guidelines for Sustainable Agricultural and Bioenergy Investment 2013.
6.11 Growers and millers contribute to local sustainable development where appropriate.	Local Council Act 2004. Minimum Criteria set out on page 43 of The Guidelines for Sustainable Agricultural and Bioenergy Investment 2013.
6.12 No forms of forced or trafficked labour are used.	Section 19 of Act No 6/1991 The Constitution of Sierra Leone. False Imprisonment under The Criminal Laws of Sierra Leone. Section 22 Act No 7/2005 The Anti-Human Trafficking Act. Section 3 CAP 215 Laws of Sierra Leone.
6.13 Growers and millers respect	Section 15 Act No 6/1991 The Constitution of Sierra

human rights.	Leone Act. Section 7 (1) Act No 9/2004 Human Rights Commission for Sierra Leone Act.
7.1 A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings, or expanding existing ones, and the results incorporated into planning, management and operations	Section 25 Act No 11/2008 Environment Protection Act
7.2 Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operation	No Applicable Laws under The Laws of Sierra Leone
7.3 New plantings since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values	
7.4 Extensive planting on steep terrain, and/or marginal and fragile soils, including peat; is avoided.	No Applicable Laws under The Laws of Sierra Leone.
7.5 No new plantings are established on local people' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. This is dealt with through a documented system that enables these and other stakeholder to express their views through their own representative institutions.	No Applicable Laws under The Laws of Sierra Leone.
7.6 Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements.	Sections 21 and 15 (d) Act No 6/1991 The Constitution of Sierra Leone.
7.7 No use of fire in the preparation of new plantings other than in specific situation, as identified in the ASEAN guidelines or other regional best practices.	No Applicable Laws under The Laws of Sierra Leone.
7.8 New plantation developments are designed to minimize net greenhouse gas emissions.	No Applicable Laws under The Laws of Sierra Leone.
8.1 Growers and millers regularly monitor and review their activities, and develop and implement action	Statutory Instrument No 14/2010 The Environment Protection Agency (Environmental Impact Assessment

plans that allow demonstrable continual improvement in key operations.

Licence) Regulation.

## ANNEX 2

### LIST OF RELATED INTERNATIONAL STANDARDS

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

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

Non-Discrimination and Equal Remuneration	ILO Convention 100 (1958) Equal Remuneration	Article 1-3	Equal remuneration for men and women for work of equal value.
	ILO Convention 111 (1958)	Article 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
	UN Declaration on the Rights of Indigenous People (2007)	Article 1-9	Provision of information; no obstacle to travel; provision of health care; non-discrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation savings.
	ILO Convention 143 (1975) Migrant Workers (Supplementary Provision)	Articles 1-12	Respect basic human rights; protection of illegal migrant from abusive employment; no trafficking in illegal migrant; fair treatment of migrant labour.
Protection of Plantation Workers	ILO Convention 110 (1958) Plantations	Articles 5-91	Protection of members of families of recruited workers; protection of workers' right during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and condition of work; no coercion or obligation to use company stores; adequate accommodation and condition; and maternity protection compensation for injuries and accidents; freedom of association; right to organise and collective bargaining; proper labour inspection; decent housing and medical care.
Protection of Tenants and Sharecropper	ILO Recommendation 132 (1968) Tenants	Article 4-8	Fair rents; adequate payment for crops; provisions for well-being; voluntary organization;

	and Sharecropper		fair contract; procedures for the settlement of dispute.
Protection of Smallholder	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)	Article 4	Alienation with due regard to customary right; assistant to form cooperation; tenancy arrangements to secure highest possible living standards.
Health and Safety	ILO Convention 184 (2001) Safety and Health in Agriculture	Article 7-21	Carry out risk assessments and adopt prevention and protective measures to ensure to workplace, machinery, equipment, chemicals, tools and processes, ensure dissemination of information, appropriate training, supervision and compliance; special protections for youth and woman workers; coverage against occupational injuries and disease.
Control or Eliminate Use of Dangerous Chemicals and Pesticides	Stockholm Convention on Persistent Organic Pollutants (2001)	Articles 1-5	Prohibit and/or eliminate production and use of chemical listed in Annex A (eg Aldrin, Chlordance, PCB); restrict production and use of chemicals in Annex B (e.g DDT); reduce or eliminate release of chemicals listed in Annex C (e.g. Hexachorobenzene).
	FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002)	Article 5	Curtail use of dangerous pesticides where control is difficult; ensure use of protective equipment and techniques; provide extension service to smallholders and farmers, protect workers and bystanders; make available full information on risks and protections; protect biodiversity and minimize impacts on environment; ensure safe disposal of waste and equipment; make provisions for emergency treatment for poisoning.
	Rotterdam		Curb trade in banned and

	Conventions on prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)	Article 1,5 and 6	hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemical and pesticides.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Article 21 (1), 23, 24, 29 (3)	Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain tradition health system; effective monitoring of health.