

**MINUTES OF MEETING**  
**Expert Group for ISH FPIC**

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**Time** : 19:00 - 20:00 (MYT)  
**Date** : Thursday, 03 September 2020  
**Venue** : ZOOM Call

**Attendees:**

	<b>Name</b>	<b>Initial</b>	<b>Organisation</b>	<b>Representation Category</b>
1.	Madeleine Brassier	MB	Oxfam Novib	SNGO
2.	Marcus Colchester	MC	Forest Peoples Programme	SNGO
3.	Ahmadou Cisse	AC	Solidaridad West Africa	Smallholder (Africa)
4.	Daniel Uricoechea	DP	Oilsum Group	Smallholder (LATAM)
5.	Sharyn Shufiyan	SS	Wild Asia	Smallholder (Malaysia)
6.	Hendi Hidayat	HH	Sinarmas Agri	Processors & Traders (Indonesia)
7.	Ashwin Selvaraj	AS	RSPO Secretariat	
8.	Dede Herland Vitajaya	DH	RSPO Secretariat	
9.	Krishna Jeyabalan	KJ	RSPO Secretariat	

**Absent with apologies:**

	<b>Name</b>	<b>Initial</b>	<b>Organisation</b>	<b>Representation Category</b>
1.	Mohamed Kamara	MK	Planting Naturals (Africa)	Smallholder (Africa)
2.	Kamini Visvanathan	KV	RSPO Secretariat	
3.	Prasad Vijaya Segaran	PV	RSPO Secretariat	
4.	Guntur Cahyo Prabowo	GP	RSPO Secretariat	

**Agenda:**

<b>Time</b>	<b>Item no</b>	
19:00	1.0	Introduction <ul style="list-style-type: none"> <li>New Members of Expert Group</li> </ul>
19:10	2.0	Adoption of Minutes of Meeting (1 <sup>st</sup> Expert Group Meeting)
	2.1	Update on work by Consultant for Development of Simplified FPIC for ISH
19:20	3.0	Decision by Expert Group: <ul style="list-style-type: none"> <li>ISH with existing Legal Title</li> </ul>
19.45	4.0	The development of the Simplified FPIC Guidance <ul style="list-style-type: none"> <li>Inputs on the Framework for the Simplified FPIC Guide</li> </ul>
19:55	5.0	AOB
	5.1	Meeting adjourned

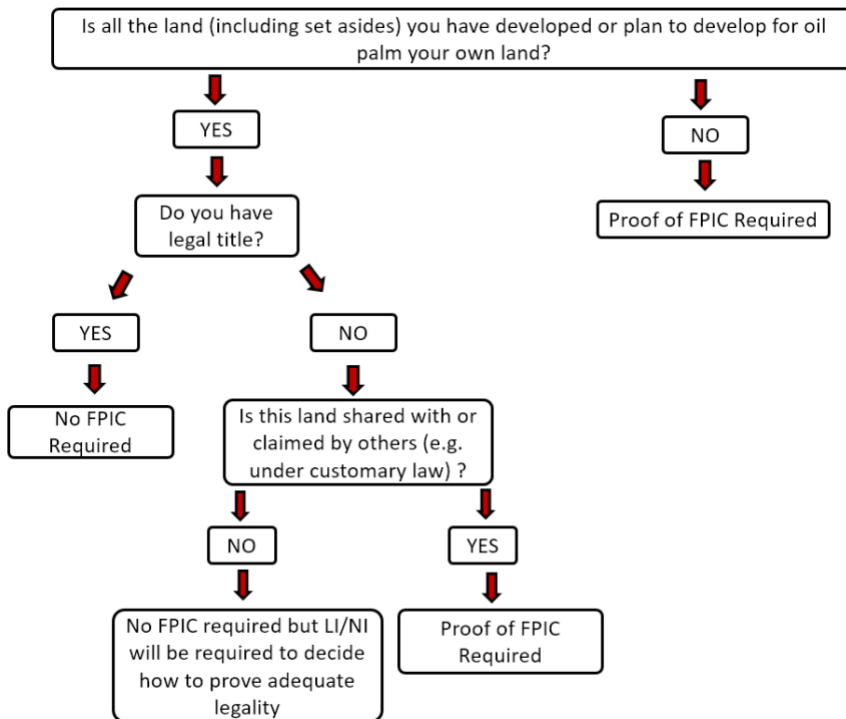
**Updates on Action Points from last meeting:**

No.	Action Point	Status
1	NIL	-

No.	Description	Action Points (PIC)	Progress / Remarks
<b>1.0 Introduction</b>			
	<ul style="list-style-type: none"> <li>New members representing Independent Smallholders welcomed to the Expert Group:               <ul style="list-style-type: none"> <li>Daniel Uricoechea - LATAM</li> <li>Sharyn Shufiyan - Malaysia</li> </ul> </li> <li>Recap from 1<sup>st</sup> meeting on background for inclusion of additional members was provided.</li> <li>Brief on the agenda.</li> </ul>		
<b>2.0 Adoption of Minutes of Meeting (1st Expert Group Meeting)</b>			
	<ul style="list-style-type: none"> <li>Draft of 1<sup>st</sup> Minute of Meeting (MoM) was presented to the Expert Group</li> <li>MoM was adopted with no objection from the group members.</li> </ul>		
<b>2.1 Update on work by Consultant for Development of Simplified FPIC for ISH</b>			
	<ul style="list-style-type: none"> <li><b>Kick-off meeting held</b> <ul style="list-style-type: none"> <li>Followed by bi-weekly meetings with Consultant (Equitable Origins)</li> </ul> </li> <li>Development will begin once the first phase of Revision of FPIC 2015 is completed. First phase includes review of document and drafting outline of the new Guide.               <ul style="list-style-type: none"> <li>Country legal and regulatory review format available</li> </ul> </li> <li><b>Based on the project timeline:</b> <ul style="list-style-type: none"> <li>Outline of the Simplified FPIC for ISH - end of the 2<sup>nd</sup> early 3<sup>rd</sup> week of September</li> <li>Format of country legal and regulatory review</li> </ul> </li> </ul>		

### 3.0 Decision by Expert Group:

- A Simplified FPIC Approach is a requirement of the RSPO Independent Smallholder (ISH) Standard 2019.
  - **Indicator 2.2 E** requires for existing plots, smallholders can demonstrate that they have not acquired land without FPIC of indigenous peoples, local communities or other users.
  - **Indicator 2.5 E** requires for new oil palm planting, smallholders commit not to clear or acquire land from indigenous peoples, local communities, or other users without their FPIC, based on a simplified FPIC approach
  
- Based on these requirements and taking into account the needs of an Independent Smallholder, **“the exemption of an ISH who has legal title of the land owned from carrying out FPIC”** is put forward as a proposal.



- Initial feedback: The proposal is moving in the right direction, however, a little more caveat is required.
- Discussion on the initially proposed 20-year period by MC was carried out looking at regional contexts.
- Examples were given by Expert Group members for regional context on how land is obtained by smallholders and if proof of

	<p>ownership can be shown.</p> <ul style="list-style-type: none"> <li>Point raised on how to confirm the land is free of conflict/ dispute even when legal title is present.</li> <li>It was also raised that if there is no contestation on the land and there is not legal title, National Interpretation will have to decided what kind of legality is acceptable (For the Indonesian/Colombian/ DRC context – Could include More Countries )</li> <li>In terms of FPIC, it was also raised that in many cases Smallholders are also part of the communities they operate in.</li> <li>It was agreed that 20 years is too long and will not qualify many smallholders looking at the past issues related to justifiable reasons (violence) for abandoning land.</li> <li>A major point was raised on the <b>ownership of the land</b> in the flow chart. In some regions, the <b>land is never owned</b>, but a smallholder may have operated on the land for a long period of time and given the right to continue operating by the local authority when no claims is raised on the land. Based on this it was suggested that instead of land ownership, it should be amended to right to use the land (<b>legal or customary right to use the land</b>).</li> <li>The Expert group agreed to change the initial question in the flowchart to <b>“Do you have the legal or customary right to use the land (including set asides) you have developed or plan to develop for oil palm ?”</b></li> <li>Proposal to add in the requirement for proof of absence of dispute and dispute resolution process as part of the flowchart was agreed by the Expert Group.</li> <li></li> </ul>	<p><b>The Flowchart will be updated to reflect the agreed proposal to amend the question to reflect the legal or customary right to use the land and proof for absence of dispute.</b></p>	
<p><b>4.0 The development of the Simplified FPIC Guidance</b></p>			
	<ul style="list-style-type: none"> <li>Further inputs on the Framework for the Simplified FPIC Guide will be provided via email by the Expert Group members.</li> </ul>		
<p><b>5.0 AOB</b></p>			
	<p>Nil</p>		
<p><b>5.1 Meeting adjourned</b></p>			