

RSPO

Roundtable on Sustainable Palm Oil

**National Interpretation of the International RSPO Principle and Criteria of the Republic of Guatemala
Option under the National Interpretation in Small Producing Countries**

Draft for public consultation V5

September 2014

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Preamble

The 2014 National Interpretation of Guatemala under the category of Small Producing Countries, is based on the generic document Principles and Criteria for the Production of Sustainable Palm Oil 2013 (P&C 2013), which is used as a standard for the certification of palm oil mills and plantations under the RSPO scheme. The new criteria and indicators added in the 2013 P&C are:

Criterion 1.3 - Ethical Conduct

Criterion 6.12 - Forced or Trafficked Labour

Criterion 6.13 - Respect Human Rights and

Criterion 7.8 - Minimize GHG emissions from new plantations.

This document was prepared by a Technical Committee (TC) consisting of representatives of oil palm growers, the supply chain industry, social sector, environmental sector and other experts, such as government agencies, certification bodies and Proforest, as a facilitator of the process. The Technical Committee convened to hold discussions, exchange information and carry out group work.

The National Interpretation of Guatemala has compiled and incorporated the relevant regulatory framework of Guatemala and regulations, based on the consensus of the participating stakeholders in the TC and upon consideration of the national palm sector.

The National Interpretation will be reviewed periodically in accordance with changes in the generic Principles & Criteria as recommended by RSPO or any future needs, such as changes in the law or regulations.

The document will be subject to a 60 days public consultation period, after which it will be revised in the light of the comments received, and submitted for the review and formal endorsement of the RSPO.

PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

Indicators/Guidance	Guide for Smallholders	Laws, Conventions and Treaties
<p>Criterion 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 for effective participation in decision making.</p>		
<p>Indicators:</p> <p>1.1.1 There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to relevant stakeholders for effective participation in decision making.</p> <p>1.1.2(M) Records of requests for information and responses shall be maintained</p> <p>Specific Guidance:</p> <p>For 1.1.1: Evidence should be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.</p> <p>Guidance:</p> <p>Growers and millers should have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe to respond to requests for information. Growers and millers should respond constructively and promptly to requests for information from stakeholders.</p> <p>Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate.</p> <p>See Criterion 1.2 for requirements relating to publicly available documentation.</p> <p>See Criterion 6.2 on consultation.</p> <p>See Criterion 4.1 on SOPs</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must ensure that participant smallholders are provided copies of :</p> <ul style="list-style-type: none"> • Contracts between scheme managers and smallholders (criterion 1.2) • Land titles/smallholders’ user rights (2.2) • Training materials in IPM and safe use of agro-chemical use (4.6) • Health and safety plan (4.7). • Plans and impact assessments relating to environmental and social impacts (5.1, 6.1, 7.1, 7.3). • Pollution prevention plans (5.6). • Details of complaints and grievances (6.3). • Negotiation procedures (6.4). • Procedure for calculating prices, and for grading, FFB (6.10) • Up-to-date records of debts and repayments, charges and fees (6.10) • Continuous improvement plan (8.1). <p>Guidance For Independent Smallholders:</p> <p>Guidance for group managers:</p> <p>Group managers must provide documents showing compliance with Section 2.1 of the RSPO Standard for Group Certification as well as</p>	<p>National Legislation:</p> <p>1. REGULATIONS ON ENVIRONMENTAL EVALUATION, CONTROL AND MONITORING AG 431-2007 Articles: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 63, 64, 65, 66, 67, 68, 72, 73, 74, 75, 76, 77, 78, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95.</p> <p>2. REGULATIONS ON WASTE WATER DISCHARGE AND REUTILISATION AND SLUDGE DISPOSAL AGREEMENT 236-2006 Articles: 2, 5, 6, 7, 10, 12, 13, 14, 15, 18, 52, 55, 56, 57, 58, 59, 60, 61, 63.</p> <p>BAN TO THE IMPORT OF CHLOROFLUOROCARBON GASES Governmental Agreement No. 252-89. Articles: 1, 3.</p> <p>3. Amendments to the Ministerial Agreement No. 413-2006 of 15th December 2006 MINISTERIAL AGREEMENT No. 369-2007 Articles: 1, 2.</p> <p>4. Requirements for the importation, marketing, use and export of ozone-depleting substances and importation of equipment and goods containing chlorofluorocarbons. MINISTERIAL AGREEMENT 413-2006 Articles: 2, 3.</p>

	<p>a continuous improvement plan (8.1). Group managers must ensure that each participant smallholder is provided a copy of the agreements between them and the group (criterion 1.2) and up-to-date records of sales and prices of their produce (6.10).</p> <p>Group managers should also provide all group members with simplified training materials in a format and language understood by the group members on:</p> <ul style="list-style-type: none"> • IPM and safe use of agro-chemicals (4.6) • Health and safety plan (4.7). • Plans and impact assessments relating to environmental and social impacts (5.1, 6.1, 7.1, 7.3). • Pollution prevention plans (5.6). • Details of complaints and grievance procedures (6.3). • Procedures for pricing and grading members' FFB (6.10) <p>Official versions are kept centralized at group manager level for reference and all group members are made aware of this. Training shall be identified and provided where appropriate in relation to these documents (see 4.8).</p>	<p>5. APPROVES AMENDMENTS TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER. Decree No. 17-2001 Articles: 1.</p> <p>6. HEALTH CODE Decree 90-97 / Chapter IV, Section I Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>7. FOREST LAW Decree No. 101-96 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>8. REGULATION OF THE FOREST LAW Resolution 01.43.2005 Articles: 2, 12, 13, 14, 36.</p> <p>9. REGULATION OF THE LAW ON FOREST INCENTIVES FOR HOLDERS OF SMALL EXTENSIONS OF LAND FIT FOR FORESTRY O AGROFORESTRY USE Resolution Jd.01.14.2011 Articles: 1, 2, 3, 6, 19, 20, 21, 27.</p> <p>10. CONGRESSIONAL DECREE 4-89 Law on Protected Areas Articles: 7, 8, 10, 20, 21, 23, 24, 25, 27, 81, 81bis, 82.</p> <p>11. REGULATION OF THE LAW ON PROTECTED AREAS Governmental Agreement 759-90 Articles: 10, 24, 25, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.</p> <p>12. LAW FOR THE PROTECTION OF THE NATIONAL CULTURAL HERITAGE.</p>
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		<p>CONGRESSIONAL DECREE 26-97 Articles: 1, 32, 33, 34, 43, 44, 53, 54.</p> <p>13. REGULATORY LAW ON IMPORTATION, PRODUCTION, STORAGE, TRANSPORTATION, SALE AND UTILISATION OF PESTICIDES Decree No. 43-74 Articles: 1, 2.</p> <p>14. LAW ON MARKETING OF HYDROCARBONS Decree 109-97 Articles: 17, 18, 19, 39, 40, 41, 42, 43, 44.</p> <p>15. REGULATION OF THE LAW ON MARKETING OF HYDROCARBONS Agreement 522-99 Articles: 5, 8, 14, 17, 49, 50, 53, 54, 55, 56, 57, 58, 59.</p> <p>16. LAW FOR THE NATIONAL COORDINATING AGENCY FOR DISASTER REDUCTION Decree 109-96 Articles: 2, 4, 20, 21.</p> <p>17. REGULATION OF THE LAW FOR THE NATIONAL COORDINATING AGENCY FOR DISASTER REDUCTION Agreement 49-2012 Articles: 3, 8, 86, 87.</p> <p>18. PENAL CODE Decree 17-73 Articles: 347 "B"</p>
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		<p>19. ABRIDGED LIST OF PROJECTS, DEVELOPMENTS, INDUSTRIES OR ACTIVITIES Governmental Agreement 134-2005</p> <p>20. GUATEMALAN COMMISSION FOR STANDARDIZATION (COGUANOR) NGO 44 015 MANURES AND FERTILISERS. Ammonium Phosphates</p> <p>21. GOVERNMENTAL AGREEMENT No. 812-84. COGUANOR STANDARD NGO 44 021 FERTILISERS. Potassium and magnesium sulphate.</p> <p>22. (1975) CDU 631.85 GUATEMALAN MANDATORY STANDARD September 1984 1/3</p> <p>23. FERTILISERS Enriched Superphosphate COGUANOR NGO 44 022</p> <p>24. Governmental Agreement 377-90 Regulations on the Use and Control of Agricultural Pesticides and Related Substances</p>
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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 1.2 Management documents are publicly available, except where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.		
<p>Indicators:</p> <p>1.2.1(M) Publicly available documents shall include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> Land titles/user rights (Criterion 2.2); Occupational health and safety plans (Criterion 4.7); Plans and impact assessments relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8); HCV documentation (Criteria 5.2 and 7.3); 	<p>Guidance for scheme managers:</p> <p>Scheme managers have shared and explained management plans to smallholders and/or their cooperatives, including documents summarizing complaints and grievance procedures and land acquisition processes.</p> <p>Smallholders have contracts from the scheme managers</p>	<p>National Legislation:</p> <p>1. INDUSTRIAL PROPERTY LAW CONGRESSIONAL DECREE 57-2000 Articles: 174, 174 bis.</p> <p>2. REGULATION OF THE INDUSTRIAL PROPERTY LAW Governmental Agreement 89-2002</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<ul style="list-style-type: none"> • Pollution prevention and reduction plans (Criterion 5.6); • Details of complaints and grievances (Criterion 6.3); • Negotiation procedures (Criterion 6.4); • Continual improvement plans (Criterion 8.1); • Public summary of certification assessment report; • Human Rights Policy (Criterion 6.13). <p>Guidance: This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria. Management documents will include monitoring reports. The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report. Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential. Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information. Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private. Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is</p>	<p>Guidance for independent smallholders:</p> <p>Guidance for group managers: Group managers must also have shared and explained the relevant RSPO standard for Sustainable Oil Palm Production as set out in this document or in an approved national interpretation to group members. Group smallholders have agreements with the group managers. Group Manager must provide a copy of the agreement (mutually agreed) to each smallholder in the group. Group Management Documentation is made available to group members by the group manager on request. Additional management documents (e.g. related to marketing, pricing, purchasing of inputs etc.) should be made available for all group members.</p>	<p>Articles: 90.</p> <p>International Legislation:</p> <p>3. CENTRAL AMERICAN AGREEMENT FOR THE PROTECTION OF INDUSTRIAL PROPERTY. San José, Costa Rica, 1968. Articles: 1, 7.</p> <p>4. PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY. Adopted at Stockholm on July 14, 1967.</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>appropriate and made available</p> <p>For National Interpretation: Specific approaches to personal privacy safeguards, including any legal requirements, will be considered.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 1.3 Growers and millers commit to ethical conduct in all business operations and transactions.		
<p>Indicators:</p> <p>1.3.1 There shall be a written policy committing to a code of ethical conduct and integrity in all operations and transactions, which shall be documented and communicated to all levels of the workforce and operations.</p> <p>Guidance:</p> <p>All levels of the operations will include contracted third parties (e.g. those involved in security).</p> <p>The policy should include as a minimum:</p> <ul style="list-style-type: none"> • A respect for fair conduct of business; • A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources; • A proper disclosure of information in accordance with applicable regulations and accepted industry practices. <p>The policy should be set within the frame work of the UN Convention Against Corruption, in particular Article 12.</p>		<p>National Legislation:</p> <p>1. ANTI-CORRUPTION LAW Decree No. 31-2012 Articles: 2, 5, 6, 11, 12, 13, 32, 33, 35, 40.</p> <p>International Legislation:</p> <p>2. Adoption of the INTER-AMERICAN CONVENTION AGAINST CORRUPTION, SIGNED IN CARACAS, VENEZUELA, THE 29/03/1996 CONGRESSIONAL DECREE 15-2001</p> <p>3. TAX CODE Decree No. 6-91 Articles: 1, 14, 15, 21, 23.</p>

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 2.1: There is compliance with all applicable local, national and ratified international laws and regulations.		
<p>Indicators:</p> <p>2.1.1(M) Evidence of compliance with relevant legal requirements shall be available.</p>	<p>Guidance for smallholder scheme managers</p> <p>Guidance for scheme managers:</p> <p>Scheme managers must regularly provide an up-to-date list of applicable laws and must ensure smallholders can show evidence of</p>	<p>National Legislation:</p> <p>1. REGULATIONS ON ENVIRONMENTAL EVALUATION, CONTROL AND MONITORING Governmental Agreement 431-2007</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>2.1.2 A documented system, which includes written information on legal requirements, shall be maintained.</p> <p>2.1.3 A mechanism for ensuring compliance shall be implemented.</p> <p>2.1.4 A system for tracking any changes in the law shall be implemented.</p> <p>Specific Guidance:</p> <p>For 2.1.4: The systems used for tracking any changes in laws and regulations should be appropriate to the scale of the organization.</p> <p>Guidance:</p> <p>Implementing all legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes, but is not limited to: regulations governing land tenure and land-use rights, labour, agricultural practices (e.g. chemical use), environment (e.g. wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Key international laws and conventions are set out in Annex1 Contradictions and inconsistencies should be identified and solutions suggested.</p> <p>For National Interpretation:</p> <p>All relevant legislation will be identified, and any particularly important requirements identified.</p>	<p>compliance with all relevant legal requirements including legally or contractually obligated provisions of lands, plantings, training and services to smallholders. Scheme smallholders should be aware of and understand the intent of applicable laws and regulations. Training of smallholders is required under 4.8. More detailed guidance should be given in the national interpretations.</p>	<p>Articles: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 63, 64, 65, 66, 67, 68, 72, 73, 74, 75, 76, 77, 78, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95.</p> <p>2. REGULATIONS ON WASTE WATER DISCHARGE AND REUTILISATION AND SLUDGE DISPOSAL Agreement 236-2006 Articles: 2, 5, 6, 7, 10, 12, 13, 14, 15, 18, 52, 55, 56, 57, 58, 59, 60, 61, 63.</p> <p>3. BAN TO THE IMPORT OF CHLOROFLUOROCARBON GASES Governmental Agreement No. 252-89. Articles: 1, 3.</p> <p>4. Amendments to the Ministerial Agreement No. 413-2006 of 15th December 2006 Ministerial Agreement No. 369-2007 Articles: 1, 2.</p> <p>5. APPROVAL TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER SIGNED AT MONTREAL ON 16-09-87. CONGRESSIONAL DECREE 34-89</p> <p>6. REQUIREMENTS FOR THE IMPORTATION, MARKETING, USE AND EXPORT OF OZONE-DEPLETING SUBSTANCES AND IMPORTATION OF EQUIPMENT AND GOODS CONTAINING CHLOROFLUOROCARBONS. Ministerial Agreement 413-2006 Articles: 2, 3.</p> <p>7. HEALTH CODE Decree 90-97 / Chapter IV, Section I Articles: 9, 69, 75, 92, 95, 96, 97, 98, 100, 103, 104, 105, 107, 219, 220, 226.</p> <p>8. MUNICIPAL CODE CONGRESSIONAL DECREE 12-2002</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
		<p>Articles: 2, 7, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70.</p> <p>9. FOREST LAW Decree 101-96 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>10. LAW ON PROTECTED AREAS CONGRESSIONAL DECREE 4-89 Articles: 7, 8, 10, 20, 21, 23, 24, 25, 27, 81, 81bis, 82.</p> <p>11. REGULATION OF THE LAW ON PROTECTED AREAS Governmental Agreement 759-90 Articles: 10, 24, 25, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.</p> <p>12. LAW FOR THE PROTECTION OF THE NATIONAL CULTURAL HERITAGE CONGRESSIONAL DECREE 26-97 Articles: 1, 32, 33, 34, 43, 44, 53, 54.</p> <p>13. REGULATORY LAW ON IMPORTATION, PRODUCTION, STORAGE, TRANSPORTATION, SALE AND UTILISATION OF PESTICIDES Decree No. 43-74 Articles: 1, 2.</p> <p>14. LAW ON MARKETING OF HYDROCARBONS Decree 109-97 Articles: 17, 18, 19, 39, 40, 41, 42, 43, 44.</p> <p>15. REGULATION OF THE LAW ON MARKETING OF HYDROCARBONS Agreement 522-99 Articles: 5, 8, 14, 17, 49, 50, 53, 54, 55, 56, 57, 58, 59.</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
		<p>16. LAW FOR THE NATIONAL COORDINATING AGENCY FOR DISASTER REDUCTION Decree 109-96 Articles: 2, 4, 20, 21.</p> <p>17. REGULATION OF THE LAW FOR THE NATIONAL COORDINATING AGENCY FOR DISASTER REDUCTION Agreement 49-2012 Articles: 3, 8, 86, 87</p> <p>18. PENAL CODE Decree 17-73 Articles: 347 "B"</p> <p>19. ABRIDGED LIST OF PROJECTS, DEVELOPMENTS, INDUSTRIES OR ACTIVITIES Governmental Agreement 134-2005</p> <p>20. GUATEMALAN COMMISSION FOR STANDARDIZATION (COGUANOR) NGO 44 015 MANURES AND FERTILISERS. Ammonium Phosphates</p> <p>21. GOVERNMENTAL AGREEMENT No. 812-84. COGUANOR STANDARD NGO 44 021 FERTILIZERS. Potassium and magnesium sulphate.</p> <p>22. (1975) CDU 631.85 GUATEMALAN MANDATORY STANDARD September 1984 1/3</p> <p>23. FERTILIZERS Enriched Superphosphate COGUANOR NGO 44 022</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 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.		
<p>Indicators:</p> <p>2.2.1(M) Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.</p> <p>2.2.2 Legal boundaries shall be clearly demarcated and visibly maintained.</p> <p>2.2.3 Where there are or have been disputes, additional proof of legal acquisition of title and evidence that fair compensation has been made to previous owners and occupants shall be available, and that these have been accepted with free, prior and informed consent (FPIC).</p> <p>2.2.4(M) There shall be an absence of significant land conflict, unless requirements for acceptable conflict resolution processes (see Criteria 6.3 and 6.4) are implemented and accepted by the parties involved.</p> <p>2.2.5 For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).</p> <p>2.2.6 (M) To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence in maintaining peace and order in their current and planned operations.</p> <p>Specific guidelines:</p> <p>For 2.2.2: Plantation operations should cease on land planted beyond the legally determined area and there should be specific plans in place to address such issues for associated smallholders</p> <p>Under the Civil Code, land tenure is substantiated by registration thereof in the General Registry of Title Deeds.</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers have maps or other documents showing land allocations for scheme smallholders and can show these lands are not claimed or contested by third parties with legitimate claims. Where the land titles of scheme smallholders are retained by mills until the smallholder debts have been paid off, the scheme manager need to show clearly which lands are allocated to which smallholders (and see 1.1),</p> <p>Guidance for group managers:</p> <p>Group managers have maps or other documents showing the lands held by group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims. National interpretations must identify what kinds of documents are needed to show compliance.</p>	<p>National Legislation:</p> <p>1. CIVIL CODE Book Four of the Registry of Title Deeds Title I General Registration Chapter I Of Title Deeds Subject to Registration Articles: 1124, 1130, 1131.</p> <p>2. LAW ON PROTECTED AREAS Decree No. 4-89 Articles: 7, 8, 10, 20, 21, 23, 24, 25, 27, 81, 81bis, 82.</p> <p>International Legislation:</p> <p>3. CONVENTION ON BIOLOGICAL DIVERSITY CONGRESSIONAL DECREE 5-95</p>

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<p>For 2.2.6:</p> <p>Company policy should prohibit the use of mercenaries and paramilitaries in their operations. Company policy should prohibit extrajudicial intimidation and harassment by contracted security forces (see Criterion 6.13)</p> <p>Company policy prohibits intimidation and harassment as a means to prevent and resolve any conflict or dispute over land issues (see Criterion 6.13).</p> <p>Guidance</p> <p>Where there is a conflict on the condition of land use as per land title, growers should show evidence that necessary action has been taken to resolve the conflict with relevant parties. A mechanism should be in place to resolve any conflict (Criteria 6.3 and 6.4).</p> <p>Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p> <p>Companies take special care when they are offered land acquired by the State after invoking national interest, or is dealing with land in conflict areas or restrictions on land ownership.</p> <p>Documentation confirming the legal ownership or use rights includes, though may not be limited to: deeds, customary rights, written agreements, award by a relevant institution of contracts for operations on vacant land, lease agreements. Likewise, due diligence is required on the inspection of land deeds in areas of conflict and/or displaced populations. In this regard, the company agrees to undertake the inspection of public deeds registered in the last ten years of the lot(s) where the plantation is located. In the event of any conflict or dispute over the ownership or land tenure, this is resolved in a legal, participatory and diligent manner in accordance with current legislation.</p>		
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<p>The development of oil palm plantations and mills should take place within the legal boundaries of the land purchased, leased or cultivated. All activities in the areas beyond those limits should cease. Likewise, all environmental requirements to respect water bodies and conservation areas (5.1, 5.2, 7.1, and 7.3) must be complied. Land lease agreements shall include clauses requiring appropriate environmental, social and economic management, in accordance with the RSPO P&C.</p> <p>Smallholders (<10 ha) receive legal advice and support to demonstrate compliance with this criterion, through partnership schemes with other growers, consolidators and/or its clients (processors).</p>		
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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 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.		
<p>Indicators:</p> <p>2.3.1(M) Maps of an appropriate scale showing the extent of recognised legal, customary or user rights (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).</p> <p>2.3.2 Copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available and shall include:</p> <p>a) Evidence that a plan has been developed through consultation and discussion with all affected groups in the communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making;</p> <p>b) Evidence that the company has respected communities' decisions to give or withhold their consent to the operation at the time that this decision was taken;</p> <p>c) Evidence that the legal, economic, environmental and social implications for permitting operations on their land have been understood and accepted by affected communities, including the implications for the legal status of their land at the expiry of the company's title, concession or lease on the land</p> <p>2.3.3 All relevant information shall be available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.</p> <p>2.3.4(M) Evidence shall be available to show that communities are represented through institutions or representatives of their own choosing, including legal counsel.</p> <p>Specific Guidance:</p> <p>For 2.3.4: Evidence should be available from the companies, communities or other relevant stakeholders.</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.</p> <p>Guidance for independent smallholders:</p> <p>Guidance for group managers:</p> <p>Group managers can show that lands acquired for group smallholders do not diminish legal or customary rights of other users. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.</p>	<p>National Legislation:</p> <ol style="list-style-type: none"> 1. POLITICAL CONSTITUTION OF THE REPUBLIC OF GUATEMALA Articles: 39, 40, 41, 67, 68, 97, 118, 121, 126, 127, 128 2. CIVIL CODE Book Four of the Registry of Title Deeds Title I General Registration Chapter I Of Title Deeds Subject to Registration Articles: 1124, 1130, 1131. 3. LAW ON PROTECTED AREAS Decree No. 4-89 Articles: 7, 8, 10, 20, 21, 23, 24, 25, 27, 81, 81bis, 82. <p>International Legislation:</p> <ol style="list-style-type: none"> 4. CONVENTION ON BIOLOGICAL DIVERSITY CONGRESSIONAL DECREE 5-95

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<p>Guidance:</p> <p>All indicators will apply to current operations, but there are exceptions for long-established plantations which may not have records dating back to the time of the decision making, in particular for compliance with Indicators 2.3.1 and 2.3.2.</p> <p>Where there are legal or customary rights over land, the grower should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these should be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).</p> <p>This Criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/ or relinquished rights. Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations, and based on an open sharing of all relevant information. The representation of communities should be transparent and in open communication with other community members.</p> <p>Adequate time should be given for customary decision making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is of long-term benefit for all parties.</p> <p>Companies should be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as 'eminent domain').</p> <p>Growers and millers should refer to the RSPO approved FPIC guidance ('FPIC and the RSPO: A Guide for Companies', October 2008).</p> <p>For National Interpretation:</p> <p>Any commonly encountered situations should be identified.</p>		
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Principle 3: Commitment to long-term economic and financial viability

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 3.1. There is an implemented management plan that aims to achieve long-term economic and financial viability.		
<p>Indicators:</p> <p>3.1.1(M) A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.</p> <p>3.1.2 An annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available.</p> <p>Specific Guidance:</p> <p>For 3.1.1: The business or management plan should contain:</p> <ul style="list-style-type: none"> • Attention to quality of planting materials; • Crop projection = Fresh Fruit Bunches (FFB) yield trends; • Mill extraction rates = Oil Extraction Rate (OER) trends; • Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends; • Forecast prices; • Financial indicators. <p>Suggested calculation: trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programmes).</p> <p>Guidance:</p> <p>Whilst it is recognized that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning. There should be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers have a documented management plan for scheme smallholders (minimum 3 years) which is shared with them in appropriate languages.</p> <p>Guidance for independent smallholders:</p> <p>Guidance for group managers:</p> <p>Group managers have a documented annual business plan which shows economic benefits for the group and sets out expansion plans (see 7.1). This plan is shared with group members in an appropriate format.</p>	<p>National Legislation:</p> <p>1. POLITICAL CONSTITUTION OF THE REPUBLIC OF GUATEMALA.</p> <p>Articles: 39, 40, 41, 67, 68, 97, 118, 121, 126, 127, 128</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Consideration of smallholders should be inherent in all management planning where applicable (see also Criteria 6.10 and 6.11). For scheme smallholders the content will vary from that suggested (refer to RSPO Guidance On Scheme Smallholders, July 2009).</p> <p>Growers should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements.</p> <p>This Criterion is not applicable to independent smallholders (refer to RSPO Guidance for Independent <i>Smallholders under Group Certification</i>, June 2010)</p>		

Principle 4: Use of appropriate best practices by growers and millers

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 4.1. Operating procedures are appropriately documented, consistently implemented and monitored.		
<p>Indicators:</p> <p>4.1.1(M) Standard Operating Procedures (SOPs) for estates and mills shall be documented.</p> <p>4.1.2 A mechanism to check consistent implementation of procedures shall be in place.</p> <p>4.1.3 Records of monitoring and any actions taken shall be maintained and available, as appropriate.</p> <p>4.1.4 (M) The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB).</p> <p>Specific Guidelines:</p> <p>For 4.1.1 and 4.1.4: SOP and documentation for mills should include relevant supply chain requirements (see RSPO Supply Chain Certification Standard, Nov 2011).</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers can show how they document, monitor and manage implementation of best practices by smallholders. Scheme managers should ensure that smallholders can show evidence of compliance.</p> <p>More detailed guidance should be given in the national interpretations. Training should be provided under 4.8.</p> <p>Guidance for independent smallholders:</p> <p>Guidance for group managers:</p> <p>The Group managers can show how they document, monitor and manage the implementation of best practices by group smallholders e.g. through the internal assessment of members from Group Managers.</p>	<p>National Legislation:</p> <p>1. LAW FOR ENVIRONMENTAL PROTECTION AND IMPROVEMENT Decree 68-86 Articles: 1, 4, 5, 6, 7, 8, 10, 13, 29, 30, 31, 33.</p> <p>2. REGULATIONS ON ENVIRONMENTAL EVALUATION, CONTROL AND MONITORING. Governmental Agreement No. 431-2007 Articles: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 63-78, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95.</p> <p>3. REGULATIONS ON WASTE WATER DISCHARGE AND REUTILISATION AND SLUDGE DISPOSAL Governmental Agreement No. 236-2006</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Guidance:</p> <p>Mechanisms to check implementations could include documentation management systems and internal control procedures.</p> <p>The company, the oil palm grower or the mill must establish a management system allowing the planning, implementation and control of any operations, through a set of standardized processes and procedures in line with the best practices adopted by the industry. The following procedures must be documented:</p> <ul style="list-style-type: none"> • Agricultural activities of establishment, production and maintenance, including selection; land preparation and cultivation; nurseries; planting; maintenance; harvesting; pest and disease management; safety measures; operation of instruments and equipment; receiving and recording of complaints. • All operations at the mill. • Quality control of the outputs. • Management and maintenance of infrastructure and transport logistics. • Management of plantations and the mill. • Adequate and responsible disposal of effluents and waste from the plantations and the mill. • Marketing and customer management. • Timely tracking, monitoring and measuring of processes and products at key stages. <p>Operations must be reviewed or monitored at least yearly. Records of the origin of all FFB from external sources must be available.</p> <p>There must be a method in place for monitoring and verifying the implementation of the established procedures and</p>	<p>Group Manager can show that awareness raising took place to address the non-compliant smallholders and these smallholders were included in the continuous improvement plan. Three years will be given for smallholders to comply with this nonconformance. More detailed guidance should be given in the national interpretations. Training should be provided under 4.8.</p>	<p>Articles: 2, 5, 6, 7, 10, 12, 13, 14, 15, 18, 52, 55, 56, 57, 58, 59, 60, 61, 63.</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>learning about its traceability (internal or external audits can be performed as appropriate). Systems or procedures must be in place for the receipt, distribution, analysis, filing and archiving of records related to the monitoring and improvement activities undertaken.</p> <p>Plans must be developed for training in the understanding and use of procedures. The Operating Procedures must be available at the workplace. The Operating Procedures shall be reviewed at least every 2 years or after any changes to processes.</p> <p>Operating Procedures for the identification, management, updating, monitoring and legal compliance with current local and national regulations related, but not limited to environmental, occupational health and safety and labour aspects.</p> <p>The review of procedures concerning the certification of current best practices is encouraged. For smallholders, production practices must be adopted in accordance to their scale and supported by their respective association schemes, mills or external advisors.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 4.2. Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.		
<p>Indicators:</p> <p>4.2.1 There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield, where possible.</p> <p>4.2.2 Records of fertilizer inputs shall be maintained.</p> <p>4.2.3 There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers can show that lands prepared for smallholdings have been chosen so as to maintain soil fertility, that they have carried out trainings with scheme smallholders to explain best practices (see 4.8) and that they can monitor and verify effective implementation.</p> <p>Guidance for independent smallholders:</p>	<p>National Legislation:</p> <p>1. FOREST LAW Decree 70-89 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>2. REGULATION OF THE FOREST LAW Resolution 01.43.2005</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>4.2.4 A nutrient recycling strategy shall be in place, and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting.</p> <p>Guidance: Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for by-products or energy production.</p> <p>The monitoring of soil quality is fundamental. All analyses must be performed by certified laboratories and must include at least:</p> <ul style="list-style-type: none"> • Soil nutrient levels indicators • Precipitation records • Data about analyses of leaves and soil • Use of agroindustrial processing by-products for crop nutrition • Fertiliser dosage per hectare • Annual fruit production and oil extraction per ha and year • Integrated and rational management of chemical fertilizers to prevent soil sealing. <p>The frequency of the analyses should be in accordance with the fertilization plan.</p> <p>Note: A Guide on Best Agricultural Practices for the Palm Sector will be developed by GREPALMA in 2014 and this will be the reference document to use once available.</p>	<p>Guidance for group managers:</p> <p>Group managers can show that they have carried out trainings with group smallholders to explain best practices to maintain soil fertility (see 4.8) and monitor effective implementation</p>	<p>Articles: 2, 12, 13, 14, 36.</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 4.3. Practices minimize and control erosion and degradation of soils.		
<p>Indicators:</p> <p>4.3.1(M) Maps of any fragile soils shall be available.</p> <p>4.3.2 A management strategy shall be in place for plantings on slopes above a certain limit (this needs to be soil and climate specific).</p> <p>4.3.3 A road maintenance programme shall be in place.</p> <p>4.3.4(M) Subsidence of peat soils shall be minimized and monitored. A documented water and ground cover management programme shall be in place.</p> <p>4.3.5 Drainability assessments shall be required prior to replanting on peat to determine the long-term viability of the necessary drainage for oil palm growing.</p> <p>4.3.6 A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils).</p> <p>Specific Guidelines:</p> <p>For 4.3.4:</p> <p>Comments for public consultation: The Technical Committee agrees that no peat soils exist in Guatemala, and therefore proposes to delete from the specific guidelines the content related to peat soil management. We would like to receive feedback about this.</p> <p><i>Para 4.3.4: Para las siembras existentes en suelos de turba, la capa freática debería mantenerse en una media de 50 cm (en un rango de 40-60cm) por debajo de la superficie del suelo medida con piezómetros de aguas subterráneas, o en un promedio de 60 cm (entre 50-70 cm) por debajo</i></p>	<p>Guidance for scheme managers:</p> <p>Scheme managers can show that lands prepared for smallholdings have been chosen so as to minimize and control erosion and soil degradation in accordance with the indicators</p> <p>Guidance for group managers:</p> <p>Group managers can show that they have carried out trainings with group smallholders to explain best practices to minimize and control the erosion and degradation (see 4.8) and monitor and verify effective implementation. National interpretations shall contain details on peat depth.</p>	<p>National Legislation:</p> <p>1- FOREST LAW Decree 70-89 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>4. REGULATION OF THE FOREST LAW Resolution 01.43.2005 Articles: 2, 12, 13, 14, 36.</p> <p>Chapter II, Land Use. Items 1, 2, 3, 4, 5, 6, 7 and 8. 3 Forest Land Use Capability Methodology.</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>de la superficie del suelo medida por colección en drenes de agua, mediante una red de estructuras apropiadas para el control de agua, como por ejemplo presas, sacos de arena, y otros en campos y esclusas en el punto de descarga de los drenes principales (ver Criterios 4.4 y 7.4).</p> <p>Para 4.3.5 Donde las evaluaciones de drenaje, han identificado áreas no aptas para la resiembra de la palma de aceite, deberían contarse con planes para la rehabilitación o el uso alternativo de estas áreas. Si la evaluación indica alto riesgo de inundaciones graves y/o la intrusión de agua salada entre los dos ciclos del cultivo, los cultivadores y productores deberían considerar dejar la resiembra e implementar rehabilitación.</p> <p>Guías:</p> <p>Plantaciones en turbera deberían ser manejadas al menos con la norma establecida en el “Manual de la RSPO sobre las Mejores Prácticas de Manejo (BMPs por sus siglas en inglés) para el cultivo de palma existente en turberas”, Junio del 2012 (Especialmente donde se refiere a la gestión de agua, a evitar quemas al uso de fertilizantes, subsidencia y cubierta vegetal).</p> <p>Las técnicas que minimizan la erosión del suelo son bien conocidas y deberían ser adoptadas cuando sea apropiado. Esto debería de incluir tales prácticas como el manejo de coberturas de suelo, el reciclaje de biomasa, las terrazas y la regeneración o restauración natural en lugar de resiembras</p>		

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Additional Guidance</p> <p>Used practices minimize and control soil erosion and degradation.</p> <p>Performance of the Standard: Maximum slope admissible for planting should be 25 degrees. Recognized techniques to minimize soil erosion will be implemented whenever required. These techniques include: Soil cover management:</p> <ul style="list-style-type: none"> • Carry out soil surveys to assess soil condition. • Establish agricultural practices: to minimize soil erosion, minimize soil compaction and ensure a continuous green cover of mulch, legumes or other species; leading to better plantation layouts that allow a productivity increase per hectare. • Whenever possible, no plantations are developed on land with a slope above 12 degrees. • Layouts that allow palms planted in rows perpendicular to the slope, thus reducing both the run-off water speed and soil erosion potential. • Minimum or zero tillage to avoid inversion of soil horizons and therefore preventing fine loose soil particles susceptible to erosion. • Establishment of cover plants to protect drain and canal embankments (soil retention and prevention of soil loss by runoff within plantations). • Adequate establishment of cover plants (no cultivation on bare soil); use of a cover of legumes to slow down the rain water run-off, recycle soil nutrients and prevent soil water evaporation in summertime and soil erosion • Accelerating the establishment of a vegetation cover immediately after land preparation work for new plantations 		

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<ul style="list-style-type: none"> Maximize the reuse-recycling of biomass Building conservation terraces in plantations with slopes steeper than 12 degrees Encouraging natural restoration and regeneration of natural vegetation to prevent unprotected soils. Adequate irrigation management systems. Adequate management of water resources. Appropriate road design and ongoing maintenance Minimizing the use of heavy machinery. Identification and management of degraded soils. Diverting water run-off from field roads to the terraces. Building retention walls to hold water inside the terraces. Maintaining and restoring riparian areas in order to minimize waterways and riverbanks erosion. Strict compliance with the protection of riverbanks, buffer zones and drainage systems within plantations. <p>The "Map of the Soils of Guatemala" developed by INAP (National Institute of Public Administration) provides an official classification of Guatemalan soils.</p> <p>Smallholders must prove that they understand, and implement, adequate management techniques.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 4.4. Practices maintain the quality and availability of surface and ground water		
<p>Indicators:</p> <p>4.4.1 An implemented water management plan shall be in place.</p> <p>4.4.2(M) Protection of water courses and wetlands, including maintaining and restoring appropriate riparian</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers can show they have chosen and prepared lands allocated for smallholdings so as to maintain the quality and availability of surface and ground water, have carried out trainings with scheme smallholders to explain best practices (and see 4.8) and can monitor,</p>	<p>National Legislation</p> <p>1. REGULATIONS ON WASTE WATER DISCHARGE AND REUTILISATION AND SLUDGE DISPOSAL Governmental Agreement No. 236-2006 Articles: 2, 5, 6, 7, 10, 12, 13, 14, 15, 18, 52, 55, 56, 57, 58, 59, 60, 61, 63.</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>and other buffer zones (refer to national best practice and national guidelines) shall be demonstrated.</p> <p>4.4.3 Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations (Criteria 2.1 and 5.6)</p> <p>4.4.4 Mill water use per tonne of Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored.</p> <p>Specific Guidance:</p> <p>For 4.4.1: The water management plan will:</p> <ul style="list-style-type: none"> • Take account of the efficiency of use and renewability of sources; • Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users; • Aim to ensure local communities, workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes; • Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME). <p>For 4.4.2: Refer to the 'RSPO Manual On Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat', July 2012.</p> <p>Guidance:</p> <p>Growers and millers should address the effects of their use of water and the effects of their activities on local water resources.</p>	<p>manage and verify effective implementation by smallholders. Scheme managers should provide information and training about appropriate technology and efficient water management practices to minimize water loss and improve efficiency of use. Scheme managers should ensure that smallholders can show evidence of compliance. More detailed guidance should be given in the national interpretations.</p> <p>Guidance for group managers:</p> <p>Group Managers shall ensure that group members are maintaining riparian buffer zones and not contributing to water quality degradation. This is monitored and overseen by the Group Manager. Where existing smallholdings are already established in riparian buffer zones these areas should be restored with natural vegetation at replanting.</p>	<p>2. FOREST LAW Decree 70-89 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>3. REGULATION OF THE FOREST LAW Resolution 01.43.2005 Articles: 2, 12, 13, 14, 36.</p> <p>4. Manual of Technical Guidelines for Forest Management</p> <p>4-5. REGULATORY LAW ON IMPORTATION, PRODUCTION, STORAGE, TRANSPORTATION, SALE AND UTILISATION OF PESTICIDES Decree 43-74 Articles: 1, 2.</p> <p>5-6. APPROVED ENVIRONMENTAL ASSESSMENT TOOLS.</p> <p>International Legislation</p> <p>6-7. STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS. <i>Stockholm, Sweden, 22nd May 2001</i></p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>For National Interpretation:</p> <p>National Interpretation will refer to national guidelines or best practice and where appropriate include performance thresholds for requirements such as the size and location and methods of restoration of riparian strips or acceptable maximum run-off levels.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 4.5. Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.</p>		
<p>Indicators:</p> <p>4.5.1(M) Implementation of Integrated Pest Management (IPM) plans shall be monitored.</p> <p>4.5.2 Training of those involved in IPM implementation shall be demonstrated.</p> <p>Guidance:</p> <p>Growers should apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimize the use of chemicals.</p> <p>Native species should be used in biological control where possible by monitoring and assessing their effects on surrounding areas.</p> <p>Establish a documented and updated IPM plan</p> <p>The IPM monitoring system includes documented training</p> <p>Those responsible for the development and coordination of, and support to, IPM plans should have the relevant qualifications including: "Adequate" training</p> <p>Recommended techniques:</p> <ul style="list-style-type: none"> Continuous training of staff in the identification of crop pests and diseases. 	<p>Guidance for scheme managers:</p> <p>Scheme managers should provide regular training to scheme smallholders in IPM techniques (incorporating cultural, biological, mechanical or physical methods – see 4.8) to minimize use of chemicals and provide appropriate assistance for application.</p> <p>Scheme managers should manage implementation of best practices by smallholders and ensure that smallholders can show evidence of compliance where good quality inputs are available at affordable prices in local markets. More detailed guidance should be given in the national interpretations.</p> <p>Guidance for independent smallholders</p> <p>Group managers should provide regular training to group smallholders in IPM techniques incorporating cultural, biological, mechanical or physical methods – see 4.8) to minimize use of chemicals and provide appropriate assistance for application. More detailed guidance should be given in the national interpretations.</p>	<p>National Legislation</p> <ol style="list-style-type: none"> 1. PLANT PROTECTION AND ANIMAL HEALTH LAW Decree 101-96 Articles: 1, 2, 9, 16, 17, 18, 19, 38, 39, 40. 2. REGULATION OF THE PLANT PROTECTION AND ANIMAL HEALTH LAW Governmental Agreement No. 745-99 Articles; 14, 15, 16, 17, 22, 24, 39, 40, 50, 51, 54, 82, 83, 84, 85, 86. 3. REGULATORY LAW ON IMPORTATION, PRODUCTION, STORAGE, TRANSPORTATION, SALE AND UTILISATION OF PESTICIDES Decree 43-74 Articles: 1, 2. 4. REGULATIONS ON THE REGISTRATION, MARKETING, USE AND CONTROL OF AGRICULTURAL PESTICIDES AND RELATED SUBSTANCES. Governmental Agreement 377-90 Articles: 1, 2, 84, 85, 86, 87, 88, 89, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101-146.

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<ul style="list-style-type: none"> • Inspections by a "Pest Outbreak Detection" itinerant pest unit. • Identification of the type, status, density and location of pests and diseases to define the best management tools available in IPM. • Curve generation of pest population dynamics. • Planting and reproduction of wild plant companions of the crop, to integrate their natural biological control as an ecological service to the crop. • Pest control using entomopathogenic organisms in foci and small pest populations. • Pest outbreak assessment and monitoring. • Environmentally safe handling of agrochemicals by using listed products with the lowest possible environmental impact, caused either by its active ingredient (AI) or the way they are applied in the field, so they do not contribute to a reduction of the biological control resources available in the plantation (parasitoids and insect pest predators). <p>The disposal of agrochemical containers should be appropriate to their degree of toxicity, in accordance to the regulations of the WHO and the Guatemalan ministries of agriculture and environment (MAG & MARN), as well as recommendations from AGREQUIMA (agrochemical sector association).</p>		<p>5. HEALTH CODE Decree No. 90-97 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p>

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 4.6. Pesticides are used in ways that do not endanger health or the environment.		
<p>Indicators:</p> <p>4.6.1(M) Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available.</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers will provide regular training to group smallholders on agrochemical use (see 4.8), especially on how:</p> <ul style="list-style-type: none"> • Chemicals should only be applied in accordance with the product label. 	<p>National Legislation</p> <p>1. REGULATORY LAW ON IMPORTATION, PRODUCTION, STORAGE, TRANSPORTATION, SALE AND UTILISATION OF PESTICIDES Decree No. 43-74.</p>

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<p>4.6.2(M) Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided.</p> <p>4.6.3(M) Any use of pesticides shall be minimized as part of a plan, and in accordance with Integrated Pest Management (IPM) plans. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines.</p> <p>4.6.4 Pesticides that are categorized as World Health Organization Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, except in specific situations identified in national Best Practice guidelines. The use of such pesticides shall be minimized and eliminated as part of a plan, and shall only be used in exceptional circumstances.</p> <p>4.6.5(M) Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion 4.7).</p> <p>4.6.6(M) Storage of all pesticides shall be according to recognized best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see criterion 5.3).</p> <p>4.6.7 Application of pesticides shall be by proven methods that minimize risk and impacts.</p> <p>4.6.8(M) Pesticides shall be applied aerially only where there is documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.</p>	<ul style="list-style-type: none"> • Appropriate safety equipment can be acquired and used. • All precautions attached to the products should be properly observed, applied, and understood. • Chemicals should be securely and safely stored. And chemical containers should be properly disposed of and not used for other purposes (and see criterion 5.3). • Pesticides should be applied by proven methods that minimize risk and impacts. • Proper disposal of waste material, according to procedures that are fully understood (also see criterion 5.3 on waste disposal). <p>Scheme managers records will also show:</p> <ul style="list-style-type: none"> • Justification of all chemical use • List of all agrochemicals used • Records of pesticides supplied to smallholders. • Documentary evidence that use of chemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat is reduced and/or eliminated. • Evidence of CPO residue testing, as required by the supply chain. • Annual health screening for all smallholders using or handling agrochemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. • No chemical spraying by pregnant women or children. 	<p>Articles; 1 & 2</p> <p>2. REGULATIONS ON THE REGISTRATION, MARKETING, USE AND CONTROL OF AGRICULTURAL PESTICIDES AND RELATED SUBSTANCES Governmental Agreement 377-90. Articles: 1, 2, 84, 85, 86, 87, 88, 89, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101-146</p> <p>3. PLANT PROTECTION AND ANIMAL HEALTH LAW CHAPTER V Decree 36-98 Articles: 1, 2, 9, 16, 17, 18, 19, 37, 37, 38, 39, 40</p> <p>4. REGULATION OF THE PLANT PROTECTION AND ANIMAL HEALTH LAW Governmental Agreement No. 745-99 Articles: 14, 15, 16, 17, 22, 24, 39, 40, 50, 51, 54, 82, 83, 84, 85, 86</p> <p>International Legislation</p> <p>5. STOCKHOLM CONVENTION</p> <p>6. ROTTERDAM CONVENTION</p>

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<p>4.6.9 Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated, including provision of appropriate information materials (see Criterion 4.8).</p> <p>4.6.10 Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3).</p> <p>4.6.11(M) Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.</p> <p>4.6.12(M) No work with pesticides shall be undertaken by pregnant or breast-feeding women</p> <p>Specific Guidance:</p> <p>For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification should consider less harmful alternatives and IPM.</p> <p>For 4.6.3: Justification of the use of such pesticides will be included in the public summary report.</p> <p>For 4.6.6: Recognized best practice includes: Storage of all pesticides as prescribed in the FAO International Code of Conduct on the distribution and use of pesticides and its guidelines, and supplemented by relevant industry guidelines in support of the International Code (see Annex 1).</p> <p>Guidance:</p> <p>The RSPO has identified some examples of alternatives to pesticide use, which include those listed in the 'Research project on Integrated Weed Management Strategies for Oil Palm; CABI, April 2011'. Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent smallholders (refer to</p>	<p>Note: RSPO will identify safe and cost effective alternatives to replace chemicals that are categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. Results will be collated and reported by November 2007.</p> <p>Guidance for group managers:</p> <p>Group managers will provide regular training to group smallholders on agrochemical use (see 4.8), especially on how:</p> <ul style="list-style-type: none"> • Chemicals should only be applied in accordance with the product label. • Appropriate safety equipment can be acquired and used. • All precautions attached to the products should be properly observed, applied, and understood the dangers of use of chemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. • Chemicals should be securely and safely stored and how all chemical containers should be properly disposed of and not used for other purposes (and see criterion 5.3). • Pesticides should be applied by proven methods that minimize risk and impacts. • Proper disposal of waste material, according to procedures that are fully understood (also see criterion 5.3 on waste disposal). <p>Group managers records will also show:</p> <ul style="list-style-type: none"> • List of all agrochemicals used by group members • Documentary evidence that use of chemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or 	

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<p>'Guidance for Independent Smallholders under Group Certification', June 2010).</p> <p>For National Interpretation:</p> <p>National Interpretation will consider: statutory requirements concerning pesticide use, lists of legally prohibited pesticides, pesticide residues that should be tested for and the appropriate levels of residues, and best management practices for pesticide use or sources of information on these.</p> <p>National Interpretation will develop best practice guidelines on the exceptional circumstances that would allow the use of pesticides categorized as World Health Organization Class 1A or 1B, or those listed by the Stockholm or Rotterdam Conventions, and paraquat as well as how they will be used in ways that do not endanger health or the environment.</p>	<p>Rotterdam Conventions, and paraquat is reduced and/or eliminated and alternatives identified where possible by the group manager in accordance with the dangers identified of these chemicals.</p> <ul style="list-style-type: none"> They have assessed options for regular health screening for all group smallholders and workers they employ (if any) using or handling agrochemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat and encouraged smallholders to have such screening where accessible facilities exist. <p>Note: RSPO will identify safe and cost effective alternatives to replace chemicals that are categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. Results will be collated and reported by November 2007.</p>	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 4.7 An occupational health and safety plan is documented, effectively communicated and implemented.</p>		
<p>Indicators:</p> <p>The health and safety plan shall cover the following:</p> <p>4.7.1 (M) A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored.</p> <p>4.7.2 (M) All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers.</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers have a health and safety plan for scheme smallholders and their families which is managed, implemented and monitored. There are records of regular meetings between the responsible person and smallholders where concerns about health, safety and welfare are discussed. Accident and emergency procedures should exist and instructions should be clearly explained to all smallholders (and see 4.8) and provided in written form to all smallholders in appropriate languages. Scheme managers should</p>	<p>National Legislation</p> <p>1. GENERAL REGULATIONS ON HEALTH AND SAFETY AT THE WORKPLACE. Decree No. 109-96 Articles: All</p> <p>2. REGULATION OF THE NATIONAL COORDINATING AGENCY FOR THE REDUCTION OF NATURAL OR MAN-MADE DISASTERS Governmental Agreement No. 49-2012</p>

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<p>4.7.3 (M) All workers involved in the operation shall be adequately trained in safe working practices (see Criterion 4.8). Adequate and appropriate protective equipment shall be available to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, and land preparation, harvesting and, if it is used, burning.</p> <p>4.7.4 (M) The responsible person/persons shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded.</p> <p>4.7.5 Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both field and other operations, and first aid equipment shall be available at worksites. Records of all accidents shall be kept and periodically reviewed.</p> <p>4.7.6 All workers shall be provided with medical care, and covered by accident insurance.</p> <p>4.7.7 Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics.</p> <p>Specific Guidance</p> <p>For 4.7.7: The National Interpretation will define the metrics for LTA. For countries where there are no national interpretations, the growers will determine their own metrics.</p> <p>Guidance:</p> <p>Growers and millers should ensure that the workplace, machinery, equipment, transport and processes under their control are safe and without undue risk to health.</p>	<p>ensure that smallholders understand and implement health and safety procedures. More detailed guidance should be given in the national interpretations.</p> <p>Guidance for group managers:</p> <p>The Group Manager will identify the risk related to the group smallholdings and will address them in awareness training for the smallholders (and see 4.8). Major risks only will be addressed through emergency procedures. More detailed guidance should be given in the national interpretations.</p>	<p>Articles: 2, 4, 20, 21.</p> <p>3. REGULATION OF THE NATIONAL COORDINATING AGENCY FOR THE REDUCTION OF NATURAL OR MAN-MADE DISASTERS</p> <p>Governmental Agreement No. 49-2012</p> <p>Articles: 3, 8, 86, 87.</p> <p>4. STANDARD FOR DISASTER REDUCTION ONE (NRD-1) Structural Requirements for Critical, Essential and Important Building Works</p> <p>Articles: 1, 4, 5.</p> <p>5. STANDARD FOR DISASTER REDUCTION TWO (NRD-2), Minimum Safety Standards in Public Buildings and Facilities</p> <p>Articles: 3, 4, 6, 7, 9, 11, 12,13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 27, 28, 29, 30, 32.</p> <p>6. STANDARD FOR DISASTER REDUCTION THREE (NRD-3) Technical Specifications for Construction Materials</p> <p>Articles: 1, 2,3, 4, 5, 6.</p> <p>7. HEALTH CODE Decree 90-97 / Chapter IV, Section I</p> <p>Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>8. REGULATIONS ON THE ENJOYMENT OF NURSING TIME Governmental Agreement No. 359-91</p> <p>All</p> <p>9. REGULATORY STANDARDS FOR THE IMPLEMENTATION OF CONVENTION 161 OF THE INTERNATIONAL LABOUR ORGANIZATION ON OCCUPATIONAL HEALTH SERVICES</p>

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<p>Growers and millers should ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken. All indicators apply to all workers regardless of status.</p> <p>The health and safety plan should also reflect guidance in ILO Convention 184 (see Annex 1).</p> <p>The Health and Safety plan should be available in work areas.</p> <p>Develop management programmes for industrial safety at work.</p> <p>Growers or processors should ensure that all chemical, biological or physical substances and the various agents under their control are properly used and measures are taken to minimise minimize any potential impact on human health.</p> <p>Documented training programme in place for all workers in matters of accident prevention, safe working practices, industrial safety at work and first aid in both agricultural or industrial activities at the mill.</p> <p>Supply, as necessary, adequate clothing and personal protective equipment designed to prevent accidents and occupational risks</p> <p>First aid kits and equipment must be available at the working sites.</p> <p>A safe and healthy workplace must be provided for all workers regardless of whether they are staff or subcontractors.</p> <p>The company will provide workers with a safe and healthy work environment, by taking into account the inherent risks in this particular sector and the specific risk categories in the work areas, including physical, chemical and biological hazards. For this reason, any risk assessments developed by the relevant national authorities and/or the industry or guild associations must be taken into account.</p>		

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<p>Companies can take into account any Occupational Health Manuals available for the palm oil agroindustry, or refer to the guidelines of any national agency on social security. The company will research and implement strategies to ensure the health and safety of its employees.</p> <p>Individual smallholders need to protect themselves and their workers from risks of occupational health and industrial safety at work, according to all applicable national regulations.</p> <p>The Plan for Occupational Health and Industrial Safety at work of the organization must comply with the provisions of the Guatemalan Labour Code, which in its Title V deals with health and safety at the workplace, in its only chapter: Health and safety at the workplace.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 4.8. All staff, workers, smallholders and contract workers are appropriately trained.		
<p>Indicators:</p> <p>4.8.1 (M) A formal training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme.</p> <p>4.8.2 Records of training for each employee shall be maintained.</p> <p>Guide:</p> <p>Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimize exposure to workers and their</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers provide a formal training and awareness raising programme that includes regular assessment of training needs and documentation of the programme and records the training provided to each scheme smallholder. This training includes how to fulfil their tasks and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO principles, criteria and guidance for smallholders. Training and awareness raising may also be provided through extension services and through smallholders'</p> <p>Guidance for group managers:</p>	<p>National Legislation:</p> <p>International Legislation:</p>

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<p>families; and international and national instruments or regulations that protect workers' health.</p> <p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organization. Training should be given to all staff and workers by growers and millers to enable them to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>Contract workers should be selected for their ability to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO Principles, Criteria, Indicators and Guidance.</p> <p>Growers and millers should demonstrate training activities for schemes smallholders who provide Fresh Fruit Bunches (FFB) on a contracted basis.</p> <p>Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of growers or millers that purchase fruit from them, by smallholders' organizations, or through collaboration with other institutions and organizations (refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009)</p> <p>For individual smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing (refer to 'Guidance for Independent</p>	<p>Group managers should raise awareness on relevant issues and identify training needs and provided to smallholders where needed. Areas for assessment of training include:</p> <ul style="list-style-type: none"> • The functioning of groups and the responsibilities of group members • The relevance of the RSPO standard • Legal compliance (see 2.1). • Operating procedures (see 4.1) • Soil and water management (see 4.2, 4.3 & 4.4) • Integrated Pest Management (see 4.5) • Agrochemical use (see 4.6) • Occupational Health and Safety (see 4.7) • Use of fire and relevant regulations (see 5.5) 	

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<p>Smallholders under Group Certification’, June 2010, and ‘Guidance on Scheme Smallholders’, July 2009)</p> <p>The company shall identify the mechanisms/procedures to minimize exposure to workers and their families.</p> <p>Companies shall follow legal/technical national guidelines and regulations to protect the worker’s health.</p> <p>Develop a training policy</p> <p>Develop and implement a training programme to include: objectives, goals, training schedule, assessment and records of implementation of the programme.</p> <p>The training programme will be reviewed and updated annually to ensure the incorporation of new activities, as well as the use and handling of new protective equipment and/or new safety measures.</p> <p>The training and the topics to be delivered will be in accordance with the nature of the work and will use different theoretical and practical methodologies in line with the different learning abilities of employees and smallholders. Conduct a training needs assesement.</p> <p>Training topics will include at least:</p> <ul style="list-style-type: none"> • Company policies and regulations • Agroindustrial processing for oil palm production • Integrated Crop Management • Good agricultural practices • Waste Management • RSPO Principles & Criteria • Importance of ecosystems protection and conservation • Importance of the rational use of water resources • Importance of soil conservation and management • Safe handling of pesticides • Good practices for hygiene, occupational health and industrial safety at work. 		

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Principle 5: Environmental responsibility and conservation of natural resources and biodiversity

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 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.		
<p>Indicators:</p> <p>5.1.1(M) An environmental impact assessment (EIA) shall be documented.</p> <p>5.1.2 Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a comprehensive management plan. The management plan shall identify the responsible person/persons.</p> <p>5.1.3 This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.</p> <p>Guidance: The EIA should cover the following activities, where they are undertaken:</p> <ul style="list-style-type: none"> • Building new roads, processing mills or other infrastructure; • Putting in drainage or irrigation systems; • Replanting and/or expansion of planting areas; • Management of mill effluents (Criterion 4.4); 	<p>Guidance for scheme managers:</p> <p>Scheme managers must undertake and document an impact assessment, developed with the participation of smallholders, that includes all the scheme smallholdings and sets out appropriate management planning and operational procedures for each impact identified which requires changes in current practice. They have a timetable for the implementation of required actions, which are monitored to demonstrate continuous improvement. Impact assessments will include consideration of:</p> <ul style="list-style-type: none"> • Building and maintenance of roads to service smallholdings and provide access to mills • Putting in drainage or irrigation systems. • Replanting or expansion of smallholdings. • Clearing of remaining natural vegetation and the need to avoid the use of fire (see 5.5). <p>Guidance for group managers:</p> <p>Group managers must undertake and document an impact assessment, developed with the participation of smallholders and local communities, that includes all the group</p>	<p>National Legislation</p> <p>1. LAW FOR ENVIRONMENTAL PROTECTION AND IMPROVEMENT Decree 68-86 Articles: 1, 4, 5, 6, 7, 8, 10, 13, 29, 30, 31, 33.</p> <p>2. REGULATIONS ON ENVIRONMENTAL EVALUATION, CONTROL AND MONITORING Governmental Agreement No. 431-2007 Articles: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 63, 64, 65, 66, 67, 68, 72, 73, 74, 75, 76, 77, 78, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95.</p> <p>3. REFORM TO THE GOVERNMENTAL AGREEMENT NO. 431-2007 DATED 17 SEPTEMBER 2007, REGULATIONS ON ENVIRONMENTAL EVALUATION, CONTROL AND MONITORING, Governmental Agreement No. 173-2010</p> <p>4. COMMITMENTS TO ENVIRONMENTAL POLICY INSTRUMENTS.</p>

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<ul style="list-style-type: none"> Clearing of remaining natural vegetation; Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7). <p>Impact assessment can be a non-restrictive format e.g. ISO 14001 EMS and/or EIA report incorporating elements spelt out in this Criterion and raised through stakeholder consultation.</p> <p>Environmental impacts should be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and people's amenity (Criterion 6.1), both on and off-site.</p> <p>Stakeholder consultation has a key role in identifying environmental impacts. The inclusion of consultation should result in improved processes to identify impacts and to develop any required mitigation measures.</p> <p>For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results (refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009).</p> <p>For National Interpretation:</p> <p>National Interpretation will consider any national legal requirements together with any other issues that are not required by law but are nevertheless important, e.g. independent social and environmental impact assessment (SEIA) for replanting may be desirable under specific situations.</p>	<p>smallholdings and sets out appropriate actions to address each impact identified when:</p> <ul style="list-style-type: none"> Replanting or expanding smallholdings. Clearing remaining natural vegetation and given the need to avoid the use of fire (see 5.5). 	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 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.</p>		
Indicators:	Guidance for scheme managers:	National Legislation:

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<p>5.2.1(M) Information shall be collated in a High Conservation Value (HCV) assessment that includes both the planted area itself and relevant wider landscape-level considerations (such as wildlife corridors).</p> <p>5.2.2(M) Where rare, threatened or endangered (RTE) species, or HCVs, are present or are affected by plantation or mill operations, appropriate measures that are expected to maintain and/or enhance them shall be implemented through a management plan.</p> <p>5.2.3 There shall be a programme to regularly educate the workforce about the status of these RTE species, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species.</p> <p>5.2.4 Where a management plan has been created there shall be ongoing monitoring:</p> <ul style="list-style-type: none"> The status of HCV and RTE species that are affected by plantation or mill operations shall be documented and reported; Outcomes of monitoring shall be fed back into the management plan. <p>5.2.5 Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these rights.</p> <p>Specific Guidance:</p> <p>For 5.2.1: This information will cover:</p> <ul style="list-style-type: none"> Presence of protected areas that could be significantly affected by the grower or miller; Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered (RTE) species that could be significantly affected by the grower or miller; 	<p>Scheme managers will compile Information about the status of these aspects for scheme smallholdings, as well as the associated mill and directly managed estate (if any). This information should be provided to scheme smallholders and should cover:</p> <ul style="list-style-type: none"> Presence of protected areas that could be significantly affected by smallholdings. Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by the smallholdings. Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the smallholdings. <p>If rare, threatened or endangered species, or high conservation value habitats, are present, appropriate measures for management planning and operations will include:</p> <ul style="list-style-type: none"> Ensuring that any legal requirements relating to the protection of the species or habitat are met. Avoiding damage to and deterioration of applicable habitats. Controlling any illegal or inappropriate hunting, fishing or collecting activities; and developing responsible measures to resolve human-wildlife conflicts (e.g., incursions by elephants). <p>Guidance for independent smallholders:</p> <p>Group managers will compile Information about the status of critical aspects as listed in National Interpretations within the area of group</p>	<p>1. LAW ON PROTECTED AREAS Decree No. 4-89 Articles: 7, 8, 10, 20, 21, 23, 24, 25, 27, 81, 81bis, 82.</p> <p>2. REGULATION OF THE LAW ON PROTECTED AREAS Governmental Agreement No. 759-90 Articles: 10, 24, 25, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.</p> <p>3. LIST OF THREATENED WILDLIFE SPECIES OF GUATEMALA National Council for Protected Areas, Technical Paper 67 (02-2009) All</p> <p>International Legislation:</p> <p>4. ADOPTION OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA - CITES Decree No. 63-79</p> <p>5. ADOPTION OF THE CONVENTION ON BIOLOGICAL DIVERSITY Decree 5-95</p>

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<ul style="list-style-type: none"> • Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller; <p>For 5.2.2: These measures will include:</p> <ul style="list-style-type: none"> • Ensuring that any legal requirements relating to the protection of the species or habitat are met; • Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created; • Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants). <p>For 5.2.5: If a negotiated agreement cannot be reached, there should be evidence of sustained efforts to achieve such an agreement. These could include third party arbitration (see Criteria 2.3, 6.3 and 6.4).</p> <p>Guidance: This information gathering should include checking available biological records and consultation with relevant government departments, research institutes and interested NGOs if appropriate. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required. Wherever HCV benefits can be realized outside of the management unit, collaboration and cooperation between other growers, governments and organizations should be considered.</p> <p>For National Interpretation: Appropriate sources of information can include government or international lists of threatened species (red data lists), national wildlife protection legislation,</p>	<p>smallholdings. This information should be provided to scheme smallholders and should cover:</p> <ul style="list-style-type: none"> • Presence of protected areas that could be significantly affected by smallholdings. • Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by the smallholdings. • Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the smallholdings. • If rare, threatened or endangered species, or high conservation value habitats, are present, the appropriate measures must be adopted by the management according to the national interpretation and the corresponding laws. 	

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<p>authorities responsible for protected areas and species, or relevant NGOs</p> <p>Note:</p> <p>Operators need to consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures, in other cases co-management options can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained or enhanced by the companies or State agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3).</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 5.3. Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner		
<p>Indicators:</p> <p>5.3.1 (M) All waste products and sources of pollution shall be identified and documented.</p> <p>5.3.2 (M) All chemicals and their containers shall be disposed of responsibly.</p> <p>5.3.3 A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented.</p> <p>Guidance:</p> <p>The waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> Identifying and monitoring sources of waste and pollution. 	<p>Guidance for scheme managers:</p> <p>Scheme managers must develop and implement a plan for the management and disposal of waste from smallholdings include the safe disposal of pesticide containers. This waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> Identifying and monitoring sources of waste and pollution from smallholdings and the mills which process their FFB. Improving the efficiency of resource utilization and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes). 	<p>National Legislation:</p> <p>1. HEALTH CODE Decree 90-97 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>2. REGULATIONS ON THE MANAGEMENT OF SOLID WASTE FROM HOSPITALS. Governmental Agreement 509-2001 Articles: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31, 41, 42, 43</p>

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<ul style="list-style-type: none"> Improving the efficiency of resource utilization and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes). Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to. Use of open fire for waste disposal should be avoided. <p>For National Interpretation: National Interpretation (or an RSPO recognised parallel means) should include, as appropriate: details of relevant national laws or policies, a list of waste types (hazardous, non-hazardous, domestic, etc.) which must be considered, any types of disposal which are not acceptable (e.g. untreated waste water may not be discharged directly into streams or rivers (see Criterion 4.4), existing best practice guidelines on recycling and re-use of nutrients, managing effluent ponds, increasing mill extraction efficiency and appropriate disposal of wastes.</p>	<ul style="list-style-type: none"> Appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of such that there is no risk of contamination of water sources or to human health. The disposal instructions on manufacturer's labels should be adhered to. <p>Guidance for group managers: Group Managers shall ensure that group members are made aware of the need to identify all waste and dispose of it in a responsible manner. This is monitored and overseen by the Group Manager. There should be appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of such that there is no risk of contamination of water sources or to human health. The disposal instructions on manufacturer's labels should be adhered to.</p>	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 5.4. Efficiency of fossil fuel use and the use of renewable energy is optimized.		
<p>Indicators:</p>	<p>Guidance for scheme managers: Scheme managers should develop provisions for improving the efficiency of energy use by scheme smallholders. This provision may not apply to</p>	<p>National Legislation: 1. LAW OF INCENTIVES FOR THE DEVELOPMENT OF RENEWABLE ENERGY PROJECTS.</p>

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<p>5.4.1 A plan for improving efficiency of the use of fossil fuels and to optimize renewable energy shall be in place and monitored.</p> <p>Guidance:</p> <ul style="list-style-type: none"> Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill should be monitored. Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) should be monitored Energy efficiency should be taken into account in the construction or upgrading of all operations. Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations. The feasibility of collecting and using biogas should be studied if possible. 	<p>scheme smallholders who only use manual labour to care for and harvest FFB.</p>	<p>CONGRESSIONAL DECREE 52-2003 Articles: 1, 2, 3, 4.</p> <p>International Legislation:</p>
	<p>Guidance for group managers:</p> <p>This criterion is not applicable to group smallholders.</p>	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 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 practice.</p>		
<p>Indicators:</p> <p>5.5.1(M) There shall be no land preparation by burning, other than in specific situations as identified in the 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p> <p>5.5.2 Where fire has been used for preparing land for replanting, there shall be evidence of prior approval of the controlled burning as specified in 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers will carry out training and provide extension support to scheme smallholders to ensure smallholder awareness and that fire is not used except in accordance with ASEAN guidelines or other regional best practice (see 4.8). National Interpretations should consider setting thresholds of pest attacks before burning is acceptable.</p>	<p>National Legislation:</p> <p>1. FOREST LAW Decree 101-96 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>2. REGULATION OF THE FOREST LAW Articles 2, 12, 13, 14, 36 Articles 37, 38</p>
	<p>Guidance for group managers:</p>	

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Guidance: Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and exceptional levels of caution should be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation.</p> <p>Extension/training programmes for associated smallholders may be necessary.</p> <p>For National Interpretation: National Interpretation will identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines in other regions.</p>	<p>Group Managers shall ensure that group members are not utilizing fire in operations. This is monitored by the Group Manager.</p>	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 5.6. Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored		
Preamble Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognised that it is not always feasible or practical to reduce or minimize these emissions. Growers and millers commit to an implementation period until the end of December 2016 for promoting best practices in reporting to the RSPO, and thereafter to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.		
<p>Indicators:</p> <p>5.6.1 (M) An assessment of all polluting activities shall be conducted, including gaseous emissions, particulate/soot emissions and effluent (see Criterion 4.4).</p> <p>5.6.2 (M) Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimize them implemented.</p> <p>5.6.3 A monitoring system shall be in place, with regular reporting on progress for these significant pollutants and</p>	<p>Guidance for scheme managers: Scheme managers must include an assessment of all polluting activities of scheme smallholdings in their overall plans for pollution and emissions abatement. Significant pollutants and emissions from scheme smallholdings must be identified and plans to reduce them implemented.</p> <p>Guidance for group managers: This criterion is not applicable to group smallholders</p>	<p>National Legislation</p> <p>1. COMMITMENTS TO ENVIRONMENTAL POLICY INSTRUMENTS</p> <p>2. APPROVAL TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER SIGNED AT MONTREAL ON 16-09-87. CONGRESSIONAL DECREE 34-89</p> <p>3. REQUIREMENTS FOR THE IMPORTATION, MARKETING, USE AND EXPORT OF OZONE-DEPLETING SUBSTANCES AND</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>emissions from estate and mill operations, using appropriate tools.</p> <p>Specific guidance:</p> <p>For 5.6.2: Plans will include objectives, targets and timelines. These should be responsive to context and any changes should be justified.</p> <p>For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded.</p> <p>For 5.6.3 (GHG): For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including land use practices) can be used as a monitoring tool.</p> <p>For 5.6.3: In addition, during the implementation period, growers will start to assess, monitor and report emissions arising from changes in carbon stocks within their operations, using the land use in November 2005 as the baseline. The implementation period for Indicator 5.6.3 is the same implementation period for Criterion 7.8.</p> <p>During the implementation period, reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance for the process. Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognizing the challenges associated with measuring GHG and carbon stock.</p> <p>PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions. Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.</p>		<p>IMPORTATION OF EQUIPMENT AND GOODS CONTAINING CHLOROFLUOROCARBONS</p> <p>Ministerial Agreement 413-2006</p> <p>Articles: 1, 2.</p> <p>4. BAN TO THE IMPORT OF CHLOROFLUOROCARBON GASES</p> <p>Governmental Agreement No. 252-89.</p> <p>Articles: 1, 3.</p> <p>International Legislation:</p> <p>5. MONTREAL PROTOCOL</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Guidance: Where practically feasible, operations should follow best management practices to measure and reduce emissions. Advice on this is available from the RSPO.</p>		

Principle 6: Responsible consideration of employees and of individuals and communities affected by growers and millers

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 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</p>		
<p>Indicators:</p> <p>6.1.1 (M) A Social Impact Assessment (SIA) that includes records of the meetings, shall be documented.</p> <p>6.1.2 (M) There shall be evidence that the assessment has been done with the participation of affected parties.</p> <p>6.1.3 (M) Plans to avoid or mitigate the negative impacts and promote the positive ones, and monitoring of the identified impacts shall be developed, documented, with a schedule established in consultation with the affected parties, including responsibilities in the implementation.</p> <p>6.1.4 The plans must be reviewed at least once every two years and updated if necessary for cases where the review has concluded that changes should be made to current practices. There must be evidence that the review includes the participation of the affected parties.</p> <p>6.1.5 Particular attention to the impacts of smallholder schemes will be provided (where planting includes such a scheme).</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must be able to demonstrate that scheme smallholders participated in the development of impact assessments for smallholder schemes. Scheme managers must provide:</p> <ul style="list-style-type: none"> • A documented social impact assessment. • Evidence that the assessment has been done with the participation of scheme smallholders. Participation in this context means that scheme smallholders are able to express their views through their own representative institutions during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans. • A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary, in those cases where the assessment has concluded that changes should be made to current practices. 	<p>National Legislation:</p> <p>1. COMMITMENTS TO ENVIRONMENTAL POLICY INSTRUMENTS</p> <p>2. LAW FOR ENVIRONMENTAL PROTECTION AND IMPROVEMENT Decree 68-86 Articles: 1, 4, 5, 6, 7, 8, 10, 13, 29, 30, 31, 33.</p> <p>International Legislation:</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Guidance:</p> <p>Identification of social impacts should be carried out by the grower with the participation of affected parties, including women and migrant workers as appropriate to the situation. The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</p> <p>Participation in this context means that affected parties are able to express their views through their own representative institutions, or freely chosen spokespersons, during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.</p> <p>Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; deterioration of existing roads due to traffic increase; increase in traffic across populated areas; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms; smallholder schemes.</p> <p>Plantation and processing plant mill management may have social impacts (positive or negative) on factors such as:</p> <ul style="list-style-type: none"> • Access and use rights, Access and use rights. • Economic livelihoods (e.g. paid employment) and working conditions; • Subsistence activities; • Cultural and religious values; 	<ul style="list-style-type: none"> • The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified. <p>Guidance for group managers:</p> <p>Group managers must be able to demonstrate that scheme smallholders participated in the development of impact assessments for smallholder schemes. Scheme managers must provide exploitations from their group. Scheme managers must provide:</p> <ul style="list-style-type: none"> • A documented simplified social impact assessment. • Evidence that the assessment was conducted with the participation of small groups, local communities and stakeholders. • A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary in those cases where the evaluation concluded must make changes to current practices. 	

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<ul style="list-style-type: none"> • Health and education facilities; • Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force. <p>The review can be done (once every two years) internally or externally.</p> <p>Both the methodology for identifying the impacts and the management plans should consider:</p> <ul style="list-style-type: none"> • The participation of all stakeholders in the implementation, development and feedback on the production activities needs to be continuous and focused • Developing baseline profiles for the analysis of socioeconomic characteristics (such as infrastructure, food security, health, etc.) previous to any activities taking place, as a way to assessing potential impacts and monitoring changes. • Following RSPO guidelines to carry out Social Impact Assessments. • Reviewing and verifying the credibility of information from other sources or third parties and identifying gaps in the information collected. • Developing a programme for gathering primary data. • Identification of impacts on the customary or traditional rights of local communities and indigenous populations, where these exist. • Risk and impact analysis. • Identification of positive impacts and opportunities. • Reviewing current local, regional and national planning instruments, such as Strategic Plans and Local and Regional Land Use Plans developed by local 		

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<p>governments and/or government agencies, which may contain any relevant impacts linked to the area of influence of the plantations and/or mill.</p> <ul style="list-style-type: none"> • Inclusion of independent producers. • Development of impact mitigation plans. • Social work management programmes. • Continual improvement plans. • Development of community profiles to minimise negative impacts and maximize opportunities. Among other relevant aspects, community profiles must identify the productive activities being influenced. <p>To ensure the participation of all relevant stakeholders, the following should take place:</p> <ul style="list-style-type: none"> • Identification and analysis of relevant actors • Verifying that all relevant actors in the process were convened. • Keep records of dates, issues discussed and conclusions of meetings. • Evidence showing that the issues discussed and the conclusions were understood by all attendants. <p>Evidence of the implementation of these recommendations.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 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</p>		

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Indicators:</p> <p>6.2.1(M) The consultation and communication procedures will be documented.</p> <p>6.2.2 A management official responsible for these issues shall be nominated</p> <p>6.2.3 A list of stakeholders, records of all communications, including confirmation of receipts and the efforts made to ensure understanding of the affected parties and records of actions taken in response to input from stakeholders, shall be maintained.</p> <p>Guidance:</p> <p>Decisions that the growers or mills are planning to make should be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation.</p> <p>Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These should consider the use of appropriate existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum.</p> <p>Communications should take into account differential access to information by women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.</p> <p>Consideration should be given to involving third parties, such as disinterested community groups, NGOs, or government (or a combination of these), to facilitate smallholder schemes and communities, and others as appropriate, in these communications.</p> <p>Among the establishments that should be included in the consultation processes are municipalities, local</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must have documentary evidence that they have clear, implemented procedures for regular communications and consultations with scheme smallholders, including:</p> <ul style="list-style-type: none"> • A nominated manager responsible for these issues. • Maintenance of a list of scheme smallholders, records of all communication and records of actions taken in response to input from scheme smallholders. <p>Communications and consultations should make use of existing local mechanisms and languages.</p> <p>Guidance for group managers:</p> <p>Group managers must have documentary evidence that they have implemented procedures for regular communications with, and assessments of, group smallholders in line with the requirements of the RSPO Standard for Group Certification and liaise with local communities.</p>	<p>National Legislation:</p> <p>1. LAW FOR ENVIRONMENTAL PROTECTION AND IMPROVEMENT Decree 68-86 Articles: 1, 4, 5, 6, 7, 8, 10, 13, 29, 30, 31, 33.</p> <p>2. CODE OF CRIMINAL PROCEDURE. Mediation. Decree 51-92 Articles: 25 quater, 477,</p> <p>3. COMMITMENTS TO ENVIRONMENTAL POLICY INSTRUMENTS</p> <p>International Legislation:</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>governments, formally established community authorities, government institutions, NGOs, communities, religious groups, the private sector and other formally recognised civil groups.</p> <p>Communications shall include employees, often part of the communities and a communication channel</p> <p>Communication and consultation mechanisms must be developed in collaboration with local communities and other affected or interested parties</p> <p>Companies and/or mills must respond to the concerns raised with regard to the planned or implemented activities</p> <p>The following aspects need to be considered as part of a public consultation process:</p> <ul style="list-style-type: none"> • Plan and conduct a meeting and properly document it. • Assessment demonstrating clarity and an understanding of the issues addressed. • Documenting pending issues, evaluation results, list of participants lists and any reached agreements. • Procedure in place for questions, grievances, claims and suggestions. <p>Monitoring plan for agreements or commitments arising from the consultation, if any.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 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.		
<p>Indicators:</p> <p>6.3.1 (M) The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistleblowers, where requested</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers have a documented system to resolve disputes concerning scheme smallholdings in an effective, timely and appropriate manner. Documents exist of both the process by which a dispute was resolved and the outcome showing the process was open to any</p>	<p>National Legislation</p>

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<p>6.3.2 (M) Documentation of both the process by which a dispute was resolved and the outcome shall be available.</p> <p>Specific guidance:</p> <p>For 6.3.1: The system should aim to reduce the risks of reprisal.</p> <p>Guidance:</p> <p>See also to Criterion 1.2.</p> <p>Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation as necessary. Grievances may be internal (employees) or external.</p> <p>For scheme and independent smallholders, refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009.</p> <p>Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework', 2011.</p>	<p>affected parties. These dispute resolution mechanisms should be established through open and consensual agreements with smallholders.</p> <p>Guidance for independent smallholders:</p> <p>Group managers have a documented system to resolve disputes concerning group smallholdings in an effective, timely and appropriate manner. Documents exist of both the process by which a dispute was resolved and the outcome showing the process was open to any affected parties. These dispute resolution mechanisms should be established through open and consensual agreements with smallholders.</p>	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 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</p>		
<p>Indicators:</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must be able to show that they have acquired and/or allocated land for</p>	<p>National Legislation:</p> <p>1. MUNICIPAL CODE</p>

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<p>6.4.1(M) A procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, shall be in place.</p> <p>6.4.2 A procedure for calculating and distributing fair compensation (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, ownership and access to land; differences of transmigrantes and long-established communities; and differences in ethnic groups' proof of legal versus communal ownership of land.</p> <p>6.4.3 (M)The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available.</p> <p>Specific guidance:</p> <p>For 6.4.2: Companies should make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in smallholder schemes.</p> <p>Guidance:</p> <p>This criterion should be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance.</p>	<p>smallholdings in compliance with this criterion. This includes:</p> <p>Establishment of a process for identifying legal and customary rights and for identifying people entitled to compensation.</p> <p>A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented.</p> <p>These procedures should take into account gender differences in the power to claim rights, ownership and access to land; differences of transmigrantes and long-established communities and; differences in ethnic groups' proof of legal versus communal ownership of land. Compensation should be in line with fair market value or replacement cost.</p> <p>The process and outcome of any negotiated agreements and compensation claims is documented and made publicly available where beneficiaries agree.</p> <p>Guidance for group managers:</p> <p>Group managers must be able to show that group members have acquired lands by legal or accepted customary means. This includes:</p> <ul style="list-style-type: none"> • Establishment of a process for identifying legal and customary rights and for identifying people entitled to compensation. • A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented. <p>These procedures should take into account gender differences in the power to claim rights,</p>	<p>Decree No. 12-2002 Articles: 2, 7, 55, 56, 57, 58, 60, 61, 63, 64, 65, 66, 68, 69, 70.</p> <p>International Legislation:</p>

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	ownership and access to land; differences of transmigrants and long- established communities and; differences in ethnic groups’ proof of legal versus communal ownership of land. Compensation should be in line with fair market value or replacement cost. This criterion should be considered in conjunction with Criterion 2.3 and the associated guidance. National interpretations should provide additional guidance.	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 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.		
<p>Indicators:</p> <p>6.5.1 (M) Documentation of pay and conditions shall be available.</p> <p>6.5.2(M) Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc.) shall be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>6.5.3 Growers and millers shall provide adequate housing, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible.</p> <p>6.5.4 Growers and millers shall make demonstrable efforts to monitor and improve workers’ access to adequate, sufficient and affordable food.</p> <p>For National Interpretation:</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must ensure that workers employed to service smallholders enjoy the same rights, conditions and protections as estate and mill employees in accordance with RSPO P&C.</p> <p>Guidance for group managers:</p> <p>Group managers must ensure that workers employed to service smallholders enjoy the labour rights, conditions and protections stipulated in the respective National Interpretations.</p>	<p>National Legislation:</p> <p>1. LABOUR CODE</p> <p>Decree 1441</p> <p>Articles: 2, 3, 5, 9, 14 bis, 15, 17, 22, 23, 32, 33, 35, 57, 58, 61, 63, 138, 139, 145, 148, 150, 197, 205.</p> <p>International Legislation:</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
National Interpretation will consider issues such as appropriate levels of consultation and the types of organization or individuals that should be included.		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 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		
<p>Indicators:</p> <p>6.6.1(M) A published statement in local languages recognizing freedom of association shall be available.</p> <p>6.6.2 Minutes of meetings with main trade unions or workers representatives shall be documented.</p> <p>Guidance:</p> <p>The right of employees, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labour Organization (ILO).</p> <p>Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, should be available in the languages understood by the workers or explained carefully to them by a management official.</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must respect the right of scheme smallholders to form and represent themselves through their own representative associations and / or trades unions and accept them as parties to participatory processes, consultations, communications and negotiations in the management of the scheme.</p> <p>Guidance for scheme managers:</p> <p>This criterion is not applicable to group smallholders.</p>	<p>National Legislation:</p> <p>1. POLITICAL CONSTITUTION OF THE REPUBLIC OF GUATEMALA Articles: 39, 40, 41, 67, 68, 97, 118, 121, 126, 127, 128</p> <p>2. LABOUR CODE, Decree 1441 Articles: 2, 3, 5, 9, 14 bis, 15, 17, 22, 23, 32, 33, 35, 57, 58, 61, 63, 138, 139, 145, 148, 150, 197, 205.</p> <p>International Legislation:</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>For National Interpretation: National Interpretation will define migrant and transmigrant workers. ILO definitions and other international protocols, instruments and explanations should be used throughout.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 6.7 Children are not employed or exploited.		
<p>Indicators: 6.7.1(M) There shall be documentary evidence that minimum age requirements are met. Guidance: Growers and millers should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should not be done by those under 18, as per International Labour Organization (ILO) Convention 138. Please refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009 for additional guidance on family farms.</p>	<p>Guidance for scheme managers: Scheme managers will train scheme smallholders in the national and ratified international legal requirements for avoiding the use of child labour. Work by children on family smallholdings within the scheme is only acceptable under adult supervision and when not interfering with education programmes and if permitted by national and ratified international laws.</p> <p>Guidance for independent smallholders: Group managers will train group smallholders in the national and ratified international legal requirements for avoiding the use of child Labour. Work by children on family smallholdings is only acceptable under adult supervision and when not interfering with education programmes and if permitted by national and ratified international laws.</p>	<p>National Legislation</p> <p>1. LABOUR CODE. Decree 1441 Articles: 2, 3, 5, 9, 14 bis, 15, 17, 22, 23, 32, 33, 35, 57, 58, 61, 63, 138, 139, 145, 148, 150, 197, 205.</p> <p>2. REGULATION OF THE IMPLEMENTATION OF CONVENTION 182 OF THE INTERNATIONAL LABOUR ORGANIZATION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR Governmental Agreement No. 250-2006 Articles: 1, 4, 5, 7, 8.</p> <p>3. ADOPTION OF CONVENTION 182 OF THE INTERNATIONAL LABOUR ORGANIZATION –ILO– CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR Congressional Decree 27-2001</p> <p>4. LAW ON THE COMPREHENSIVE PROTECTION OF CHILDREN AND ADOLESCENTS - Decree 27-2003 Articles: 1, 2, 3, 51, 63, 64, 66, 67, 71, 72, 74, 94, 95.</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
		<p>International Legislation</p> <p>1. CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR ILO Convention 182</p>

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 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.</p>		
<p>Indicators:</p> <p>6.8.1 (M) A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented.</p> <p>6.8.2 (M) Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against.</p> <p>6.8.3 It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available.</p> <p>Guidance:</p> <p>Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers, and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must ensure that there is no discrimination in the recruitment and employment of workers employed to service smallholders. Scheme managers will not allocate smallholdings or recruit smallholders in a discriminatory way, except where local communities have negotiated to be provided smallholdings in accepting the establishment of schemes on their lands.</p> <p>Guidance for group managers:</p> <p>Group managers must provide training to group members about the need to avoid discrimination in the recruitment and employment of workers employed by, or to assist, smallholders.</p>	<p>National Legislation:</p> <p>1. LABOUR CODE, Decree 1441 Articles: 2, 3, 5, 9, 14 bis, 15, 17, 22, 23, 32, 33, 35, 57, 58, 61, 63, 138, 139, 145, 148, 150, 197, 205.</p> <p>2. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION RATIFIED BY GOVERNMENTAL AGREEMENT 461-82 Congressional Decree 105-82</p> <p>3. LAW FOR THE DIGNIFICATION AND INTEGRAL ADVANCEMENT OF WOMEN Decree No. 7-99 Articles: 1, 2, 3, 4, 5, 12, 13, 14, 17.</p> <p>4. LAW AGAINST FEMICIDE AND OTHER FORMS OF VIOLENCE AGAINST WOMEN - Decree No. 22-2008 Articles: 1, 6, 7, 8, 9, 10, 11, 12.</p> <p>5. REGULATION OF THE LAW FOR FIGHTING AGAINST THE HUMAN IMMUNODEFICIENCY VIRUS -VIH- AND THE ACQUIRED IMMUNODEFICIENCY SYNDROME -AIDS- AND</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
benefits to specific communities is acceptable as part of negotiated agreements.		<p>THE PROMOTION, PROTECTION AND DEFENSE OF HUMAN RIGHTS AGAINST HIV/AIDS Congressional Decree 27-2000 Articles: 2, 3, 15, 18, 19, 20, 22, 26, 27, 34, 36, 37, 38, 42, 43, 49, 52.</p> <p>6. REGULATION OF THE LAW FOR FIGHTING AGAINST THE HUMAN IMMUNODEFICIENCY VIRUS -VIH- AND THE ACQUIRED IMMUNODEFICIENCY SYNDROME -AIDS- AND THE PROMOTION, PROTECTION AND DEFENSE OF HUMAN RIGHTS AGAINST HIV/AIDS Governmental Agreement 317-2002 Articles: 13, 18, 21, 34,</p> <p>International Legislation:</p> <p>1. ON DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION ILO Convention 111</p> <p>2. INTER-AMERICAN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES. OAS Treaty A-65</p>

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 6.9 There is no harassment or abuse in the work place, and reproductive rights are protected.		
Indicators:	<p>Guidance for scheme managers : Scheme managers must ensure that this provision applies to personnel employed to service smallholders, as well as those working in mills and</p>	<p>National Legislation:</p> <p>1. POLITICAL CONSTITUTION OF THE REPUBLIC OF GUATEMALA</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>6.9.1(M) A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.2(M) A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.3 A specific grievance mechanism which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce.</p> <p>Specific guidance:</p> <p>For 6.9.1 y 6.9.2: These policies should include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which should include representatives from all areas of work, will consider matters such as: training on women’s rights; counselling for women affected by violence; child care facilities to be provided by the growers and millers; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding.</p> <p>For 6.9.2: See Indicator 4.6.12</p> <p>Guidance:</p> <p>There should be a clear policy developed in consultation with employees, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.</p> <p>Notwithstanding national legislation and regulation, reproductive rights are respected.</p>	<p>estates as well as smallholders and those they employ.</p> <p>Guidance for group managers:</p> <p>Group managers must provide training to group members about the need to prevent sexual harassment and the abuse of women among both smallholders and any workers employed by them.</p>	<p>Articles: 39, 40, 41, 67, 68, 97, 118, 121, 126, 127, 128</p> <p>2. LABOUR CODE.</p> <p>Decree 1441</p> <p>Articles: 2, 3, 5, 9, 14 bis, 15, 17, 22, 23, 32, 33, 35, 57, 58, 61, 63, 138, 139, 145, 148, 150, 197, 205.</p> <p>3. REGULATIONS ON THE ENJOYMENT OF NURSING TIME</p> <p>All</p> <p>4. LAW FOR THE DIGNIFICATION AND INTEGRAL ADVANCEMENT OF WOMEN</p> <p>Decree No. 7-99</p> <p>Articles: 1, 2, 3, 4, 5, 12, 13, 14, 17.</p> <p>International Legislation:</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 6.10 Growers and millers deal fairly and transparently with smallholders and other local businesses.		
<p>Indicators:</p> <p>6.10.1 Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.</p> <p>6.10.2 (M) Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).</p> <p>6.10.3 Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.</p> <p>6.10.4 Agreed payments shall be made in a timely manner.</p> <p>Guidance:</p> <p>Transactions with smallholders should consider issues such as the role of middle men, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 4.2) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Smallholders should have access to the grievance procedure under Criterion 6.3 if they consider that they are not receiving a fair price for FFB, whether or not middle men are involved.</p> <p>The need for a fair and transparent pricing mechanism is particularly important for Outgrowers who are contractually obliged to sell all FFB to a particular mill.</p> <p>If mills require smallholders to change practices to meet the RSPO Principles and Criteria, consideration should be</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must ensure that:</p> <ul style="list-style-type: none"> • Current and past prices paid for FFB are publicly available. • Fair and transparent pricing mechanisms must be established • Pricing mechanisms for FFB and inputs/services are documented (where these are under the control of the mill or plantation). <p>Evidence is available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal, and transparent and in appropriate languages and all costs, fees and levies are explained and agreed in advance.</p> <ul style="list-style-type: none"> • Agreed payments are made in a timely manner. <p>Debt repayment schemes are fair and fully transparent.</p> <p>Where smallholders pay relevant service fee, roads must be maintained and transportation provided in a timely manner</p> <p>Renegotiations over second plantings or extensions are commenced with an adequate lead in time.</p> <p>Transactions with scheme smallholders should deal fairly with issues such as the role of middle</p>	<p>National Legislation:</p> <p>1. CIVIL CODE</p> <p>Decree 106</p> <p>Articles: 1124, 1130, 1131</p> <p>International Legislation</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
given to the costs of such changes, and the possibility of advance payments for FFB can be considered.	men, transport and storage of FFB, quality and grading, and inputs from family labour. Smallholders must have access to the grievance procedure under criterion 6.3, if they consider that they are not receiving a fair price for FFB, whether or not middle men are involved.	
	<p>If mills require smallholders to change practices to meet RSPO criteria, consideration must be given to the costs of such changes, and the possibility of advance payments for FFB could be considered.</p> <p>Guidance for group managers:</p> <p>Group managers must ensure that</p> <p>Current and past prices paid for FFB are freely available to group members and other parties. Fair and transparent mechanisms must be established to pay members and other parties for their FFB</p> <p>Agreed payments are made in a timely manner.</p> <p>Transactions with group smallholders should deal fairly with issues such as the role of middle men, transport and storage of FFB, quality and grading, and inputs from family labour.</p> <p>Smallholders must have access to the grievance procedure under criterion 6.3, if they consider that they are not receiving a fair price for FFB, whether or not middle men are involved.</p>	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 6.11 Growers and millers contribute to local sustainable development where appropriate.		
Indicators:	<p>Guidance for scheme managers:</p> <p>This criterion is not applicable at the generic level, but could be considered by National Interpretations. However, scheme managers are</p>	National Legislation

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>6.11.1 Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.</p> <p>6.11.2 Where there are scheme smallholders, there shall be evidence that efforts and/or resources have been allocated to improve smallholder productivity.</p> <p>Guidance:</p> <p>Contributions to local development should be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognised as conflicting with Criterion 6.8. Efforts should be made to identify independent smallholders in the supply base.</p> <p>Where sourcing of fruit is from identified independent smallholders, efforts should be made to contribute to the improvement of their farming practices</p> <p>Irrespectively of any social responsibility of growers and mills in compliance against this criterion, they should not replace any State's obligations, supporting instead the local community development through their social responsibility policies.</p> <p>Companies and production sites, according to their scale, must contribute to the development of social impact and community projects in their areas of influence, focusing for instance on the following, in line with the company's strategy:</p>	<p>encouraged to facilitate the identification of local sustainable development needs. Contributions to local sustainable development should be based on the results of consultation with local communities and should be entered into on a free will basis. See also criterion 6.2. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men and women. Funds should where possible be used in ways that are sustainable, productive, build community capacity and ownership, do not create dependency and seek to achieve long-term, quality of life improvements for local communities</p> <p>Guidance for group managers:</p> <p>This criterion is not applicable to group smallholders.</p>	<p>Comments for public consultation: The Technical Committee believes that the environmental laws listed below are not relevant to this criterion and therefore propose not to include them. We would like to receive feedback about this.</p> <ol style="list-style-type: none"> 1. COMMITMENTS OF ENVIRONMENTAL INSTRUMENTS 2. LAW ON THE PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT, —Decree 68-86. —Articles: 1, 4, 5, 6, 7, 8, 10, 13, 29, 30, 31, 33 3. FORESTAL LAW —Decree Number 101-96 —Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98. 4. LAW OF PROTECTED AREAS —Decree Number 4-89 —Articles: 7, 8, 10, 20, 21, 23, 24, 25, 27, 81, 81bis, 82 5. REGULATION OF THE LAW OF PROTECTED AREAS Government Agreement No. 759-90 —Articles: 10, 24, 25, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 6. Ley del Impuesto sobre Inmuebles (IUSI) Decreto No. 15-98,

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<ul style="list-style-type: none"> • Employment generation • Basic Infrastructure • Quality of Life • Health • Housing • Education • Citizens' accountability of public and social investment projects <p>Smallholders must be able to demonstrate compliance with this criterion, according to their size and financial situation.</p> <p>In Guatemala, it is mandatory to pay taxes in accordance with the Property Tax Law (IUSI, in Spanish) Decree No. 15-98. This tax is paid to municipalities so it is reinvested in local development.</p> <p>Companies may collaborate with municipalities to prepare resource development and investment plans, in order to guarantee their contribution to local development.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 6.12 No forms of forced or trafficked labour are used.		
<p>Indicators:</p> <p>6.12.1(M) There shall be evidence that no forms of forced or trafficked labour are used.</p> <p>6.12.2 Where applicable, it shall be demonstrated that no contract substitution has occurred</p> <p>6.12.3(M) Where temporary or migrant workers are employed, a special labour policy and procedures shall be established and implemented.</p> <p>Specific Guidance:</p>		<p>National Legislation:</p> <p>1. LABOUR CODE</p> <p>Decree 1441</p> <p>Articles: 2, 3, 5, 9, 14 bis, 15, 17, 22, 23, 32, 33, 35, 57, 58, 61, 63, 138, 139, 145, 148, 150, 197, 205.</p> <p>International Legislation:</p>

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<p>For 6.12.1: Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.3: The special labour policy should include:</p> <ul style="list-style-type: none"> • Statement of the non-discriminatory practices; • No contract substitution; • Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.; • Decent living conditions to be provided. <p>Guidance</p> <p>Migrant workers should be legalized, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards.</p> <p>Any deductions made should not jeopardize a decent living wage.</p> <p>Passports should only be voluntarily surrendered.</p> <p>There should be evidence of due diligence in applying this to all sub-contract workers and suppliers.</p> <p>National guidance should be used on contract substitution.</p> <p>Migrant workers should be legalized, and a separate employment agreement should be drawn up to comply to meet immigration requirements and international standards for foreign workers.</p> <p>Any deductions made should not jeopardize a living wage. (See Indicators 6.5.3 and 6.5.4)</p> <p>For each worker, this wage should be established in line with the circumstances and context of the organization, following a specified methodology.</p> <p>Definitions from 2013 P&C</p>		<p>1. CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR ILO Convention 29</p> <p>2. CONVENTION CONCERNING THE ABOLITION OF FORCED LABOUR ILO Convention 105</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Migrant worker: A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and do not include those workers who move within a country for the purposes of employment.</p> <p>Transmigrant worker: a person who migrates from one part of the country to another with a view to being employed otherwise than on his own account.</p> <ul style="list-style-type: none"> • Foreign Worker: a person who is not a citizen of the country of employment. • Temporary Worker: a person engaged under a working contract for a specified length of time. <p>Definition of a living wage (according to ILO Conventions 95 & 131, ILO Recommendations 131 & 135 and Article 23 of the Universal Declaration of Human Rights):</p> <p>The wage or remuneration paid to a person in return for standard work must reach at least the legal minimum wage or the minimum standard wage applicable to a given industry sector, and always be sufficient to meet the basic needs of the worker and his/her family, in addition to allow for some discretionary income.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 6.13 Growers and millers respect human rights.		
Indicators:		<p>National Legislation:</p> <p>International Legislation:</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>6.13.1(M) A policy to respect human rights shall be documented and communicated to all levels of the workforce and operations (see Criteria 1.2 and 2.1).</p> <p>Guidance: See also Criterion 6.3. All levels of operations will include contracted third parties (e.g. those involved in security).</p> <p>Note: From the UN Guiding Principles on Business and Human Rights: “The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</p> <p>The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.</p>		<p>1. AMERICAN CONVENTION ON HUMAN RIGHTS "PACT OF SAN JOSE, COSTA RICA" . Signed 22/11/1969</p> <p>2. GLOBAL AGREEMENT ON HUMAN RIGHTS Government of the Republic of Guatemala Peace Agreement 001.2</p>

Principle 7: Responsible development of new plantings

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 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.</p>		

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<p>Indicators:</p> <p>7.1.1(M) An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p> <p>7.1.2 Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p> <p>7.1.3 Where the development includes an Outgrowers scheme, the impacts of the scheme and the implications of the way it is managed shall be given particular attention.</p> <p>Guidance: See also Criteria 5.1 and 6.1.</p> <p>The Terms of Reference (ToR) should be defined and impact studies should be carried out by <u>accredited independent experts</u> –bodies or groups of independent and accredited qualified experts, in order to ensure an objective process. Both should not be done by the same body–The ToR and the assessments should not be carried out by the same body or group of experts.</p> <p>Qualified expert" should be understood as:</p> <ul style="list-style-type: none"> • Holding a registration as a recognized professional • Demonstrable experience in Environmental and Social Impact Assessments (recorded as an authorized consultant by the MARN –Ministry of Environment and Natural Resources) of at least 10 years carrying out SEIAs • And other specifications considered by the organization in its policies 	<p>Guidance for scheme managers:</p> <p>Where proposed new plantings include schemes for smallholders, scheme managers should ensure that local communities, indigenous peoples and prospective smallholders participate actively in impact assessments. In addition to the considerations outlined in the RSPO P&C such assessments must include participatory consideration of:</p> <ul style="list-style-type: none"> • Land use planning and land allocations to smallholders and arrangements regarding land acquisition. • Identification and mitigation of environmental impact, road building and road maintenance. • Debt provisions and payments, FFB pricing procedures, transport and grading. • Conservation Values (see criterion 7.3) that could be negatively affected. • Assessment of potential effects on adjacent natural ecosystems of planned smallholding developments, including whether development or expansion will increase pressure on nearby natural ecosystems. • Identification of watercourses and assessment of potential effects on hydrology by planned smallholding developments. Measures should be planned and implemented to maintain the quantity and quality of water resources. • Baseline soil surveys and topographic information, including the identification of 	<p>National Legislation:</p> <ol style="list-style-type: none"> 1. LAW FOR ENVIRONMENTAL PROTECTION AND IMPROVEMENT Decree 68-86 Articles: 1, 4, 5, 6, 7, 8, 10, 13, 29, 30, 31, 33. 2. REGULATIONS ON ENVIRONMENTAL EVALUATION, CONTROL AND MONITORING Governmental Agreement 431-2007 Articles: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 63, 64, 65, 66, 67, 68, 72, 73, 74, 75, 76, 77, 78, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 3. LAW ON PROTECTED AREAS Decree 4-89 Articles: 7, 8, 10, 20, 21, 23, 24, 25, 27, 81, 81bis, 82. 4. REGULATION OF THE LAW ON PROTECTED AREAS Governmental Agreement No. 759-90 Articles: 10, 24, 25, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46. 5. FOREST LAW. DECREE 101-96 Forest cover map 2001, 2006 : http://186.151.231.167/imagenes/Mapas/Cobertura/Poster.jpg 6. REGULATION OF THE FOREST LAW. Resolution 01.43.2005 Chapter II, Sections 1, 2, 3, 4, 5, 6, 7 and 8.

Field Code Changed

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<p>A participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts. Stakeholders such as local communities, government departments and NGOs should be involved through the use of interviews and meetings, and by reviewing findings and plans for mitigation.</p> <p>A participatory approach involving external stakeholders is essential for impact identification, particularly social ones.</p> <p>It should engage stakeholders such as local communities, government agencies and NGOs, by conducting interviews and meetings and during the review of findings and mitigation plans.</p> <p>It is recognised that Oil palm development can cause both positive and negative impacts. These developments lead to some indirect/secondary impacts which are not under the control of individual growers and millers.</p> <p>To this end, Therefore producers and processors should seek must seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.</p> <p>The potential impacts of all major proposed activities should be will be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p> <ul style="list-style-type: none"> Assessment of the impacts of all major planned activities, including planting, mill operations, roads and other infrastructure; 	<p>marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting.</p> <ul style="list-style-type: none"> Analysis of type of land to be used (forest, degraded forest, cleared land). Analysis of land ownership and user rights. Assessment of potential social impact on surrounding communities of a plantation and associated smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents. <p>Plans and field operations should be developed and implemented with the participation of smallholders to incorporate the results of the assessment.</p> <p>Consider including unacceptable negative social impacts in the national context (eg displacement, loss of food security for Native people, etc.).</p> <p>Guidance for group managers:</p> <p>Where groups plan to expand their aggregate holdings by more than 500 ha. In any one year, group managers should ensure that local communities, indigenous peoples and prospective smallholders participate actively in impact assessments. In addition to the considerations outlined in the RSPO P&C such assessments must include participatory consideration of:</p> <ol style="list-style-type: none"> Land use planning and land allocations to smallholders and arrangements regarding land acquisition. 	

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<ul style="list-style-type: none"> • Assessment, including stakeholder consultation, of High Conservation Value Areas (see Criterion 7.3) that could be negatively affected; • Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems; • Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources; • Baseline soil surveys Baseline soils studies as reference soils—and topographic information, including the identification of steep slopes, marginal and fragile soils, and areas prone to erosion, degradation, subsidence, and flooding; • Analysis of the type of land to be used (forest, degraded forest, cleared land, deforested land); • Analysis of land ownership and user rights; • Analysis of current land use patterns; • Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrants versus long term residents; • Identification of activities which may generate significant GHG emissions. • Compatibility of the project with the current land use and environmental planning in the area where the operations will take place. <p>Plans and field operations should be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment</p>	<ol style="list-style-type: none"> 2. Identification and mitigation of environmental impact, road building and road maintenance. 3. Conservation Values (see criterion 7.3) that could be negatively affected. 4. Assessment of potential effects on adjacent natural ecosystems of planned smallholding developments, including whether development or expansion will increase pressure on nearby natural ecosystems. 5. Identification of watercourses and assessment of potential effects on hydrology by planned smallholding developments. Measures should be planned and implemented to maintain the quantity and quality of water resources. 6. Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting, where such data already exists. 7. Analysis of type of land to be used (forest, degraded forest, cleared land). 8. Analysis of land ownership and user rights. 9. Analysis of current land use patterns. 10. Assessment of potential social impact on surrounding communities of a plantation 11. and associated smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents <p>Where groups plan to expand their aggregate holdings by less than 500 ha. In any one year, group managers should carry out a simplified social and environmental impact assessment</p>	

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<p>process is that the development may not proceed because of the magnitude of potential impacts.</p> <p>Some of the unacceptable negative social impacts are, among others, the forced displacement of, and loss of food security by, the local population.</p> <p>For smallholder schemes, the scheme management should address this Criterion. For individual smallholders, this Criterion does not apply.</p> <p>For smallholder schemes, the scheme management must carry them out. This does not apply to individual smallholders</p> <p>For individual smallholders, this Criterion does not apply. Where there is no National Interpretation, for land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such these internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken.</p>	<p>which assesses HCVs, identifies suitable lands and other rights holders.</p>	

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 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.		
<p>Indicators:</p> <p>7.2.1 (M) Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation shall be available and taken into account in plans and operations.</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must ensure that they apply the same procedures required for mills and new estates to all associated smallholder schemes. Information on soils may be collected and provided by scheme management or the mill that purchases the scheme's FFB. National</p>	<p>National Legislation:</p>

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<p>7.2.2 Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken into account in plans and operations.</p> <p>Guidance:</p> <p>These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but need not be done by independent experts. Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, and hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development. Soils requiring appropriate practices should be identified (see Criteria 4.3 and 7.4).</p> <p>This information should be used to plan planting programmes, etc. Measures should be planned to minimize erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc. Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location. Information should be collected on soil suitability by companies planning to purchase Fresh Fruit Bunches (FFB) from potential developments of independent smallholders in a particular location. Companies should assess this information and provide information to independent smallholders on soil suitability, and/or in conjunction with relevant government/public institutions and other organizations</p>	<p>interpretations should include detail on peat depth.</p> <p>Guidance for group managers:</p> <p>Where groups plan to expand their aggregate holdings by more than 500 ha. In any one year, group managers must ensure that these requirements are applied to all group members planning to expand their holdings or acquire new ones applied to all group members planning to expand their holdings or acquire new ones on behalf of all members of the group.</p> <p>Where groups plan to expand their aggregate holdings by less than 500 ha. in any one year only a simplified soil survey is required (see 7.1)</p>	

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<p>(including NGOs) provide information in order to assist independent smallholders to grow oil palm sustainably.</p> <p>INAB has published soil maps, which provide adequate topographic and drainage information and a land use capability classification, to verify both soil stoniness and for new plantations.</p> <p>It is recommended to refer to the "Methodology of Land Classification by Use Capability, an Applied Methodology for the lands of the Republic of Guatemala" developed by the National Institute of Forests of Guatemala (INAB). See Annex 3. The methodology for land classification by use capability provides a guide for land use planning based on land units within regional planning processes; a method recognized by agrarian and sector policy as a contributor to the sustainable development of the country. Its importance lies in its adaptation to the different geographical conditions existent in the country and its design to fulfil different purposes. This is a specific guide for forestry activities with a focus on protection and production.</p>		

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 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.		
<p>Indicators:</p> <p>7.3.1 (M) There shall be evidence that no new plantings have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantings shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).</p> <p>7.3.2 (M) A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must ensure that this criterion is applied to scheme smallholdings.</p> <p>Guidance for group managers:</p> <p>Group managers must ensure that this criterion is applied to group smallholdings. This criterion also applies to independent smallholders who later seek to become members of smallholder groups seeking certification.</p>	<p>National Legislation:</p> <p>1. LAW ON PROTECTED AREAS Decree 4-89 Articles: 7, 8, 10, 20, 21, 23, 24, 25, 27, 81, 81bis, 82.</p> <p>2. REGULATION OF THE LAW ON PROTECTED AREAS Governmental Agreement No. 759-90 Articles: 10, 24, 25, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.</p>

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<p>conversion or new planting. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status.</p> <p>7.3.3 Dates of land preparation and commencement shall be recorded.</p> <p>7.3.4 (M) An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower's relevant operational procedures (see Criterion 5.2).</p> <p>7.3.5 Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2).</p> <p>Specific Guidance:</p> <p>For 7.3.1: Evidence should include historical remote sensing imagery which demonstrates that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps should be used to inform the HCV assessment.</p> <p>Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6. Decisions will be made in consultation with the affected communities.</p> <p>Guidance:</p>		<p>3. FOREST LAW Decree No. 101-96 Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98.</p> <p>Updated forest cover maps 2001, 2006 : http://186.151.231.167/Imagenes/Mapas/Cobertura/Poster.jpg</p>

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<p>This Criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place since November 2005. HCVs may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced.</p> <p>The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments should be conducted according to the National Interpretation of the HCV criteria or according to the Global HCV Toolkit if a National Interpretation is not available (see Definitions).</p> <p>Developments should actively seek to utilize previously cleared and/or degraded land on mineral soil. Plantation development should not put indirect pressure on forests through the use of all available agricultural land in an area.</p> <p>Where landscape level HCV maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government land use plans.</p> <p>In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardize large areas or species, an independent assessment will be required. HCV areas can be very small.</p> <p>Once established, new developments should comply with Criterion 5.2.</p> <p>The development of plantations shall not put indirect pressure on forests by displacing agricultural land to other areas. They need to actively seek previously deforested or degraded land. The planning of new</p>		

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<p>plantations should include previous efforts to identify high conservation value areas.</p> <p>New plantations will not be developed in floodplains.</p> <p>INAB has mapped forest dynamics showing previous land uses and capability.</p> <p>Evidence of the presence of natural forest prior to 2005 can be verified using the 2001 Forest Cover Map. (Criterion 7.3).</p> <p>The HCV definitions used in the International Standard of the RSPO P&C will be applied.</p> <p>For more information on the concept of HCV, see the webpage http://www.hcvnetwork.org/</p>		

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Criterion 7.4. Extensive planting on steep terrain, and/or marginal and fragile soils, including peat, is avoided.		
<p>Indicators:</p> <p>7.4.1 Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided</p> <p>7.4.2 (M) Where limited planting on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.</p> <p>Guidance:</p> <p>This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Planting on extensive areas of peat soils and other fragile soils should be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must ensure that no lands are allocated to scheme smallholders on steep terrain and/or on marginal and fragile soils. Where limited planting is proposed it must be fully justified and must not to push people into poverty, and must be done in accordance with the indicators.</p> <p>Marginal and degraded lands suitable for restoration should be distinguished from fragile lands that need to be avoided.</p> <p>Guidance for independent smallholders:</p> <p>Where groups plan to expand their aggregate oil palm holdings by more than 500 ha. in any one year, group managers must ensure that no new</p>	<p>National Legislation:</p> <p>1. REGLAMENTO DE LA LEY FORESTAL Resolución 01.43.2005 Artículos: 2, 12, 13, 14, 36.</p>

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<p>increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p> <p>For National Interpretation:</p> <p>National Interpretation will determine specific controls and thresholds, such as slope limits, listing soil types on which planting should be avoided (especially peat soils), the proportion of plantation area that can include marginal/fragile soils, and definitions of 'extensive', 'marginal', 'fragile', and 'excessive'.</p> <p>A recommended publication is "Methodology of Land Classification by Use Capability, an Applied Methodology for the lands of the Republic of Guatemala" developed by the National Institute of Forests of Guatemala (INAB).</p>	<p>lands are acquired by existing group members on steep terrain and/or on marginal and fragile soils.</p>	

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<p>Criterion 7.5. No new plantings are established on local peoples' 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 stakeholders to express their views through their own representative institutions</p>		
<p>Indicators:</p> <p>7.5.1 (M) Evidence shall be available that affected local peoples understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the grower/miller is signed and ratified by these local peoples.</p> <p>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p> <p>Guidance:</p>	<p>Guidance for scheme managers:</p> <p>This criterion must be considered with 2.2, 2.3, 6.4 and 7.6. Scheme managers must ensure that they first identify local owners of any and all lands for proposed scheme smallholdings. Scheme managers must provide:</p> <ul style="list-style-type: none"> • Maps showing extent of recognized customary rights (criteria 2.3, 7.5 and 7.6) • Copies of negotiated agreements detailing process of consent <p>Guidance:</p>	<p>National Legislation:</p> <p>1. LAW FOR ENVIRONMENTAL PROTECTION AND IMPROVEMENT Decree 68-86 Articles: 1, 4, 5, 6, 7, 8, 10, 13, 29, 30, 31, 33</p> <p>2. AGREEMENT ON IDENTITY AND RIGHTS OF INDIGENOUS PEOPLES.</p> <p>International Legislation:</p>

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<p>This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 7.1.</p> <p>Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites. Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantings.</p> <p>Free, prior and informed consent (FPIC) is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Companies', October 2008).</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process</p>	<p>Where lands are encumbered by legal or customary rights, the scheme manager must demonstrate that these rights are understood and are not being threatened or reduced. This criterion should be considered in conjunction with criteria 6.4 and 7.6 .Where customary rights areas are unclear these are best established through participatory mapping exercises involving affected and neighbouring communities.</p> <p>This criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements to acquire lands for scheme smallholdings should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Communities must be permitted to seek legal counsel if they so choose.</p> <p>Communities must be represented through institutions or representatives of their own choosing, operating transparently and in open communication with other community members. Adequate time must be given for customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.</p> <p>Scheme managers have maps or other documents showing land allocations for scheme smallholders and can show these lands are not claimed or contested by third parties with legitimate claims.</p> <p>Scheme managers can show that lands acquired for smallholders do not diminish legal or</p>	<p>Convention concerning Indigenous and Tribal Peoples in Independent Countries ILO Convention 169</p>

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	<p>customary rights. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.</p>	
	<p>Guidance for group managers:</p> <p>This criterion must be considered with 2.2, 2.3, 6.4 and 7.6. Group managers must ensure that members first identify local owners of any and all lands for the expansion or acquisition of new group smallholdings.</p> <p>General Guidance: Where lands are encumbered by legal or customary rights, the group manager must demonstrate that these rights are understood by group members and are not being threatened or reduced.</p> <p>This criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements to acquire lands for group smallholdings should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Those selling or leasing lands must be permitted to seek legal counsel if they so choose.</p> <p>Communities selling or leasing lands must be represented through institutions or representatives of their own choosing, operating</p>	

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	<p>transparently and in open communication with other community members. Adequate time must be given for customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.</p> <p>Group managers have maps or other documents showing the land holdings of group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims.</p> <p>Group managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken-over there is proof of transfer of rights (e.g. sale or lease) and of payment or provision of agreed compensation</p>	

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Criterion 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.		
<p>Indicators:</p> <p>7.6.1 (M) Documented identification and assessment of demonstrable legal, customary and user rights shall be available.</p> <p>7.6.2 (M) A system for identifying people entitled to compensation shall be in place.</p> <p>7.6.3 (M) A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.</p>	<p>Guidance for scheme managers: See 7.5.</p> <p>Guidance for independent smallholders: See 7.5 above.</p>	<p>National Legislation</p> <p>1. CIVIL CODE Decree 106. Articles: 1124, 1130, 1131.</p> <p>International Legislation</p> <p>2. AGREEMENT ON IDENTITY AND RIGHTS OF INDIGENOUS PEOPLES.</p>

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<p>7.6.4 Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.</p> <p>7.6.5 The process and outcome of any compensation claims shall be documented and made publicly available.</p> <p>7.6.6 Evidence shall be available that the affected communities and rights holders have access to information and advice, that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands</p> <p>Specific Guidance:</p> <p>For 7.6.1: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>For 7.6.6: Growers and millers will confirm that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the new issuance of a concession or land title to the operator.</p> <p>Guidance:</p> <p>Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance. This requirement includes indigenous peoples (see Annex 1).</p> <p>Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Companies', October 2008)</p>		<p>Government of the Republic of Guatemala Peace Agreement 001.3</p>

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<p>Criterion 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 practice.</p>		
<p>Indicators:</p> <p>7.7.1 (M) There shall be no land preparation by burning, other than in specific situations, as identified in the 'Guidelines for the Implementation of the ASEAN Policy on</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must ensure that no fire is used to establish new plantings.</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and</p>	<p>National Legislation</p> <p>1. FOREST LAW Decree 101-96</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Zero Burning’ 2003, or comparable guidelines in other regions.</p> <p>7.7.2 In exceptional cases where fire has to be used for preparing land for planting, there shall be evidence of prior approval of the controlled burning as specified in ‘Guidelines for the Implementation of the ASEAN Policy on Zero Burning’ 2003, or comparable guidelines in other regions.</p> <p>Specific Guidance:</p> <p>For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Guidance:</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and exceptional levels of caution are required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for smallholders may be necessary.</p>	<p>least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.</p> <p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to ‘Guidelines for the implementation of the ASEAN policy on zero burning’, or comparable guidelines in other locations.</p> <p>Guidance for group managers:</p> <p>Group managers must ensure that no fire is used to establish new plantings.</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.</p> <p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to ‘Guidelines for the implementation of the ASEAN policy on zero burning’, or comparable guidelines in other locations.</p>	<p>Articles: 1, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 46, 51, 52, 53, 98</p> <p>2. Regulation of the Forest Law Chapter IV, Forest Protection</p> <p>International Legislation</p>

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
Criterion 7.8. New plantation developments are designed to minimize net greenhouse gas emissions.		
Preamble		

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate RSPO's commitment to establishing a credible basis for the Principles and Criteria on GHGs.</p> <p>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognized that these emissions cannot be projected with accuracy with current knowledge and methodology.</p> <p>Growers and millers commit to plan development in such a way to minimize net GHG emissions towards a goal of low carbon development (noting the recommendations agreed by consensus of the RSPO GHG WG2).</p> <p>Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.</p>		
<p>Indicators:</p> <p>7.8.1 (M) The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated.</p> <p>7.8.2 There shall be a plan to minimize net GHG emissions which takes into account avoidance of land areas with high carbon stocks and/or sequestration options.</p> <p>Specific Guidance:</p> <p>For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The RSPO carbon assessment tool for new plantings will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process. The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantings.</p> <p>Parties seeking to use an alternative tool for new plantings will have to demonstrate its equivalence to the RSPO for endorsement.</p>		<p>National Legislation:</p> <ol style="list-style-type: none"> 1. DECREE FOR THE FRAMEWORK LAW THAT REGULATES THE REDUCTION OF VULNERABILITY, THE MANDATORY ADAPTATION TO THE EFFECTS OF CLIMATE CHANGE, AND MITIGATION OF GREENHOUSE GASES. Decree 7-2013 Articles: 1, 2, 4, 16, 21, 22, 23, International Legislation 2. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE. Convention 0252 3. INSTRUMENT OF RATIFICATION OF THE KYOTO PROTOCOL OF THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE AGREED IN THAT CITY ON 11 DECEMBER 1997 AND SIGNED BY THE GOVERNMENT OF GUATEMALA ON 10 JULY 1998 Convention 0274 4. REGIONAL CONVENTION ON CLIMATE CHANGES, SIGNED IN GUATEMALA ON 29 OCTOBER 1993. Convention 0258

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>For 7.8.2: Growers are strongly encouraged to establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Millers are encouraged to adopt low-emission management practices (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.</p> <p>Growers and millers should plan to implement RSPO best management practices for the minimization of emissions during the development of new plantations.</p> <p>Guidance</p> <p>This Criterion covers plantations, mill operations, roads and other infrastructure. It is recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation.</p> <p>Public reporting is desirable, but remains voluntary until the end of the implementation period. During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance on the process. During the implementation period the RSPO working group will seek to further develop and continually improve the RSPO carbon assessment tool for new plantings, recognizing the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.</p> <p>Thereafter growers and millers will ensure that new plantation developments are designed to minimize net GHG emissions and commit to reporting publicly on this.</p> <p>Once established, new developments should report on-going operational, land use and land use change emissions under Criterion 5.6.</p>		

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Additional Guidance</p> <p>Guidelines on low carbon stock areas:</p> <p>Low carbon stock areas are defined as those with (above and below ground) carbon stores, where the losses as a result of conversion are equal or smaller to the gains in carbon stock within the new development areas including set-asides (non-planted areas) over the period of one rotation.</p>		

Principle 8: Commitment to continual improvement in key areas of activity

Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Criterion 8.1. Growers and millers regularly monitor and review their activities, and develop and implement action plans that allow demonstrable continual improvement in key operations.</p>		
<p>Indicators:</p> <p>8.1.1 (M) The action plan for continual improvement shall be implemented, based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of Indicators covered by these Principles and Criteria.</p> <p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"> • Reduction in use of pesticides(Criterion 4.6); • Environmental impacts (Criteria 4.3, 5.1 and 5.2); • Waste reduction (Criterion 5.3); • Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8); • Social impacts (Criterion 6.1); • Optimizing the yield of the supply base. <p>Guidance:</p>	<p>Guidance for scheme managers:</p> <p>Scheme managers must develop an action plan for continual improvement, in a participatory manner with smallholders, based on a consideration of the main social and environmental impacts and opportunities of the smallholdings, and should include a range of indicators covered by these principles and criteria.</p> <p>Guidance for group managers:</p> <p>Group managers must develop an action plan for continual improvement, developed in a participatory manner with group smallholders, based on a consideration of the main social and environmental impacts and opportunities of the smallholdings, and should include a range of indicators covered by these principles and criteria.</p>	<p>National Legislation:</p> <p>1. LAW FOR ENVIRONMENTAL PROTECTION AND IMPROVEMENT, Decree 68-86. Articles: 1, 4, 5, 6, 7, 8, 10, 13, 29, 30, 31, 33.</p> <p>2. COMMITMENTS TO ENVIRONMENTAL POLICY INSTRUMENTS</p> <p>International Legislation:</p>

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Indicator/ Guidance	Guidance For Smallholders	Laws, Conventions and Treaties
<p>Growers should have a system to improve practices in line with new information and techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continual improvement.</p> <p>For National Interpretation: National Interpretation will include specific minimum performance thresholds for key indicators (Criteria 4.2, 4.3, 4.4, and 4.5).</p>		

Definitions

High Conservation Value (HCV) Areas: The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):

- HCV 1 – Species diversity. Concentrations of biological diversity including endemic species, and rare, threatened or endangered species, that are significant at global, regional or national levels.
- HCV 2 - Landscape-level ecosystems and mosaics. Large landscape level ecosystems and ecosystem mosaics that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.
- HCV 3 - Ecosystems and habitats. Rare, threatened, or endangered ecosystems, habitats or refugia.
- HCV 4 - Critical ecosystem services. Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.
- HCV 5 - Community needs. Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.
- HCV 6 - Cultural values. Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities

Note: RSPO will develop coherent guidance for standardized identification, management and monitoring (and other types of relevant guidance) of HCVs which would include guidance for compatibility of national toolkits as necessary.

Primary Forest: A primary forest is a forest that has never been logged and has developed following natural disturbances and under natural processes, regardless of its age. Also included as primary, are forests that are used inconsequentially by indigenous and local communities living traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The present cover is normally relatively close to the natural composition and has arisen (predominantly) through natural regeneration. (From FAO Second Expert Meeting On Harmonizing Paraestrelated Definitions for Use by Various stakeholders, 2001, http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y4171E/Y4171E11.htm)

Outgrowers: Farmers, where the sale of FFB is exclusively contracted to the grower/miller. Outgrowers may be smallholders.

Rights: are legal, social, or ethical principles of freedom or entitlement:

Customary rights: Patterns of long-standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical use rather than formal legal title to land and resources issued by the State. (From World Bank Operational Policy 4.10 - <http://go.worldbank.org/6L01FZTD20>).

Legal rights: Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations

User rights: Rights for the use of land and resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights. (From FSC Principles & Criteria: <https://ic.fsc.org/download.revised-fsc-pc-v-5-0-high-resolution.a-871.pdf>)

Demonstrable rights are those rights that are demonstrated through participatory user mapping as part of an FPIC process

Note: Where there is a national interpretation, these rights shall be further defined taking into account national obligations, constitutions, local laws and regulations, consistent with the generic definitions, including development of adequate guidance on a process to avoid or resolve any conflicts between customary rights (as defined above) and the nationally recognized customary rights.

Environmental Impact Assessment: A process of predicting and evaluating the effects of an action or series of actions on the environment, then using the conclusions as a tool in planning and decision-making.

Workforce: The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.

Migrant worker: a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and do not include those workers who move within a country for the purposes of employment.

Transmigrant worker: a person who migrates from one part of the country to another with a view to being employed otherwise than on his own account

Family farm: A farm operated and mostly owned by a family, for the growing of oil palm, sometimes along with subsistence production of other crops, and where the family provides the majority of the labour used. Such farms provide the principal source of income, and the planted area of oil palm is below 50 hectares in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programmes; when children are part of the family and when they are not exposed to hazardous working conditions.

Undue influence: The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.

Integrated Pest Management (IPM): IPM is the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms. (FAO 2013:<http://www.fao.org/agriculture/crops/corethemes/theme/pests/ipm/en/>)

Livelihood: A person's or a group's way of making a living, from their environment or in the economy, including how they provision their basic needs and assure themselves and following generations secure access to food, clean water, health, education, housing and the materials needed for their life and comfort either through their own direct use of natural resources or through exchange, barter, trade or engagement in the market. A livelihood includes not just access to resources but the knowledge and institutions that make this possible such as time for community participation and integration, personal, local or traditional ecological knowledge, skills, endowments and practices, the assets that are intrinsic to that way of making a living (e.g. farms, fields, pastures, crops, stock, natural resources, tools, machinery and intangible cultural properties) and their position in the legal, political and social fabric of society.

The risk of livelihood failure determines the level of vulnerability of a person or a group to income, food, health and nutritional insecurity. Therefore, livelihoods are secure when they have secure ownership of, or access to, resources and income earning activities, including reserves and assets, to offset risks, ease shocks and meet contingencies. (Compiled from various definitions of livelihoods from DfID, IDS and FAO and academic texts from: <http://www.fao.org/docrep/X0051T/X0051t05.htm>)

ISO Standards: Standards developed by the International Organization for Standardization (ISO: see <http://www.iso.ch/iso>).

Operations: All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base.

Operator: A person or entity that runs a business, machine, facility etc.

Origin of fresh fruit bunch (FFB): Source of FFB entering a mill (see Indicator 4.1.4). RSPO members acknowledge the need for responsible operators to practice due diligence in sourcing of FFB from third parties to reduce the risk that unsustainable products are entering the certified supply chain. However it is also recognized that there are significant challenges in tracing all such supplies back to their point of origin. Therefore, as a minimum the mill must record the particulars of the party from which the FFB was sourced at the mill gate.

Note: As stated in the preamble, the millers will commit to a process whereby they aim to source third party FFB from identified, legal and responsible sources.

Pesticide: Substances or mixture of substances intended for preventing destroying, repelling or mitigating any pest. Pesticides are categorized into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides

Plan—A time-bound and detailed scheme, programme, or method for achieving objective(s) and desired outcome(s). Plans shall have clear targets with timelines for delivery, actions to be taken and a process for monitoring progress, adapting plans to changing circumstances and reporting. Plans shall also include the identification of named individuals or positions responsible for the delivery of the plan. There shall be evidence that sufficient resources are available to carry out the plan and the plan is implemented in full.

Plantation: The land containing oil palm and associated land uses such as infrastructure (e.g., roads), riparian zones and conservation set-asides

Miller: A person or entity that operates a Palm Oil Mill.

Prophylactic: A treatment or course of action applied as a preventive measure.

Restore: Returning degraded or converted areas within the plantation to a semi-natural state

Grower: The person or entity that owns and/or manages an oil palm development.

Smallholders: Farmers growing oil palm, sometimes along with the production of other crops, where the farm may or may not provide the principal source of income, and where the planted area of oil palm is usually below 50 hectares in size.

- **Scheme smallholders/Associate Producers:** - Smallholders that are structurally bound by contract or credit agreement to a particular mill or company; they may receive services and/or inputs.
- **Independent smallholders** - smallholders that are not bound by a contract or credit agreement to a particular mill or company.

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

Natural vegetation: Areas where many of the principal characteristics and key elements of native ecosystems such as complexity, structure and diversity are present.

Annex 1: Key international laws and conventions applicable to the production of palm oil

The following is a listing of the key international laws and conventions applicable to the production of palm oil which should be taken into account as appropriate in developing national interpretations. National Interpretations shall identify which of the listed international standards and/or conventions have been ratified and when in the relevant country. The RSPO P&C strive to achieve international best practice so all RSPO members must comply with the relevant parts of the P&Cs where they refer to the standards and/or conventions even if they have not been ratified nationally.

Principles	International Standards	Key Provisions	Summary Of Protections
Ethical business conduct	United Nations Convention Against Corruption (2000)	Article 12	Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct for business activities and preventing conflicts of interest. Promoting transparency. Ensuring that companies have sufficient internal auditing controls to prevent corruption.
Respect for human rights	United Nations Guiding Principles on Business and Human Rights (2011) International Bill of Human Rights Universal Declaration of Human Rights (1948) International Covenant on Civil and Political Rights International Covenant on Economic, Social and Cultural Rights	Principles 11 to 24 Articles 1 – 30 Articles 1 – 27 Articles 1 – 15	Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organization size, sector of operation or ownership
Just Land Acquisition	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 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.
Just Land Acquisition	UN Declaration on the Rights of Indigenous Peoples (2007) UN Convention on Biological Diversity (1992)	Articles 25, 26 Article 10(c)	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources. Protect and encourage customary use of biological resources in accordance with traditional practices
Fair Representation and Participation of	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 6-9	Represent themselves through their own representative institutions; consultations with objective of achieving

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Principles	International Standards	Key Provisions	Summary Of Protections
Indigenous and Tribal Peoples	<p>UN Declaration on the Rights of Indigenous Peoples (2007)</p> <p>Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System.</p>	<p>Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).</p> <p>UN CERD Committee, UN Committee on Social Cultural and Economic Rights, Inter- American Commission on Human Rights.</p>	<p>agreement or consent; rights to decide their own priorities, retain their own customs and resolve offences according to customary law (compatible with international human rights).</p> <p>Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.</p> <p>Free Prior Informed Consent for decisions that may affect indigenous peoples. (This standard has been widely accepted as a 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN and WWF).</p>
No Forced Labour	<p>ILO Convention 29 (1930) Forced Labour</p> <p>ILO Convention 105 (1957) Abolition of Forced Labour</p>	<p>Article 5</p> <p>Article 1</p>	<p>No concession to companies shall involve any form of forced or compulsory labour.</p> <p>Not make use of any form of forced or compulsory labour.</p>
Protection of Children	<p>ILO Convention 138 (1973) Minimum Age</p> <p>ILO Convention 182 (1999) Worst Forms of Child Labour</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007)</p>	<p>Articles 1-3</p> <p>Articles 1-7</p> <p>Articles 17(2), 21, 22(2)</p>	<p>Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).</p> <p>Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.</p> <p>No exploitation or exposure to hazard or discrimination against indigenous women and children</p>
Freedom of Association and Collective Bargaining	<p>ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organize</p> <p>ILO Convention 98 (1949) Right to Organize and</p>	<p>Articles 2- 11</p>	<p>Freedom to join organizations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organize</p>

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Principles	International Standards	Key Provisions	Summary Of Protections
	<p>Collective Bargaining.</p> <p>ILO Convention 141 (1975) Rural Workers' Organisations</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007)</p>	<p>Articles 1-4</p> <p>Articles 2-3</p> <p>Article 3</p>	<p>Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.</p> <p>Right of tenants, sharecroppers and smallholders to organize; freedom of association; free from interference and coercion.</p> <p>Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development</p>
Non- Discrimination and Equal Remuneration	<p>ILO Convention 100 (1951) Equal Remuneration</p> <p>ILO Convention 111 (1958) Discrimination (Employment and Occupation)</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007)</p>	<p>Articles 1-3</p> <p>Articles 1-2</p> <p>Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)</p>	<p>Equal remuneration for men and women for work of equal value.</p> <p>Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, color, sex, religion, political opinion, national extraction or social origin.</p> <p>No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women</p>
Freedom of Association and Collective Bargaining	<p>ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organize</p> <p>ILO Convention 98 (1949) Right to Organize and Collective Bargaining.</p> <p>ILO Convention 141 (1975) Rural Workers' Organizations</p>	<p>Articles 2- 11</p> <p>Articles 1-4</p> <p>Articles 2-3</p>	<p>Freedom to join organizations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organize</p> <p>Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.</p>

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Principles	International Standards	Key Provisions	Summary Of Protections
	UN Declaration on the Rights of Indigenous Peoples (2007)	Article 3	Right of tenants, sharecroppers and smallholders to organize; freedom of association; free from interference and coercion. Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development.
Non- Discrimination and Equal Remuneration	ILO Convention 100 (1951) Equal Remuneration ILO Convention 111 (1958) Discrimination (Employment and Occupation) UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 1-3 Articles 1-2 Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	Equal remuneration for men and women for work of equal value Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, color, sex, religion, political opinion, national extraction or social origin. No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women
Just employment of Migrants	ILO Convention 97 (1949) Migration for Employment ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)	Articles 1 - 12	Provision of information; no obstacles to travel; provision of health care; non- discrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; 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' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation

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Principles	International Standards	Key Provisions	Summary Of Protections
			to use company stores; adequate accommodation and conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organize and collective bargaining; proper labour inspection; decent housing and medical care.
Protection of Tenants and Sharecroppers	ILO Recommendation 132 (1968) Tenants and Sharecroppers	Articles 4-8	Fair rents; adequate payment for crops; provisions for well-being; voluntary organization; fair contracts; procedures for the settlement of disputes.
Protection of Smallholders	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)	Article 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards.
Health and Safety	ILO Convention 184 (2001) Safety and Health in Agriculture	Articles 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety wrt workplaces, machinery, equipment, chemicals, tools and processes; ensure dissemination of information, appropriate training, supervision and compliance; special protections for youth and women workers; coverage against occupational injuries and disease
Control or Eliminate Use of Dangerous Chemicals and Pesticides	Stockholm Convention on Persistent Organic Pollutants (2001) FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002)	Articles 1-5 Article 5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane, PCB); restrict production and use of chemicals in Annex B (eg DDT); reduce or eliminate releases of chemicals listed in Annex C (eg Hexachlorobenzene). Curtail use of dangerous pesticides where control is difficult; ensure use of protective equipment and techniques; provide guidance for workers on safety measures; 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

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Principles	International Standards	Key Provisions	Summary Of Protections
	<p>Rotterdam Conventions on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007).</p>	<p>Articles 1, 5 y 6</p> <p>Articles 21(1), 23, 24, 29(3)</p>	<p>environment; ensure safe disposal of waste and equipment; make provisions for emergency treatment for poisoning.</p> <p>Curb trade in banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.</p> <p>Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain traditional health systems; effective monitoring of health.</p>

