# Responsible Production

#### 4 Minute Read



Achieving ethical supply chains ultimately depends on the responsible establishment and operation of production and primary processing sites. These include farms, plantations, forest management units, and processing mills. Responsible production practices ensure that forests and other natural ecosystems are protected on a long-term basis and that human rights are fully respected.





#### Related Core Principles





Land acquisition, land use planning, and site development

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Land management and long-term protection

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Access to remedy and environmental restoration

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# What are the primary components of responsible production?

The Accountability Framework addresses three key components of responsible production:

- Responsible site establishment: Land acquisition, land-use planning, and site
  development are protective of forests, other natural ecosystems, and the rights of
  indigenous peoples and local communities (Accountability Framework Core Principle 7).
- Responsible site operation: Production units are managed to ensure long-term
  protection of the site's conservation and cultural values (Core Principle 8) and full
  respect for human rights (Core Principle 2).
- 3. **Remediation (as needed):** Restoration or other remedy is provided where production activities have caused or contributed to adverse environmental or human rights impacts (Core Principle 9).

# What is the role of downstream buyers in responsible production?

Producers and processors are typically most directly responsible for implementing responsible production practices. But traders, other downstream buyers, and financial institutions also have critical roles to play by ensuring that their sourcing policies, supplier engagement practices, and financing activities mandate and support responsible production on the ground.

Buyers should require that their direct and indirect suppliers follow responsible practices for land acquisition and development across their entire company and operations - not just for the product volumes currently being purchased. This is essential because sites being established now will yield products for future supply chains. Buyers should engage with suppliers that own or manage land to ensure that commitments are fulfilled at the time that new operations are established or expanded. This may be done through supplier codes, sourcing contracts, and other forms of communication and capacity-building.

Buyers are also responsible for ensuring that their suppliers manage production and processing operations to protect the conservation and community values of non-cultivated areas and to fully respect the rights of indigenous peoples, local communities, and workers. In some cases, this may require buyers to provide financial or technical support for conservation, restoration, or other remediation activities. Commodity buyers as well as financial institutions that finance or invest in production or processing operations have similar obligations with respect to these loans or investments.

### What does responsible site establishment entail?

Prior to securing new land or resource rights (e.g., land purchases or concessions), acquiring or expanding existing operations, or establishing production or processing facilities, companies should conduct due diligence and site planning to ensure that operations will comply with commitments to protect natural ecosystems and human rights.

The due diligence process should ensure that the proposed site acquisition or development complies with applicable law, is not in conflict with existing land or resource rights, and does not involve conversion of natural forests or other natural ecosystems. If an existing production unit is being acquired, the company should determine when the site was cleared or converted. If conversion occurred after the cutoff date in their or their buyers' commitments, then that land should not be used for commodity production.

Due diligence and site planning should utilize recognized and effective methods for participatory assessment (e.g., social baseline analysis, land use mapping, and land tenure assessment), environmental and social impact assessment, and land use planning to develop plans that minimize negative impacts and mitigate unavoidable impacts. Where activities may affect rights or resources of indigenous peoples and local communities, the company must secure the free, prior, and informed consent (FPIC) of these groups. Companies should have defined policies, appropriately trained staff, and necessary resources to conduct or support effective FPIC processes. Site development plans must follow the outcomes of the FPIC process, and if consent is withheld, development may not proceed unless and until consent is given.

Companies are encouraged to follow existing credible and comprehensive processes for due diligence and site planning, such as the integrated High Carbon Stock Approach/High Conservation Value (HCSA/HCV) methodology. The entire due diligence and site planning process should be transparent and participatory, and engage relevant stakeholders including indigenous peoples and local communities where applicable.

### What does responsible site operation entail?

The Accountability Framework focuses on two aspects of responsible site operation: 1) land management; and 2) ensuring respect for workers' rights.

#### Land management

Producers should ensure that natural ecosystems within production units - and the services they provide, such as habitat, water provision, and soil protection - are protected from loss or degradation over time. They should also ensure that the cultural and livelihood values of those land are maintained and respected. Producers should develop and implement management and monitoring plans that proactively address both short-term threats and longer term processes of land use change, ecosystem degradation, infrastructure development, and resource depletion. If the site contains or is adjacent to areas of importance for indigenous peoples or local communities, land management plans should be documented and agreed upon by the relevant parties.

#### Workers' rights

Operators of production and processing sites must adopt policies and practices to respect key workers' rights addressed in the Accountability Framework and grounded in international laws and norms. These include: 1) no child labour; 2) no forced or compulsory labour; 3) safeguarding freedom of association and collective bargaining; 4) no discrimination; 5) no abusive practices or undue disciplinary procedures; 6) legal and decent working hours; 7) safe and healthy workplaces; and 8) living wages and fair benefits. See the Operational Guidance on Workers' Rights (working draft) for more information on these rights and practical steps that site operators can take to help ensure that they are fully respected.

## When is remediation required and what does it entail?

When producers, processors, or other companies have not fulfilled their commitments, or when they have caused or contributed to adverse human rights or environmental impacts, they are expected to provide for or cooperate in the remediation of any associated harms. In addition, companies that are linked to adverse impacts through a business relationship (e.g., downstream buyers) are expected to use their leverage to require, support, or incentivize their suppliers to remediate harms to which the company is linked.

To facilitate fair and just remedy, companies must have in place a grievance mechanism that adheres to the Effectiveness Criteria of the UN Guiding Principles on Business and Human Rights.

In the case of human rights violations, fair and just remedy should be provided through means such as restoring the rights that existed before the violation, providing compensation for economic and non-economic loss, collaborating with State judicial and non-judicial systems to provide for remedy, providing apology, and guaranteeing non-repetition. See the Operational Guidance documents on Remediation and Access to Remedy and Workers' Rights for more information.

In the case of deforestation, conversion, ecosystem degradation, or other negative environmental impacts, companies should take effective action to restore the given ecosystems and values to their prior condition or provide suitable compensation for the lost ecosystems and values. This restoration or compensation should be commensurate with the values lost and, whenever feasible, should be implemented on or near the site that was deforested or converted. Restoration, compensation, or other forms of remediation may not be used to justify or offset new or recent (post-cutoff date) deforestation or conversion.

To ensure clear lines of responsibility for remediation, companies purchasing or acquiring interests in commodity-producing properties are presumed to take responsibility for remediating any past harms unless such responsibility is explicitly assumed by another party. Similarly, companies should not divest interests in land until outstanding grievances are resolved, or obligations have been formally transferred (e.g., the new owner).

### Next steps

# Review Framework sections that address responsible production

Framework sections addressing site establishment:

- Core Principle 7 Land acquisition, land use planning, and site development
- Core Principle 2.2 Respect for rights of indigenous peoples and local communities

Framework sections addressing site management:

- Core Principle 8 Land management and long-term protection
- Core Principle 2 Respect for human rights
- Operational Guidance on Workers Rights
- Operational Guidance on Long Term Protection (forthcoming)

Framework sections addressing site establishment:

- <u>Core Principle 9</u> Access to remedy and environmental remediation
- Operational Guidance on Remediation and Access to Remedy
- Operational Guidance on Environmental Restoration and Compensation

Additional guidance on respect for rights of indigenous peoples and local communities (addressing site establishment, site operation, and remediation):

- Operational Guidance on Respecting the Rights of Indigenous Peoples and Local Communities
- Operational Guidance on Free, Prior, and Informed Consent

## Next steps

### Apply the Framework

Companies can use the Framework to assess, improve, and report on their production and land management systems in the following ways:

 Assess your existing policies and practices related to site establishment, site operation, and remediation against the Accountability Framework to identify potential gaps, opportunities, and priorities for improvement

Self-assessment tool >

2. Determine how to best to report on production and land management systems, including including through the use of existing reporting systems

### Find additional support

Even with the Framework's clear guidance, there can be numerous decisions and challenges in setting up an ethical supply chain strategy that is well-suited to your company. Many companies seek the support of a service provider whose approach and advice are aligned with the Accountability Framework.

You may also <u>contact the AFi</u> to discuss your company's next steps. The AFi is not a fee-based service provider but will help guide you in identifying ways to apply the Framework and direct you to additional support from AFi coalition members or other sources based on your needs and interests.