



ACTION PLAN TO IMPLEMENT TPAC'S RECOMMENDATIONS

Version: 18 December 2012

Introduction

TPAC researched the functioning of FSC following critique expressed in the public domain. The research contributes to the preparation for the periodical re-assessment of the FSC International which shall be completed in 2013. The research focused on the functioning of FSC in Malaysia and Russia, and the functioning of the FSC Interim Standards and of the dispute resolution system. FSC and TPAC convened on 31 August to discuss TPAC's findings. During this meeting FSC agreed on several improvements of its system which are listed below together with a plan of implementation.

Conversion (Malaysia)

Certification bodies operating in Malaysia are using interim standards which are ambiguous on conversion.

FSC Action:

FSC will issue Corrective Action Requests to the CBs through ASI demanding revision/clarification of the following:

- 1 Conversion shall not exceed 5% regardless of whether this conversion leads to plantations or to other types of land use.
- 2 Indicators undermine criterion are to be cancelled as conversion can only take place if there are clear conservation benefits.

Timeline: CARs submitted to ASI by 31 December 2012

NTFP licencing system (Malaysia)

The Malaysian law requires a licensing system for gathering NTFPs. This system may hamper Indigenous Peoples' (IP) rights because it demands a paid license which must be periodically renewed.

FSC Action:

FSC will submit a memo to the Malaysian Standard Development Working Group to ensure they adequately addresses IP rights; IP rights shall not be hampered by the NTFP licencing system as demanded by Malaysian law.



Timeline: Memo submitted to the Malaysian SDG by 31 December 2012.

IP rights (Malaysia)

One CB interim standard includes many indicators concerning IP rights. Several of them include the phrase “within national and regional legal frameworks”. This suggests that if IP rights are not backed up by a legal framework, the indicator does not apply.

FSC Action:

FSC will issue a CAR to the CB through ASI demanding revision of the interim standard text on this point. The indicators shall not include the limiting phrase “within national and regional legal frameworks”.

Timeline: CAR submitted to ASI by 31 December 2012

Quality of certification bodies (Russia)

Evidence has been found by TPAC suggesting that the quality of certification bodies operating in Russia is not always sufficient. In some cases certified forest managers used a narrow legal definition of IPs instead of the broad FSC definition, without being corrected by the CB. In other cases environmental assessments were absent or incomplete without repercussions. In other cases CBs seemed to be too lenient in issuing CARs.

FSC Action:

- 1 FSC will ensure that ASI continues to conduct witness audits with CBs operating in Russia with high priority.
- 2 FSC is in the process of establishing a Quality Assurance Unit (QAU), which includes the monitoring of ASI witness audits, a policy for Preconditions and Safeguards for certification in High Risk regions.

Timelines: QAU established by 01 April 2013; Policy for Preconditions (process through 2013).



Legal compliance (general)

Interim standards are sometimes being operated in countries with poor law enforcement. In these countries indicators demanding that there shall be no evidence of non-compliance may not be sufficient to ensure compliance.

- 1 FSC will see to it that the Generic Indicators Working Group will look into the possibility of including positive indicators demanding evidence of compliance.

Timelines: Process is on-going, target deadline: March 2014.

Conversion (general)

The FSC criterion on conversion seems to be quite strict, its interpretation however sometimes leads to confusion with CBs, certified companies and other stakeholders.

- 1 FSC will clarify in its Generic Indicators and if necessary in other documents, that the maximum conversion of certified forest area is 5%, regardless whether the conversion leads to plantations or to other land uses.
- 2 FSC will clarify in its Generic Indicators and other documents if necessary, that the 5% maximum for conversion applies to an open-ended period.

Timelines: Process is on-going, target deadline: March 2014.