

Development, Application and Management of Certification Systems (DAM)

C 1.1. The development process of the standard fulfils the requirements established in the ISEAL ‘Code of Good Practice for Setting Social and Environmental Standards’, the ISO Guide 59 ‘Code of Good Practice for Standardisation’ or equivalent.

This criterion is similar to the CPET criterion 1.3.1.: *“The standard-setting process must be consistent with the requirements of ISO Guide 59: Code of Good Practice for Standardisation or the ISEAL Code of Good Practice for Setting Social and Environmental Standards or equivalent.”* CPET found that “the regulations governing local adaptation of certification bodies generic standards **are not fully consistent** with the ISEAL Code. “

C 1.2. The standard development body comprises the relevant interested groups that serve the economic, social and environmental interests without undue dominance of one interest.

No requirement exists in FSC-STD-20-002 that specifies that the standard development body (in this case only one entity - the certification body) is comprised of relevant interested groups that serve the economic, social, and environmental interest without undue dominance of one interest.

This criterion is not covered by CPET. Very little information describing the development process in practice is available. Bart van Assen writes:

“Here in Indonesia, we now have 6 different interim standards. A recent review suggests that comparing these standards ‘is difficult’. Many of these – sometimes very general – standards are prepared by 1-2 employees during 1-2 days. Stakeholder consultation is little more than a passive announcement on internet, in some cases stakeholders have but 5 work days to reply. Personal experience suggests that the few stakeholders who bother to reply are belittled and ignored. The message behind it is clear: most CBs are NOT interested in a decent standard.”¹

Bart covered the challenge of interim standards in Indonesia in a recent article in ETRN², in which he highlights the challenges of multiple interim standards existing in a country. It should be noted that 2 or more FSC interim standards exist in more than 35 countries, with up to 6 standards co-existing in individual countries (such as China).

C1.3 Decisions of the standard development body are made, if possible, by consensus. If consensus is not reached, qualified majority voting applies.

This TPAC requirement is covered by an ISEAL Code requirement, which, according to CPET, **FSC fails to address:**

“FSC-STD-20-002 fails to address the ISEAL Code requirement that “the standard setting process shall strive for consensus amongst a balance of interested parties (clause 5.6): FSC-STD-20-002 6.8 states: “the certification body is not required to seek or develop a consensus with stakeholders regarding its modification of its generic standard [...].”³

¹ <http://blog.cifor.org/2847/the-timber-may-be-certified-but-is-it-sustainable/#comment-14969>

² http://www.etfrn.org/file.php/17/etfrn_51-web.pdf

³ <http://www.cpet.org.uk/uk-government-timber-procurement-policy/files/Appendix%20a%20Review%20of%20FSC%20Dec%202010.pdf> criterion 1.3.1

C 1.4. The development of the standard takes place with input of the relevant stakeholders. Potential limitations for certain groups such as indigenous peoples and small forest owners to contribute directly are taken into account.

While FSC-STD-20-002 states that

“[...] the certification body shall make meaningful accommodation of stakeholder concerns”

the comment by Bart van Assen that

“[s]takeholder consultation is little more than a passive announcement on internet, in some cases stakeholders have but 5 work days to reply. Personal experience suggests that the few stakeholders who bother to reply are belittled and ignored”

questions the implementation of this requirement on the ground.

There appears to be no requirement in FSC-STD-20-002 that addresses the TPAC requirement that *“[p]otential limitations for certain groups such as indigenous peoples and small forest owners to contribute directly are taken into account”* apart from 7.1, though whether the stipulation that *“[t]he certification body shall use consultation methods which are appropriate to the consulted stakeholder group(s)”* is sufficient is questionable.

Furthermore, the meaning of 7.4 in FSC-STD-20-002 should be assessed. It specifies that if the certification body seeks agreement of an existing FSC National Initiative, *“[a]pproval by the group is a means to demonstrate that there is no sustained objection to the indicators as adapted.”* This specification strongly limits the opportunities of non-FSC National Initiative Stakeholders to have their “sustained objections” recorded.

C 1.5. The standard development procedure provides for public input during a reasonable period of time.

While FSC-STD-20-002 requires for such a consultation period, Bart van Assen (see above) questions the implementation of this requirement, mention that only five days to respond were given in one instance.

C 1.6. With the development of the standard, the standard setting organisation takes into account any comments submitted in writing and communicated verbally. The organisation maintains reports of the development process of the standard including the received input and how it is dealt with. A summary of it is published and is freely available.

FSC-STD-20-002 requires that *“[...] the certification body shall make meaningful accommodation of stakeholder concerns”*.

However, while FSC-STD-20-002 requires in 8.1. certification bodies to maintain records of stakeholders invited to comment, copies of correspondence, and sources of information taken into account, publicly available information do not allow an assessment of whether this requirement is implemented and whether it constitutes *“reports of the development process”* as required by TPAC.

FSC-STD-20-002 limits itself in terms of “publicly and [...] freely available information” to requiring “[...] a short report listing the main issues related to the standard where stakeholders have sustained disagreement [...]” to be “[...] attached as an annex to the published standard.” (6.10).

None of the standards reviewed that were published prior to the publication of FSC-STD-20-002 contained any relevant information, and given that locally adapted standards do not need to be revised, it remains unknown whether there was any “sustained disagreements”.

Whether standards developed after the publication of FSC-STD-20-002 fulfill the TPAC requirement is questionable. While Rainforest Alliance/Smartwood interim standards contain a section called “Public Input and Comment on SmartWood Standard and Certification Processes”, the section only contains information about the certification process, not about the standard setting process. **There is no information about any stakeholder consultation that may have taken place available.**⁴

Control Union either does not include any information about the stakeholder consultation at all⁵ or limits itself to very basic information with the questionable deduction that because stakeholders have no “controversy”, they do not respond:

“Over twenty four (24) forest sector stakeholders in Ghana comprising individuals from government, international non-governmental, private enterprises, FSC National Initiative member, the Forestry Commission and local civil society organizations were consulted for their comments and input to the Draft FSC Control Union Generic Standard for Ghana. This consultation was done through e-mails and later follow-up with telephone calls.

*CUC received comments from two stakeholders, which received a response from CUC concerning their inputs and whose comments as much as possible were included in the final version. **Other stakeholders did not find any issue of controversy and therefore no other stakeholders in Ghana sent comments.**”⁶*

“About twenty nine (29) forest sector stakeholders in Vietnam comprising individuals from government, international non-governmental organisations, FSC National Initiative members, the Forestry Commission, ForestUniversity and local civil society organizations were consulted for their comments and input to the Draft CUC Locally Adapted Standard for Forest Management Assessments in Viet Nam. This consultation was done through e-mails (January 2011).

Control Union Certifications has received an official comment from one stakeholder. This stakeholder mentioned that he was pleased to be informed about the process, but he didn’t

⁴ - <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDdKAAU>,
<https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDdoAAE>,
<https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDemAAE>

⁵ http://cogent.controlunion.com/cusi_production_files/SISI_files/FL_021912121222_FSCCUSTAND-ADAPTED_BRA-PLANT_08-1_ENG.pdf

⁶ http://cogent.controlunion.com/cusi_production_files/SISI_files/FL_032911103830_FSCCUSTAND-GHA_R01_08_ENG.pdf

have any comments. Other stakeholders did not find any issue of controversy and therefore no other stakeholders in Viet Nam sent comments.”⁷

Lastly concerning DAM, one might want to have a look at the development process of FSC National Standards and their compliance with TPAC requirements and FSC requirements for that matter.

The standard for PNG raises a few questions in this matter: It was officially approved in December 2008, yet while there appears to be no official version of this standard to be available on the FSC website, a standard called “Version 1.1”, dated April 2010, could be retrieved⁸. According to the document, “Version 1.1 (04-10) of the FSC National Forest Management Standards for PNG incorporates the result of 12 Conditions given with a deadline of 8 December 2009, by the FSC Policy & Standards Unit at the time of endorsement of Version 1 of the National Standards”. There is however no information from FSC available as to whether the conditions are met – or what they were in the first place.

Another issue that the PNG standard is raised by the availability of another version of the standard. This version is dated “November 2008”⁹, and contains comments and additions made in preceding month. This comments are mainly done by Grant Rosoman, Forest Solutions Team Leader at Greenpeace. The exact extent of these modifications are difficult to evaluate though appear substantial, with a range of criteria added. These are not recorded in the standards development process, which states that “[t]he final version of the standards was submitted to the FSC Board in October 2003”. Whether the changes made violated standard setting requirements, or whether they have been other changes made between the official final 2003 version and the 2008 version is unknown as there are no further details available concerning the PNG standard setting process apart from the brief description included in the standard.

⁷ http://cogent.controlunion.com/cusi_production_files/SISI_files/FL_092011113325_FSCCUSTAND-VN_R01_08_ENG-VN.pdf

⁸ <http://ic.fsc.org/download.fsc-std-png-01-2010-papua-new-guinea-natural-and-plantation.269.htm>

⁹ http://www.scs-certified.com/docs/FSC_PNG_National_Standards_Final_11-08.pdf

Sustainable Forest Management (SFM)

Note that this exercise is limited to skimming through a handful of interim FSC standards and looking only at a selected number of TPAC criteria that were comparatively easy to assess as TPAC's general interpretation has been clarified in previous assessments. Multiple standards are listed to indicate that potential problems are widespread and potentially systemic.

C 1.3. Legal and regulatory obligations that apply to the forest management unit, including international agreements, are fulfilled.

Various standards do not require compliance with the law, but rather limit themselves to specifying that there should **no evidence** for non-compliance or even **no evidence for significant** non-compliance – for auditing purposes, this difference is substantial.

- SGS requires in most of its standards that *“There is **no evidence of significant non-compliance** with all applicable national and local laws and administrative requirements”* (1.1.1). Furthermore, **requirements concerning compliance with international agreements are often not applicable to SLIMF**. This is especially worrisome in countries with weak law enforcement or implementation. For example, in Turkey SLIMF are not required to be aware of the CBD, yet SGS itself states in its standard that while *“Turkey has signed the Biodiversity Convention, [...]the regional and the national red book related to threatened and endangered fauna species has not been prepared yet [...]”*¹⁰
- GFA China specifies for SLIMF that *“[f]orest managers are aware of and have implemented controls to ensure continuing compliance with national legislation relating to labour matters”* in 1.3.2, which requires non-SLIMF forest managers to comply with the respective ILO provisions. Given that China has not ratified all ILO fundamental conventions, it is questionable in how far **how forest managers can have awareness of international ILO conventions that are not even ratified at national level**.
- SCS China¹¹ specifies that *“[f]orest managers are aware of which binding international agreements apply to the nation in which their forest operations reside (see Annex 2)”*. As Annex 2 omits ILO 29 and 105 (which China has not ratified), **forest managers are not required to comply with these two fundamental ILO conventions, nor can anyone expect forest managers to be aware of them**.

C 2.1. The legal status of the management of the forest management unit and claims of the local population, including indigenous peoples, in the property/tenure or use rights regarding the forest management unit or a portion thereof have been inventoried and are respected and C 2.3. The

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<http://www.sgs.com/~media/Global/Documents/Technical%20Documents/Reports/Certification%20Reports/SGS%20-%20SSC%20-%20AD%2033-TR-04%20-%20FM%20Standard%20for%20Turkey%20-%20V04%20-%202012.ashx>

¹¹ [http://www.scs-certified.com/docs/SCS Interim Standard for China 2-23-09.pdf](http://www.scs-certified.com/docs/SCS%20Interim%20Standard%20for%20China%202-23-09.pdf)

local population and indigenous peoples have a say in forest management on the basis of free and informed consent, and hold the right to grant or withhold permission and, if relevant, receive compensation where their property/use rights are at stake

Various standards do not require respect of “property/tenure or use rights” beyond what is required by the law, or they limit such rights to rights holders that have already been recognized as rights holders by the law.

- SGS Malaysia¹² specifies that “[f]orest managers **shall collaborate** with holders of **duly recognized legal or customary tenure or use rights [...]**” (2.2.5), with indigenous peoples identified through “[a]vailability of documentation of the customary rights of the indigenous people’s lands within **relevant national and regional legal frameworks [...]**” (3.2.1)
- SGS Latvia¹³ presents an interesting example of a potentially systemic challenge of the interim standard approach.

In version 2 of its Latvian standard, indicator 2.2.1 states:

“Forest manager shall impose no groundless restrictions on free access to forest and forest non-wood resource utilisation on a non-profit basis”

In version 5¹⁴ of the standard, SGS indicator 2.2.1 states:

*“All existing legal or customary tenure or use rights that local communities have within the FMU shall be documented and mapped.
Latvia: “Forest manager shall impose no groundless restrictions on free access to forest and forest non-wood resource utilisation on a non-profit basis” (2.2.1).*

While version 5 expands the indicator to cover ‘documentation and mapping of legal or customary tenure or use rights’, the verifiers remain the same for both version 2 and version 5 and are limited to ensuring that there are no groundless restrictions on free access:

Verifiers version 2 and version 5:

“MPs or other long-term forest management documents include no groundless restrictions on free access to forest.

Forest manager has informed the local communities of well-grounded restrictions to the access to forest.”

It is very much possible that similar examples might be found in other locally adapted standards by other FSC-accredited certification body and may indicate a systemic challenge

¹²

<http://www.sgs.com/~media/Global/Documents/Technical%20Documents/Reports/Certification%20Reports/sgs-ssc-ad-33-my-05-fm-standard-sabah-my-2011-v5.ashx>

¹³ <http://www.sgs.com/~media/Global/Documents/Technical%20Documents/SGS%20Standards/ad-lv-fm-standard-latvia.ashx>

¹⁴ <http://www.sgs.com/~media/Global/Documents/Technical%20Documents/SGS%20Standards/ad-lv-fm-standard-latvia.ashx>

of locally adapted standards. It is important to keep in mind that the lowest level of specifications, in this case the verifiers, is of utmost importance in the audit process. This Latvian example therefore underlines that it is important for assessments of locally adapted standards to focus on the lowest level specifications – which for many standards may mean the verifiers.

It is highly questionable that the verifiers such as

“MPs or other long-term forest management documents include no groundless restrictions on free access to forest. Forest manager has informed the local communities of well-grounded restrictions to the access to forest.”

are in compliance with the TPAC requirement that

“[...] the property/tenure or use rights regarding the forest management unit or a portion thereof have been inventoried and are respected.”

SGS Latvia furthermore limits itself to requiring SLIMF that *“[t]here are **no major unresolved disputes** relating to tenure and use rights [...]”* (2.3.1.)

- RA Indonesia¹⁵ limits the recognition of indigenous peoples to those that have their rights already formally recognized : *“FME shall identify Indigenous peoples with customary/traditional rights to forest resources (timber and non-timber) where indigenous people have established customary or legal rights to the land or forest resources and their entitlements **formally recognized in written agreements.**”* (3.1.1)
- SCS Latvia¹⁶ only requires respect for the rights of local communities that have “lawful and conventional” rights and have themselves taken action and provided evidence for these rights. The indicator does not require the forest owner/manager to identify any rights holders: *“The FME **shall take into consideration** the local society and/or other interested parties having lawful or conventional rights or rights of use with regard to the forest territory to be managed, **if the parties provide such information** to FME, and to identify the type of any such rights in the management plan.”* (2.2.1)
- SCS China¹⁷ limits protection of indigenous peoples rights to those rights already recognized by the law: *“If the defined forest area is comprised of or includes lands or territories **duly owned or controlled by indigenous peoples** [...]”* (3.1.2.)
- GFA Laos¹⁸ **omits the requirement to respect tenure rights**: *“All claims to lands, territories or customary rights within the management area are documented and/or clearly mapped”* (3.1.2)

¹⁵ <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDgiAAE>

¹⁶ http://www.scscertified.com/docs/FM_STN_SCS_InterimStandard_Latvia_V2-0_122010.pdf

¹⁷ http://www.scscertified.com/docs/SCS_Interim_Standard_for_China_2-23-09.pdf

¹⁸ http://www.gfa-certification.de/574990/STD_FM_GFA_Standard_Laos_1.0_e.pdf

- RA Belarus¹⁹ **does not require SLIMF to respect rights of local communities**, only “large FMOs” are required to do so: “*Large FMO-s: Local communities’ legal or customary use rights (both timber and non-timber) shall be respected in forest management planning and during forest operations.*” (2.2.1)
- RA Bulgaria²⁰ requires forest owners to **only respect rights that are legally proven**: “*In case that local communities claim certain rights over the land, such claims are to be legally proven.*” (2.2.2)
- RA Estonia²¹ **does not require SLIMF to respect rights of local communities**, only “large FMOs” are required to do so: “*Large FMO-s: FMO shall respect the customary, legal or traditional use rights of local communities to use the forest resource.*” (2.2.1)
- RA India²² generally allows **forest owners to consult with government agencies instead of directly with indigenous peoples**:
 - 3.1.5 *Applicable to SLIMF FMEs only: (note: indicators above do not apply) If direct consultation with tribal groups is not feasible, FME shall consult with relevant government agencies to follow their guidance in issues on indigenous people.*
 - 3.2.5: *Applicable to SLIMF FMEs only: (note: indicators 3.2.2 – 3.2.4 do not apply) If direct consultation with tribal groups is not feasible, FME shall consult with relevant government agencies and abide by the outcome of negotiations or settlements made by the government.*
 - 3.3.3 *Applicable to SLIMF FMEs only: (note: indicator 3.3.2 does not apply) When direct, consultation with tribal groups is not feasible, information about special sites shall be collected from available sources.*
- GFA²³ seems generally to **not require local communities to delegate control with free and informed consent**: “*Where communities have delegated control of their legal or customary tenure or use rights or parts thereof, this can be confirmed by documented agreements and/or interviews with representatives of the local communities.*” (2.2.4.)

C 2.4. The forest management plan and accompanying maps, relevant monitoring results and information about the forest management measures to be applied are publicly available, except for strictly confidential business information.

Various interim standards have weak requirements concerning how management plans are made available, and to whom.

- Various SGS interim standards²⁴ only require management plans to be available on request: “*SLIMF: The management plan, or a summary of it [...] is available for the public to see on request.*” (7.4.1.)

¹⁹ <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDdKAAU>

²⁰ <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDdoAAE>

²¹ <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDemAAE>

²² <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000ipSCAAY>

²³ See e.g. http://www.gfa-certification.de/574990/PSP_STD_FM_CHINA_GFA_V_3.0_e.pdf

²⁴ E.g.

<http://www.sgs.com/~media/Global/Documents/Technical%20Documents/Reports/Certification%20Reports/sgs-ssc-ad-33-my-05-fm-standard-sabah-my-2011-v5.ashx>

- Various RA interim standards²⁵ limit availability of management plans to “directly affected” stakeholders: “*Applicable for SLIMF FME-s only (Note: above indicators do not apply): Upon request FME shall make available relevant parts of the management plan to stakeholders who are directly affected by the forest management activities of FME (e.g. neighboring landowners).*” (7.4.2.)
- BV China²⁶ only requires management plans to be available on request: “only require management plans to be available on request: “*SLIMF: A summary of the management plan [...] is available for consultation upon request.*” (7.4.1)
- CU Ghana²⁷ only requires management plans to be available on request: “(ONLY FOR SLIMF): *The management plan or a summary of it stating the relevant parts as mentioned in Criterion 7.1, shall be made available for stakeholders on request*”. (7.4.2)
- GFA China²⁸ limits availability of management plans to “directly affected” stakeholders: “*SLIMF: upon request, FME shall make available relevant parts of the management plan to stakeholders who are directly affected by the forest management activities).*” (7.4.1.)

C 2.5. Adequate mechanisms are in place for resolving disputes regarding forest management, property/usage rights, work conditions, or social services.

Various standards limit themselves to mechanisms that are required by law anyway. In how far such mechanism are “adequate” needs to be assessed. In any case, requiring mechanisms already available through a countries legal framework is superfluous as legal compliance is one of the fundamental prerequisites of certification.

- SGS Latvia²⁹ specifies that “[d]isputes over ownership claims and use rights shall be resolved **as provided by the LR law**” (2.3.1.1). Note again the modifications from version 2 to version 5 of the standard (see information provided above)
- Various SGS interim standards³⁰ require only large scale operations to have documented system for dispute resolution in place: “*Dispute resolution is clearly defined. System for resolving disputes includes legal requirements and is documented for large scale operations.*” (4.5.2)
- Various CU interim standards³¹ rely on existing mechanisms: “(ONLY FOR SLIMF): *There shall be no major unresolved disputes relating to tenure and use rights in the FMU. Other disputes or grievances are being resolved **using locally accepted mechanisms** and/or institutions.*”

²⁵ E.g. <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=0155000000iDgiAAE>

²⁶ <http://www.bureauveritas.com/wps/wcm/connect/301de780414dc42899dfb9f6a4e71b92/RF03+FSC+FM+BV+standard+for+China+v3.4.pdf?MOD=AJPERES&CACHEID=301de780414dc42899dfb9f6a4e71b92>

²⁷ http://cogent.controlunion.com/cusi_production_files/SISI_files/FL_032911103830_FSCCUSTAND-GHA_R01_08_ENG.pdf

²⁸ http://www.gfa-certification.de/574990/PSP_STD_FM_CHINA_GFA_V_3.0_e.pdf

²⁹ <http://www.sgs.com/~media/Global/Documents/Technical%20Documents/SGS%20Standards/ad-lv-fm-standard-latvia.ashx>

³⁰ E.g. <http://www.sgs.com/~media/Global/Documents/Technical%20Documents/SGS%20Standards/sgs-ad-33-id-04-fm-standard-indonesia-english.ashx>

³¹ E.g. http://cogent.controlunion.com/cusi_production_files/SISI_files/FL_092011113325_FSCCUSTAND-VN_R01_08_ENG-VN.pdf

(2.3.3.)

- Various GFA interim standards³² rely on existing mechanisms: “(SLIMF: There are no major unresolved disputes relating to tenure claims and use rights in the forest. Disputes or grievances are being resolved **using locally accepted mechanisms and institutions**)” (2.3.1.)
- RA Belarus³³ relies purely on legal mechanisms: “FMO has established a complaints and suggestions book as required by the President order.” (4.5.3.)
- Other RA interim standards³⁴ rely on the court system: “Disputes will be solved in independent courts” (2.3.3.)

C 2.6. Objects of cultural and traditional economic value are identified and inventoried in consultation with the stakeholders and are respected.

Various interim FSC standards are specifically weak when it comes to the requirement to consult with stakeholders and concerning the recognition of objects that are not already protected by the law.

- Various SGS interim standards³⁵ **do not require such objects to be identified in consultation** with stakeholders or to be inventoried: “SLIMF: Sites of special cultural, historical, economic or religious significance have been identified and any special requirements are known” (3.3.1.)
- SGS Malaysia³⁶ limits respect for such objects to those objects that are already respected by the legal framework: “Availability of appropriate procedures within current administrative processes for identifying and protecting such sites by indigenous people **within relevant national and state legal frameworks** or by mutual agreement.” (3.3.1.)
- BV China³⁷ does not require for objects to be identified in consultation with stakeholders: “Sites of special cultural, ecological, economic or religious significance to indigenous peoples or other local community sections are identified in the operational plan and are, if necessary, delimited on the land.” (3.3.1)
- Various GFA interim standards³⁸ **do not require for objects to be identified in consultation** with stakeholders: “SLIMF: Sites of special cultural, ecological, economic or religious significance to indigenous peoples and any special requirements are known.” (3.3.1.)

³² E.g. http://www.gfa-certification.de/574990/STD_FM_GFA_Standard_Laos_1.0_e.pdf

³³ <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDdKAAU>

³⁴ E.g. <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDdoAAE>

³⁵ E.g.

<http://www.sgs.com/~media/Global/Documents/Technical%20Documents/Reports/Certification%20Reports/sgs-ssc-ad-33-vn-05-fm-standard-vn.ashx>

³⁶

<http://www.sgs.com/~media/Global/Documents/Technical%20Documents/Reports/Certification%20Reports/sgs-ssc-ad-33-my-05-fm-standard-sabah-my-2011-v5.ashx>

³⁷

<http://www.bureauveritas.com/wps/wcm/connect/301de780414dc42899dfb9f6a4e71b92/RF03+FSC+FM+BV+standard+for+China+v3.4.pdf?MOD=AJPERES&CACHEID=301de780414dc42899dfb9f6a4e71b92>

³⁸ E.g. http://www.gfa-certification.de/574990/STD_FM_GFA_Standard_Laos_1.0_e.pdf

- Various SGS interim standards³⁹ limit consultation to “interested stakeholders” and do not require consultation with “affected stakeholders”: “*Sites of special cultural, historical, economic or religious significance are identified, described and mapped in cooperation with affected or interested stakeholders.*” (3.1.1.)

C 4.1. Objects of high ecological value and representative areas of forest types that occur within the forest management unit are identified, inventoried and protected and C 4.2. Protected and endangered plant and animal species are not exploited for commercial purposes. Where necessary, measures have been taken for their protection and, where relevant, increase of their population.

Various standards do not require identification, inventory and protection of representative areas and limit actions concerning protected species to “known” (to the forest manager) areas and species.

- SGS Malaysia⁴⁰: “*SLIMF: **Where known**, rare, threatened and endangered species and their habitats are mapped and protected.*” (6.2.2.)
- RA Australia⁴¹: “*Applicable to SLIMF FMEs only: (note: indicators 6.2.1-6.2.5 does not apply) **Where information exists** on rare, threatened and endangered species and their habitat, the FME shall use this information to protect these resources” (6.2.7.) and “*Applicable to SLIMF FME’s only: (note: above indicators do not apply). Where representative samples of ecosystems **are known to exist** in the FMU these shall be protected.*” (6.4.8.)*
- RA Belarus⁴² limits protection to officially registered species: “*SLIMF and medium FMO-s: FMO shall be aware of and conserve the **officially registered** protected species in the forest area.*” (6.2.2.)
- CU Vietnam⁴³: “*(ONLY FOR SLIMF): **Where information exists** on rare, threatened and endangered species and their habitats, specific management activities (and/or restrictions) designed to protect the local biodiversity shall have been defined and implemented.*” (6.2.7)
- GFA Laos: “*SLIMF: **Where known**, rare and endangered species and their habitats are protected” (6.2.1) and “(SLIMF: Where representative samples of ecosystems **are known to exist** in the FMU these shall be protected).*”
- SCS China⁴⁴ does not require representative areas to be protected if there are “adequately protected” areas “within the region”: “*Representative samples of ecosystems are identified, recorded on maps, and excluded from the harvesting area. If existing representative samples of ecosystems are already adequately protected on other private or public properties within the region then **no additional samples need to be identified and protected.***” (6.4.4.)

³⁹ E.g.

<http://www.sgs.com/~media/Global/Documents/Technical%20Documents/Reports/Certification%20Reports/sgs-ssc-ad-33-vn-05-fm-standard-vn.ashx>

⁴⁰

<http://www.sgs.com/~media/Global/Documents/Technical%20Documents/Reports/Certification%20Reports/sgs-ssc-ad-33-my-05-fm-standard-sabah-my-2011-v5.ashx>

⁴¹ <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDcqAAE>

⁴² <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=01550000000iDdKAAU>

⁴³ http://cogent.controlunion.com/cusi_production_files/SISI_files/FL_092011113325_FSCCUSTAND-VN_R01_08_ENG-VN.pdf

⁴⁴ [http://www.scs-certified.com/docs/SCS Interim Standard for China 2-23-09.pdf](http://www.scs-certified.com/docs/SCS%20Interim%20Standard%20for%20China%202-23-09.pdf)

C 4.3. Conversion of forests in the FMU to other types of land use, including timber plantations, shall not occur unless in justified exceptional circumstances.

Various interim standards have weak restrictions concerning conversions.

- RA Ukraine⁴⁵ specifies that “[c]onversion of forest lands to non-forest land for non-forestry purposes **shall be allowed only according to the exclusive decision of the Cabinet of Ministers of Ukraine.**” (6.10.1)
- RA Bulgaria allows for all conversions resulting from legally established procedures: “**Conversion of forestland to other land uses shall not be done unless resulting from legally established procedures and supported by cultural, landscape, recreational or natural interests.**” (6.10.1)
- The SGS Malaysia interim standard⁴⁶ contains an interesting indicator. In 6.10.5., it states that “**Conversion of forest area to plantations, consistent with the provisions of relevant legal frameworks and policies, should provide substantial, additional, secure and long term benefits across the forest management unit.**” It essentially repeats indicator 6.10.4. concerning the long term benefits, therefore it is to be questions what the exact purpose of this criterion is. Most likely, it is meant allow for conversions required by regional and national authorities (note also the use of the word “should” instead of “shall”), similar to provisions in other interim standards mentioned above.
- FSC Netherlands⁴⁷ allows for conversions of “[...] **10% of the total area of the forest management unit**” (6.10.3.)
- FSC PNG⁴⁸ allow for conversions of up to **20% of the forest management unit** (for small scale operations).

C 4.4. In case of plantations native species are preferred and a relevant proportion of the plantation shall be allowed to regenerate to natural forest

Various FSC interim standards do not mention a preference for native species and/or do not contain requirements concerning a relevant proportion of natural regeneration. It appears that non-native species can be used whenever they outperform native species (one needs to consider that a forest owner will always want to choose the best performing species, so he will in any case only want to choose non-native species if they outperform native species....)

- Various SGS standards⁴⁹ state that “[i]n case of plantations native species are preferred and a relevant proportion of the plantation shall be allowed to regenerate to natural forest”

⁴⁵ <https://ra.secure.force.com/SWPubDocs/servlet/servlet.FileDownload?file=0155000000iDpQAAU>

⁴⁶

<http://www.sgs.com/~media/Global/Documents/Technical%20Documents/Reports/Certification%20Reports/sgs-ssc-ad-33-my-05-fm-standard-sabah-my-2011-v5.ashx>

⁴⁷

<http://www.fsc.nl/files/download/124/Text%20FSC%20standard%20The%20Netherlands%20March%202008.pdf>

⁴⁸

http://www.scs-certified.com/docs/FSC_PNG_National_Standards_V1_1_04-10_Approved_0510.pdf

(10.4.2). (Note that e.g. SGS Latvia clearly requires prefer native species as it does not allow for exotic species to be used.).

- Various RA standards⁵⁰ limit plantation design to conserve protected areas, not necessarily to allow for natural regeneration: *“Applicable to SLIMF FMOs only (note: above indicator does not apply): Plantation design and management practices **shall protect ecological values, especially around conservation features or protected areas.**”* (10.5.2)
- Various GFA interim standards⁵¹ do not prefer native species, nor do they require regeneration; *“If exotic species were chosen, the greater performance has to be proven.”* (10.4.2.) and *“SLIMF: Improvements to the ecological value of the plantation are made where conservation features exists”* (10.5.1.)