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FSC Plantations Review - Procedures for Policy Phase

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Summary

The objectives of the Plantations Review are:

- to engage social, environmental and economic stakeholders in an international review of FSC's policies and standards for plantation certification, and
- to provide clear guidance and/or standards for their future implementation.

By engaging a wide array of stakeholders, and incorporating the values of transparency, participation and fairness into the review process FSC is confident that the outcomes of the review will gain broad support of the FSC membership and the global community.

The Plantations Review process is expected to take two years and will be divided into two phases: an initial policy phase followed by a technical phase.

This document specifies the procedures to be followed by FSC during the Policy Phase of the review.

Notes on development of this procedure

These draft procedures are based on the FSC International Standards development procedures already under development.

These procedures will be submitted to the FSC Board of Directors for review and comment at the 35th meeting of the FSC Board of Directors, in November 2004, and will be circulated to FSC National Initiatives and to other stakeholders for comment.

The FSC Policy and Standards Unit (PSU) will review and revise the procedures to take account of any comments received from the FSC Board of Directors, FSC staff (including Regional Directors and staff of FSC National Initiatives), members and other stakeholders.

Comments are sought by 11th December 2004.

Procedures will then be finalised by the Policy and Standards Unit for implementation from the start of 2005. Any subsequent changes would be made only after review by the Plantations Review Steering Committee.

Please send any comments for the attention of Matthew Wenban-Smith at m.wenbansmith@fsc.org.

FSC Plantations Review - Procedures for Policy Phase

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A Scope

This document specifies the procedures to be followed by the FSC International Center for the management of FSC's Plantations Review - Policy Phase.

B Effective date

The specified procedures will become formal requirements from the date of finalisation by the Head of the Policy and Standards Unit.

1. Objectives

1.1 The objectives of the Plantations Review are:

- to engage social, environmental and economic stakeholders in an international review of FSC's policies and standards for plantation certification, and
- to provide clear guidance and/or standards for their future implementation.

1.2 By engaging a wide array of stakeholders FSC is confident that the outcomes of the review will gain broad support of the FSC membership and the global community.

2. Overview of process

2.1 The Plantations Review process is expected to take two years and will be divided into two phases: an initial policy phase followed by a technical phase. Working Groups will be established for each of these phases.

2.2 The goals of the Policy Phase are firstly to identify and debate fundamental issues of plantations, secondly to determine an appropriate FSC position and/or approach to resolve them; thirdly to define specific terms of reference to enable specific technical solutions to be developed during the subsequent technical phase of work.

Examples of policy issues which may be addressed by the Policy Working Group could include:

- the role of forest plantations in the conservation and management of natural and semi-natural forests;
- preservation (vs. conversion) of biologically/socially valuable non-forested ecosystems in relation to afforestation and reforestation measures;
- issues related to off-site social/environmental impacts;
- questions about the relationship between intensification vs. the extent of plantations' environmental footprint, and multiple forest functions/forest use at stand level as opposed to larger scale, e.g. landscape, levels;
- FSC's definitions of plantations and forests;
- consideration whether 'plantations' can usefully be considered as a single category, or whether they should be subdivided for the purpose of standard setting, for example based on scale, intensity, or management objectives;
- consideration of the implications of separate plantations label, or even a separate

organisation for the purpose of certification of plantations

- review of the current structural approach of 9 principles plus a 'plantations' principle
- consideration of the implications of developing a generic 'FSC plantation standard' applicable internationally, including consideration of the balance between 'standardisation' and local flexibility/adaptability, as well as the balance between qualitative and quantitative indicators.

2.3 The goal of the second phase is to provide technical solutions to implement the policy positions agreed as a result of the Policy phase. For this phase, a Technical Working Group will be set up and managed by FSC IC.

The specific work programme and terms of reference for the Technical Working Group will be based on the work of the Policy Working Group from the Policy phase. Examples of possible objectives for the Technical Working Group could include:

- Provide clear guidance on the implementation of FSC's Principles and Criteria for plantation certification;
- Revise FSC's Principle 10 to make it more clear and less ambiguous;
- Develop a separate FSC generic standard for plantation certification.

NOTE

The final results of the Technical Phase of the review will be presented to the FSC Board of Directors for approval. If the technical changes involve a change to FSC's Principles and Criteria, the change(s) would have to be approved by the FSC membership.

2.4 For both phases, national meetings and stakeholder input will be a significant part of the process.

2.5 Terms of reference and procedures for the Policy Phase are described in this document. The Technical Phase shall proceed on the basis of the terms of reference developed during the Policy Phase, and following procedures to be approved by the FSC Board of Directors.

3. Appointment of the Policy Working Group

3.1 The Policy Working Group shall consist of 2 representatives of each of the 6 FSC sub-chambers (North/South; economic/social/environmental).

3.2 The representatives of each sub-chamber shall be appointed by the member(s) of the FSC Board of Directors responsible for representing the interests of the sub-chamber on the FSC Board of Directors. Replacements shall be appointed, as needed, by the appropriate member(s) of the FSC Board of Directors.

3.3 The Board of Directors shall select representatives for membership of the FSC Policy Working Group on the basis of their:

- a) understanding of and support for FSC's mission and vision;

- b) understanding of the potential social, environmental or economic impacts of plantation management;
- c) ability and willingness to identify and represent the diversity of views of the respective FSC sub-chamber;
- d) evidence of broad support from the respective FSC sub-chamber;
- e) commitment to the objectives of the FSC Plantations Review;
- f) ability to review and evaluate documents and proposals drafted in English.

NOTE: It is not a requirement that representatives shall be FSC members.

NOTE: FSC staff (international, regional or national) are eligible for appointment to the Policy Working Group.

4. Support

- 4.1 The Policy Working Group shall be chaired by a Facilitator appointed for this purpose by the Head of the Policy and Standards Unit. Dr Anders Lindhe has been appointed to facilitate the Plantations Policy Review, subject to availability of funding. Dr Lindhe's summary c.v. is attached as Annex 1.
- 4.2 The Facilitator shall be responsible for the management of the Policy Working Group and for the drafting of proposals developed by the Policy Working Group.
- 4.3 The FSC International Center shall provide technical and administrative support for the Policy Working Group, dependent on the availability of funding.
- 4.4 The Facilitator shall be supported by a Plantations Review Steering Committee consisting of the Head of the FSC Policy and Standards Unit, the Executive Director, one northern and one southern FSC National Initiative and the Facilitator. The Facilitator shall provide regular reports to the Steering Committee on the progress of the Policy Working Group
- 4.5 The Steering Committee shall monitor the progress of the Policy Working Group, ensure that the process complies with the documented procedures and agreed budget and timeline, provide support and advice in relation to the successful completion of the specified process, and report to the FSC Board of Directors on the progress of the process.
- 4.6 Meetings may be requested by any member of the Steering Committee, to discuss any aspect of the Policy development process. The Steering Committee shall generally meet by telephone conference call rather than face to face. Face to face meetings may be agreed when opportunities make this convenient, or in exceptional circumstances in order to address specific issues of concern.

5. Terms of reference

- 5.1 Policy Working Group shall:
 - a) Identify the fundamental policy level issues related to the FSC certification of plantations, and make recommendations for an appropriate FSC position and/or approach to resolution, consistent with the Vision and Mission of FSC.

- b) Draft terms of reference for a Technical Working Group to be set up by the FSC International Center to develop technical solutions which are consistent with the proposed positions;
- c) Support the FSC International Center in the identification of suitable individuals and organisations who should be consulted in the development of FSC policies with respect to plantations; and carry out a regular review of the membership of the FSC Consultative Forum on plantations to determine whether it includes members from all the stakeholder groups identified as being affected by the proposed FSC policies;
- d) Maintain contact and engage in two-way communication with stakeholders with interests related to the respective sub-chamber, including the appropriate member(s) of the FSC Board of Directors, to ensure that the interests of the stakeholders are given due consideration in the deliberations of the Policy Working Group, and to provide informal feedback to stakeholders during the review process.

NOTE: stakeholders wishing to comment, discuss or make suggestions on FSC policy with respect to plantations will be encouraged to contact the appropriate member of the Working Group, and members of the Working Group will be expected to consider those views, and provide informal feedback. The email addresses of Working Group members will be published on the FSC plantations website to facilitate this communication. *Formal* comments, however, should be submitted through the formal procedures described in section 9, below.

- e) Make a formal, consensus-based recommendation that the FSC Board of Directors approve its recommendations with respect to a) and b), above.

- 5.2 The Working Group shall complete its work within 12 months of the date of its first meeting, unless an extension is approved by the Steering Committee or FSC Board of Directors (see paragraph 7.7.5, below). The working group shall be dissolved once it has submitted its recommendations to the FSC Board of Directors.
 - 5.3 Members of the Working Group should be able to commit between four (4) to eight (8) weeks of time to the Working Group over a period of 12 months, including the time to attend three (3) working group meetings and one to two regional stakeholder meetings. between January 2005 and September 2005.
 - 5.4 FSC is seeking funding to cover the travel costs and expenses of Working Group members, and to contribute a modest honorarium in recognition of the time committed. However Working Group members should not expect remuneration on a consultancy or commercial basis.
 - 5.5 The Working Group shall work in accordance with the procedures specified in section 7, below. In case of doubt the Working Group shall follow the advice of the Plantations Review Steering Committee.
 - 5.6 All members of the Working Group shall receive a copy of the terms of this document prior to commencement of its work.
- 6. FSC Consultative Forum**
- 6.1 The FSC International Center shall set up a Consultative Forum for the Plantations Policy review.

- 6.2 The role of the Consultative Forum is to ensure that all stakeholders who may be affected by the implementation of a plantations policy and standards have the opportunity to comment, formally, during the review process
- 6.3 Membership of an FSC Consultative Forum shall be open to any stakeholder on request. The number of members shall not be limited.
- 6.4 The FSC International Center shall:
- a) invite the participation of all FSC international members on the Consultative Forum, through an invitation in FSC News and Notes;
 - b) request that members of the Policy Working Group suggest individuals and organisations that should be invited to take part on the Consultative Forum;
 - c) request that members of the FSC Board of Directors suggest individuals and organisations that should be invited to take part on the Consultative Forum;
- 6.5 Members of the FSC Consultative Forum shall complete a simple questionnaire which identifies the stakeholder group(s) to which they belong.
- 6.6 The Policy Working Group shall review membership of the FSC Consultative Forum to ensure that it includes individuals and/or organisations reflecting the full range of stakeholders affected by the policies under development.

7 Stakeholder meetings

- 7.1 The FSC International Center is seeking funding for a series of five (5) regional stakeholder meetings to take place in: North America, Central/South America, Africa, Europe, Asia/Pacific during 2005. If fundraising is successful, FSC-IC will work closely with FSC National Initiatives in the regions concerned to coordinate stakeholder discussion.
- 7.2 The objective of these meetings will be to increase transparency of the review process, engage regional stakeholders, and seek comment and feedback on proposals as they are developed.
- 7.3 The results of each meeting will be made publicly available.

8 Working Group Procedures

- 8.1 The Working Group shall work in accordance with its specific terms of reference (see section 5, above), and with the procedures specified in this document. In case of doubt the Policy Working Group shall follow the advice of the Plantations Review Steering Committee.
- 8.2 **Role of the Chair**
The Working Group shall be chaired by the Facilitator appointed by the Head of the Policy and Standards Unit. The Facilitator shall be responsible for ensuring that the group operates in accordance with its terms of reference and the applicable procedures. The Facilitator shall ensure that all members of the Working Group have the opportunity to express their opinions and concerns, and shall aim to find consensus in all recommendations of the Working Group.
- 8.3 **Declaration of interests**

All members of the working group shall declare any interests they have, whether general or specific, that may be affected by the policy or standard under consideration. The full list of members' interests shall be made available to all other members of the Working Group, and shall be publicly available on the request. The objective of declaring these interests is to ensure that all stakeholders, and in particular all members of the working group, are aware of these interests. However, it should be emphasised that the principle of the working group is that stakeholder interests are balanced, rather than avoided.

8.4 Drafting of Working Group proposals

The Facilitator is responsible for drafting proposals on behalf of the Working Group. The role of the working group members is to scrutinise and comment on drafts, review and advise on comments submitted by other stakeholders, and to suggest wording on specific aspects that might achieve consensus support of all members of the Working Group.

8.5 Consultation

Consultation on draft standards shall follow the procedures specified in Section 9, below.

8.6 Working Group procedures

The Working Group shall follow procedures for discussion and debate as determined by the Facilitator.

8.7 Decision making

8.7.1 Formal decision making authority in relation to approval of the Working Group's proposals rests with the FSC Board of Directors. The role of the Working Group is to develop the proposals for submission to the FSC Board of Directors, and to demonstrate their explicit support for the proposals.

8.7.2 When the Facilitator considers that the proposals are ready for approval of the FSC Board of Directors, the Facilitator shall put a formal motion to the Working Group members to the effect that, in the opinion of the Working Group:

- The proposals meet the objectives specified in the terms of reference of the Working Group
- The proposals have undergone sufficient consultation to have identified the likely impacts of implementation;
- All submitted stakeholder comments have been taken into account by the Working Group;
- The proposals merit the approval of the FSC Board of Directors.

8.7.3 The Working Group shall strive to reach consensus¹ on all decisions, defined as a two-thirds majority in favour and no votes against, with the remaining votes being abstentions. Absent parties shall be counted as votes against the proposal, unless the absent party submits a written vote to the contrary (as either an abstention or approval of the proposal). In the absence of consensus, at the discretion of the Facilitator, a decision may be taken on the basis of a two-thirds overall majority in favour, and at least 50% support in each chamber. In this case any members voting

¹ Agreement characterised by general support and the absence of a serious, sustained objection.

against the decision shall record the reasons for their dissenting vote, and specify what would allow them to change their vote to the affirmative. This information shall be officially recorded together with the results of the vote and the decision taken.

- 8.7.4 The Facilitator shall not vote, and shall not be included in the calculation of the membership of the Working Group for the purpose of calculating voting results. All members of the Working Group shall have the same voting rights as other members.
- 8.7.5 If a final proposal cannot be agreed within the time specified in the Working Group's terms of reference, the Facilitator shall seek the advice of the associated Steering Committee as to how to proceed, with the option to extend the time specified for completion by up to six months to carry out further work prior to seeking the approval of the Working Group for a revised draft. If after this period consensus cannot be achieved the Steering Committee shall present a report to the FSC Board of Directors, and seek advice as to how to proceed. The decision of the FSC Board of Directors shall be final.

9. Preparatory drafting and consultation

- 9.1 All papers prepared for or by the Working Group shall be identified as being either for public consultation, or for Working Group consideration.
- 9.2 Drafts shall be numbered as "(Draft #-#)" where the first number is the number of the applicable draft for public consultation, and the second number is the applicable revision number of the drafts for Working Group consideration.

For example, Draft 1-0 would be the first draft released for public consultation. Draft 1-1 would be a revision of this draft, for Working Group consideration only. Draft 2-0 would be the next draft for public consultation. If initial drafts are circulated for Working Group consideration only they would be numbered Draft 0-0, 0-1, etc..

- 9.3 All drafts for public consultation shall be provided in English and Spanish. Drafts for Working Group consultation shall be developed in English.
- 9.4 Drafts for public consultation shall be published on the FSC website together with a summary of the key points in English and Spanish and a formal comments form for free download and shall be circulated to:
- a) all members of the Working Group;
 - b) all members of the Consultative Forum.
- 9.5 The period to submit formal comments on drafts for public consultation shall normally be 30 days, but the final proposals of the Working Group shall be available for a 60 day consultation period (see 11.1).
- 9.6 Comments on drafts for public consultation may be submitted by any member of the public.
- 9.7 All comments shall be attributed. Anonymous comments shall not be considered.

- 9.8 In order for a comment to be considered a *formal* comment, it shall be submitted on a formal FSC comment form in one of the official languages of FSC (English or Spanish) to the FSC Plantations Review email address: plantations@fsc.org.
- 9.9 All formal comments on public drafts shall be collated by the Facilitator, shall be circulated to all members of the Working Group, and shall be published on the FSC website. A summary of all formal comments received, together with a general response to the comments, shall be circulated to all members of the Working Group and be published on the FSC website.
- 9.10 The Facilitator shall analyse the sources of the formal comments to ensure that comments have been received from credible representatives of all the key stakeholder groups identified as being impacted by the implementation of the proposals. The Facilitator shall, together with the members of the Working Group, be proactive in seeking formal comments from representatives of stakeholder groups that have not yet commented. The Facilitator and Working Group members shall make special provision to ensure that comments are received from representatives of any marginalised groups that may be affected by the proposals, and/or ensure that specific provisions have been made to ensure that the potential impacts of the standard on such groups have been explicitly identified and taken into account.
- 9.11 The number of draft documents circulated for public consultation prior to finalisation of the Working Group's proposals shall be at the discretion of the Steering Committee, taking account of the comments of the members of the Working Group.
- 9.12 All public draft and final Working Group documents shall be published on the FSC plantations review website (www.fsc.org/plantations).

10. Language

- 10.1 The working language of the Policy Working Group shall be English.
- 10.2 Translation will be provided at stakeholder meetings to ensure that stakeholders have the opportunity to contribute to the process in a regionally appropriate language.
- 10.3 All public drafts of Working Group documents shall be translated into Spanish for the purpose of public consultation.
- 10.4 Stakeholders may submit formal comments on public draft documents in English or Spanish.
- 10.5 Summaries of stakeholders' formal comments, and general responses, shall be published by FSC in English and Spanish.
- 10.6 Stakeholders will be encouraged throughout the process to submit comments and observations to the respective representatives of their sub-chamber, and may do so in any language convenient to the respective representative.
- 10.7 Stakeholders will also be encouraged to submit comments to their respective FSC National Initiative, in any language convenient to that National Initiative. FSC IC will seek the support of the FSC National Initiatives to ensure that the views of these stakeholders are taken into proper account by the Working Group.

11. Approval by the FSC Board of Directors

- 11.1 When a proposal has the approval of the Working Group it shall be translated into the official languages of FSC (English and Spanish), and the draft and its Spanish translation shall be published on the FSC website, for a final 60 day period of public consultation. The final period of public consultation shall be announced in the *FSC News and Notes*.
- 11.2 The Facilitator shall prepare a report on behalf of the Working Group. The report shall:
- a) summarise the development process;
 - b) explain the main issues and concerns raised during the process, and explain how these have been addressed;
 - c) include as Annexes a list of the names and affiliations of the members of the Working Group, and the names and affiliations (including specification whether the stakeholder is an FSC member, and, if so, of which chamber and sub-chamber) of all stakeholders that have submitted comments during the standards development process;
 - d) include the motion of approval of the Working Group, and the results of this motion.
- 11.3 The report shall be reviewed and commented on by the associated Steering Committee, and may be revised by the Facilitator as a result. The finalised report shall be approved by the Steering Committee, and shall be published on the FSC website.
- 11.4 The Facilitator shall then submit the report to the FSC Board of Directors for decision making together with:
- a) The Working Group's proposals;
 - b) A copy of all comments received during the final period of public consultation.
- 11.5 The FSC Board of Directors may approve, modify or reject the proposals, in accordance with its own procedures.
- 12. Complaints and disputes**
- 12.1 Complaints or disputes in relation to the Working Group shall be considered by the FSC Board of Directors, whose decision shall be final.
- 13. Record keeping**
- 13.1 The FSC International Center shall keep the following records for the policy review process:
- a) names and affiliations of members of Policy Working Group; Consultative Forum(s), and of other stakeholders that were consulted on the proposals during their development;
 - b) copies of all Working Group papers circulated for comment;
 - c) copies of all comments received on Working Group papers;

- d) summary of comments received in response to each public draft, together with a general response to those comments;
- e) the decision of the FSC Board of Directors.

13.2 These records shall be publicly available on request.

Annex 1: Curriculum Vitae of Working Group Facilitator
Separate .pdf file.

Annex 2: The role of FSC National Initiatives

The FSC International Center welcomes and encourages involvement by FSC National Initiatives at all stages of development of international policies and standards.

The FSC International Center recognises that the capacity of individual National Initiatives (NIs) to take an active part in the development of FSC international policies varies greatly. Some NIs may wish to take an active role in the development of policies, other NIs may have the capacity to play an active part only in the development of policies of special interest to their country or region.

FSC IC welcomes discussion with National Initiatives that are interested in developing joint project proposals or funding proposals related to development of international policies or standards.

The following notes are designed to provide NIs with guidance as to the range of options for participation which are currently available. It is recognised that these options are based on the current FSC structure. If FSC changes to a 'federal' model, then procedures would need to be reviewed and would likely need to be revised.

Comments on draft proposals

NI staff are selected for their knowledge of the forest sector in their country, and their understanding of, and respect by, a wide variety of stakeholders. NI staff are encouraged to comment on all draft policies, and to provide such comments to the Facilitator of the Working Group, and/or to other members of the Working Group.

Face to face meetings with the Facilitator and/or Policy and Standards Unit staff

NI staff are encouraged to contact the Facilitator at any time to discuss proposals under development, or to clarify issues that are not clear.

The FSC Policy and Standards Unit (PSU) aims to meet NI staff at regional NI meetings at least once a year, and to provide time at these meetings to discuss any ongoing standards development processes with the NI staff present.

Membership of Working Group

NI staff may also be members of the Working Group, if appointed by the appropriate member of the FSC Board of Directors.

Circulation of draft proposals to national stakeholders

NIs are encouraged to keep local stakeholders informed of any proposals under development by the Working Group, for example by including notes on development in national newsletters, on national websites, etc.. NIs may circulate draft proposals to local stakeholders and seek feedback to pass on to the FSC International Center, or encourage national stakeholders to provide their feedback directly to FSC-IC.

Translation of draft proposals

The FSC International Center usually develops draft proposals in English, with a translation of the public drafts into Spanish. Intermediate drafts will usually be summarised in Spanish. National Initiatives are encouraged to translate draft proposals into one or more local languages in order to improve review and stakeholder consultation in their country or region. If translations are developed by NIs they should always include a disclaimer to the effect that the original document takes precedence over the translation, in case of doubt.

National stakeholder meetings and tele-conferences

NIs are encouraged to organise meetings or tele-conferences of national stakeholders to discuss proposals that are under development, and are encouraged to invite FSC-IC staff to these meetings to present the latest draft standards and enter into question and answer sessions with stakeholders.

When staff of an FSC Regional Office are closely involved in the development of proposals, FSC regional staff may be able to attend national meetings or conferences. In such cases the regional staff should liaise with the relevant staff of the FSC IC.

Summarising national viewpoints

NIs may summarise the viewpoints of national stakeholders, and submit such summaries to the Facilitator of the Working Group. In this case the NI should ensure that the names and affiliations of the individuals or organizations whose viewpoints are summarised are listed, and make clear whether the viewpoints being presented are a consensus agreement of those individuals and organisations, or include a variety of disparate views. The NI should also clarify whether the individuals/organisations are speaking in their own, individual capacity, or whether they are speaking as the formal representatives of a stakeholder group or category.

In all such cases the NI shall be clear that the views are those of the national stakeholders, and do not represent the views of the NI staff themselves.

The NI is also encouraged to provide additional intelligence in relation to whether views expressed by national representatives are widely held, and/or in relation to the likely impacts of the proposed policies on national stakeholders.

As representatives of FSC, NI staff should not take public positions in relation to the policies under development, and should not be considered to be representatives of national stakeholders. The role of NIs is to ensure that the views of national stakeholders are properly included in the standards development process, not to be the representative of those views.

Annex 3: Special considerations for inclusion of stakeholders from the economic south

The procedures have been specified to try to ensure fair participation of all key stakeholders from whatever part of the world. However, some specific considerations are appropriate to try to ensure participation of stakeholders from the economic south.

These include:

- Seeking funding to hold Working Group meetings in southern countries, where appropriate.
- Seeking opportunities to meet with southern stakeholders in association with other meetings;
- Equal balance of southern and northern membership of the Working Group;
- Working with NIs in southern countries to hold telephone conferences with southern stakeholders;
- Seeking funding to facilitate consultation by southern National Initiatives.