

1. Executive summary

A review was carried out of changes to the FSC normative framework since FSC-STD-AUS-01-2018 EN *The National Forest Stewardship Standard of Australia* (NFSS) was produced. There have been a number of developments in the FSC normative framework, some of them quite significant. We have made recommendations to the Board based on the various elements of the review, the most significant of which are that the Board should:

- ❖ Consider the need to bring Integrated Pest Management (IPM) and pesticide requirements in line with the environmental and social risk assessment (ESRA) framework requirements for certificate holders in the *FSC Pesticides Policy*;
- ❖ Consider whether the standard adequately addresses workers' rights;
- ❖ Consider whether the standard offers adequate protections Intact Forest Landscapes (IFLs);
- ❖ Consider whether the standard offers adequate protections Indigenous Cultural Landscapes (ICLs);
- ❖ Consider whether the standard offers adequate protections of affected rights holder; and.
- ❖ Consider whether the standard offers adequate protections of Indigenous and community rights relating to Free, Prior and Informed Consent.

2. Approach

FSC-STD-60-006 V1-2 EN [Process Requirements for the Development and Maintenance of National Forest Stewardship Standards](#) calls for

A review report of all the comments on the standard; changes to associated elements of the FSC system; as well as external circumstances and the continued relevance of the standard shall be compiled within three (3) years of the standard's approval.

This document represents input to FSC ANZ's review report regarding changes to associated elements of the FSC system.

To this end, a check was carried out of FSC's document catalogue to identify relevant policies, procedures, standards and guidance documents issued from August 2017, the date the NFSS was submitted to FSC for approval. A check was also carried out of published forest management interpretations from August 2017 onwards. These sources were reviewed to determine whether they had any substantive bearing on the contents of the NFSS. The document catalogue and all of the relevant normative documents are available from the [FSC Document Centre](#). The results of this review are set out in section 3.

Recommendations to the Board are highlighted throughout this document in bold and are summarised in the final section.

Some ongoing developments in the FSC normative framework are noted in section 3.3.1 on pesticides. Other ongoing processes are likely to be delayed by the effects of the COVID-19 pandemic, including the postponement of the FSC General Assembly. Processes which may affect the NFSS in due course include the development of the [FSC Policy on Conversion](#) and associated [implementation mechanisms](#), and discussions around [sustainable intensification](#) and landscape approaches.

As the normative framework changes throughout the revision process, note that [FSC International's Board has approved](#) the incorporation of new or revised IGIs will be implemented as follows:

1. For national standards which are under development or revision at the time of the approval of a new IGI version and at a stage prior to the launch of the first consultation, relevant changes to the IGI shall be addressed within the ongoing development or revision process.
2. For national standards which are not under development or revision or already past the launch of a first consultation in an ongoing development or revision process at the time of the approval of a new IGI version, relevant changes to the IGI shall be addressed no later than in the next scheduled regular review of those standards.

It should also be noted that a draft review report of the four 60-series normative documents is in public consultation at the time of writing. Subject to feedback, PSU plans to recommend that the four 60-series normative documents are revised or, if needed, replaced by new normative document(s). If the approval is given by the FSC Board of Directors, the revision of the four documents of the 60-series is envisaged to start in the second half of 2022 and to finalise by 2023.

Three of the documents in the 60-series are relevant for the revision of the NFSS:

[FSC-STD-60-006 V1-2 EN Process requirements for the development and maintenance of National Forest Stewardship Standards](#)

[FSC-STD-60-002 V1-0 EN Structure and Content of National Forest Stewardship Standards](#)

[FSC-PRO-60-007 V1-2 EN Structure, Content and Development of Interim National Standards](#)

It is not currently clear what the implications of the publication of the new normative document(s) will be for ongoing standard revision processes.

3. Review of changes to the FSC normative framework

This review is separated into a consideration of mandatory requirements (section 3.1) and guidance (section 3.2), which are then summarised by topic (section 3.3). The emphasis throughout is on changes to the normative framework with implications for standard contents; other issues, such as the approval process and implementation of standards, are largely omitted, although brief reference is made to new or revised documents.

3.1 Policies, procedures, standards and interpretations

The following FSC policies, procedures and standards relevant to the development or contents of National Forest Stewardship Standards have been produced or revised since August 2017:

Document code	Title	New or revised	Effective date
FSC-POL-30-001 V3-0 EN	FSC Pesticides Policy	Revised	1 August 2019
FSC-POL-30-001a	FSC Lists of highly hazardous pesticides	New	1 August 2019
FSC-PRO-30-006 V1-0 EN	Ecosystem Services Procedure: Impact Demonstration and Market Tools	New	21 August 2018
FSC-PRO-60-007 V1-2 EN	Structure, Content and Development of Interim National Standards	Revised	V1-2 undated, but updated following FSC International Board of Directors meeting in November 2019
FSC-PRO-60-010 V1-0 EN	Incorporating a risk-based approach in National Forest Stewardship Standards	New	8 November 2018
FSC-STD-60-004 V2-0 EN	International Generic Indicators	Revised	1 July 2018
FSC-STD-01-002	FSC Glossary of Terms	Revised	19 October 2017

Although it is applicable to the development of Interim National Standards, rather than National Forest Stewardship Standards, FSC-PRO-60-007 V1-2 EN has been included because it contains the most up-to-date requirements for the inclusion of non-timber forest products in the scope of standards.

The revised *International Generic Indicators* (FSC-STD-60-004 V2-0 EN) includes a raft of changes in relation to Intact Forest Landscapes (IFLs), Indigenous cultural landscapes and to Free, Prior and Informed Consent (FPIC) which are all relevant in the Australian context. Similarly, changes in relation to workers' rights, transaction verification/fibre testing, and High Conservation Values are relevant to our context.

A list of new and revised International Generic Indicators can be found in Appendix 1.

FSC-PRO-10-606 V2-1 EN *Approval of Forest Stewardship Standards*, revised version effective from October 2017, has not been included in this review on the basis that it has no bearing on the contents of National Forest Stewardship Standards. FSC-STD-30-005 V2-0 EN *FSC standard for group entities in forest management groups*, revised version effective March 2021, has been excluded on the same basis. FSC-DIR-20-007 *FSC Directive on FSC Forest Management Evaluations* has been excluded on the basis that the only recent update relates to auditing time and implementation of FM online reporting.

The following interpretations relevant to the development or contents of National Forest Stewardship Standards, taken from the version of [Forest Management Interpretations](#) published 2 September 2021, have been issued or updated since the standard was produced:

Relevant normative document	Interpretation code	Publication date	Topic
FSC-POL-20-003 (2004) EN FSC Policy on the Excision of Areas from the Scope of Certification	INT-POL-20-003_01	10 April 2012, updated 20 May 2020	Excision of areas where there is a conflict
	INT-POL-20-003_09	7 November 2018, updated 3 December 2018	Situations where FSC requirements are not met for reasons beyond the control of the forest manager in more than 5% of the area of the management unit
	INT-POL-20-003_11	10 July 2019	Excision of areas where the owner/manager has voluntarily relinquished management control to a third party
FSC-POL-30-001 V3-0 EN FSC Pesticides Policy	INT-POL-30-001_07	22 May 2019, updated 19 June 2019, 3 April 2020, 20 May 2020 and 25 June 2020	Transition to the revised <i>FSC Pesticides Policy</i>
FSC-STD-01-001 V5-2 EN FSC Principles and	INT-STD-01-001_14	24 January 2018	Definition of the management unit, specifically in relation

Criteria for Forest Stewardship			to the degree of management control
	INT-STD-01-001_16	17 December 2019	Certification of 'other vegetation types'
	INT-STD-01-003_05	24 September 2019	Definition of the management unit/SLIMF
FSC-STD-20-007a V1-0 EN Forest management evaluations addendum – Forest certification reports	INT-STD-20-007a_03	3 April 2020	Recording of pesticide usage on rights of way or other easements
FSC-STD-60-004 V2-0 EN International Generic Indicators	INT-STD-60-004_02	23 July 2020	Providing information to interested stakeholders from management plan (Criterion 7.5) and monitoring (Criterion 8.4) summaries
FSC-DIR-20-007 EN FSC Directive on FSC Forest Management Evaluations	INT-DIR-20-007_11	15 June 2018	Including specific non-timber forest products in the scope of a standard
	INT-DIR-20-007_14	13 November 2014, updated 10 July 2019	Application of existing advice on wind turbines to other renewable energy developments

Also relevant, of course, is INT- FSC-STD-AUS-01-2018_01 on the potential for harvesting of HCV 3.3 old-growth forest in the Australian NFSS.

A number of recent interpretations have been excluded on the basis that they are not immediately relevant.

3.2 Guidance documents

The following FSC guidance documents relevant to the development or contents of National Forest Stewardship Standards have been produced or revised since the standard was produced:

Document code	Title	New or revised	Effective date
---------------	-------	----------------	----------------

FSC-GUI-30-003 V2-0 EN	FSC Guidelines for the Implementation of the Right to Free, Prior and Informed Consent (FPIC)	Revised, first published in 2012	9 March 2021
FSC-GUI-30-006 V1- 1 EN	Guidance for Demonstrating Ecosystem Services Impacts	Revised, first published 9 October 2018	1 October, 2021
FSC-GUI-30-009 V1- 0 EN	High Conservation Value Guidance for Forest Managers	New	10 January 2020
FSC-GUI-30-010 V1-0 EN	Intact Forest Landscapes Guidance for Forest Managers	New	10 January 2020
FSC-GUI-60-004 V1-0 EN	Guidance for Standard Developers to Develop a National Threshold for the Core Area of Intact Forest Landscapes (IFL) within the Management Unit	New	23 June 2020
FSC-GUI-60-008 V1- 0 EN	Guideline for Standard Developers on the generic criteria and indicators based on ILO Core Conventions principles	New	18 September 2017
FSC-GUI-60-009 V1- 0 EN	Guidance for Standard Development Groups: Developing National High Conservation Value Frameworks	New	10 January 2020
FSC-GUI-60-009a V1-0 EN	Template for National High Conservation Value Frameworks	New	10 January 2020
FSC-GUI-60-010 V1- 0 EN	Guideline for Standard Developers on incorporating a risk-based approach in NFSS	New	8 November 2018

Although it is applicable to certificate holders rather than standard developers, FSC-GUI-30-009 V1-0 EN has been included in case it helps to clarify the application of the National High Conservation Value Framework by forest owners/managers. FSC-GUI-60-008 V1-0 EN has been included on the basis that it may clarify the intent and application of new workers' rights indicators under Criterion 2.1 in FSC-STD-60-004 V2-0 EN *International Generic Indicators*.

FSC-GUI-30-010 V1-0 EN *Intact Forest Landscapes Guidance for Forest Managers* and FSC-GUI-60-004 V1-0 EN *Guidance for Standard Developers to Develop a National Threshold for the Core Area of Intact Forest Landscapes (IFL) within the Management* are included in this review as they apply to countries like Australia with Intact Forest Landscapes.

3.3 Summary of changes to the FSC normative framework by topic

3.3.1 Pesticides

The revised *FSC Pesticides Policy* has introduced the concept of environmental and social risk assessment (ESRA). As part of the ESRA framework, the Policy requires standard developers to incorporate International Generic Indicators (IGIs) for the use and risk management of Highly Hazardous Pesticides (HHPs) into their standards and to ‘develop locally relevant thresholds or conditions for the use of the relevant FSC Highly Restricted HHPs and FSC Restricted HHPs’ (FSC-POL-30-001 V3-0 EN, clause 4.10), following normal standard development procedures (clause 4.11). The development of these HHP IGIs has been delayed by the effects of the COVID-19 pandemic. At the time of writing, they seem likely to be approved at the end of 2021 or in 2022; it is not clear at this stage what timeline will be set for their incorporation into national standards. In due course, however, standard developers will be required to identify Highly Restricted HHPs and Restricted HHPs used or likely to be used in their country; conduct an overall risk assessment; based on the risk assessment, determine whether or not a Highly Restricted HHP or Restricted HHP may be used in their country; and, develop national indicators for the use and risk management of allowed Highly Restricted HHPs and Restricted HHPs using the IGIs as a starting point (FSC-POL-30-001 V3-0 EN, p. 24).

If the IGIs are published in time to be incorporated into the NFSS, **the Board should consider incorporating the HHP IGIs into the NFSS**. If the IGIs are not published before the revision of the NFSS, **the Board should consider the need to bring Integrated Pest Management and pesticide requirements in line with the environmental and social risk assessment (ESRA) framework requirements for certificate holders in the *FSC Pesticides Policy*** (FSC-POL-30-001 V3-0 EN, clauses 4.12 and 4.13):

4.12 The Organization shall:

1. Give preference, as a matter of principle, to:
 - a. non-chemical methods over chemical pesticides,
 - b. chemical pesticides not listed in the FSC lists of HHPs over those listed in the FSC lists of HHPs, and
 - c. FSC restricted HHPs over FSC highly restricted HHPs.
2. Undertake a comparative ESRA according to scale, intensity and risk (SIR) as part of its integrated pest management to identify the lowest risk option to control a pest, weed or disease, the conditions for its use and the generic mitigation and monitoring measures to minimize the risks.
3. Consider in their ESRA the minimum list of types of hazards, exposure elements and exposure variables described in Annex 2.
4. Select the option that demonstrates least social and environmental damages, more effectiveness and equal or greater social and environmental benefits.
5. Conform with the applicable international and national indicators and thresholds for the use of HHPs.
6. Before applying any chemical pesticide, incorporate the results of their ESRA to site operational plans, to identify site-specific risks and adapt the generic mitigation and monitoring measures previously identified in the IPM ESRA (Clause 4.12.2).
7. Make the ESRA and incorporation to the operational plans available to affected stakeholders upon request.

8. Consult the online FSC database for information exchange on alternatives and monitoring procedures.
9. Have programmes in place, according to SIR, to research, identify and test alternatives to replace FSC highly restricted HHPs and restricted HHPs with less hazardous alternatives. Programmes shall have clear actions, timelines, targets and resources allocated.
10. Engage with stakeholders in conformance with the requirements in the applicable National Forest Stewardship Standard or Interim National Standard when conducting ESRA.
11. Not use any FSC Prohibited HHPs except in the case of an emergency situation or by governmental order. (See Annex 3. Procedure for use of FSC prohibited HHPs in case of emergency situations or governmental orders).
12. Inform third-party processing plants located in the spatial area of the MU and third-party nursery suppliers of the list of FSC prohibited chemical pesticides, encouraging them to avoid these pesticides in their processes and in the production of seedlings and other materials entering the management unit.
13. Request the list of FSC prohibited chemical pesticides used by processing plants and nurseries suppliers described in clause 4.12.12.

4.13 The Organization may:

1. Collaborate with other Organizations with similar pest problems and forest conditions to conduct ESRA.
2. Collaborate with research institutions and other Organizations on research programs for the identification of less hazardous alternatives.

Note that, until such time as HHP IGIs have been finalised and incorporated into national standards, certificate holders are required to consider the latest draft IGIs when developing their ESRA (FSC-POL-30-001 V3-0 EN, clause 4.12.5; INT-POL-30-001_07).

Although most standard users are likely to assume that the relevant requirements apply without limitation, **the Board should consider whether existing requirements adequately address recording/reporting of pesticide usage on areas subject to easements**, in line with INT-STD-20-007a_03.

3.3.2 Ecosystem services

Annex C *Additional Requirements for Ecosystem Services* a decision was incorporated into FSC-STD-AUS-01-2018 EN to include requirements relevant to FSC promotional claims regarding the maintenance and/or enhancement of ecosystem services (FSC-STD-60-004 V1-0 EN, Annex C). The publication of the *Ecosystem Services Procedure* (FSC-PRO-30-006 V1-0 EN) and its associated guidance document (FSC-GUI-30-006 V1-0 EN), along with changes to the *International Generic Indicators* (FSC-STD-60-004 V2-0 EN), now means that it is not necessary to include such requirements in National Forest Stewardship Standards in order for certificate holders to make ecosystem services claims. **The Board should consider whether Annex C should be deleted as it has been replaced by FSC-PRO-30-006 V1-0 EN.**

3.3.3 Scale, intensity and risk/risk-based approaches

Since the NFSS was produced, FSC has published [FSC-PRO-60-010 V1-0 EN Incorporating a risk-based approach in National Forest Stewardship Standards](#), and [FSC-GUI- 60-010 V1-0 EN Guideline for Standard Developers on incorporating a risk-based approach in NFSS](#). The preamble to the procedure sets these documents in the context of incorporating risk-based and outcome-oriented approaches in National Forest Stewardship Standards as part of the process to streamline the FSC

normative framework. It also contextualises them in terms of the ADAM model (FSC-PRO-60-010 V1-0 EN, Preamble and Annex 1), within the framework of which they address the first two of the following four steps:

- Assessment of risk
- Designation of risk for indicators
- Adapted risk response
- Monitoring and evaluation

Use of the procedure and guidance document is entirely voluntarily, although if a standard development group chooses to apply the procedure it must notify the FSC Performance and Standards Unit and agree the scope of the work (FSC-PRO-60-010 V1-0 EN, clause 1.1). The procedure basically covers the assignment of risk levels ('very low risk', 'low risk', 'moderate risk' and 'high risk') to some or all of the indicators in a National Forest Stewardship Standard (clauses 2.1 and 2.2). The guidance document expands significantly on the very short procedure to explain what a risk-based approach is, how to decide whether it would be beneficial, how to carry out a risk assessment (considering how to profile the national context, and sources of information such as an analysis of corrective action requests or a legislation gap analysis), and how the outcomes of a risk assessment might ultimately be used.

The publication of FSC-PRO-60-010 V1-0 EN and FSC-GUI-60-010 V1-0 EN was the first step in an ongoing process of developing and implementing the concept of risk-based approaches in the FSC system. The next step is to consider how risk categorisations might affect auditing, the 'Adapted risk response' element of the ADAM model. Even in the current absence of a risk-adjusted verification system, standard developers may find the approach set out in FSC-PRO-60-010 V1-0 EN and FSC-GUI-60-010 V1-0 EN useful in guiding their thinking on SIR.

The Board should take into account the potential application of *FSC-PRO-60-010 V1-0 EN Incorporating a risk-based approach in National Forest Stewardship Standards*, and *FSC-GUI-60-010 V1-0 EN Guideline for Standard Developers on incorporating a risk-based approach in NFSSs*.

3.3.4 High Conservation Values

The maintenance and/or enhancement of High Conservation Values (HCVs) is a key feature of the FSC system, enshrined in Principle 9 of the FSC Principles and Criteria for Forest Stewardship (FSC-STD-01-001 V5-2 EN). Full definitions of the six HCVs recognised by FSC are given in the Principles and Criteria, but in brief they are:

- HCV 1 Species diversity
- HCV 2 Landscape-level ecosystems and mosaics
- HCV 3 Ecosystems and habitats
- HCV 4 Critical ecosystem services
- HCV 5 Community needs
- HCV 6 Cultural values

The Principles and Criteria require certificate holders to assess and record the presence and status of HCVs (Criterion 9.1), develop effective strategies that maintain and/or enhance the identified HCVs (Criterion 9.2), implement those strategies taking a precautionary approach (Criterion 9.3), and carry out monitoring to assess changes in the status of HCVs, adapting management strategies if necessary to ensure their effective protection (Criterion 9.4).

These basic requirements have not changed since the NFSS was produced. However, there have been changes to the associated International Generic Indicators (IGIs) and FSC has issued guidance on HCVs for both forest managers and standard developers. **These developments should be taken into account by the Board when reviewing whether the standard provides adequate protection to High Conservation Values.**

Changes to the FSC normative framework

The revised [International Generic Indicators](#), which came into effect in July 2018, include a number of new indicators dealing specifically with Intact Forest Landscapes (IFLs) as part of HCV 2¹ (FSC-STD-60-004 V2-0 EN, indicators 9.1.2, 9.2.4, 9.2.5, 9.2.7, 9.3.3 and 9.3.4). Changes have also been made to the instructions for standard developers for Principle 9, and instructions have been added to Criteria 9.1 and 9.2, with specific requirements for IFLs. An annex has been added (Annex H) which sets out instructions to develop indicators for Intact Forest Landscape core areas. It is a requirement in Annex H that countries with IFLs (Australia being one of these countries) develop indicators that protect 80% of the total area of IFLs within the Management Unit as core areas consistent with the generic indicators provided in Annex H section B. Standard developers may develop a threshold different than 80% through processes consistent with Annex H section A which specifies that thresholds below 80% may be established providing it achieves the greatest amount of conservation gains based on national or ecoregional considerations and still meets or exceeds the definition of IFL. Annex H section A specifies IFL thresholds above 80% shall be considered in nations and/or ecoregions where IFLs are relatively rare and/or fragmented, and/or where large amounts of IFL have been lost since 2000.

An explicit reference to IFLs has also been added to an IGI under Criterion 3.1 FSC-STD-60-004 V2-0 EN, indicator 3.1.2):

Through culturally appropriate* engagement* with the Indigenous Peoples* identified in 3.1.1, the following are documented and/or mapped:

- 1) Their legal* and customary rights* of tenure*;
- 2) Their legal* and customary* access to, and use rights*, of the forest* resources and ecosystem services* ,
- 3) Their legal* and customary rights* and obligations that apply;
- 4) The evidence supporting these rights and obligations;
- 5) Areas where rights are contested between Indigenous Peoples* , governments and/or others;
- 6) Summary of the means by which the legal* and customary rights* and contested rights, are addressed by The Organization* ; and
- 7) The aspirations and goals of Indigenous Peoples* related to management activities, Intact Forest Landscapes* and Indigenous cultural landscapes* .

Further, Annex E: Elements of the Management Plan (FSC-STD- 60-004 V2-0 EN) has been updated to include four explicit references to IFLs.

¹ A key component of managing for HCV 2 is addressing IFLs – the remaining large unfragmented areas of forest, undisturbed by roads or other significant human infrastructure. IFL patches are defined as unbroken expanses of natural forest ecosystems greater than 500 km². In response to the declining abundance of IFLs, the FSC membership widely supported Policy Motion 65 at the 2014 General Assembly, aiming to protect vast majorities of the remaining IFLs within Management Units.

The main focus of the instruction for standard developers for Principle 9 is unchanged; it deals with the development of a National HCV Framework as ‘a tool for the identification, management and monitoring of High Conservation Values in the country’. However, the list of source information to consider has been expanded to include, among other sources:

- Intact Forest Landscapes maps;
- Culturally appropriate engagement with affected rights holders, affected and interested stakeholders, and relevant local and regional experts;
- FSC guidance on Free, Prior and Informed Consent (FPIC);
- Guideline for standard developers for addressing risk of unacceptable activities in regard to scale and intensity; and,
- FSC guidance on HCV management for forest managers.

Instructions on the best available information to be used in identifying HCVs has been moved to Criterion 9.1, and the list of source information to consider has also been expanded to include, among other sources, IFL maps, culturally appropriate engagement, and guidance on FPIC and scale, intensity and risk.

In addition to the [High Conservation Value Guidance for Forest Managers \(FSC-GUI-30-009\)](#) included in the instruction for standard developers for Principle 9, FSC has also issued [FSC-GUI-60-009 V1-0 EN Guidance for Standard Development Groups: Developing National High Conservation Value Frameworks](#) and [FSC-GUI-60-009a V1-0 EN Template for National High Conservation Value Frameworks](#). All of these guidance documents were published and came into effect in January 2020.

Finally, an explicit reference to HCVs has also been added to an IGI under Criterion 10.11 (FSCSTD-60-004 V2-0 EN, indicator 10.11.1):

Harvesting and extraction practices for timber and non-timber forest products are implemented in a manner that conserves environmental values as identified in Criterion 6.1 and High Conservation Values identified in Criteria 9.1 and 9.2.

The Board should consider whether the standard offers adequate protections of HCVs, including IFLs, in line with the updated International Generic Indicators.

Affected Rights Holders

References to ‘affected rights holders’ have been added to several indicators (FSC-STD-60-004 V2-0 EN, indicators 9.1.3, 9.2.3 and 9.4.2). Affected rights holders are defined as ‘Persons and groups, including Indigenous Peoples, traditional peoples and local communities with legal or customary rights whose free, prior and informed consent is required to determine management decisions’, and are identified under Criteria 3.2 (for Indigenous Peoples) and 4.2 (for local communities).

The Board should consider whether the standard offers adequate protections of affected rights holders.

3.3.4 Indigenous People’s Rights

Indigenous Cultural Landscapes

Recognising that many IFLs occur within forests Indigenous Peoples are the traditional owners of, the revised International Generic Indicators include a number of new indicators dealing specifically with Indigenous Cultural Landscapes (ICLs) as part of Principle 3.

FSC-STD-60-004 V2-0 EN defines ICLs as:

Indigenous cultural landscapes are living landscapes to which Indigenous Peoples attribute environmental, social, cultural and economic value because of their enduring relationship with the land, water, fauna, flora and spirits and their present and future importance to their cultural identity. An Indigenous cultural landscape* is characterized by features that have been maintained through long-term interactions based on land-care knowledge, and adaptive livelihood practices. They are landscapes over which Indigenous Peoples exercise responsibility for stewardship.

Meeting the requirements of Principle 3 means identifying Indigenous Cultural Landscapes (ICLs) and the values that the Indigenous Peoples have for different parts of IFLs consistent with Criteria 3.1. This includes approaches to account for sites that are of special cultural, ecological, economic, religious or spiritual significance and for which these Indigenous Peoples hold legal or customary rights consistent with Criterion 3.5.

Explicit references to ICLs have been added to two IGIs under:

(1) Criterion 3.1 FSC-STD-60-004 V2-0 EN, indicator 3.1.2):

Through culturally appropriate* engagement* with the Indigenous Peoples* identified in 3.1.1, the following are documented and/or mapped:

- 1) Their legal* and customary rights* of tenure*;
- 2) Their legal* and customary* access to, and use rights*, of the forest* resources and ecosystem services*;
- 3) Their legal* and customary rights* and obligations that apply;
- 4) The evidence supporting these rights and obligations;
- 5) Areas where rights are contested between Indigenous Peoples*, governments and/or others;
- 6) Summary of the means by which the legal* and customary rights* and contested rights, are addressed by The Organization*;
- 7) The aspirations and goals of Indigenous Peoples* related to management activities, Intact Forest Landscapes* and Indigenous cultural landscapes*.

(2) Criterion 7.6 FSC-STD-60-004 V2-0 EN, indicator 7.6.1):

7.6.1 Culturally appropriate* engagement* is used to ensure that affected stakeholders* are proactively and transparently engaged in the following processes:

- 1) Dispute* resolution processes (Criterion* 1.6, Criterion* 2.6, Criterion* 4.6);
- 2) Definition of Living wages* (Criterion* 2.4);
- 3) Identification of rights (Criterion* 3.1, Criterion* 4.1), Indigenous cultural landscapes* (Criterion* 3.1) sites (Criterion* 3.5, Criterion* 4.7) and impacts (Criterion* 4.5);
- 4) Local communities'* socio-economic development activities (Criterion* 4.4); and

5) High Conservation Value* assessment, management and monitoring (Criterion* 9.1, Criterion* 9.2, Criterion* 9.4).

The guidance text in FSC-STD-60-004 V2-0 EN for Standard Developers stipulates that they must develop a culturally appropriate methodology through the Free, Prior and Informed Consent of affected rights holders, to identify and document the rights and obligations of Indigenous Peoples, including Indigenous Cultural Landscapes, ecological and cultural values and other legal and customary rights as identified under Criteria 3.1, 3.4, 3.5 and 4.1, consistent with the requirements of Criterion 7.6 (Indicator 3.1.2).

Finally, Annex E: Elements of the Management Plan (FSC-STD- 60-004 V2-0 EN) has been updated to include four explicit references to IFLs, and the guidance text for Indicator 7.3.1 has been updated to include 'Area of Intact Forest Landscape protected as Core Areas' as a verifiable target.

The Board should consider whether the standard offers adequate protections of ICLs, based on a Free, Prior and Informed Consent identification process, in line with the updated International Generic Indicators.

Free, Prior and Informed Consent

The revised *International Generic Indicators* include a number of changes relating to Free, Prior and Informed Consent (FPIC). Some of these changes relate to Indigenous Peoples (FSC-STD-60-004 V2-0 EN, Indicators 3.2.4 and 3.2.5) to ensure good faith is understood as a term used in ILO Conventions and recognised as an auditable element. Other indicators apply to local communities who have legal and customary rights to maintain control over management activities within or related to the management unit to the extent necessary to protect their rights, resources, lands and territories (Indicators 4.2.4 and 4.2.5).

FSC-GUI-30-003 V2.0 EN *FSC Guidelines for the Implementation of the Right to Free, Prior and Informed Consent (FPIC)* states that it may be useful in the development and implementation of new FSC policies and procedures that affect rights holders, such as dispute resolution, conversion, sustainable intensification, Intact Forest Landscapes (IFLs), Indigenous cultural landscapes (ICLs), climate change, etc.

The Board should consider whether the standard offers adequate protections of Indigenous and community rights relating to Free, Prior and Informed Consent.

3.3.5 Workers' rights

The revised *International Generic Indicators* replace the original three indicators under Criterion 2.1 with a far more comprehensive set of indicators and sub-indicators addressing the principles of the ILO Core Labour Conventions (FSC-STD-60-004 V2-0 EN, indicators 2.1.1-2.1.4)²:

2.1.1 The Organization shall not use child labour.

² These requirements are mirrored in the revised FSC-STD-40-004 V3-1 EN Chain of Custody Certification Standard (indicators 7.2-7.5)

2.1.1.1 The Organization shall not employ workers below the age of 15, or below the minimum age as stated under national, or local laws or regulations, whichever age is higher, except as specified in 2.1.1.2.

2.1.1.2 In countries where the national law or regulations permit the employment of persons between the ages of 13 to 15 years in light work such employment should not interfere with schooling nor, be harmful to their health or development. Notably, where children are subject to compulsory education laws, they shall work only outside of school hours during normal day-time working hours.

2.1.1.3 No person under the age of 18 is employed in hazardous or heavy work except for the purpose of training within approved national laws and regulation.

2.1.1.4 The Organization shall prohibit worst forms of child labour.

2.1.2 The Organization shall eliminate all forms of forced and compulsory labour.

2.1.2.1 Employment relationships are voluntary and based on mutual consent, without threat of a penalty.

2.1.2.2 There is no evidence of any practices indicative of forced or compulsory labour, including, but not limited to, the following:

- Physical and sexual violence
- Bonded labour
- Withholding of wages/including payment of employment fees and or payment of deposit to commence employment
- Restriction of mobility/movement
- Retention of passport and identity documents
- Threats of denunciation to the authorities.

2.1.3 The Organization shall ensure that there is no discrimination in employment and occupation.

2.1.3.1 Employment and occupation practices are non-discriminatory.

2.1.4 The Organization shall respect freedom of association and the right to collective bargaining.

2.1.4.1 Workers are able to establish or join worker organizations of their own choosing.

2.1.4.2 The Organization respects the rights of workers to engage in lawful activities related to forming, joining or assisting a workers' organization, or to refrain from doing the same; and will not discriminate or punish workers for exercising these rights.

2.1.4.3 The Organization negotiates with lawfully established workers' organizations and/ or duly selected representatives in good faith and with the best efforts to reach a collective bargaining agreement.

2.1.4.4 Collective bargaining agreements are implemented where they exist.

The associated instructions for standard developers state that ‘Standard Developers shall give due consideration to the rights and obligations established by national law, while at the same time fulfilling the objectives of the indicators and sub-indicators in this criterion’.

FSC-GUI-60-008 V1-0 EN *Guideline for Standard Developers on the generic criteria and indicators based on ILO Core Conventions principles* provides brief additional context and guidance.

Taking into account the far more comprehensive coverage of the ILO Core Conventions in the revised IGIs, **the Board should consider whether the standard adequately addresses workers’ rights.**

3.3.7 Other changes

Of obvious relevance is the only formal interpretation of the Australian NFSS to date, INT- FSC-STD-AUS-01-2018_01 on the potential for harvesting of HCV 3.3 old-growth forest, and **the Board should consider the need to update the standard to reflect this interpretation.**

Finally, the revised *International Generic Indicators* also introduce requirements to facilitate transaction verification and fibre testing (FSC-STD-60-004 V2-0 EN, indicator 8.5.1). **The Board should consider whether the NFSS should include requirements to facilitate transaction verification and fibre testing.**

4. Conclusions and summary of recommendations

In the following summary of the various recommendations made throughout this review.

4.1 Recommendations based on changes to the FSC normative framework

FSC ANZ considers the following issues to be very significant, and strongly recommends that the Board should:

- Consider the need to bring Integrated Pest Management and pesticide requirements in line with the environmental and social risk assessment (ESRA) framework requirements for certificate holders in the *FSC Pesticides Policy* if the HHP IGIs is not published in time to be incorporated into the NFSS;
- Consider whether the standard offers adequate protections Intact Forest Landscapes;
- Consider whether the standard offers adequate protections Indigenous Cultural Landscapes;
- Consider whether the standard offers adequate protections of affected rights holders;
- Consider whether the standard adequately addresses workers’ rights;
- Consider the need to update the standard to reflect INT- FSC-STD-AUS-01-2018_01 on the potential for harvesting of HCV 3.3 old-growth forest;
- Consider whether the standard adequately addresses situations in which the owner/manager does not have full management control of a management unit.
- Consider including requirements to facilitate transaction verification and fibre testing; and
- Consider the potential application of a risk-based approach in the NFSS.



Appendix 1 – List of New Generic Indicators (IGIs)

Principle	#	Criteria
Principle 2: Worker’s rights and employment		
Four indicators regarding ILO Conventions	2.1	2.1.1 2.1.2 2.1.3 2.1.4
Principle 3: Indigenous People’s rights		
One indicator regarding Indigenous Peoples	3.1	3.1.2
Two indicators regarding FPIC	3.2	3.2.4 3.2.5
Principle 4: Community relations		
Two indicators regarding legal and customary rights	4.2	4.2.4 4.2.5
Principle 7: Management planning		





Principle	#	Criteria
One indicator regarding verifiable targets	7.3	7.3.1
Two indicators regarding Indigenous Cultural Landscapes and affected rights holders	7.6	7.6.1 7.6.3
Principle 8: Monitoring and assessment		
One indicator regarding tracking and tracing systems	8.5	8.5.1
Principle 9: High Conservation Values		
Two indicators regarding engagement with affected stakeholders and assessing and recording HCVs	9.1	9.1.2 9.1.3
Four indicators regarding developing strategies that maintain or enhance identified HCVs	9.2	9.2.3 9.2.4 9.2.5 9.2.7
Two indicators regarding implementing a precautionary approach that is proportionate to scale, intensity and risk of management activities	9.3	9.3.3 9.3.4
One indicator regarding periodic monitoring	9.4	9.4.2
Principle 10: Implementation of management activities		



Principle	#	Criteria
One indicator regarding managing activities associated with harvesting and extraction of timber and non-timber forest products	10.11	10.11.1