



Forest Stewardship Council®



Public Consultation Report

FSC Policy for Association Remediation Framework

Consultation date: June – August 2021
Report date: April 2022



Contents

Contents	2
Introduction	3
Response summaries by topic	5
1. Remedy of harm: The principle of remedy and FSC's approach to it.....	5
2. Five-year unacceptable activities free period	7
3. Supply chains.....	8
4. Development of GMO remedy indicators	8
5. Remediation Governance Body (RGB)	9
6. Company specific roadmap development	10
7. "The Preamble"	11
8. Full investigation by FSC in pre-association cases.....	11
9. Illegal logging and encroachment	12
10. Use of independent experts and assessors.....	13
11. The company group.....	15
12. Stakeholder participation.....	16
13. Environmental & Social Remedy	17
14. Grievance mechanism	19
15. Monitoring, 'independent monitoring' and verification by the Third Party Verifier	19
16. Transparency: publication of information on websites.....	20

Introduction

This report provides an overview of the stakeholder feedback provided during the public consultation of the draft *FSC Policy for Association Remediation Framework* (PfA RF) that ran from 21 June to 21 August 2021.

During the public consultation FSC received responses from 43 respondents and a total 1,471 responses, including comments, in the Consultation Platform. A small number of written comments were also received outside of the platform, these and comments provided by stakeholders during the consultation webinars and other consultation sessions have also been included in the analysis provided in this report, but not in the figures above mentioned.

The report presents a summary of the key stakeholder feedback by topic received during the public consultation, the analysis by FSC on the input and conclusions on each topic.

The draft *FSC Policy for Association Remediation Framework* defined the proposed steps required to remedy harm caused by the unacceptable activities set out in the *FSC Policy for Association*. These are the steps required to end disassociation from FSC and in pre-association cases to allow association to proceed.

FSC is grateful to all respondents for their detailed and insightful feedback. This input has been invaluable in taking FSC to the next draft of this procedure: The *FSC Remedy Framework* (FSC-PRO-01-007 V1-0)

Who responded to the consultation?

There were 43 respondents to the consultation, with FSC members forming the largest group of respondents:

FSC Member

40% (17)

Other

26% (11)

Certificate holder

21% (9)

Consultant

7% (3)

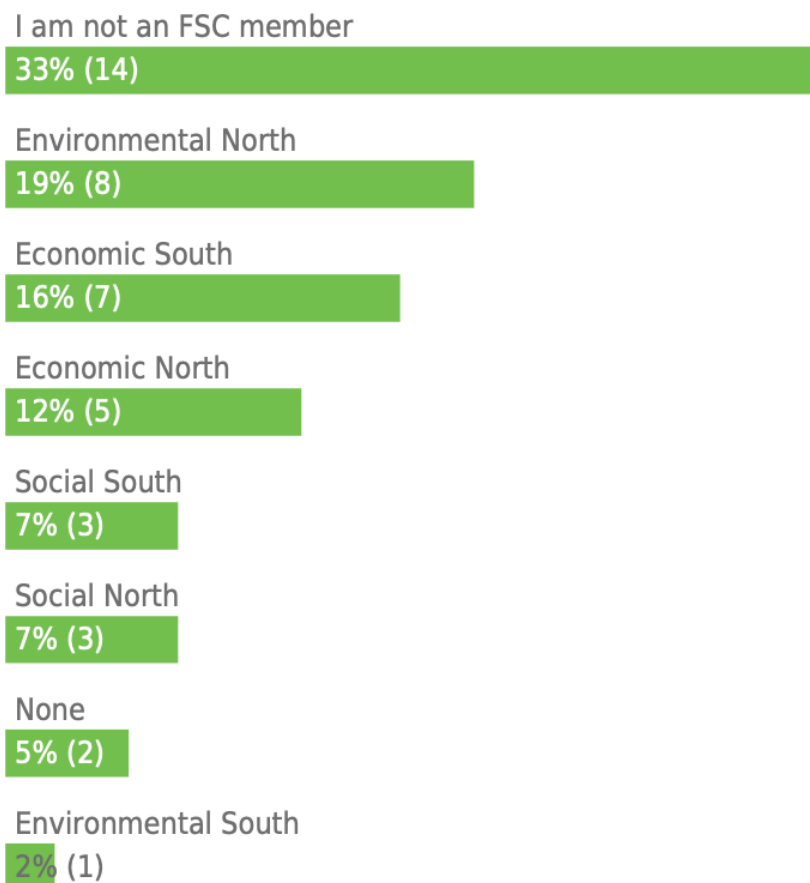
FSC Network Partner staff

5% (2)

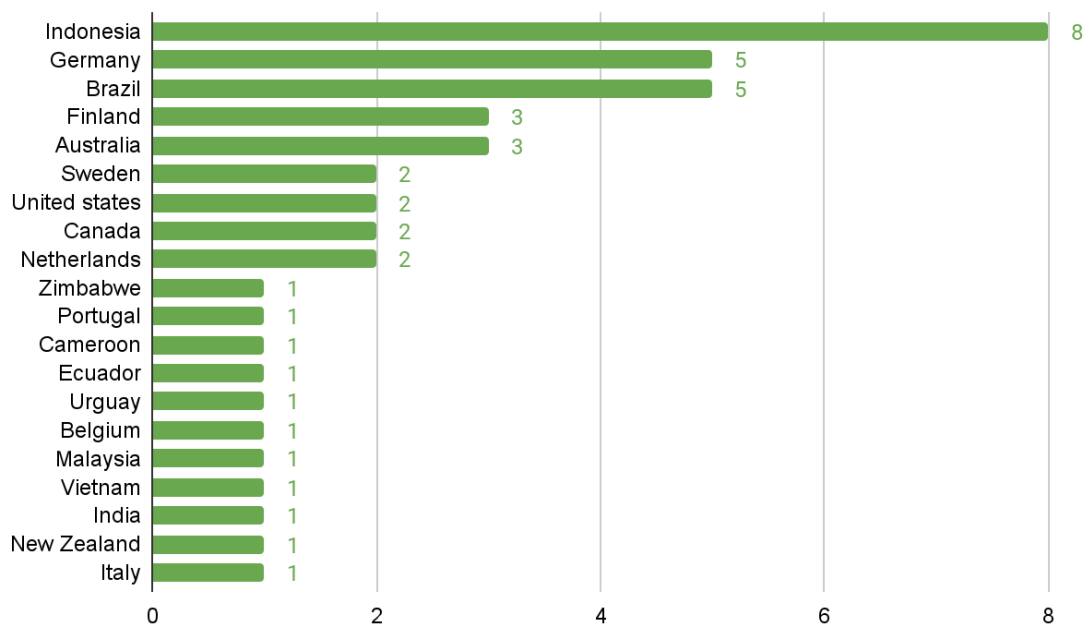
FSC International staff

2% (1)

A breakdown of the members by chamber follows:



Comments were received from the following countries:



Response summaries by topic

This section summarizes the key responses received during the public consultation of the draft FSC Policy for Association Remediation Framework (PfA RF).

Stakeholders were consulted about numerous questions during the public consultation. This summary focuses on those questions and feedback that showed a clear trend (in that similar input was provided by several stakeholders, or in that the input provided showed polarized positions). Key topic areas that may need further consideration are also featured in this summary. Please note that in most cases the questions are summarised (in relation to the full original text of the question, as provided in the Consultation Platform).

1. Remedy of harm: The principle of remedy and FSC's approach to it

a. Remedy principle: Should organizations be able to remedy harm caused by unacceptable activities?

Yes: 60%

No: 23%

Unanswered: 16%

Stakeholder input: The majority of stakeholders responded yes organizations should be able to remedy harm within the FSC system.

FSC's observations: It is possible that the question was not understood by some stakeholders (due to complex question construction) as some strong proponents of a just remedy process within FSC answered no to this question, this may have been because the full question was couched in terms of removing a barrier to association and certification and it was the notion of the need to remove a barrier to certification that was being objected to.

b. Should remedy processes (for conversion and addressing unacceptable activities) be identical as both deal with conversion?

Yes: 63%

No: 12%

Unanswered: 26%

Stakeholder input: A single approach to remedy is needed within the FSC system. Beyond the scope of the above question several key stakeholders from different backgrounds took the opportunity to strongly advocate for a single approach to remedy across FSC and that this should extend beyond just the topic of conversion. Some stakeholders went further and called for an auditable standard for the remedy of harm within the FSC system.

c. Should the Framework in its final form be the authoritative source for all ending disassociation and maintaining association conditions placed on

organizations, or would you like to see that the FSC Board of Directors articulate different or additional conditions on a case by case basis?

Yes: 65%
No: 9%
Unanswered: 26%

Stakeholder input: There was a clear steer towards a consistent approach to be applied to all cases and a steer against any approach that might be considered arbitrary.

d. Should the transparency and reporting requirements be stricter for organizations that have been disassociated from FSC versus those organizations that have disclosed or discovered violations of the Policy for Association prior to association?

Yes: 19%
No: 56%
Unanswered: 26%

Stakeholder input: This represented another steer towards a consistent approach being taken regardless of the specifics of the case. In this case whether or not there had been proactive disclosure was not relevant to most stakeholders, they viewed harm to be harm regardless of disclosure and therefore considered that it must be consistently addressed with all cases being treated in the same way.

e. Should remedy be required since 1994 for significant conversion or for just the preceding five years?

Preceding five-year period: 14%
Since 1994: 14%
No response: 72%

FSC's observations: The vast majority of respondents did not engage with this question. There were minority views expressed in favour of each option. Overall, the stronger message provided by stakeholders through various feedback channels (including the Consultation Platform, but not limited to it) was that there is a need to have a single approach to conversion, whether significant or not, and an alignment of the Conversion Remedy Procedure (CRP) and the PfA RF.

f. Call for a single approach to remedy across the FSC system

[From additional comments given as part of text answers to various open questions in the Consultation Platform and additional submissions from stakeholders]

Stakeholder input: Many members and stakeholders, from diverse chambers and backgrounds, highlighted the need to bring the CRP and PfA RF together into a single remedy procedure. Some went further and called for such a procedure to apply to all aspects of the FSC system relating to remedy, be that social remedy or forest restoration.

- **FSC’s conclusion for the FSC Remedy Framework for all the above questions in this section:**

After this consultation, and following stakeholder feedback, FSC proceeded to develop the FSC Remedy Framework that brought together the CRP with the PfA RF into a single document.

This work has taken place between September 2021 and March 2022. While differences in the remedy requirements that apply to the different scenarios remain - these are captured in ‘*core requirements*’ for cases of conversion and core and ‘*additional requirements*’ for cases of unacceptable activities (violations of the PfA) - the .

2. Five-year unacceptable activities free period

Should there be a minimum on-going unacceptable activity-free period prior to ending disassociation?

[There was no yes/no tick box option for this question in the Consultation Platform.]

Estimates figures:

Yes: 42% (69% of those who did respond)

No: 9% (15% of those who did respond)

No response or “no clear view” stated: 49% (15% of those who did respond stated “no clear view”)

Stakeholder input: The majority of stakeholders agreed that there should be a five-year unacceptable activity-free period prior to ending disassociation. At the same time, a minority saw this proposal as a punishment that adds unnecessary complexity. A different minority thought the five-year unacceptable activity free period needs to have been completed before the FSC Remedy Framework is even applied to a case. In addition, there were concerns raised by stakeholders stating that disassociation could be ended before the full implementation of the Remedy Plans had been completed.

- **FSC’s conclusion for the FSC Remedy Framework:**

A five-year unacceptable activity free period has now been introduced into the FSC Remedy Framework. This aligns with the five-year conversion free period for conversion cases. The FSC Remedy Framework implementation process however can begin before the five-year period has elapsed as the process within the Remedy Framework is needed to clearly assess and verify the situation and make the changes needed to cease unacceptable activities.

As per the latest draft of the FSC Remedy Framework, it remains the case that disassociation can be ended before the full implementation of Remedy Plans and clear thresholds are set for what must be met in order to begin association or end disassociation. The continued implementation of Remedy Plans is required after ending disassociation/beginning association and progress continues to be monitored by either the FSC Third Party Verifier or where FSC certification audits take place, by the certification body.

3. Supply chains

Should organizations found in violation of unacceptable activities have to remedy this unacceptable activity throughout its organization and its wood and wood fibre supply chain?

Yes: 72%

No: 7%

Unanswered: 21%

[There was no option for written responses to this question in the Consultation Platform.]

Stakeholder input: There was clear support for remedy being required throughout both organizations and supply chains.

- **FSC's conclusion for the FSC Remedy Framework:**

Having considered stakeholder input, in the latest version of the FSC Remedy Framework, the requirement for remedy across the supply chains applies to extraordinary situations where the magnitude or gravity of harms is such that remedy in the supply chain is needed as a trust building measure. This revision is based on the fact that the scope of the FSC Policy for Association (PfA) does not cover supply chains.

4. Development of GMO remedy indicators

Would you agree that the PfA Remediation Framework needs to include indicators for remedy of introduction of Genetically Modified Organisms (GMO) in forestry operations at this stage?

Yes: 60%

No: 19%

Unanswered: 21%

Stakeholder input: There was clear support for developing GMO remedy indicators at this stage in the development process.

- **FSC's conclusion for the FSC Remedy Framework:**

GMO remedy indicators have not yet been developed at this stage because discussions on this topic are being held in other forums hosted by FSC, such as the [Sustainable Intensification](#), which include the [FSC Genetic Engineering Learning Process](#) (process which will be ongoing throughout 2022). The outcomes from these forums and processes with regards to the discussions on GMO related topics are relevant for the FSC Remedy Framework, reason why GMO remedy indicators have not been developed yet. It should be noted that the FSC Policy, as stated in the FSC P&C and PfA, remains that GMOs cannot be used within the FSC system and their use continues to constitute an unacceptable activity. The fact that there are currently no remedy indicators for GMOs does not mean that the policy on GMOs has in any way changed.

5. Remediation Governance Body (RGB)

a. Would it benefit the company specific roadmap development process if the RGB was established during the drafting of the roadmap?

[There was no yes/no tick box option for this question in the Consultation Platform.]

Estimated figures:

Yes: 26% (50% of those who did respond)

No: 7% (14% of those who did respond)

No response or “no clear view” stated: 67% (36% of those who did respond gave no clear view)

Stakeholder input: Of those who responded directly to this question the most frequently heard response was agreement to the RGB being established at the time of or before roadmap development. In addition, respondents used the answer space for this question to raise issues and concerns about the RGB which are discussed in the next point.

b. The make-up and role of the RGB in general

[Information here comes from additional comments given as part of text answers across the questions in the Consultation Platform and additional submissions from stakeholders.]

Stakeholder input: There were strong opinions and concerns given on the concept of the RGB. While some stakeholders were very supportive of the concept in general, they requested to have more information on/define how the concept of the RGB would work. Stakeholders also stressed the need to ensure the RGB is a truly independent entity, independent of the company group rather than ‘semi-independent’ as originally proposed in the Remediation Framework. Some stakeholders also called for the need of the RGB to be formed by and directly accountable to FSC. Concerns that the company would have too much power within the RGB were raised by several stakeholders. Generally the feedback provided indicated a call for careful screening of the member composition of the RGB to ensure that 75% of the members had no company connection.

Other stakeholders questioned the need having an RGB altogether, with some stating it would add to complications and be a potential route to the break-down of trust. Some stakeholders proposed different alternative structures to the RGB, such as the use of FSC Network staff or co-ordinators to hold a ‘solutions forum’ to take on the role of the RGB or using the Third-Party Verifier for this role, as well as to consider FSC to take on this responsibility. There was a concern that individuals involved in the RGB might not have the sufficient understanding of the FSC system and the specific case to make reliable decisions and that NGOs not directly involved in the issues might dictate the composition of the RGB.

FSC being more directly involved in the establishment or management of the RGB was mentioned by several stakeholders from diverse organisational backgrounds.

- **Overall conclusion for the Remedy Framework:**

The RGB (now Remedy Governance Body) was removed from the main body of requirements of the Remedy Framework to make it clear that its establishment was not just a standard requirement to be undertaken by the corporate group. Instructions on the RGB were therefore moved to Annex 1: *Operating Instructions for the implementation and verification of the FSC Remedy Framework*.

In the latest draft of the FSC Remedy Framework the RGB is optional and whether or not one is needed is decided together in a facilitated dialogue involving affected stakeholders, independent experts and corporate representatives. The instructions have been greatly simplified to allow for those involved in each case to decide how any RGB will work and what its roles and responsibilities shall be. The requirements that the corporate group has a maximum number of voting members not exceeding 25% and that decisions are taken by casting votes remain in place.

6. Company specific roadmap development

[Information here comes from additional comments given as part of text answers to questions in the Consultation Platform and additional submissions from stakeholders.]

Stakeholder input: Comments were made by stakeholders about the development of the company specific roadmap. In general, there was a call for more clarification to be included within the Remedy Framework on the roadmap scope, how the process would work to develop it and what the content needed to be, as well as more information on the roles and responsibilities of FSC, the company group, stakeholders and any entity facilitating/supporting that process.

There was concern that the company specific roadmap should not be drafted by the company group itself. The roadmap was perceived as being closely linked to the RGB and that there was therefore a need for the RGB to oversee its development was expressed by many (see 5.a. above). Other stakeholder believed that FSC should directly oversee the roadmap development (as well as its implementation) rather than a RGB.

- **FSC's conclusion for the Remedy Framework:**

The PfA RF evolved from roadmap drafts for the APP disassociation case, as such it and the Remedy Framework - which represents the next development stage - contain much of the detail that would have originally been in a company specific roadmap predating the PfA RF. It is now anticipated that such a roadmap will need to contain less information than was previously the case because the instructions for the steps that need to be taken by the company are within the Remedy Framework, which will be directly applied in each case.

The roadmap stage of remedy would be more about agreeing the process that needs to take place around stakeholder engagement, the establishment of a RGB if one is needed and the identification of any key additional specific instructions in line with the Remedy Framework that the company needs to meet.

7. “The Preamble”

[Information here comes from additional comments given as part of text answers to questions in the Consultation Platform and additional submissions from stakeholders, including on webinars and consultation calls.]

Stakeholder input: Some stakeholders familiar with the draft APP Roadmap asked where the information contained within the preamble to that roadmap was now. The preamble included information about what would happen in terms of verification, suspension of process and in terms of other key operational conditions and approaches that were set out in that section.

- **FSC’s conclusion for the Remedy Framework:**

Annex 1: *Operating Instructions for the implementation and verification of the FSC Remedy Framework* is a new addition and contains much of the information previously contained in the APP Roadmap preamble.

8. Full investigation by FSC in pre-association cases

In a pre-association scenario where unacceptable activities found in the PfA were discovered or disclosed, the PfA Remediation Framework would be triggered. The organization would be required to remedy these unacceptable activities prior to association. In your opinion, would FSC need to conduct a full investigation of these unacceptable activities to establish clear and convincing evidence of a violation, or should FSC immediately start the PfA Remediation Framework process?

Full investigation: 49%

Start the PfA RF: 21%

Unanswered: 30%

Stakeholder input: The largest group of stakeholders responding to this question called for there to be a full investigation by FSC in pre-association cases. Some stakeholders believe that a full FSC investigation is needed prior to starting the PfA RF as otherwise it would be based on assumptions. Others believe that what is important is verification by FSC that information provided by the company group is accurate. Others recognised that the PfA RF itself sets out the process that will lead to the identification of unacceptable activities (in the Remedy Framework these are now the Baseline Assessments) and their verification by FSC (via a Third Party Verifier). One stakeholder flagged that this issue should be considered on a case by case basis and that where there was self-declaration of unacceptable activities and an acceptance that harm has been caused that the PfA RF should be proceeded with, however in other cases a full investigation may be needed.

FSC’s observation: There was misunderstanding related to this question, especially regarding the nature of a full assessment of unacceptable activities, resultant harm and the remedy that is required as part of the PfA RF. This misunderstanding might cause the figures not to be fully representative of the general stakeholder perspectives on this point. Some stakeholders felt that if there was no full

investigation by FSC itself directly that historical violations might be overlooked. This would not actually be the case as the PfA RF is specifically designed to identify and remedy such past violations. Some of those who called for a full FSC investigation of the unacceptable activities may have answered in this way because the question led them to believe that this was the only way a full investigation would happen. Some stakeholders themselves highlighted that the question was confusing. These misunderstandings highlight that the process steps of the PfA RF were not universally well understood and therefore improved communication on this aspect is needed.

- **FSC’s conclusion for the Remedy Framework:**

The Remedy Framework does not directly take a stand on pre-association investigation by FSC and/or when and whether there can be a proceeding directly to the Remedy Framework in pre-association cases. Case-by-case assessments would be used to determine if there is sufficient and verifiable information provided as basis to proceed to the framework, or if a more thorough investigation is needed to enable the process with Remedy Framework.

9. Illegal logging and encroachment

a.

- i. **How should illegal logging and encroachment be remedied? Case specifics and root causes will differ. It’s therefore suggested that it should be on a case by case basis determined by those involved in the dialogue around remedy. Do you agree?**

Yes: 26%

No: 16%

Unanswered: 58%

- ii. **Is there specific guidance that can be given?**

- b. **Do you agree that remedy should not be required when land subject to illegal logging has recovered?**

Yes: 21%

No: 12%

Unanswered: 67%

- c. **The link between encroachment and illegal logging: root causes of encroachment are linked to land tenure conflicts, HCV destruction or loss of livelihood. Do you have a view on this?**

Stakeholder input for a.i; a.ii; b & c: These questions were not answered by many of the participants to the consultation. Respondents that did answer highlighted the complexities associated with illegal logging by communities and “encroachment” as well as problems with the use of the term encroachment, with a suggestion to use the term land re-appropriation instead. Stakeholder input indicated differences of opinion as to what is the extent of company responsibility in the case of illegal logging that is undertaken by communities, with some believing that the responsibility is with the communities to protect the forest and that illegal logging by third parties should not constitute a PfA violation.

Some were in support of the illegal logging guidance that states that no environmental remedy is required if the forest has recovered, while others stated that it did not make sense, however the input itself on this was also not clear. Others pointed out that even a forest area apparently recovered from illegal logging may have had long term impacts and harms triggered that need investigation and that such areas are often degraded. Defining what recovery looks like is key and assessments and remedy measures should be applied to all cases of known illegal logging.

Stakeholders pointed out that the roots of encroachment vary and can relate to land re-appropriation, pressure on local communities by more powerful influences (via payment to encroach, i.e. corruption) or the loss of livelihoods. Some stakeholders stated that where powerful entities are responsible they should be held accountable for the encroachment activities. Others did not see illegal logging and encroachment as linked. Some saw encroachment as always a clear situation of someone else undertaking illegal activity on someone else's land. It was pointed out that there is a difference between actions perceived to be harms by those in the north and actions perceived to be harms by those in the south.

Clear guidance was called for on the two main cases of illegal logging: By the company itself and by other parties on company lands.

- **FSC's conclusion for the Remedy Framework:**

Changes to the Remedy Framework Guidance on illegal logging will be made to ensure that it is clear that a conclusion that there is no need for environmental remedy can only be taken as part of the Baseline Assessment process and that that conclusion must be reached by an independent assessor. The term re-appropriation will be added to the Guidance on the topic of encroachment.

10. Use of independent experts and assessors

a. The identification of harms and independent experts and assessors

i. Do impacts and harm assessed by HRIAs and EIAs need to be undertaken only by independent experts?

Yes: 33%

No: 21%

Unanswered: 47%

Stakeholder input: Answers to this question showed there is confusion between the due diligence practices that companies should be implementing as part of responsible business practices, that HRIAs and EIAs are part of, specific harm assessment practices in PfA RF, and the Baseline Assessments in the CRP. The use of independent experts and/or assessors was called for by some, others stated that the companies themselves should be able to do it as with verification this should not be an issue.

ii. **Can the organization be relied upon to assess impacts and harm (via independent experts or trained personnel) if that work is overseen by the Remediation Governance Body, peer reviewed by independent experts and verified by the FSC third party verifier?**

Yes: 37%

No: 21%

Unanswered: 42%

Stakeholder input: In this case answers showed a clear split between responses from companies and those from NGOs: Stakeholders from companies believed that the organization can be relied upon to assess impacts and harm, and those from NGOs did not.

b. Registry of harm, prioritisation of harms and independent assessors

[Information here comes from free comments across the questions in the Consultation Platform, no specific question asked:]

Stakeholder input: Some stakeholders highlighted that the process around the registry of harm was not clear and that the process of registering harm should not be undertaken by the company group or subject to company vetoes. Suggestions were made that the RGB or independent assessors undertake the task as well as more detailed instruction/guidance on how the assessments of harm should take place. There were comments from several stakeholders expressing concern that the company itself should not prioritise cases for the remedy of harm.

c. Prioritisation of activities

Should the PfA RF follow the activity prioritisation process set out in the CRP?

Yes: 26%

No: 16%

Unanswered: 58%

Stakeholder input: There was confusion between the prioritisation of cases of harm for remedy and the prioritisation of activities within the Remedy Plan (see the section above for views on prioritisation of harm). Some found the CRP information on priority activities more useful than the guidance for the PfA RF. While some highlighted that social priority activities were inadequate in their view, in contrast others felt priority activities are too prescriptive.

● **FSC's conclusion for the Remedy Framework:**

The FSC Remedy Framework development process has allowed several of the above stakeholder concerns to be addressed: There is now a single Baseline Assessment process and the prioritisation of activities process and guidance is now fully aligned. In the case of Baseline Assessments there is now a requirement in the case of unacceptable activities for both environmental and social assessments to be undertaken by independent assessors. This is for consistency of approach to all situations because of the low level of trust that prevails around cases where there have been unacceptable activities and the need to identify as yet unregistered harm.

The process around the registry of harm remains the same with no further guidance yet added. While an independent assessor is not required to register harms, they are required to assess the registry of harm, in consultation with affected stakeholders and determine cases for remedy of harm.

11. The company group

[Information here comes from free comments across the questions and consultation, no specific questions were asked]:

a. Definition of the company group

Stakeholder input: There was a call from several stakeholders to use the Accountability Framework Initiative's (AFi) definitions and indicators of 'corporate group' and 'control', with particular reference to beneficial ownership.

- **FSC's conclusion for the FSC Remedy Framework:**

This aspect lies with the PfA revision process, which is now using the AFi definition of corporate group.

b. Company structures and their identification

Stakeholder input: FSC must be able to identify and verify corporate structures and their beneficial ownership through its due diligence systems and in complex cases must employ specialist assistance to that end, ahead of the FSC Remedy Framework being applied to cases. These corporate structures and ownership arrangements are observed to be opaque by some stakeholders. Currently a "corporate loophole" within the FSC system is perceived by some stakeholders whereby the same beneficial owners can own both a company with FSC certificates and another that is disassociated from FSC, and this loophole should be closed. There is a call for FSC to require that the company group reveals and verifies its beneficial ownership and the full extent of its corporate group structure as per AFi definitions of the corporate group and the concept of control.

- **FSC's conclusion for the FSC Remedy Framework:**

The FSC Remedy Framework does not cover the defining of the corporate group and its control. This step is covered in the *Procedure for Disclosure Requirements for Association with FSC* (FSC-PRO-10-004 V2-0) which is currently a draft document and part of the PfA review process.

c. Company group power

Stakeholder input: Stakeholders reported concerns in several places throughout the PfA RF that too much power sits with the corporate group and therefore called for independent assessors, experts, full stakeholder consultation and other requirements, guidance, checks and balances to ensure the necessary remedy of harm could take place. The areas of concern ranged, amongst others, from fears around the establishment of the RGB, roadmap process and identification of harms,

to ensuring that community needs were truly heard and companies were not able to veto findings on harms.

- **FSC's conclusion for the FSC Remedy Framework:**

The production of the Remedy Framework has on the whole resulted in more checks and balances being applied to the process of the identification and remedy of harms. These include the introduction of Baseline Assessments by independent assessors, the removal of the requirement for the RGB to be established by the company group itself and more detail added to describe the stakeholder dialogue process.

12. Stakeholder participation

[Information here comes from free comments across the questions and consultation, no specific questions were asked:]

a. Elaborate on the mechanics of stakeholder participation

Stakeholder input: Some stakeholders emphasised the need for the PfA RF to elaborate on the stakeholder participation in the identification and remedy of harms to ensure that there was the possibility for genuine participation and fair incorporation of comments. Detailed comments were submitted on this topic.

- **FSC's conclusion for the FSC Remedy Framework:**

The additional clear process step of the formation of Core Dialogue Groups for each impact area has been added to the FSC Remedy Framework for cases of unacceptable activities. These groups make it clear that legitimate representatives of affected rights holders and consented trusted advisors should be the parties discussing the approach to be taken on harms and remedy with the company group. Remedy process and remedy process agreements are then made with each individual case of harm between the rights holder and the company group. This may be done collectively or on a case by case basis, as determined by the affected rights holders in question.

The core requirements of the FSC Remedy Framework set out the points at which wider stakeholder consultation is required and there are additional requirements for consultation in places for cases of unacceptable activities, including participatory evaluation of processes as part of monitoring and continuous learning.

There is no specific independent arbiter of stakeholder comments to decide what does and does not get incorporated and this is an activity that could be reviewed by the RGB. The process of stakeholder consultation and the application of the feedback to work products is verified by the FSC Third Party Verifier and these processes should be subject to peer review as initiated by the Third-Party Verifier.

b. Consultation conformance with FPIC

Stakeholder input: Some stakeholders were concerned that some aspects of consultation within the PfA RF did not contain requirements to apply FPIC processes.

- **FSC's conclusion for the FSC Remedy Framework:**

There is an overall requirement in the FSC Remedy Framework to apply FPIC to all PfA RF processes relating to the group now defined in the FSC Remedy Framework as ‘affected customary rights holders’, this involves applying the full existing FSC guidance on FPIC (*FSC Guidelines for the Implementation of FPIC* (FSC-GUI-30-003 V2.0)). FPIC is not mentioned in every clause it potentially applies to within the FSC Remedy Framework in order to avoid repetition.

13. Environmental & Social Remedy

[Most the information here comes from free comments across the questions and consultation, no specific questions were asked unless stated below.]

a. 1:1 ‘proportionate’ ratio

Stakeholder input: Some stakeholders expressed a concern that the 1:1 proportionate ratio of area harmed to area conserved or restored is insufficient and that the ratio needs to be closer to 10:1 (10 conserved/restored to 1 originally harmed area).¹

- **FSC’s conclusion for the Remedy Framework:**

The 1:1 proportionate ratio has been maintained in the Remedy Framework, further input and discussion on fair and feasible remedy proportions is welcome.

b. Equivalence

Stakeholder input: There was concern expressed that equivalence should be measured in terms of values rather than area.

- **FSC’s conclusion for the FSC Remedy Framework:** The definition of equivalent ensures that it is indeed values rather than areas that constitute equivalence.

c. Restoration and social remedy details

Stakeholder input: There were calls throughout the answers to several questions for more details of what restoration and social remedy would look like. There was also a call that restoration should not be prioritized above social remedy.

- **FSC’s conclusion for the FSC Remedy Framework:**

The alignment of the PfA RF and CRP means that the Remedy Framework contains more detail on ecological restoration than the PfA RF did. There is far greater information on what ecological restoration involves and looks like and the factors needed to bring about its success, including supporting information in the Annexes.

The FSC Remedy Framework also provides greater details on what needs to be assessed and considered in social remedy cases. It is difficult to be as prescriptive

¹ This assertion is based on an unpublished independent review paper (May 2020) by the forest ecologist Reed Noss that was commissioned by the NGO Canopy.

on what social remedy within the FSC Remedy Framework looks like as an appropriate remedy can only be agreed by the affected rights holders themselves rather than being set out in general. What can be stated is process and monitoring steps (including participatory methodologies) that need to be taken to ensure that affected rights holders are satisfied with progress made towards remedy process agreements and final remedy agreements. The FSC Remedy Framework contains further detail on these steps and they are now shown in a chronological order, which was not the case in the PfA RF.

There is no intention within the FSC Remedy Framework for ecological restoration to be prioritised above social remedy. The separate social and environmental Baseline Assessments ensure that social remedy has as much focus and attention as ecological restoration and the latter cannot take place without the consent of affected rights holders, including in restoration areas that are outside of the original impact area.

d. Should High Carbon Stock (HCS) areas be mapped?

Yes: 23%

No: 30%

Unanswered: 47%

Stakeholder input: There was a clear split between NGO and company/economic chamber contributors with NGOs strongly in favour of the inclusion of HCS in requirements but economic members/stakeholders recommending against doing so.

- **FSC's conclusion for the FSC Remedy Framework:**

Requirements relating to HCS have been removed because they are not specifically covered in the PfA. Many such areas would however constitute HCV areas and if converted from natural forest to plantations would be covered in that way.

e. Landscape level conservation and restoration plans

Stakeholder input: During a PfA RF consultation webinar stakeholders emphasised that they found the term 'landscape level conservation and restoration plan' confusing because of the use of the term 'landscape', which gives the impression that it is analogous to taking a landscape approach to planning, therefore with the assumed need to work with neighbouring landowners to produce the plan. This was not the intended meaning.

- **FSC's conclusion for the FSC Remedy Framework:**

This term has been removed from the FSC Remedy Framework for the above reasons and also to simplify the process. In the PfA RF there were two levels of remedy plan: at the landscape and site level respectively. Only one type of Remedy Plan is detailed in the latest version of the FSC Remedy Framework.

14. Grievance mechanism

[Information here comes from free comments across the questions and consultation, no specific questions were asked:]

a. Grievance mechanism: the UNGPs and FSC's existing IGI indicators on disputes mechanisms

Stakeholder input: There is a view that the grievance mechanism should be strengthened to be aligned with the requirements of the UN Guiding Principles on Business and Human Rights (UNGPs), specifically non-judicial procedures and that these processes should be transparent with information on the status of on-going cases published. A differing viewpoint is that the FSC International Generic Indicators (IGIs) already set out indicators for disputes resolution systems to settle grievances and therefore these should be used for consistency.

- **FSC's conclusion for the FSC Remedy Framework:**

The UNGPs' non-judicial grievance procedures form the basis of the grievance mechanism set out in the PfA RF and now the Remedy Framework. The UNGPs are now specifically in the requirements on the establishment of the grievance mechanism. The disputes system in the IGIs was not used for this section because the UNGPs are specifically aimed at access to remedy whereas the IGIs outline aspects of a general dispute resolution procedure. While there are clear overlaps, the gravity of the situation where there are harms that require remedy is greater than where there are more general disputes. The UNGPs set a global benchmark for such approaches and therefore it is necessary in a FSC Remedy Framework that FSC recognises and applies these.

15. Monitoring, 'independent monitoring' and verification by the Third-Party Verifier

a. Who should perform or be allowed to perform independent monitoring?

Stakeholder input: Input on who the appropriate entity for independent monitoring is varied greatly because of different understanding of the question (see below). There was strong agreement that there should be monitoring by the FSC Third Party Verifier.

FSC's observation: The full wording of the question as phrased in the consultation was more complex and contained several options within the question (which may have been confusing for stakeholders to answer to). A large number of stakeholders misinterpreted 'independent monitoring' to be analogous with the role of the FSC Third Party Verifier and this caused confusion in the answers given. This was not intended, rather that there were broadly three types of monitoring that need to take place: that which the company itself directly undertakes, independent monitoring – which is commissioned by the company and involves the engagement of independent auditors/consultants/experts and lastly the monitoring undertaken on behalf of FSC by the Third Party Verifier, which is directly commissioned by FSC. The question was intended to be focused on independent monitoring that is commissioned by the company itself.

b. Improved monitoring requirements needed

[The following is from free comments across the questions and consultation, no specific questions were asked]:

Stakeholder input: There were comments that there was insufficient monitoring requirements in the PfA RF. The issue is linked to the concept of transparency (see next section). There was a suggestion for a need for a monitoring checklist to be developed for land rehabilitation and ways made possible for the public to participate in monitoring, as publicised by FSC.

• FSC's conclusion for the FSC Remedy Framework:

It was clear that the inclusion of independent monitoring requirements was confusing and adding complication to the PfA RF. In the Remedy Framework these were therefore stripped back to just two key requirement areas: verification of PfA compliance and assessment of health and safety practices. These were retained as these two key areas are fundamental to forest responsible forest management and therefore a company group should be seeking consistent outside verification of its performance on these matters. By comparison the FSC Third Party Verifier verifies compliance of all sections of the Remedy Framework and is commissioned by FSC to do so. The progress reports of the Third Party Verifier will be published on the FSC Remedy Progress Website.

In the FSC Remedy Framework all monitoring requirements are now grouped together in Part 7 of the document so that an overall picture of monitoring requirements can be gained. More detailed requirements for monitoring of the implementation of Remedy Plan are now included in the FSC Remedy Framework and specific sample ecological indicators for the monitoring of restoration and conservation outcomes are included under Annex 3. There is also a requirement for independent observers to be allowed to participate in the monitoring of the implementation of processes and agreements for the remedy of harm.

16. Transparency: publication of information on websites

a. What information should be published and where?

Stakeholder input: Stakeholders from a diverse set of backgrounds gave feedback that information pertaining to the PfA RF should only be published on a FSC Remedy Progress Website, so that the information can be verified beforehand and therefore trusted. Several stakeholders supported the current publication requirements and emphasised that less can be more in terms of publication of information, there was a concern that overwhelming stakeholders with information would not help comprehension. Many stakeholders mentioned needing to see clear remedy progress information against milestones/KPI.

There were requests that corporate structure information be published (see 11 above) and that there should be geospatial transparency through the publication of geospatial reports that show boundaries of land banks, production areas, conservation set-asides and community lands.

- **FSC's conclusion for the FSC Remedy Framework:**

The requirements for the company group's own remedy website have been removed in the Remedy Framework. A requirement remains that if any mention of the FSC remedy process is made by a corporate group, then a link to the FSC Remedy Progress Website needs to accompany that information so that readers can access clear verified progress information.

Maps are required to be published on the FSC Remedy Progress Website that cover the status of forest types and community areas before and after the unacceptable activities. Communities known or suspected to have suffered harm also need to be mapped. In addition, Remedy Plan summaries are required to be published and the Remedy Plans must include spatial mapping of existing land uses, the remedy area and the planned priority activities.