



Report

# SYNOPSIS REPORT

Results of the focused consultation on the draft IGIs for the  
Criteria 4.2, 4.X and 4.8



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**Title:** Synopsis report: Results of the focused consultation on the draft IGI for the Criteria 4.2, 4.X and 4.8

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## INTRODUCTION

Statutory *Motion 40a/2021: Review the applicability of Free, Prior and Informed Consent (FPIC) in Principle 4*, which was passed in the General Assembly 2022, required changes to the Principles and Criteria. Therefore Criteria 4.2 and 4.8 were revised, and Criteria 4.X added to the Principles and Criteria.

These changes require also correspondingly revised and added International Generic Indicators (IGI) which PSU has drafted for that purpose in March 2023.

The update of the IGIs has been conducted according to <FSC-PRO-01-001 The Development and Revision of FSC Requirements>, Section 12, with a focused consultation. The draft IGIs were submitted for feedback to FSC's Director General, the Policy and Standards Committee, PSU's Forest Stewardship Standards (FSS) team, and the Forest Management Community from 16 to 29 March 2023.

This report presents the feedback received and an indication of how the comments have been taken into account in the final draft of the IGIs to the Criteria 4.2, 4.X and 4.8.

## FEEDBACK IN NUMBERS

A total of 9 comments were received from the following four respondents:

Motion proposers	5 comments
Policy and Standards Committee	3 comments
Performance and Standards Unit	1 comment

## CONCLUSIONS

- The majority of the comments were suggestions to make the language clearer. However, these suggestions go beyond the alignment between requirements process followed according to <FSC-PRO-01-001 The Development and Revision of FSC Requirements> between FSC <Principles and Criteria FSC-STD-01-001 V5-3> and <FSC-STD-60-004 International Generic Indicators V2-1>.
- Comments suggesting language clarification outside the scope of this update will be noted, filed and considered in the next full review and revision of the document.

# 1. Comments and responses

Comments	Addressing the comment
<p>The draft deletes under Criterion 4.1 the provision suggested by motion 40b: Standard Development Groups shall* describe and provide examples of situations in their jurisdiction where local communities are considered traditional peoples* as defined by FSC.</p> <p>By doing this I think we need to add an instruction under Criterion 4.2.</p> <p>"INSTRUCTIONS FOR STANDARD DEVELOPERS: This Criterion* requires identification of traditional peoples* with a fair and legitimate claim to be allowed access to benefits, goods or ecosystem services* from the Management Unit*. They include those who have affirmed their rights to land, forests* and other resources based on long established use, and also those who have not yet done so (due for example, to a lack of awareness or empowerment).</p>	<p>Suggestions go beyond the approved Motion 40a which requested replacing: <i>local communities*</i> by <i>traditional peoples*</i> in Principle 4.2, 4.8 and 4.X., and the alignment between requirements conducted at this stage.</p> <p>Editorial suggestions are wise but should be considered in the next review/revision of the IGIs. At this stage a careful and complete review/revision of all indicators will be conducted.</p>
<p>4.2.2 The legal* and customary rights* of local communities* to maintain control over management activities are not violated by The Organization*.</p> <p>I suggest to make this consistent with 3.2.2 The legal* and customary rights* of Indigenous Peoples* are not violated by The Organization*.</p> <p>Thus the text will be: 4.2.2 The legal* and customary rights* of local communities* are not violated by The Organization*.</p> <p>Both 3.2.2 and 4.2.2 should then also add the word "or" in this phrase: legal and/or customary rights* Reason: In many situations customary rights are not legally recognized.</p>	<p>Suggestions go beyond the approved Motion 40a which requested replacing: <i>local communities*</i> by <i>traditional peoples*</i> in Principle 4.2, 4.8 and 4.X., and the alignment between requirements conducted at this stage.</p> <p>Editorial suggestions are wise but should be considered in the next review/revision of the IGIs. At this stage a careful and complete review/revision of all indicators will be conducted.</p>
<p>4.2.3 Where evidence exists that legal* and customary rights* of local communities* related to management activities have been violated the situation is corrected, if necessary, through culturally appropriate* engagement* and/or through the dispute* resolution process in Criteria* 1.6 or 4.6.</p>	<p>Suggestions go beyond the approved Motion 40a which requested replacing: <i>local communities*</i> by <i>traditional peoples*</i> in</p>

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I suggest to add the word "or" in this phrase: legal and/or customary rights\*  
Reason: In many situations customary rights are not legally recognized.

Principle 4.2, 4.8 and 4.X.,  
and the alignment between  
requirements conducted at  
this stage.

This should also be corrected in IGI 3.2.3 Where evidence exists that legal\*  
and/or customary rights\* of Indigenous Peoples\* related to management  
activities have been violated the situation is corrected, if necessary,  
through culturally appropriate\* engagement\* and/or through the dispute\*  
resolution process as required in Criteria\* 1.6 or 4.6.

Editorial suggestions are  
wise but should be  
considered in the next  
review/revision of the IGIs.  
At this stage a careful and  
complete review/revision of  
all indicators will be  
conducted.

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4.2.4 Free, Prior and Informed Consent\* is granted by ~~local communities~~  
traditional peoples\* prior to the delegation of control over management  
activities that affect their identified rights through a process that includes:

Suggestion goes beyond  
the approved Motion 40a  
which requested replacing:  
*local communities\** by  
*traditional peoples\** in  
Principle 4.2, 4.8 and 4.X.  
and the alignment between  
requirements conducted at  
this stage. Suggestion will  
be considered in the next  
review/revision of the IGIs.

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Replace “should” by “shall” in:

The Instructions for Standard Developers for 4.X say that the SDs “should  
not” develop indicators for the new Criterion 4.X until the corresponding  
IGIs have been developed.

Agreement to leave verbal  
expression of should  
“should”.

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These documents have my full support.

I have one query by disappearing the use of the term local communities  
what is the inter alia impact on the term community forests and FPIC  
requirements in respect of these?

There does not seem to be  
impact as ‘local  
communities’ are/were not  
referred to as forest  
owners/managers in the IGI  
– even though in theory  
they could have a  
neighbouring (community)  
forest on their own.

There is no definition of  
“community”, but only “local  
community”.

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All of our IGI are listed in a ‘operational’ order, first we identify something  
then we develop something, including the mechanism for when things go  
wrong and then we mitigate/compensate (over simplifying off course).

Suggestions go beyond the  
approved Motion 40a  
which requested replacing:  
*local communities\** by

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In this case, we ask for the Organization to identify the local communities (4.1.1) and the different rights (4.1.2) but we don't ask the Organization, from those local communities, to identify the ones that classify by traditional people (that are not covered by P#3), which are now having an additional set of requirements. Shouldn't we (still from an alignment perspective) include that 'step' in Criterion 4.1 or related IGI?

*traditional peoples\** in Principle 4.2, 4.8 and 4.X. and the alignment between requirements conducted at this stage.

Editorial suggestions are wise but should be considered in the next review/revision of the IGIs. At this stage a careful and complete review/revision of all indicators will be conducted.

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