



Draft Guidance

# FREE, PRIOR, AND INFORMED CONSENT (FPIC) IMPLEMENTATION IN THE FSC REMEDY FRAMEWORK

Guide, Indicators, and Methodology

23/06/2025



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# EXECUTIVE SUMMARY

## Background

### The need for Free, Prior, and Informed Consent clarity in the FSC Remedy Framework

The FSC Remedy Framework (FSC-PRO-01-007/004) has a strong focus on Free, Prior, and Informed Consent (FPIC). Affected Rights Holders (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) play a central role in dialogue processes and agreeing to remedy actions. There is a general requirement that all parts of the remedy process shall be based on an FPIC process, as well as specific requirements for the verification of FPIC at certain points in the remedy process.

The FSC Secretariat identified there is a potential lack of clarity among some of the requirements of the procedure which could benefit from further explanation. For example:

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Requirement: Chapter 3, 4.2. *The Organization\* or the corporate group\* shall follow Annex 6: Elements and Steps for FPIC\* Processes and consider FSC-GUI-30-003 FSC Guidelines for the Implementation of the Right to Free, Prior and Informed Consent in its entirety when developing and conducting an FPIC\* process.*

Key questions: How can the Organization or corporate group “consider” FSC-GUI-30-003? How can a Third Party Verifier verify that the Organization or corporate group has made such considerations? Keeping in mind that FSC-GUI-30-003 was developed in a certification scenario where the document presumes major harm has not yet taken place, how can rights holders count on such guidance to ensure their FPIC rights are being respected and/or restored, when by virtue of being involved in a remedy process, some degree of harm can be inferred?

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Requirement: Chapter 3, 7.4. *The Third Party Verifier\* shall verify that FPIC\*-based processes have been properly implemented with affected rights holders\* during the identification of impact areas\* and recommend actions for correction, if applicable, before the remedy\* process can continue. (See also 8.3 regarding identification of parties and 9.3 regarding Baseline Assessments)*

Key questions: Requirements 7.4., 8.3, and 9.3 seem to require verification of FPIC at a specific point in time. Verification is carried out to verify conformance at a certain point in time and does not necessarily need to be revisited. FSC-GUI-30-003 emphasizes the iterative nature of FPIC processes, which may bring in additional sites and affected parties until the end of the Baseline Assessment phase. How can these competing understandings be understood for those participating in a remedy process?

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The FSC Secretariat anticipated the need to develop additional materials to endeavor to address such questions.

### Development process & normative status of the work products

FSC is governed by <FSC-PRO-01-001 The Development and Revision of FSC Requirements> insofar as normative requirements against which organizations are measured for conformance are developed. Mandatory requirements are set by the procedures required by that document, which include formalized requirements for chamber-balanced working groups, technical working groups, consultation, and approval. The FSC Remedy Framework underwent such a process, and therefore, its requirements are considered normative and mandatory to achieve eligibility for association or certification in cases

described in the scope of that document, as well as the FSC Policy for Association and FSC Policy to Address Conversion.

Situations may arise where the FSC Secretariat develops additional materials to support the implementation of normative documents. This may come in the form of frequently asked questions documents, technical clarification documents, audio/visual materials, presentations, service agreements, memorandums of understanding, internal standard operating procedures, guidance, or other materials.

While guidance is acknowledged and defined in PRO-01-001 as “technical information outlining some means of conformity with a set of FSC requirements. Guidance in the FSC system is considered to be informative only.”, there is no set process for developing guidance. Depending on the need and available resources, guidance may be developed with varying degrees of formality and approval.

In 2024, FSC began a process to develop guidance for the implementation of FPIC in FSC remedy processes. As guidance, the content contained in this work product cannot create new requirements for remedy processes as described in the FSC Remedy Framework. It can, however, serve as a resource and basis for shared understanding among companies implementing remedy (‘Remedy Clients’), Independent Assessors engaging with Affected Rights Holders, Affected Rights Holders, and Third Party Verifiers.

This process included detailed review of the FSC-PRO-01-007 FSC Remedy Framework, FSC-GUI-30-003 FSC Guidelines for the Implementation of the Right to Free, Prior and Informed Consent, and current literature and best practice guides for the implementation of FPIC. It was supported by contributors with expertise in FPIC, FSC auditing, and FSC-GUI-30-003, and Indigenous Peoples’ FPIC experiences, including the FSC Permanent Indigenous Peoples Council and FSC Indigenous Foundation. Feedback was also solicited from actors involved in current FSC remedy processes, specifically independent assessors, third party verifiers, and social and environmental non-governmental organizations (NGOs). The offer was made to gather feedback on draft documents from these individuals and groups in written form, individual interviews, or group interviews. Table 1 below displays an overview of participation in this process.

**TABLE 1**

Profile	# contacted	# provided input
NGO	4	3
FSC Staff/Consultant	6	5
Indigenous representatives	9	4
FPIC expert	3	2
Forestry organizations <sup>1</sup>	4	2
Independent assessors	2	1

<sup>1</sup> Note: No input on the text was requested from organizations with known history of Unacceptable Activities or those currently implementing the FSC Remedy Framework.

<b>Third party verifiers and/or auditors</b>	9	2
<b>TOTAL</b>	37	19

This document contains the results of this process. FSC considers this a Draft 0 document, which can serve the intended purpose, but which contains areas identified for further need for clarification. Those areas for clarification are denoted with commentary in this document in **orange text**.

## Document overview

The process carried out to provide clarity on FPIC implementation in FSC remedy processes resulted in a package of work that consists of three parts: a guide, indicators, and a methodology. For ease of review, they have been packaged into one document which follows this Executive Summary.

### Guide

The guide is a narrative-form document which explains how Remedy Clients could design an FPIC process and how Independent Assessors approach Affected Rights Holders in their tasks. The Guide may also assist Affected Rights Holders to better understand their role in an FSC remedy process in relation to FPIC rights, although additional culturally appropriate materials would need to be developed as described in this document.

### Indicators

The indicators provide a list of measures which may be utilized by Third Party Verifiers to inform their creation of systems needed to verify the requirements of the FSC Remedy Framework.

### Methodology

The methodology provides detailed suggestions how Third Party Verifiers could approach verification of specific FPIC requirements of the FSC Remedy Framework.

## Next steps

Various challenges were identified during the development of the process. While it was the original intent for this to be a piece of work developed in one major phase, it has become clear that this work will need to undergo an additional phase of development to result in the best possible material to support Affected Rights Holders, Independent Assessors, Third Party Verifiers, and Remedy Clients.

Four main challenges were identified: 1) lack of geographic diversity of feedback; 2) limited input from Indigenous Peoples; 3) limited input from forest managers; and 4) need for additional field testing.

These challenges have their roots in some known causes. There are two current remedy processes in varying states of implementation, both of which are in Indonesia. Therefore, there is a greater amount of expertise and focus on Affected Rights Holders issues in this country. Despite outreach efforts, participation from Indigenous Peoples has been lower than hoped for, although comparable to the number of respondents in other categories. Indigenous leaders in the FSC network often have various projects to prioritize and some were not able to dedicate time to provide feedback. The lack of input from forest managers and need for field testing for FPIC indicators for remedy processes is linked to a limited sample size among Remedy Clients.

Table 2 below describes how the FSC Secretariat plans to continue to strengthen the work carefully assembled in the current documents.

**TABLE 2**

Next step	Description	Deadline (3.-6. are tentative and dependent on the confirmation secured in step 2.
1. Create project plan	Refine the present steps to a greater level of specificity, including profiles for working group composition and facilitation.	By October 2025
2. Confirm process and budget	FSC project team and leadership decide on the development and approval process. Timing aligns with FSC budgeting process and any developments arising out of the FSC General Assembly in October 2025.	By December 2025
3. Call for and selection of technical working group members	By confirming working group members, diverse expertise, geographic balance, and Indigenous People's participation can be secured. Members may be compensated for their time with an honorarium which secures a deeper commitment.	By March 2026
4. Call for and selection of test scenarios	The working group can confirm the testing approach and make a call and selection of testing scenarios. These scenarios should approximate remedy processes but may or may not take place during actual remedy processes.	By April 2026
5. Development of updated draft	Working group will work on key questions identified from the present draft and any other pending issues.	By June 2026
6. Testing	Testing will be carried out to ensure the suitability of the indicators and supporting materials. This may include novel approaches to testing beyond traditional field testing due to a limited sample size of Remedy Clients working on FPIC processes and the delicate nature of testing new material in communities which have experienced social and environmental harm.	By June 2026

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7. Final draft

Based on inputs for testing scenarios and technical discussions, a final draft will be assembled. It will be approved as decided in step 2. above.

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By July 2026

**FSC extends gratitude to all who have participated in the development of this document. For further question and concerns, please contact the Alternative Dispute Resolution & Remedy team at [remedy@fsc.org](mailto:remedy@fsc.org).**

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## REFERENCES

### FSC documents

<b>FSC-PRO-01-007</b>	The FSC Remedy Framework: Enabling certification and association Governed by the Policy to Address Conversion V1-0 and the Policy for the Association of Organizations with FSC V2
<b>FSC-PRO-01-004</b>	The FSC Remedy Framework: Enabling association Governed by the Policy for Association V3
<b>FSC-POL-01-004 V2</b>	Policy for the Association of Organizations with FSC
<b>FSC-POL-01-004 V3</b>	Policy for Association
<b>FSC-POL-01-007</b>	Policy to Address Conversion
<b>FSC-POL-01-007</b>	Policy to Address Conversion
<b>FSC-GUI-30-003 V2</b>	FSC Guidelines for the Implementation of the Right to Free, Prior, and Informed Consent (FPIC)

### FPIC references

Community Guide to the FSC Remedy Framework, Forest Peoples Programme, available. Available (in Bahasa Indonesia only) at: <https://www.forestpeoples.org/en/bahasa-indonesia-community-guide-fsc-remedy-framework>.

Respecting free, prior *and* informed consent, Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition, FAO, Available at <https://www.fao.org/4/i3496e/i3496e.pdf>

Securing Indigenous Peoples' Right to Self-determination: A Guide on Free, Prior and Informed Consent, written for Indigenous leaders, Cultural Survival, Available at: <https://shop.culturalsurvival.org/products/securing-indigenous-peoples-right-to-self-determination-a-guide-on-free-prior-and-informed-consent>.

## RELEVANT TERMS & DEFINITIONS

For full terms and definitions please consult FSC-PRO-01-007 *FSC Remedy Framework*. The following terms are particularly relevant for the understanding of the present document:

**Affected rights holders:** 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. (*Source: FSC-STD-60-004 V2-0*)

**Best Available Information:** Data, facts, documents, expert opinions, and results of field surveys or consultations with stakeholders that are most credible, accurate, complete, and/or pertinent and that can be obtained through reasonable effort and cost, subject to the scale and intensity of the management activities and the Precautionary Approach. (Source: FSC-STD-60-004 V2-0)

**Cultural values:** Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or Indigenous Peoples, identified through engagement with these local communities or Indigenous Peoples. (Source: Adapted from FSC-STD-01-001 V5-2)

**Customary rights:** Rights which result from a long series of habitual or customary actions, constantly repeated, which have, by such repetition and by uninterrupted acquiescence, acquired the force of a law within a geographical or sociological unit. (Source: FSC-STD-01-001 V5-2)

**Free, Prior, and Informed Consent (FPIC):** A legal condition whereby a person or community can be said to have given consent to an action prior to its commencement, based upon a clear appreciation and understanding of the facts, implications and future consequences of that action, and the possession of all relevant facts at the time when consent is given. Free, Prior and Informed Consent includes the right to grant, modify, withhold or withdraw approval (Source: Based on the preliminary working paper on the principle of Free, Prior and Informed Consent of Indigenous Peoples (...) (E/CN.4/Sub.2/AC.4/2004/4 8 July 2004) of the 22nd Session of the United Nations Commission on Human Rights, Sub-commission on the Promotion and Protection of Human Rights, Working Group on Indigenous Populations, 19–23 July 2004). (Source: FSC-STD-01-001 V5-2)

**Harm:** Injury, loss or detriment to forests, environmental values, ecosystem services or injury, loss or detriment to affected stakeholders or rights holders.

**Independent Assessor:** An expert entity without conflict of interest who is not subject to The Organization's or the corporate group's authority, influence, or control, and whose qualifications are verified by FSC International.

**Indigenous Peoples:** People and groups of people that can be identified or characterized as follows:

- The key characteristic or criterion is self-identification as Indigenous Peoples at the individual level and acceptance by the community as their member
- Historical continuity with pre-colonial and/or pre-settler societies
- Strong link to territories and surrounding natural resources
- Distinct social, economic or political systems
- Distinct language, culture and beliefs
- Form non-dominant groups of society
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

Source: Adapted from United Nations Permanent Forum on Indigenous Issues, Factsheet 'Who are Indigenous Peoples' October 2007; United Nations Development Group, 'Guidelines on Indigenous Peoples' Issues' United Nations 2009, United Nations Declaration on the Rights of Indigenous Peoples, 13 September 2007. (Source: FSC-STD-01-001 V5-2)

**Remedy:** To correct or return something as near as possible to its original state or condition (Source: Guiding Principles on Business and Human Rights. UN. 2011.)

- For environmental harm this includes actions taken to remedy deforestation, conversion, degradation, or other harm to natural forest and High Conservation Value areas. Environmental remedy actions may include but are not limited to: conservation of standing forests, habitats, ecosystems and species; restoration and protection of degraded ecosystems.

- For social harm this includes providing redress for identified social harm through agreements made during an FPIC-based process, where applicable, with the affected rights holders, and facilitating a transition to the position before such harm occurred; or developing alternative measures to ameliorate harm by providing gains recognized by the affected stakeholders as equivalent to the harm, through consultation and agreement. Remedy may be achieved through a combination of apologies, restitution, rehabilitation, financial or non-financial compensation, satisfaction, punitive sanctions, injunctions, and guarantees of non-repetition. (Source: FSC-POL-01-007 V1-0)

**Social harm:** Negative impacts on persons or communities, perpetrated by individuals, corporations or states, which include, but may go beyond, criminal acts by legal persons. Such harm includes negative impacts on persons' or groups' rights, livelihoods and well-being, such as property (including forests, lands, waters), health, food security, healthy environment, cultural repertoire and happiness, as well as physical injury, detention, dispossession and expulsion. (Source: FSC-POL-01-007 V1-0)

- **Priority social harm:** Is social harm prioritized by an FPIC-based process, with affected rights holders and identified in consultation with impacted rights holders and affected stakeholders by the Independent Assessor.

In the context of remedy for The Organization not involved in conversion but that has acquired a management unit where conversion has taken place, such priority social harm includes all violations of human and customary rights, and conflicts that have arisen while harm was left unaddressed, especially those that are preventing remedy from being initiated or achieved.

**Third Party Verifier:** An independent, third party entity approved by FSC International with expertise in environmental and social harm and remedy required to verify conformity of remedy processes. (Source: FSC-POL-01-007 V1-0)

**Trusted advisor:** Individual selected by the advisee to provide support and advice.

## NOTES FOR THE READER

There are terms and concepts used in this document which have not been previously defined in the FSC Remedy Framework, which are helpful to understand in the context of this document.

**FPIC Application Unit (FAU):** The geographical and social entity that the members of the affected rights holders have determined for engaging in the remedy process to exercise their collective right to free, prior and informed consent (FPIC). This could be a village, community, territory, tribe, nation, confederation, etc.

Engagement by the Remedy Client takes place with each FPIC Application Unit individually, determined by the affected rights holders

**FPIC Verification Point:** The point in the remedy process at which the Third Party Verifier verifies that FPIC processes have been adhered to in relation to affected rights holders.

**Legitimate representative(s):** The representative(s) appointed by the affected rights holders of the FPIC Application Unit, in accordance with their internal governance system, to represent them in the FSC remedy process.

**Remedy Client-**This refers to the company (either the Organization or corporate group as defined in the FSC Remedy Framework) who are responsible for implementing remedy.

**Remedy Learning Requests-**This is a term to refer to the exchange between the Remedy Client and the Third Party Verifier (TPV). If the TPV finds that the Remedy Client is not in conformance with the requirements of the Remedy Framework, the TPV can issue a remedy learning request which gives

timeframes and suggested actions to correct the non-conformance. In the FSC certification system, this exchange is known as 'corrective action requests' but because the remedy process happens prior to the certification process, a different term is used.

## SCOPE

See Scope of [FSC-PRO-01-007](#) and [FSC-PRO-01-004](#) for information on the scope of FSC remedy processes.

This draft guidance should be considered in remedy processes where affected rights holders are potentially present or have been identified.

## INTRODUCTION

The FSC Remedy Framework (FSC-PRO-01-007/004) was developed to address environmental and social harm stemming from unacceptable activities as defined by the FSC Policy for Association (FSC-POL-01-004) or instances of conversion stemming from conversion as describes by the FSC Policy to Address Conversion (FSC-POL-01-007).

These unacceptable activities or conversion may have caused social harm to Indigenous Peoples, traditional peoples or local communities whom FSC considers to be holders of the right to free, prior and informed consent (FPIC) to protect their legal and/or customary rights. According to the FSC Remedy Framework, evidence of progress of implementing remedy needs to be present and verified prior to becoming eligible for association with FSC, to end disassociation or become eligible to attain forest management certification. The FSC Remedy Framework stipulates that the right to FPIC of these affected rights holders (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) also applies to the process to remedy these social harms.

The FSC Remedy Framework therefore has a strong focus on Free, Prior, and Informed Consent (FPIC). Affected Rights Holders play a central role in dialogue processes and agreeing to remedy actions. There is a general requirement that all parts of the remedy process shall be based on an FPIC process, as well as specific requirements for the verification of FPIC at certain points in the remedy process.

The sections of this document provide guidance for Remedy Clients, Independent Assessors, and Third Party Verifiers who are involved in the implementation and verification of FPIC processes with affected rights holders.

## USER GUIDE ON FPIC FOR THE FSC REMEDY FRAMEWORK

### Why this User Guide?

The FSC Remedy Framework addresses the application of the right to FPIC in Chapter 3, clause 4.2:

The Organization or the corporate group shall follow Annex 6: Elements and Steps for FPIC Processes and consider *FSC-GUI-30-003 FSC Guidelines for the Implementation of the Right to Free, Prior and Informed Consent* in its entirety when developing and conducting an FPIC process.

With this paragraph, FSC makes mandatory the elements and steps of the FPIC process as presented in Annex 6 of the FSC Remedy Framework and also requires that the FSC FPIC Guidelines are considered in their entirety.

The FSC FPIC Guidelines were written primarily for Organizations seeking FSC certification, rather than association via the FSC Remedy Framework. These are different contexts and therefore the FSC Remedy Framework only requires implementers to **consider** the FSC FPIC Guidelines in its entirety as several parts of the FSC FPIC Guidelines are specific to forest management certification. This is the principal reason why this User Guide provides additional guidance on applying the elements and steps in the FSC FPIC Guidelines in the context of the Remedy Framework.

The FSC FPIC Guidelines only address past grievances in E, Part III: Key Concepts. Therefore, because of these differences in the contexts of applying FPIC, additional guidance is needed on applying the FSC FPIC Guidelines to the FSC Remedy Framework. This additional guidance is provided in this User Guide.

In addition, the FSC FPIC Guidelines were written as a non-normative document. Therefore, FSC has not developed indicators for implementing an FPIC process in line with its FPIC guidelines. Since the FSC Remedy Framework is making the elements and steps of the FSC FPIC guidelines mandatory, FSC decided to develop a set of FPIC indicators for the implementation and verification of FPIC in the remedy process. This User Guide provides guidance to implement these indicators, although the indicators themselves are also not normative.

### For Whom is This User Guide Intended?

This User Guide is primarily written to provide guidance on implementation of FPIC in the remedy process to the Organization or corporate group implementing the FSC Remedy Framework, and Independent Assessors who are also responsible for interacting with stakeholders and (affected) rights holders. It can also be useful for the Third Party Verifier, affected rights holders and stakeholders involved in an FSC remedy process.<sup>2</sup> There are some significant differences between an FPIC process for seeking FSC certification of forest management and for the FSC Remedy Framework, including those presented in Table 1 below.

**Table 1: Differences Between FPIC Processes for FSC Certification and FSC Remedy Framework**

Category	FSC FM certification	FSC Remedy Framework
<b>Timeframe</b>	FPIC sought for future forest management activities.	FPIC sought for defining remedy for harm caused by forest management activities that took place between 1 <sup>st</sup> December 1994 and 31 <sup>st</sup> December 2020.
<b>Objective</b>	FPIC is primarily aimed at preventing social harm and optimizing benefits for affected rights holders.	FPIC is primarily aimed at remedying social harm of affected rights holders.
<b>Point of agreement</b>	FPIC required before the planned forest operation has any impact on the affected rights holders.	FPIC required at several stages in the remedy process and before moving on to the next stage of the remedy process.
<b>Implementation</b>	FPIC agreement implemented from the start of the FSC certified forest management.	FPIC-agreed priority activities need to be completed before a forest management unit can become FSC certified, or disassociation can be ended.

### The FPIC Process is Flexible, Iterative and Developed with Affected Rights Holders

This User Guide presents a different sequence of the FPIC steps and sub-steps compared to the FSC FPIC Guidelines in order to better align with the FSC Remedy Framework. This sequence is still in line with the FSC FPIC Guidelines, which, although recognizing there is value in a step-by-step approach to

<sup>2</sup> There are several FPIC guides available written for affected rights holders. Please see References for examples.



support planning a way forward, calls for a flexible and iterative process. For example, the FSC Remedy Framework has specific 'FPIC verification points', meaning that FPIC for a specific stage of the remedy process must be provided by the affected rights holder and verified by the Third Party Verifier, before the remedy process can continue. However, FPIC steps in the first three stages of the remedy process (identification of impact areas, identification of parties and social and environmental baseline) each requiring FPIC verification before the remedy process can continue, are very much interconnected and can effectively only be implemented simultaneously and in an iterative manner.

**Note: Interconnectedness of some stages of the Remedy Process with Affected Rights Holders**

*Identifying impact areas in consultation with affected rights holders (stage 1) can only be done when the affected rights holders have been clearly identified (stage 2). The impact areas can only be fully confirmed through participatory mapping and participatory impact assessment. Once parties are out in the field to do the mapping and impact assessment, it makes sense to combine it with the social baseline assessment (stage 3). This means that verification of whether FPIC-based processes have been properly implemented can only effectively take place when these three stages have been implemented simultaneously and iteratively.*

Nevertheless, it still needs to be verified that FPIC-based processes have been properly implemented for each of these three stages. Remedy Learning Requests should be issued for each of these three stages separately, where applicable, before the remedy process can continue to the next stages. The subsequent stages can be implemented separately and should also be verified separately. Remedy Learning Requests for each of these stages, if applicable, need to be addressed, before the Organization or corporate group can move on to the next stage.

Guidance on how to balance meeting the requirements while taking into account this interconnectedness is further explained in section 3.2 of this User Guide. Although there is a certain logic in the sequence of the FSC FPIC steps, it is important to keep in mind that an FPIC process is developed in partnership with the affected rights holders from the outset, which may lead to other choices being made regarding the way in which the FPIC process is designed and implemented. (Remedy Framework 3.7.4, 3.8.3, 3.9.3, FPIC Guidelines: Step 2.4; B.1 (Design a continuous and flexible process).

**The Four Fundamental FPIC Elements: 'Free', 'Prior', 'Informed' and 'Consent'**

The FSC Remedy Framework determines that the Remedy Client shall ensure the four fundamental elements of FPIC, free, prior, informed and consent, throughout the FPIC process. The Remedy Client should keep this in mind during the implementation and documenting of the FPIC process. (Remedy Framework 3.4.2, Annex 6; FPIC Guidelines C.2)

## **1. Preparing for FPIC-Based Engagement**

*Note: Chapter 1 and 2 of this Guide refer occasionally to specific requirements in Chapter 1 and 2 of the FSC Remedy Framework which are only applicable corporate groups who are in a remedy process to address unacceptable activities. Organizations in a remedy process to address conversion should still consider the guidance offered in Chapter 1 and 2 of this document because it provides best-practice suggestions for initiating an FPIC process. Organizations addressing conversion should understand that this document does not create any new requirements for specific structures required by the FSC Remedy Framework Chapter 1 and 2, such as due diligence frameworks.*

Chapter 1 of the FSC Remedy Framework outlines measures for corporate groups to establish systems to prevent activities that are unacceptable as per the Policy for the Association of Organizations with FSC V2-0, and to demonstrate progress in addressing unacceptable activities, including a Human Rights

Due Diligence Framework. Since FPIC is a principle protected by international human rights standards, it is important that these systems are consistent with the FPIC requirements and applicable international human rights norms and laws. Chapter 3, Part 1 outlines requirements that provide a foundation for a successful remedy process, including provision of sufficient resources, implementation of anti-corruption measures, and establishment of grievance procedures. Part 1 also requires the application of documented FPIC procedures throughout the remedy process, whenever affected rights holders are involved. Both of these parts of the FSC Remedy Framework provide requirements that will support the enabling conditions for an FPIC process. This Chapter of the User Guide describes these and other foundational systems and requirements that the Remedy Client needs to have in place to prepare itself for FPIC-based engagement with affected rights holders.

## **1.1 Management Systems to Stop and Prevent Violation of Affected Rights Holders' Rights**

Remedy Framework: Chapter 1, 1.1., 1.2, 3.12,

FPIC Guidelines: Step 2.4

FPIC Indicators: 1.1.1 – 1.1.6

The FSC Remedy Framework requires management systems to stop and prevent violation of rights of affected rights holders to be in place, including anti-corruption measures and, in case of unacceptable activities, a Human Rights Due Diligence framework. Violations may include intimidation, litigation, criminalization, violence, or retaliation against rightsholders who have previously voiced opposition to unacceptable activities and development undertaken on their Indigenous or customary lands without their FPIC.

If unacceptable activities or conversion still takes place, or if the Remedy Client has not taken any measures to prevent unacceptable activities or conversion, affected rights holders may feel uncomfortable engaging in a remedy process, providing consent to operations on their territories, or elevating grievances via the companies own grievance mechanism

### Initial Identification of Impact Areas and Potential Affected Rights Holders

Remedy Framework: Chapter 3 6.2b, 7.1, 7.2, 7.6, 8.4

FPIC Guidelines: Step 1.2

FPIC Indicators: 1.2.1, 1.2.2, 1.2.3

The Remedy Client should know in which areas it has been converting forests, or in which areas and period it was involved in unacceptable activities. This will be the basis for the initial identification of the impact areas. The FSC Remedy Framework applies to social harms 'associated with conversion' and not just directly caused by conversion, which, besides lost forests, may include lost farmlands, wetlands, fishing ponds, lakes, streams, pasture lands, etc. This could embrace wider areas and other communities than just those in the converted forest area. The FSC Remedy Framework requires the identification of impact areas that been subject to a wider consultation with affected rights holders and affected stakeholders, who may have a different perspective on it, and verified by a Third Party Verifier.

To verify the identification of the impact areas with affected rights holders, the affected rights holders must first be identified. The Remedy Client can begin with the identification of affected rights holders based on their own information and publicly available sources. National, regional, or local organizations of affected rights holders and other trusted organizations and experts can be helpful in identifying the affected rights holders and their legitimate representatives and provide guidance on cultural norms and protocols of the affected rights holders and facilitate in engagement. The Remedy Client should also inquire if there are any other potentially affected rights holders not yet identified, including communities that may have been resettled in the past, are not recognized as affected rights holders by the

government, or are related to areas where remedy action is planned, and that reside outside the areas immediately impacted by conversion or unacceptable activities.

## **1.2 Establish a Structure with Trained Personnel and Resources for FPIC Processes**

Remedy Framework: Chapter 3, 1.1, 1.2, 3.2.e, 3.5, 4.3a

FPIC Guidelines: Steps 2.2, 2.4, 5.3; E, Part III: Key Concepts on Culturally Appropriate Engagement

FPIC Indicators: 1.3.1 – 1.3.5

Policies, procedures, well-trained staff, and sufficient resources to cover all aspects of FPIC implementation are necessary to ensure effective FPIC implementation. The Remedy Client should be willing to make policies and procedures available to affected rights holders and to interested stakeholders who request to see them. The Remedy Client's FPIC procedures should be aligned with the requirements of the FSC Remedy Framework, the FSC FPIC Guideline, the FPIC for Remedy Indicators, and international human rights norms on the fulfilment of FPIC rights such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). When applied at the level of each FPIC Application Unit (see Note below), the Remedy Client's FPIC procedures should be aligned and agreed with the affected rights holders, who may have their own established FPIC protocols.

### **Note: Definition of FPIC Application Unit**

*FPIC Application Unit (FAU): The geographical and social entity that the members of the affected rights holders have determined for engaging in the remedy process to exercise their collective right to free, prior and informed consent (FPIC). This could be a village, community, territory, tribe, nation, confederation, etc.*

*Engagement by the Remedy Client takes place with each FPIC Application Unit individually, determined by the affected rights holders.*

Sufficient resources are needed to provide for costs of the Remedy Client to implement the FPIC process, for the Independent Assessor, and for accommodating the capacity needs of the affected rights holders to be able to participate fully and effectively in the FPIC process. This includes access to expert support/advisors, costs to attend meetings, trainings, etc.

It is important that the Independent Assessor responsible for interacting with stakeholders and rights holders is viewed as a trusted party by affected rights holders. They must have the skills and capacity to engage in culturally appropriate ways with the affected rights holders and be free of conflicts of interest with the Remedy Client. FSC ensures the Independent Assessors are free from conflicts of interests prior to the appointment and commencement of their role.

A general grievance mechanism needs to be in place and made publicly available. Stakeholders need to be aware of it and know how to access it. The grievance mechanism needs to be "rights-compatible", aligned with UN Guiding Principles on Business and Human Rights (UNGPs), and based on FPIC. It is important to note that the FSC FPIC Guidelines explicitly calls for developing a grievance mechanism with affected rights holders at the FPIC Application Unit (step 5.3) and including it in the FPIC process agreement (see section 2.4 below). So, according to the FSC Remedy Framework, the Remedy Client will have a central UNGP-compliant grievance mechanism for stakeholders, and a culturally appropriate grievance mechanism established with each community of affected rights holders (see also section 3.1.2 below). Where possible, these mechanisms should be streamlined.

## **1.3 Involvement of Others in the Engagement Process**

Remedy Framework: Chapter 3, 1.1



FPIC Guidelines: Step 2.1

FPIC Indicators: 1.4.1, 1.4.2

After the Remedy Client prepared internally for the FPIC process, a next step is to identify if there are others who may be helpful, interested, and available to involve in the FPIC process, e.g. to identify impact areas and affected rights holders who have the right to FPIC during the remedy process. These could be interested stakeholders, national or regional organizations of affected rights holders, independent experts, or others. Local experts with good relationships with affected rights holders could support the training and provide guidance on cultural norms and protocols of affected rights holders. At a later stage, they could help with identifying affected rights holders and in the engagement process with affected rights holders. Involving local trusted stakeholders will help to build trust with affected rights holders for the FPIC process. External parties should be informed well in advance of the commencement of the remedy process so they can determine if they want to participate in the process, or support affected rightsholders that have been harmed by the Remedy Client seeking certification or an end to disassociation.

#### **1.4 Explore Regulatory Approaches to FPIC**

Remedy Framework: Chapter 3, 4.2

FPIC Guidelines: Step 1.1

FPIC Indicators: 1.5.1, 1.5.2

Some countries have established regulatory approaches to FPIC. It is important to study these approaches and learn from previous processes to avoid duplication of efforts. At the same time, it is important to understand that the Third Party Verifier will assess compliance with the FSC Remedy Framework requirements, which may be more demanding and more explicit than national regulatory approaches to FPIC, and so a gap analysis shows which parts to align with and which to improve on. Effectively, the Remedy Client needs to comply with both the country's regulatory approach (to FPIC or any other laws) and conform to FSC's requirements, especially where FSC's requirements are higher.

#### **1.5 Develop Appropriate Communication and Information Strategies**

Remedy Framework: Chapter 3, 4.2

FPIC Guidelines: Step 2.3; E, Part III: Key Concepts on Culturally Appropriate Engagement

FPIC Indicators: 1.6.1, 1.6.2

The Remedy Client needs to be able to engage in a culturally appropriate way with the affected rights holders. Appropriate communication and information strategies and materials need to be developed, and training provided, to ensure that personnel and Independent Assessors have the skills to apply them. Culturally appropriate engagement may, for example, include obtaining consent to enter a village and engage in discussions with the community.

#### ***Note: Iterative Engagement***

*Engagement with affected rights holders is iterative, ongoing and should start immediately in the remedy process in order to build trust.*

When all the preparatory steps and measures mentioned in Chapter 1 have been taken, the Remedy Client is ready to start with the FPIC-based engagement with affected rights holders in which building trust is of crucial importance. This is addressed in the next chapter.

## 2. Trust Building Measures and FPIC-Based Engagement with Affected Rights Holders

Remedy Framework: Chapter 2; Chapter 3, 1.1, 4.4

FPIC Guidelines: B.1 Preparing for Success

Chapter 2 of the FSC Remedy Framework outlines trust building measures for corporate groups. Some of these measures could specifically contribute to building trust with affected rights holders, such as paying in full legally required fees, taxes, fines and penalties for damage to environmental values or harm to affected rights holders and measures that contribute to the protection of forest communities. These measures do not replace the other requirements of the FSC Remedy Framework and should not negatively impact on the rights of affected rights holders without their FPIC.

This Chapter of the User Guide focuses on trust building measures with the affected rights holders in the remedy process. Building trust and good relationships is key to FPIC-based engagement, as is acknowledging and addressing power imbalances, which may require building the capacity of affected rights holders to be able to participate fully and effectively in the FPIC process.

FPIC is a two-way dialogue and learning process that requires an investment of time, resources, and continuous improvement, including asking the communities what FPIC means to them and supporting them to develop their capacity. It is fundamental to recognize and respect the protocols and values of the affected rights holder in the FPIC process.

### **Note: Building and Maintaining Trust**

*A successful FPIC process involves building and maintaining trust. This may take more time and effort in the context of remedy compared to certification, as the relationship with affected rights holders has been damaged in the past.*

In the case of unacceptable activities, the FSC Remedy Framework requires documenting all FPIC practices and keeping evidence that affected rights holders are satisfied with FPIC processes and progress towards FPIC agreements with the corporate group or that they are not satisfied. For example, if rights holders indicate that more affected rights holders need to be engaged in the remedy process by the Remedy Client, or do not agree with the identified impact areas, or the harm analysis or registry of harm, those indications or that lack of agreement needs to be documented and shared during the verification process. Documentation is maintained so it can be shared with Independent Assessors and Third Party Verifiers, but is also important for internal accountability, learning and adaptive management practices to ensure and continuously improve implementation. Culturally appropriate engagement and FPIC require that the way in which the process is documented, and agreements are formalized, is agreed with the affected rights holders.

### **2.1 Identify Potentially Affected Rights Holders**

Remedy Framework: Chapter 3, 4.1, 6.1, 8.4

FPIC Guidelines: Steps 1.2, 1.3, 1.5, 3.2. E, Part III: Key Concepts on Culturally Appropriate Engagement

FPIC Indicators: 2.1.1, 2.1.2

FPIC-based engagement is already relevant in the early parts of identifying the affected rights holders, as the identification needs to happen through culturally appropriate engagement.

How best to start engagement will depend on the context and should be based on a good understanding of cultural norms and protocols of the affected rights holders. It could, for example, start with an open invitation to legitimate representatives of potentially affected rights holders for a meeting where the Remedy Client provides initial information on the proposed remedy process and seeks permission to visit the communities for further engagement. The Remedy Client should inform the affected right holders from the start about their right to have advisors like experts/NGOs at the outset and ensure to not involve other third parties, such as the government, experts, or NGOs, until the affected rights holder(s) agree with their attendance. Excising contested lands from the concession of the Remedy Client could also be a significant trust building measure if that is requested by affected rights holders but does not take away the requirement for remedy of any social harm related to the affected rights holders of that land, unless the affected rights holder expresses that if their land is excised, they refrain from any other claims for remedy for social harms. This may be subject to legal requirements and needs to take into account FSC-POL-20-003 *The Excision of Areas from the Scope of Certification*.

Affected rights holders can choose not to participate in this remedy process and pursue other means, such as via judicial systems or national governments. If the remedy actions themselves are to take place on traditional areas of affected rights holders, then their FPIC needs to be obtained for these remedy actions before these can be implemented.

Identifying the legitimate affected rights holders may not be an easy task. Some communities may have been forced from their lands or have abandoned their villages because of the forest operations in the past. Even though they may now be living in locations that are considered to be outside of the impact areas, they should still be included in the remedy process because the remedy process is about delivering remedy for the impact of forest operations on affected rights holders in the past. Some remote customary people may have been involuntary resettled for economic activities even before the establishment of FSC on 1 December 1994, but still claim their customary rights which could have been affected by the Remedy Client after 1 December 1994. Such communities need to be visited to check the history of land use changes and have a right to be included in the remedy process. As an example, cases in Indonesia demonstrate that this task can be complicated; some customary rights are recognized by the government as 'adat' areas, and some are not. Many Malay (*Melayu*) people have customary rights in various different tenurial traditions, but they are not generally recognized as Indigenous Peoples by the government. There are also examples where migrants have been given access to customary rights areas by customary rights peoples. So, customary rights, at least use rights, are transferable in some contexts. Given the history of often forced displacement or mixing of Indigenous, Traditional or local communities, similar complications can be observed in many areas around the world. This means there can be many more affected rights holders than the Remedy Client is aware of or formally recognizing in their capacity as a land manager/plantation operator. **This is FPIC Verification Point 1 (Remedy Framework Chapter 3, 6.1).**

Although the FSC FPIC Guidelines sub-step 1.2. not only mentions the identification of the affected rights holders, but also the identification of their legal and/or customary rights, the FSC FPIC Guidelines only provides specific guidance on the latter in sub-step 1.5. and some other sections. The identification of the legal and/or customary rights is further addressed in section 3.2.1. of this User Guide. Nevertheless, the Remedy Client needs to ask the affected rights holders about their legal and/or customary rights in the course of the iterative engagement and it will depend on the affected rights holders when and what information they are willing to share. These rights may ultimately be identified in more detail during the participatory mapping process in section 3.2.2. of this User Guide.

## 2.2 Inform Affected Rights Holders of Proposed Remedy Process

Remedy Framework: Chapter 3, 6.2

FPIC Guidelines: Step 1.4

FPIC Indicators: 2.2.1 – 2.2.5

Initially, it is important to inform the affected rights holders about the proposed remedy process. This information should be presented in a format that is accessible by the affected rights holders and includes information sufficient for representatives to identify whether they would like to engage with the Remedy Client and Independent Assessor in the remedy process. This is an important moment for building trust. It is therefore necessary to share information on all relevant aspects of the remedy process, including about:

- a. The Remedy Client and the Independent Assessor and their team;
- b. The FSC Remedy Framework and proposed remedy process;
- c. The right of the affected rights holders to FPIC, meaning the right to grant, withhold, or withdraw consent at key stages of the remedy process;
- d. Inclusion of customary rights as legitimate rights claims;
- e. The FSC FPIC Guidelines;
- f. The Remedy Client's general FPIC policy and procedure and information that the Remedy Framework requires the Remedy Client to agree on a specific FPIC process with each FPIC Application Unit;
- g. The Remedy Client's general grievance mechanism, how to access it, and information that the Remedy Framework requires the Remedy Client to agree on a specific grievance mechanism with each FPIC Application Unit;
- h. The right to have independent advisors in the FPIC process and support for capacity building to be able to participate fully and effectively in the remedy process.;
- i. The right to negotiate an FPIC process agreement at the FPIC Application Unit level, including agreeing on communication protocols and methodologies to identify and agree on impact areas, baseline assessments, harm and remedy and agreed grievance and monitoring mechanisms;
- j. The opportunity to engage with the Third Party Verifier to check if FPIC has been duly carried out, that harms have been properly identified and agreed remedy for harms have been implemented, or not in the case where the FSC Remedy Framework and FPIC requirements have not been adhered to, in which case the Third Party Verifier can issue Remedy Learning Requests for the Remedy Client.

Accurate and informative communication materials must be developed and shared with affected rights holders in a culturally appropriate way in advance of the commencement of baseline assessments.

After sharing the information on the remedy process, the affected rights holders may need time to process it, discuss it internally or seek advice. They may request additional information or clarification. Allow time and resources for this process, if needed, and ask when the affected rights holders are ready to decide if they want to engage further in the remedy process.

## 2.3 Determine Willingness of Affected Rights Holders to Engage

Remedy Framework: Chapter 3, 6.1

FPIC Guidelines: Steps 1.3, 1.4, 1.6, 5.5, 6.2

FPIC Indicators: 2.3.1 – 2.3.3

After confirming that the information presented in 2.2 above was understood by the members of the FPIC Application Unit, the Remedy Client needs to ask if the potentially affected rights holders consider that they were impacted and suffered harm caused by the Remedy Client and if they are willing to

participate in future negotiations on the proposed remedy process and activities. The Remedy Client needs to inquire about the decision-making structures of the affected rights holders to find out what the FPIC Application Unit will be, such as a family, a village, a territory, a tribe, a nation, or a confederation of nations and who their legitimate representatives are for the remedy process (see Note below).

**Note: Definition of Legitimate Representatives**

**Legitimate representative(s):** *The representative(s) appointed by the affected rights holders of the FPIC Application Unit, in accordance with their internal governance system, to represent them in the FSC remedy process.*

The Remedy Client respects the choice of affected rights holders on how and who represents their rights and interests in negotiations of an FPIC process, including the decision to be represented by more than one institution. The Remedy Client ensures that time and resources are available for the affected rights holders to decide according to their internal decision-making process and respects the decision taken by the rights holders. In case rights holders are not interested in further engagement, the Independent Assessor shall inquire and record their reasons and may continue to try to build trust with affected rights holders, but both the Independent Assessor and the Remedy Client need to always refrain from any intimidation, coercion, or bribery to influence their decisions.

## **2.4 Engage with Affected Rights Holders and Develop a Process Agreement**

Remedy Framework: Chapter 3, 4.2, 15.2

FPIC Guidelines: Step 2.4

FPIC Indicators: 2.4.1 – 2.4.4

Once the affected rights holders express their interest to engage in a remedy process the first step is to develop an FPIC process agreement. Some affected rights holders may have already developed their own community protocols for engagement at their FPIC Application Unit, which should be respected and implemented in the FPIC process agreement for the remedy process, when requested to do so. Other affected rights holders may not be familiar with developing such an agreement which is why it is important to share information on the many issues mentioned in the FSC FPIC Guidelines to consider for inclusion in the process agreement. Besides the issues mentioned in the FSC FPIC Guidelines, specific issues related to the remedy process should be included.

**Note: FPIC Process Agreement**

*The FPIC Process Agreement is key to a successful FPIC process. FPIC Indicators 2.4.1 – 2.4.3 for the FSC Remedy Framework therefore suggest a minimum list of potential FPIC Process Agreement elements that the affected rights holders of the FPIC Application Unit should be informed about in a culturally appropriate way.*

At this stage of the process, affected rights holders may need some capacity building or resources to seek advice, which needs to be granted so that they can participate fully and effectively in the remedy process. Be aware of the power imbalances and ensure that the affected rights holders have a good understanding of the issues being negotiated and agree freely and well-informed to the process agreement prior to continuing to the next step in the remedy process.



### 3. FPIC in Remedying for Harm

This chapter provides guidance to the implementation and verification of FPIC in the process and requirements for remedy for social harms associated with conversion or unacceptable activities for Remedy Framework Chapter 3, Part 1, 2 and 3, until the stage of the Concept Note.

#### 3.1 Foundational Requirements

These are requirements that provide a foundation for a successful remedy process, including the application of FPIC procedures throughout the remedy process, whenever affected rights holders are involved. This was already addressed in Chapter 1 of this User Guide, but some aspects of the foundational requirements are still relevant to implement at this stage of the FPIC process.

##### 3.1.1 FPIC Training and Capacity Building

Remedy Framework: Chapter 3, 1.1

FPIC Guidelines: Step 3.1

FPIC Indicators: 3.1.1.1, 3.1.1.2

The Remedy Client is required to provide sufficient resources for training and capacity building. At the beginning of the remedy process, the Remedy Client needs to provide clear and transparent information on how and when to get access to resources, sufficient to ensure that the affected rights holders can participate fully and effectively in the remedy process. For example, to enable participatory mapping and assessment of social harms, it is necessary that the affected rights holders have the skills to do so.

##### 3.1.2 Grievance Mechanism

Remedy Framework: Chapter 3, 3.2, 3.3, 3.4

FPIC Guidelines Step 5.3

FPIC Indicators: 3.1.2

If a modified grievance mechanism is part of the FPIC process agreement with the affected rights holder, it now needs to be established. If it is not part of the FPIC process agreement, but one is desired, this issue ultimately needs to be taken care of during the stage of negotiating the final Remedy Plan.

#### 3.2 Identify Legal and/or Customary Rights, Impact Areas, and Harms Caused

To finalize the identification of impact areas, the Remedy Client now needs to identify in more detail the legal and customary rights of affected rights holders and confirm or adjust this in a participatory mapping exercise with the affected rights holders. The Remedy Client then needs to agree with the affected rights holders on their identified rights and on the impact areas before it can move to the stage of the participatory engagement in the social baseline assessment. For practical reasons, the Remedy Client may also agree with the affected rights holders to combine the participatory mapping with the participatory engagement in the social baseline assessment, since they are together in the field, and then agree after this combined effort on the final identification of their legal and/or customary rights, the impact areas and outcomes of the social baseline assessment.

##### 3.2.1 Identification of Legal and/or Customary Rights

Remedy Framework: Chapter 3, 6.1

FPIC Guidelines: Step 1.5

FPIC Indicators: 3.2.1

To prepare for the participatory mapping and social baseline assessment it is necessary to know the claims of legal and/or customary rights of the affected rights holders in greater detail. The FSC FPIC Guidelines provide very extensive and important guidance on this topic, which is crucial for properly determining the scope of the remedy process and the assessment of social harms (see note below).

#### **Note: Legal and/or Customary Rights**

*It is key to recognize and respect that in addition to legal rights, FSC recognizes that affected rights holders may also possess customary rights flowing from long-established use or the practice of customary laws. These rights may or may not be officially recognized in state-legislated institutions. The FSC definitions of customary law and customary rights are therefore important in this context. For more information, see FPIC Guidelines B.1, C.1, C.3, C.4 and step 1.5.*

### **3.2.2 Participatory Mapping of Rights and Impact Areas**

Remedy Framework: Chapter 3, 4.2; 6.1; 7.2, 7.3; 7.4; 9.3, 10.5

FPIC Guidelines: Steps 1.5, 3.2, 3.3, 3.4; E, Part III: Key Concepts on participatory monitoring

FPIC Indicators: 3.2.2.1 – 3.2.2.6

**NOTE: FSC identifies this as an area for further exploration at a later development phase. The emphasis on participatory processes in the present document focuses on participation in the identification of past harms, mapping of areas related to those harms, as well as current needs and rights. There is less emphasis in the present document about participatory mapping and identification of remedy sites and actions. Some of this information would naturally build on the former participatory efforts and aspects identified in the FPIC process agreement. Nonetheless, it is not very explicit here, nor is it clear in the FSC Remedy Framework Annex 6, Step 3 if the participatory process should focus on one of these phases or both.**

If it was not already designed as part of the FPIC process agreement with the affected rights holders, a participatory mapping process now needs to be co-designed with the affected rights holders. A co-designed participatory mapping and impact assessment is an effective way to combine informing affected rights holders while also building a relationship based on trust. The maps will provide a visual representation of the rights holders' lands, territories, resources, and other significant features. Since claims based on customary laws are often not formally recognized in law, mapping provides a record of customary rights. That is why participatory mapping is of crucial importance to identify customary rights areas or to map them in greater detail.

In contrast to an FPIC process for certification of a planned forest operation, the remedy baseline assessment does not focus on potential impacts in the future, but on social harm caused by the Remedy Client forestry operation in the past.

It is fundamental that the affected rights holders verify the accuracy of the map.

As mentioned above, although the participatory mapping could be a separate step in the process it will often make sense to combine the exercise with participatory baseline assessment, once the parties are in the field together. Sub-step 3.2 and 3.4 of the FSC FPIC Guidelines provide very useful guidance, keeping in mind the focus is on assessing social harms caused by past forestry operations or unacceptable activities.

### **3.2.2 Discuss Disputes Between Affected Rights Holders**

Remedy Framework: Chapter 3, 4.2

FPIC Guidelines: Step 3.3

FPIC Indicators: 3.2.3

Participatory mapping and social harm assessment can spark latent disputes or reopen boundary discussions amongst affected rights holders or between affected rights holders and other settlement groups. The FSC FPIC Guidelines offer important guidance to consider making dispute resolution support available for the affected rights holders, acknowledging the ability of affected rights holders to seek resolutions independently. The disputes and the response to it by the Remedy Client need to be documented.

#### **3.2.4 Finalize Identification of Impact Areas and Affected Rights Holders**

Remedy Framework Chapter 3, 7.3, 7.4, 8.2, 8.3

FPIC Guidelines: Steps 1.2, 1.5, 2.5

FPIC Indicators: 3.2.4.1 – 3.2.4.6

Based on the initial identification of impact areas, the identification of legal and customary rights of affected rights holders and the participatory mapping, the Remedy Client now finalizes the identification of impact areas and affected rights holders in agreement with the affected rights holders. **This is FPIC Verification Point 2 (Remedy Framework Chapter 3, 7.4).**

The affected rights holders determine which information they share is deemed confidential to be withheld from other sharing or publication.

#### **3.2.5 Participatory Social Baseline Assessment (determining presence of social harm)**

Remedy Framework Chapter 3, 10.1, 10.2

FPIC Guidelines: Step 3.4

FPIC Indicators: 3.2.5.1, 3.2.5.2

In practice, this step may be integrated with the participatory mapping process as described in Section 3.2.2. above. However, if participatory impact assessments are done separately, the Remedy Client first finalizes the identification of impact areas based on the participatory mapping outcomes before implementing a participatory social baseline assessment.

A Third Party Verifier verifies that FPIC-based processes have been properly implemented with affected rights holders during the baseline assessments. The Third Party Verifier can issue Remedy Learning Requests, if non-conformances with the requirements in the FSC Remedy Framework are found and can use the FPIC indicators for the FSC Remedy Framework to justify this. Remedy Learning Requests need to be resolved before the Remedy Client can move on to the next stage of the remedy process. The Third Party Verifier reports its findings to FSC who can decide to suspend or terminate the FSC Remedy Process for the Remedy Client if the non-conformities are not resolved in agreed upon timeframes. **This is FPIC Verification Point 3 (Remedy Framework Chapter 3, 9.3).**

#### **3.2.6 Registering Harm**

Remedy Framework: Chapter 3, 12.1

FPIC Guidelines: Step 3.4

FPIC Indicators: 3.2.6

Agreeing on the way the social harms to affected rights holders are registered in the Registry of Harm (only required in case of unacceptable activities) should have been included in the FPIC process



agreement. If that was not done, it should be agreed at this point. Therefore, the way the harm is registered needs to be shared with affected rights holders, so they can monitor if it aligns with the agreement.

### 3.2.7 Priority Social Harms

Remedy Framework: Chapter 3, 9.3, 13.1

FPIC Guidelines: Step 3.4

FPIC Indicators: 3.2.7

**NOTE: FSC identifies this as an area for further exploration in a future stage of development. Further discussion could clarify if FPIC-based engagement means that the affected rights holder does the prioritization of the harms. This may be relevant, for example, if the affected rights holders have varying opinions on prioritization and cannot reach consensus.**

The FSC Remedy Framework requires that priority social harms shall be identified by the Independent Assessor, through FPIC-based engagement with affected rights holders. This means that the identified social harms are prioritized and agreed by the affected rightsholders and arrangements for how to achieve this agreement is included in the FPIC process agreement.

### 3.2.8 Harm Analysis Report

Remedy Framework: Chapter 3, 14.1c, 14.1d

FPIC Guidelines: Step 5.5

FPIC Indicators: 3.2.8

The Harm Analysis Report needs to list the identified affected rights holders and details of how FPIC was applied, as well as details of social harms associated with conversion or unacceptable activities, including priority social harms. The aspects which were identified and agreed upon with affected rights holders in the earlier phase of the process should be accurately reflected in the report. The Harm Analysis Report needs to provide information that is detailed enough to fully explain the engagement and FPIC process undertaken between the Remedy Client and the affected rights holders, including its outcomes.

## 3.3 Remedy Planning

### **Note: FPIC in relation to Requirements for Remedy Planning**

*The requirements in Chapter 3, Part 3 of FSC Remedy Framework: Remedy Planning do not address the relationship between the Remedy Client and FPIC Application Units of affected rights holders. Instead, they address requirements in relation to the collective of impacted rights holders, affected stakeholders and interested stakeholders of the Remedy Client, and therefore are not strictly speaking part of the FPIC process.*

*This section in the User Guide clarifies the relationship between several initial requirements for remedy planning at this collective level.*

### 3.3.1 Dialogue Process

Remedy Framework: Chapter 3, 15.1, 15.2

FPIC Guidelines: Step 5.2

FPIC Indicators: 3.3.1

The FSC Remedy Framework requires that the Remedy Client shall engage in dialogue and agree on remedy activities with impacted rights holders and make remedy process agreements with impacted rights holders. An FPIC process agreement for the remedy process was already agreed with the affected rights holders earlier in the remedy process (see Chapter 2.4 above), so this just means that the Remedy Client continues the engagement with the affected rights holders as agreed in the FPIC process agreement and through dialogue seeks FPIC agreement on the Concept Note as a basis for further negotiations.

### **3.3.2 Pilot Cases**

Remedy Framework: Chapter 3, 16.7

FPIC Guidelines: N/A

FPIC Indicators: 3.3.2

The selection of pilot cases by the Remedy Client is done in dialogue with impacted rights holders, and in consultation with interested stakeholders and independent experts from priority cases. This is beyond the relationship between the Remedy Client and the FPIC Application Unit of rights holders where FPIC applies. Nevertheless, the FPIC process agreement with affected rights holders selected for pilot cases will continue to guide the remedy process in that pilot case.

### **3.3.3 Determination of Remedy Action**

Remedy Framework: Chapter 3, 17, 19.4

FPIC Guidelines: Step 5.2

FPIC Indicators: 3.3.3

The Remedy Client must record documented evidence that affected rights holders agree that the proposed social remedy actions are equivalent to the social harm caused, including any previous remedy actions proposed or implemented by the Remedy Client without FPIC.

### **3.3.4 Setting Thresholds & Priorities**

Remedy Framework: Chapter 3, 20

FPIC Guidelines: Step 4.2

FPIC Indicators: 3.3.4

The setting of thresholds and priority activities will be part of the Remedy Plan with the affected rights holders and is subject to their FPIC.

Where affected rights holders hold legal and/or customary rights in the remedy sites their FPIC is required to the extent that the remedy activities affect their rights.

*Note: Box 5 in paragraph 20 of Chapter 3 of the FSC Remedy Framework shows a pictorial representation of the social remedy continuum. To clarify, this should not be interpreted that agreeing only applies to the social remedy actions and site selection. The FSC Remedy Framework requires verification of FPIC ('agreeing') at several other stages of the remedy process too. Box 5 is linked specifically to requirement 20.1. The main idea of the box is to illustrate that the Association or Implementation Thresholds are considered to be met before the full remedy and achieving 'Resilience' (regenerative community and partnership) has been completed. The box therefore does not in any way interpret the way in which FPIC is implemented in the FSC Remedy Framework.*

## 4. Concept Note

This Chapter describes the process of development and approval of the Concept Note with the FPIC Application Unit of the affected rights holders.

**Note:** *The guidance provided from here on is applicable at the level of the FPIC Application Unit.*

### 4.1 Development of the Concept Note

Remedy Framework: Chapter 3, 22

FPIC Guidelines: Steps 5.1, 5.2

FPIC Indicators: 4.1.1

The Concept Note is developed in consultation with the affected rights holders in the way agreed in the FPIC process agreement. The Remedy Client informs the affected rights holders in a culturally appropriate way on the variety of remedy options as listed in the definition of Remedy in the FSC Remedy Framework, and on the proposed remedy activities in the Concept Note for the Remedy Plan. This information should include potential positive and negative social, economic, cultural, environmental, and human rights impacts of these remedy activities affecting the affected rights holders to enable the affected rights holders to make a well-informed decision.

### 4.2 Approval of the Concept Note

Remedy Framework: Chapter 3, 23.3

FPIC Guidelines: Step 6.2

FPIC Indicators: 4.2.1

**NOTE:** FSC identified this as an area for further exploration at a later development phase. Further clarity may be needed about the aspects of the Concept Note where affected rights holders need to give their FPIC, versus approval of the entire Concept Note. In some remedy processes it may be unlikely that there is one Concept Note per FPIC Application Unit.

The affected rights holders decide if they agree with the Concept Note and will engage further in the remedy process in the way agreed in the FPIC process agreement. The Remedy Client needs to ensure that time and resources are available for the affected rights holders to decide according to their internal decision-making process. The decision taken by the affected rights holders should be respected.

A Third Party Verifier verifies that FPIC-based processes have been properly implemented with affected rights holders during the development of the Concept Note. The Third Party Verifier can issue Remedy Learning Requests, if non-conformances with the requirements in the FSC Remedy Framework are found and can use the FPIC indicators for the FSC Remedy Framework to justify this. Remedy Learning Requests need to be resolved before the Remedy Client can move on to the next stage of the remedy process. The Third Party Verifier reports its findings to FSC who can decide to suspend or terminate the FSC Remedy Process for the Remedy Client if the non-conformities are not resolved in agreed upon timeframes. **This is FPIC Verification Point 4 (Remedy Framework: Chapter 3, 23.3).**

## 5. Remedy Plan

This Chapter specifies requirements for the completion of the Remedy Plan with the FPIC Application Unit of the affected rights holders.

### 5.1 Completion of the Remedy Plan

Remedy Framework: Chapter 3, 24.4, 24.6, 25.4, 25.6

FPIC Guidelines: Steps 4, 5.1, 5.2, 5.3, 5.4

FPIC Indicators: 5.1.1, 5.1.2

At this stage of the remedy process the affected rights holders may need further capacity building or access to advice to be able to engage fully and effectively in negotiations on the Remedy Plan. The Remedy Client provides the necessary support and ensures that the affected rights holders are ready to negotiate.

The Remedy Client informs the affected rights holders of the requirements of the FSC Remedy Framework for the Remedy Plan and negotiates the activities that make up the Remedy Plan.

The Remedy Plan will be completed through negotiation with the affected rights holders in the way agreed in the FPIC process agreement. The Remedy Client needs to inform the affected rights holders in a culturally appropriate way on proposed remedy activities in the Remedy Plan. This information needs to include, if applicable, any previous remedy already provided by the Remedy Client before or during the remedy process, so that the FPIC Application Unit will include this information in their decision on providing their FPIC or not on the Remedy Plan. The provided information also includes potential positive and negative social, economic, cultural, environmental, and human rights impacts of these remedy activities affecting the affected rights holders to enable them to make a well-informed decision.

If not already established in the FPIC process agreement, this is the time to establish arrangements with the FPIC Application Unit for resolving disputes that may arise after the Remedy Plan is agreed. This can deviate from and co-exist with the Remedy Client's general grievance mechanism that is in place since the beginning of the remedy process. Arrangements for a participatory monitoring process to monitor implementation of the Remedy Plan also needs to be in place.

## 5.2 Approval of the Remedy Plan

Remedy Framework: Chapter 3, 25.3, 25.4

FPIC Guidelines: Step 5.5; E, Part III: Key Concepts on Binding Agreement and Dispute Resolution

FPIC Indicators: 5.2.1

**NOTE: FSC identified this as an area for further exploration at a later development phase. Further clarity may be needed about the aspects of the Remedy Plan where affected rights holders need to give their FPIC, versus approval of the entire Remedy Plan. In some remedy processes it may be unlikely that there is one Remedy Plan per FPIC Application Unit.**

The affected rights holders decides if they agree with the Remedy Plan and will engage further in the implementation of the Remedy Plan in the way agreed in the FPIC process agreement. The Organization needs to ensure that time and resources are available for the affected rights holders to decide according to their internal decision-making process. The decision taken by the affected rights holders should be respected.

A Third Party Verifier verifies that FPIC-based processes have been properly implemented with affected rights holders during the development of the Remedy Plan. The Third Party Verifier can issue Remedy Learning Requests, if non-conformances with the requirements in the FSC Remedy Framework are found and can use the FPIC indicators for the FSC Remedy Framework to justify this. Remedy Learning Requests need to be resolved before the Remedy Client can move on to the next stage of the remedy process. The Third Party Verifier reports its findings to FSC who can decide to suspend or terminate the FSC Remedy Process for the Remedy Client if the non-conformities are not resolved in agreed upon timeframes. **This is FPIC Verification Point 5 (Remedy Framework: Chapter 3, 25.3).**

## 6. Implementation of the Remedy Plan

This Chapter outlines requirements for implementing the Remedy Plan, in terms of FPIC-based engagement with affected rights holders.

### 6.1 Implementation of the Remedy Plan

Remedy Framework: Chapter 3, 26.1, 26.3

FPIC Guidelines: Steps 5.3, 7.1

FPIC Indicators: 6.1.1, 6.1.2

The Remedy Client implements the Remedy Plan in a timely manner and according to the agreed plan. The Remedy Client informs affected rights holders of any delays or new information causing deviations from the Remedy Plan in a culturally appropriate way and resolves any deviations from the Remedy Plan with the affected rights holders through the agreed processes. The Organization ensures that affected rights holders' implementation-related grievances are managed and resolved through the mutually agreed grievance mechanism, and that unresolved grievances are being addressed to the satisfaction of the affected rights holders.

### 6.2 Stopping, Suspending or Terminating the Remedy Plan

Remedy Framework: Chapter 3, 27.1, 27.3, 27.4

FPIC Guidelines: Steps 4.1, 5.2, 5.5

FPIC Indicators: 6.2.1 – 6.2.3

The Organization or corporate group informs affected rights holders through culturally appropriate engagement when a remedy plan addressing harms to their rights is suspended or terminated. When possible, this takes place prior to the suspension or termination. To re-start the Remedy Plan after it was stopped or suspended requires dialogue with the impacted rights holders and affected rights holders with informed consent according to FPIC. Any changes to the initial Remedy Plan affecting the affected rights holders will need to be agreed with the affected rights holders through FPIC-based engagement prior to restarting.

## 7. Monitoring, Reporting, Transparency, and Demonstration of Progress

Remedy Framework: Chapter 3, 20.2, 25.9, 25.10, 26.3, 29.1, 29.2, 29.3, 30.1, 33.1, 34.1b, 34.4b

FPIC Guidelines: Step 5.4, 7.1

FPIC Indicators: 7.1 – 7.8

The Remedy Client jointly monitor the implementation of the Remedy Plan with the affected rights holders in accordance with the agreed participatory monitoring process. Monitoring by affected rights holders and/or their legitimate representatives confirms whether the priority activities reduce ongoing social harm and include remedy of priority social harms. Maintaining regular consultation with affected rights holders and/or their legitimate representatives to monitor their satisfaction with progress towards signed agreements for remedy of harm and, after the agreements have been signed, with the implementation of remedy of harm helps address grievances before they escalate. Affected rights holders may withdraw their consent at any time if, for example, the plan is not implemented as agreed, or important new information is revealed that was not shared before. The FSC FPIC Guidelines provide guidance on how to respond to this situation in the section on *Key Concepts; 'Binding Agreement' and 'Dispute Resolution'*.



Publication of information on specific affected rights holders by the Remedy Client requires their FPIC. Publication of information on specific affected rights holders in the FSC Remedy Progress Website requires their FPIC.

## FPIC INDICATORS FOR THE FSC REMEDY FRAMEWORK

These indicators are developed for use by parties involved in implementing or verifying FPIC in the FSC Remedy Framework. For ease of use this document provides references to FSC-PRO-01-007 V1-0 FSC Remedy Framework (RF) and the FPIC elements in its Annex 6 of the FSC Remedy Framework. See FPIC Verification Methodology for application of the FPIC Indicators for remedy processes.

### A. Remedy Process Indicators

#### 1. Preparing for FPIC-based Engagement

##### 1.1 Management Systems to Stop and Prevent any Violation of Rights

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
1.1.1	A policy on respecting and upholding Indigenous, traditional and human rights is signed off by top management and publicly available.	Chp 1, 1.1	2.2
1.1.2	Management system to identify ongoing, and prevent new violations of the rights of affected rights holders are documented and implemented.	Chp 1, 1.1	2.2
1.1.3	<p><i>Note: Indicators 1.1.3 and 1.1.4 refer to specific requirements in Chapter 1 FSC Remedy Framework which are only applicable corporate groups who are in a remedy process to address unacceptable activities. Organizations in a remedy process to address conversion should still consider the guidance offered in here because it provides best-practice suggestions for initiating an FPIC process. Organizations addressing conversion should understand that this document does not create any new requirements for specific structures required by the FSC Remedy Framework Chapter 1, specifically due diligence frameworks.</i></p> <p>The management system (identified in 1.1.2) is regularly monitored, reviewed &amp; improved based on the effectiveness and results of:</p> <ul style="list-style-type: none"> <li>a) Due Diligence frameworks to identify ongoing and new unacceptable activities;</li> <li>b) management practices to stop and prevent violations of traditional or human rights and social harms;</li> <li>c) integration of feedback from the grievance mechanism and Registry of Harm; and</li> <li>d) inputs received from affected rights holders, their legitimate representatives, and Independent Assessors.</li> </ul>	Chp 1, 1.2	2.2
1.1.4	The Human Rights Due Diligence (HRDD) Framework includes the collective rights of affected rights holders.	Chp 1, 2.1	2.2

1.1.5	Anti-corruption policies and procedures, and regular trainings to employees on those policies and procedures, require workers to prevent coercion and manipulation in the FPIC processes or externally imposed timelines.	Chp 3, 5.1	2.2
1.1.6	Whistle-blower immunity and anonymity is safeguarded for employees reporting corruption, coercion or bribery within FPIC processes.	Chp 3, 5.4	2.2

## 1.2 Initial identification of impact areas & potentially affected rights holders

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
1.2.1	<p>A provisional map is produced, based on inventories of the past and other best available information, showing:</p> <ul style="list-style-type: none"> <li>a) areas where conversion or unacceptable activities took place, and the extended areas impacted by such activities since 1 December 1994;</li> <li>b) the geographic boundary of traditional lands of indigenous and customary rights holders within the Impact Areas;</li> <li>c) sites where potentially affected rights holders are known or suspected to have suffered harm; and</li> <li>d) a visual indication (e.g., color code) of the nature and magnitude of the known or suspected suffered harm.</li> </ul> <p><b>Guidance Note:</b> This map helps as a starting point to identify potentially affected rights holders through culturally appropriate engagement in 2.1 below.</p>	Chp 3, 7.1, 7.2, 7.6	1.2
1.2.2	There is a documented procedure to identify all affected stakeholders, rights holders, impacted rights holders, and affected rights holders using best available information and in consultation with potentially affected rights holders, and interested stakeholders, including relevant environmental and social experts. The procedure includes asking all parties which other stakeholders should be contacted, and then contacting them.	Chp 3, 6.2b, 8.4	1.2
1.2.3	<p>There is an up to date, accurate Register of FPIC Application Units, listing for each FPIC Application Unit:</p> <ul style="list-style-type: none"> <li>a) A number (for identification purposes only);</li> <li>b) Name of the affected rights holder community;</li> <li>c) Name and contact details of the chosen legitimate representative;</li> <li>d) Status of FPIC Remedy process by Verification Point (1-6); and</li> <li>e) Type &amp; classification of social harms identified during the social baseline assessment.</li> </ul> <p><b>Guidance Note:</b> This Register will be continuously populated &amp; updated as the FPIC processes are implemented at each FPIC Application Unit.</p>		

## 1.3 Establish a structure with trained personnel and resources for FPIC processes for Remedy

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework
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			<b>k Annex 6 FPIC Step</b>
<b>1.3.1</b>	Documented policies and procedures for effective FPIC implementation for Remedy following Annex 6 of the FSC Remedy Framework, and compliance with these indicators, are correctly implemented by the relevant personnel.	Chp 3, 4.1, 4.2	2.2
<b>1.3.2</b>	Personnel and workers are sufficiently and appropriately trained for correct and effective implementation of the Organization or corporate group's FPIC policies and procedures for remedy.	Chp3, 1.2, 4.3	2.2
<b>1.3.3</b>	A grievance mechanism compliant with the UN Guiding Principles on Business and Human Rights and based on Free, Prior, and Informed Consent (FPIC) processes is publicly available and communicated to interested stakeholders.	Chp 3, 3.2e	5.3
<b>1.3.4</b>	Continuous learning and improvement principles and practices are applied to ensure and improve effective FPIC implementation for Remedy, taking into account: a) monitoring results including results of TPV assessments; b) requests from affected rights holders, their legitimate representatives, and Independent Assessors; and c) changes in the applicable legal framework.	Chp 3, 1.1, Chp 3 1.2	2.2
<b>1.3.5</b>	Sufficient resources are available to fully implement, monitor and continually improve FPIC processes for Remedy, including budget at each active FPIC Application Unit for: a) capacity building of affected rights holders; b) participatory mapping with affected rights holders; c) dialogue processes with affected rights holders; d) provision of trusted advisors and external technical support for affected rights holders; e) translation to local languages of documentation and dialogue processes; f) addressing grievances received; g) Independent Assessor; and h) continued professional development of workers.	Chp 3, 1.1	2.2

## 1.4 Involve others in the process

<b>Indicator Number</b>	<b>Indicator</b>	<b>Remedy Framework Clause</b>	<b>Remedy Framework Annex 6 FPIC Step</b>
<b>1.4.1</b>	Strengths, weaknesses and gaps in personnel and systems for effective FPIC implementation are identified and analyzed.	Chp 3, 1.1	2.1
<b>1.4.2</b>	Relevant interested stakeholders and external technical expertise are engaged to support the design and implementation of effective FPIC processes for Remedy and strategies for culturally appropriate engagement, communication and information sharing with affected rights holders (required in Indicator 1.6.1).	Chp 3, 1.1	2.1

## 1.5 Explore regulatory approaches

<b>Indicator Number</b>	<b>Indicator</b>	<b>Remedy Framework Clause</b>	<b>Remedy Framework Annex 6 FPIC Step</b>



<b>1.5.1</b>	International, national and regional laws and regulations on FPIC applicable in the impact areas have been identified, based on best available information.	Chp 3, 4.2	1.1
<b>1.5.2</b>	A gap analysis between any existing FPIC processes based on the laws and regulations identified in 1.5.1, the requirements for an FPIC process for remedy, and the FSC FPIC Guidelines has been carried out. The lessons learned that benefit the implementation of FPIC processes for Remedy are documented and communicated to relevant personnel and workers.	Chp 3, 4.2	1.1

## 1.6 Develop culturally appropriate communication and information strategies

<b>Indicator Number</b>	<b>Indicator</b>	<b>Remedy Framework Clause</b>	<b>Remedy Framework Annex 6 FPIC Step</b>
<b>1.6.1</b>	There are documented strategies for culturally appropriate engagement, communication and information sharing with affected rights holders. (See 2.1 and 2.2 below).	Chp 3, 4.2	2.3
<b>1.6.2</b>	The documented strategies for culturally appropriate engagement, communication and information sharing with affected rights holders are made available to affected rights holders and interested stakeholders on request and at no cost.		

## 2. Trust-building Measures and FPIC-Based Engagement with Affected Rights Holders

### 2.1 Identify Potentially Affected Rights Holders

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
2.1.1	<p>Using the map from 1.2.1 and the results from implementing the procedure in 1.2.2, all potentially affected rights holders in and around the impact areas, including those that are outside the conversion or unacceptable activities impact areas, have been identified and recorded.</p> <p><b>Guidance Note:</b> Some communities may have been forced from their lands or have abandoned their villages because of the forest operations in the past. Even though they may now be living in locations that are considered to be outside of the impact areas, they should still be included in the remedy process because the remedy process is about delivering remedy for the impact of forest operations on affected rights holders in the past.</p>	Chp 3, 8.4	1.2
2.1.2	Potentially affected rightsholders are invited to attend information-sharing sessions to introduce the Remedy Process and communicate the Organization or corporate group's wish to engage in FPIC processes for Remedy covering the information in Section 2.2 below and in a language, moment and location convenient to the potentially affected rights holders.	Chp 3, 6.1	1.2

### 2.2 Inform Affected Rights Holders of Proposed Remedy Process

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
2.2.1	The potentially-affected rights holders are informed in a culturally appropriate way, about the Organization or corporate group seeking remedy and/or association, including full information about: <ul style="list-style-type: none"> <li>a) the land coverage under their legal tenure or license;</li> <li>b) their production facilities and the type of products produced;</li> <li>c) how the company is financing remedy (governments, corporations, banks, private investors);</li> <li>d) any national subsidiaries operating under a different name and their relationship to the Organization or corporate group; and</li> <li>e) information about any existing conflicts related to conversion or unacceptable activities connected to the Organization or corporate group.</li> </ul>	Chp 3, 6.2	1.4
2.2.2	The potentially-affected rights holders are informed in a culturally appropriate way, about the Forest Stewardship Council, including full information about: <ul style="list-style-type: none"> <li>a) its origins, objectives, governance, PIPC &amp; Indigenous Foundation, number and type of certificates, and network partners;</li> </ul>	Chp 3, 6.2	1.4

	<ul style="list-style-type: none"> <li>b) the certification process and the benefits of certification to the Organization or corporate group;</li> <li>c) the association and disassociation of forest companies;</li> <li>d) the FSC Remedy Framework, its objectives and processes;</li> <li>e) FSC contact persons and procedures to get in contact (i.e. network partners, FSC International, , PIPC Regional Representative);</li> <li>f) FSC-GUI-30-003 FSC Guidelines for the Implementation of the Right to Free, Prior, and Informed Consent; and.</li> <li>g) FSC FPIC in remedy materials (Guide, Indicators, and Methodology)</li> </ul>		
<b>2.2.3</b>	<p>The potentially-affected rights holders are informed in a culturally appropriate way about their right to FPIC, including full information about:</p> <ul style="list-style-type: none"> <li>a) FPIC as a collective right as in UNDRIP, ILO169 &amp; international human rights law;</li> <li>b) the meaning and application of the 4 elements: Free, Prior, Informed, and Consent;</li> <li>c) their right to grant, withhold or withdraw consent, including the right to refuse to engage in the remedy process;</li> <li>d) their right to define the FPIC Application Unit that they are willing to engage in;</li> <li>e) their right to elect their legitimate representatives;</li> <li>f) their right to choose trusted advisors &amp; invite observers to support the FPIC process;</li> <li>g) their right to develop an FPIC process agreement, its purpose and what it could include;</li> <li>h) the Organization or corporate group's FPIC policy and procedures;</li> <li>i) their right to develop a culturally appropriate grievance mechanism and how to access it; and</li> <li>j) their right to participate in ongoing participatory monitoring of compliance with the terms of any FPIC agreements.</li> </ul>	Chp 3, 6.2a	1.4
<b>2.2.4</b>	<p>The potentially affected rights holders are informed, in a culturally appropriate way, about the Organization or corporate group's FPIC management structure and systems, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) the personnel, workers, interested stakeholders and Independent Assessor working on behalf of the Organization or corporate group;</li> <li>b) the FPIC policy and procedures, including the human rights due diligence system, anti-corruption measures and grievance mechanism;</li> <li>c) the provisional map of potentially-affected rights holders and affected rights, for participatory ground truthing &amp; confirmation;</li> <li>d) the budget and resources available to support comprehensive &amp; robust FPIC procedures with all affected rightsholders;</li> <li>e) measures to address power imbalances;</li> <li>f) the provision of legal, technical, translation and other necessary services at no cost to the affected rightsholders;</li> <li>g) a commitment not to exert any pressure or influence on affected rightsholder communities' decision-making processes or timeframes;</li> <li>h) the accommodation of Trusted Advisors in the FPIC process;</li> <li>i) the moments and methods for rights holders' ongoing satisfaction with the process to be assessed by the Third-Party Verifier; and</li> <li>j) who within the Organization or corporate group the potentially affected rightsholders may contact if clarification or further information is required for the community to be able to decide whether to engage in the remedy process.</li> </ul>	Chp 3, 6.2	1.4
<b>2.2.5</b>	<p>The potentially affected rights holders are informed in a culturally appropriate way, that they may share all information received with their whole community, discuss freely the invitation to participate in the identification of past harms caused by the Organization or corporate group and future negotiations on the proposed remedy process and</p>	Chp 3, 6.2	1.4

	activities and communicate their willingness to participate back to the Organization or corporate group.		
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## 2.3 Determine willingness to participate & define FPIC Application Unit (preliminary agreements)

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
2.3.1	Evidence is available as to how the information in criterion 2.2 above was disseminated to the entire community of potentially affected rightsholders including women, men, elders & youth, and how their willingness to engage in a remedy process was recorded.	Chp 3, 6.1	1.4
2.3.2	<p>Evidence is available showing how the potentially affected rights holders have:</p> <ul style="list-style-type: none"> <li>a) determined their FPIC Application Unit (i.e., village level, community coalition, landscape, watershed, Tribe or Nation etc...);</li> <li>b) selected their legitimate representatives;</li> <li>c) selected their decision-making institutions for remedy process-related negotiations with the Organization or corporate group and Independent Assessor; and</li> <li>d) defined their communication channels for remedy process-related communications with the Organization or corporate group, Independent Assessor and Third-Party Verifier.</li> </ul> <p><b>Guidance Note:</b> the scale of application may cover multiple communities of affected rightsholders who share rights or access to the same harm area, or coalition of communities.</p>	Chp 3, 6.1	1.3
2.3.3	<p>A preliminary agreement is formalized through culturally appropriate engagement recording whether free, prior, informed consent was given or withheld by the potentially affected rights holders for further engagement in the proposed remedy process at the FPIC Application Unit defined.</p> <p><b>Guidance Note:</b> see FSC FPIC Guidelines step 1.6 on what to do if consent is withheld.</p>	Chp 3, 6.1	6.2

## 2.4 Engage with Affected Rights Holders and Develop a Process Agreement

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
2.4.1	<p>The affected rights holders' of the FPIC Application Unit have been informed in a culturally appropriate way that an FPIC Process Agreement may include clarity on scope, timelines and protocols, such as:</p> <ul style="list-style-type: none"> <li>a) An agreed scope of the FPIC process;</li> <li>b) Clear phasing of the FPIC process, covering all phases of the remedy process requiring verification of an FPIC decision;</li> </ul>		

	<ul style="list-style-type: none"> <li>c) Protocols for negotiations and decision making at all stages of the remedy process;</li> <li>d) Timelines for implementation; and</li> <li>e) Information-sharing processes and treatment of intellectual property.</li> </ul>		
<b>2.4.2</b>	<p>The affected rights holders of the FPIC Application Unit have been informed in a culturally appropriate way that an FPIC Process Agreement may include stipulations on resources, such as:</p> <ul style="list-style-type: none"> <li>a) Financial commitments of FPIC process;</li> <li>b) Acceptable use of advisors, facilitators, and observers;</li> <li>c) Appointed facilitators/mediators for the negotiation process;</li> <li>d) Capacity-building needs, if necessary, how to get resources and in what stage the resources will be provided; and</li> <li>e) Access to resources for exchange visits between affected rights holders to be able to share protocols, progress, grievances, etc.</li> </ul>		
<b>2.4.3</b>	<p>The affected rights holders of the FPIC Application Unit have been informed in a culturally appropriate way that an FPIC Process Agreement may include stipulations on methodologies and terminology applied, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) Amendments to the Organization or corporate group's FPIC procedure in order to ensure adherence to any FPIC protocols already established;</li> <li>b) Agreement on the scope and methodology of participatory mapping and impact assessments;</li> <li>c) Terms of verification, observation and monitoring of the FPIC process;</li> <li>d) Record of actions taken in the process;</li> <li>e) The way the social harms to affected rights holders are registered in the Registry of Harm;</li> <li>f) The way to agree on priority social harms;</li> <li>g) Mechanism to formalize the FPIC agreement;</li> <li>h) Mechanisms for dispute resolution, and</li> <li>i) Terms of withdrawal from the FPIC process.</li> </ul>		
<b>2.4.4</b>	An FPIC Process Agreement is developed and agreed through culturally appropriate engagement.	Chp 3, 4.2	2.4

## 3. FPIC in Remediating for Harm

### 3.1 Foundational Requirements

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
<b>3.1.1</b>	<b>FPIC training &amp; capacity building</b>		
<b>3.1.1.1</b>	The current capacity of the affected rights holders' legitimate representatives to fully participate in implementing the FPIC Process Agreement at the FPIC Application Unit has been assessed and a plan agreed to build rights holders' capacity and fill knowledge gaps.	Chp 3, 1.1	3.1
<b>3.1.1.2</b>	Access is provided by the Organization or corporate group to financial and/or technical resources and support to increase capacity proportionate to the needs of the affected rights holders' legitimate representatives for all stages of the process where gaps are identified as agreed in the capacity building plan.	Chp 3, 1.1	3.1
	<b>Grievance mechanism (UNGP aligned)</b>		
<b>3.1.2</b>	A grievance mechanism is designed in participation with affected rights holders' legitimate representatives, taking into consideration existing culturally appropriate grievance or conflict resolution mechanisms that are recognized and accepted by the affected rights holders.	Chp 3, 3.2; Chp 3, 3.3; Chp 3, 3.4	5.3

### 3.2 Identify Legal and/or Customary Rights, Impact Areas and Harms Caused

**NOTE:** FSC identifies this as an area for further exploration at a later development phase. The emphasis on participatory processes in the present document focuses on participation in the identification of past harms and mapping of areas related to those harms, as well as current needs and rights. There is less emphasis in the present document about participatory mapping and identification of remedy sites and actions. Some of this information would naturally build on the former participatory efforts and aspects identified in the FPIC process agreement. Nonetheless, it is not very explicit here, nor is it clear in the FSC Remedy Framework Annex 6, Step 3 if the participatory process should focus on one of these phases or both.

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
	<b>Identification of legal and/or customary rights</b>		
<b>3.2.1</b>	All claims of legal and/or customary rights at the FPIC Application Unit have been identified through culturally appropriate engagement with the affected rights holders' legitimate representatives.	Chp 3, 6.1	1.5
<b>3.2.2</b>	<b>Participatory mapping</b>		
<b>3.2.2.1</b>	A participatory mapping procedure is designed in participation with the affected rights holders' legitimate representatives, and the affected rights holders at the FPIC Unit of Application are satisfied with the participatory mapping procedure and their involvement in	Chp 3, 6.1	3.2

	its design prior to implementation.		
<b>3.2.2.2</b>	The participatory mapping procedure gathers information on: a) Legal and/or customary rights of tenure; b) Legal and/or customary access to, and use rights of, the forest resources and ecosystem services; c) Areas where rights are contested; d) Sites where rights holders claim their rights are being violated; e) Large landscape features; f) Rare and endangered species and habitats upon which the rights holder relies; g) Ecosystem services (e.g., water sources, critical shade trees); h) Culturally significant sites and landscapes; i) Hunting, fishing, trapping, collecting, and settlement sites; j) Harvesting sites; k) Nationally and regionally protected sites with Indigenous Peoples' agreement; l) Environmental values; m) Identification of native ecosystems; n) Areas of natural hazards (e.g., landslides, flooding); and o) Affected right holders' priority uses of core areas in Intact Forest Landscapes (IFLs).	Chp 3, 4.2	3.2
<b>3.2.2.3</b>	The participatory mapping procedure is fully and correctly implemented.	Chp 3, 7.4	3.2
<b>3.2.2.4</b>	There is a map or alternative overview showing all past and current tenure claims and land usage since 1994, indicating all HCVs relevant to the affected rights holders, and the affected legal and/or customary rights.	Chp 3, 10.2	3.4
<b>3.2.2.5</b>	The affected rights holders at the FPIC Application Unit verify the accuracy of the map.  <b>Guidance Note:</b> This is an FPIC Verification Point. Third Party Verifiers uses the 4 Elements of FPIC checklist to verify (see part 2 of this document) that FPIC-based processes have been properly implemented.	Chp 3, 7.3	3.2
<b>3.2.2.6</b>	A participatory mapping report includes information whether any of the following situations were found: a) Boundary and governance disputes between neighboring communities or within communities; b) Disagreement on the claimed rights of communities; c) Difficulties identifying rights for mapping; or d) Multiple and parallel claims to the same land and resources by different affected rights holders.	Chp 3, 10.5	3.4
<b>Discuss Disputes Between Affected Rights Holders</b>			
<b>3.2.3</b>	Any disputes found in the participatory mapping are managed through engagement with all the disputing parties in a culturally appropriate way.  <b>Guidance Note:</b> Consider the guidance under Step 3.3 in the FSC FPIC Guidelines (FSC-GUI-30-003).	Chp 3, 4.2	3.3
<b>3.2.4</b>	<b>Finalize identification of impact areas and affected rights holders</b>		
<b>3.2.4.1</b>	The identified affected rights holders that have suffered harm are spatially mapped and the nature of harm identified.	Chp 3, 8.2	1.5



3.2.4.2	There is documented evidence that impacted rights holders, affected stakeholders and other relevant experts have verified that the map is correct, complete and accurate.	Chp 3, 7.3	1.5
3.2.4.3	The affected rights holders determine the conditions whether to share (or not), under specified conditions, information related to traditional knowledge, land tenure, boundaries, conflicts, and territorial uses at the FPIC Application Unit and there is no evidence that this has been violated by the Organization or corporate group.	Chp 3, 7.4	2.5
3.2.4.5	The identified rights holders confirm and approve their identification as an affected rights holder.  <b>Guidance Note:</b> This is an FPIC Verification Point. Third Party Verifiers use the 4 Elements of FPIC checklist to verify (see part 2 of this document) that FPIC-based processes have been properly implemented.	Chp 3, 8.3	1.2
3.2.4.6	FPIC-based processes have been properly implemented with the affected rights holders during the identification of impact areas at the FPIC Application Unit.  <b>Guidance Note:</b> This is an FPIC Verification Point. Third Party Verifiers use the 4 Elements of FPIC checklist to verify (see part 2 of this document) that FPIC-based processes have been properly implemented.	Chp 3, 7.4	1.5
3.2.5	<b>Social Baseline Assessment (determine presence of social harm)</b>		
3.2.5.1	A Social Baseline Assessment of harms associated with conversion, or unacceptable activities since 1994 is developed for all impact areas, based on a participatory mapping process including the affected rights holders.	Chp 3, 10.1, 10.2	3.4
3.2.5.2	Relevant sections of the Social Baseline Assessment concerning rights of affected rights holders is shared with those affected rights holders and chosen trusted advisors to confirm the accuracy of the information they shared to develop those sections.		
	<b>Registering harm</b>		
3.2.6	The social harms identified are recorded on impact area maps and documented in a Harm Analysis Report in accordance with the agreed FPIC Process Agreement.	Chp 3, 12.1	3.4
	<b>Prioritization social harms</b>		
3.2.7	The social harms recorded in the Harm Analysis Report are prioritized and agreed by the affected rights holders' legitimate representatives.  <b>Guidance Note:</b> This is an FPIC Verification Point. Third Party Verifiers use the 4 Elements of FPIC checklist to verify (see part 2 of this document) that FPIC-based processes have been properly implemented.  <b>NOTE: FSC identifies this as an area for further exploration in a future stage of development. Further discussion could clarify if FPIC-based engagement means that the affected rights holder does the</b>	Chp 3, 9.3, 13.1	3.4



	<b>prioritization of the harms. This may be relevant, for example, if the affected rights holders have varying opinions on prioritization and cannot reach consensus.</b>		
	<b>Harm analysis report</b>		
<b>3.2.8</b>	Harm Analysis reports include details of how FPIC was applied.	Chp 3, 14.1d	5.5

### 3.3 Remedy Planning

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
	<b>Dialogue Processes</b>		
<b>3.3.1</b>	N/A. Explanatory note: the Dialogue Process is at the level of the Organization or corporate group. FPIC processes are implemented and verified at the FPIC Application Unit where collective rights are held.	Chp 3, 15	N/A
	<b>Pilot Cases</b>		
<b>3.3.2</b>	Any pilot cases involving collective rights of affected rights holders have full FPIC processes for remedy and are subject to verification for compliance with all of the indicators in this checklist.	Chp 3, 16.7	1.2, 1.5
	<b>Determination of Remedy Action</b>		
<b>3.3.3</b>	There is documented evidence that affected rights holders agree that the social remedy actions proposed by the Organization or corporate group are equivalent to the social harm caused, including any previous remedy actions proposed or implemented by the Organization or corporate group without FPIC.  <b>Guidance Note:</b> Determination of Remedy Action is at the level of the Organization or corporate group. FPIC processes are implemented and verified at the FPIC Application Unit where collective rights are held. (see indicator 5.2.1).	Chp 3, 19.4	5.2
	<b>Setting Thresholds &amp; Priorities</b>		
<b>3.3.4</b>	N/A  Explanatory note: This setting of thresholds & priorities is at the level of the Organization or corporate group, not at the level of FPIC Application Unit. See also 3.3.2.	Chp 3, 20	4.2

## 4. Concept Note

### 4.1 Development

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
4.1.1	There is a documented policy and/or procedure for ensuring that affected rights holders' FPIC rights are upheld in the development of the Concept Note at each FPIC Application Unit, including: a) their review and approval of the adequacy of proposed remedy actions, sites and priority activities; b) their review and approval of the evaluation of available resources to complete the priority activities and achieve the thresholds; c) their review and approval of the proposed timelines to complete the priority activities and achieve the thresholds; and d) their equal participation in the monitoring and correction of progress towards remedying all social harms.	Chp 3, 22	5.1

### 4.2 Approval

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
4.2.1	<p><b>NOTE: FSC identified this as an area for further exploration at a later development phase. Further clarity may be needed about the aspects of the Concept Note where affected rights holders need to give their FPIC, versus approval of the entire Concept Note. In some remedy processes it may be unlikely that there is one Concept Note per FPIC Application Unit.</b></p> <p>The affected rights holders approve the Concept Note relevant to their FPIC Application Unit, and are satisfied with their involvement in its design, prior to any wider publication of progress by the Organization or corporate group.</p> <p><b>Guidance Note:</b> This is an FPIC Verification Point. Third Party Verifiers use the 4 Elements of FPIC checklist to verify (see part 2 of this document) that FPIC-based processes have been properly implemented.</p>	Chp 3, 23.3	6.2

## 5. Remedy Plan

### 5.1 Completion

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
5.1.1	There is a documented policy and/or procedure, implemented at each FPIC Application Unit, for ensuring that affected rights holders' FPIC rights are upheld in the development of the Remedy Plan, including: a) their critical review of the adequacy of information required in Remedy Framework Chapter 3, clause 24.2; b) provision of freely elected Trusted Advisors to support with the critical review of the draft Remedy Plan; c) their equal participation in the definition of adequate timeframes for implementation of the activities proposed; d) how, when and by whom their concerns and issues raised will be addressed including appointed facilitators/mediators for the negotiation process; and e) provision that affected rights holders' conditions for consent will be reviewed and may change in the event of stopping or suspending implementation of the Remedy Plan once approved in 5.2 below.	Chp 3, 24, Chp 3, 25.6	5.1
5.1.2	The affected rights holders, facilitated by their legitimate representatives and Trusted Advisors, are given the opportunity to amend and adapt the draft Remedy Plan relevant to their FPIC Application Unit until they are satisfied with the content, prior to submission to the Third Party Verifier or any wider publication of progress by the Organization or corporate group.	Chp 3, 22 Chp 3, 25.4	5.2

### 5.2 Approval

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
5.2.1	<p><b>NOTE: FSC identified this as an area for further exploration at a later development phase. Further clarity may be needed about the aspects of the Remedy Plan where affected rights holders need to give their FPIC, versus approval of the entire Remedy Plan. In some remedy processes it may be unlikely that there is one Remedy Plan per FPIC Application Unit.</b></p> <p>The affected rights holders approve the Remedy Plan relevant to their FPIC Application Unit, and are satisfied with their involvement in its design, prior to any wider publication of progress by the Organization or corporate group.</p> <p><b>Guidance Note:</b> This is an FPIC Verification Point. Third Party Verifiers use the 4 Elements of FPIC checklist to verify (see part 2 of this document) that FPIC-based processes have been properly implemented.</p>	Chp 3, 25.3	6.2

## 6. Implementation

### 6.1 Implementation

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
6.1.1	The Remedy Plan is implemented in a timely manner and according to the plan.	Chp 3, 26.1	7.1
6.1.2	Affected rights holders' implementation-related grievances are managed and resolved through the mutually agreed grievance mechanism in Indicator 3.1.2.1. Unresolved grievances are being addressed to the satisfaction of the affected rights holders.	Chp 3, 26.3	5.3

### 6.2 Stopping, suspending, or terminating

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
6.2.1	The Organization or corporate group informs affected rights holders through culturally appropriate engagement when a remedy plan addressing harms to their rights is suspended or terminated. When possible, this takes place prior to the suspension or termination.	Chp 3, 27.1	4.1
6.2.2	Before restarting, an assessment is carried out as to whether the originally agreed Remedy Plan requires adapting or updating in relation to affected rights holders to accommodate changes that have taken place during the time that the implementation was stopped or suspended.	Chp 3, 27.4	5.5
6.2.3	Remedy Plans are not restarted until affected rights holders' legitimate representatives confirm their satisfaction with the plans and timeframes for restarting.	Chp 3, 27.3	5.5

## 7. Monitoring

Indicator Number	Indicator	Remedy Framework Clause	Remedy Framework Annex 6 FPIC Step
7.1	A documented policy and/or procedure is designed in participation with the affected rights holders' legitimate representatives for participatory monitoring of the implementation and compliance with the Remedy Plan at the FPIC Application Unit by the affected rights holders and/or their legitimate representatives.	Chp 3, 29.2	7.1
7.2	The participatory monitoring procedure includes a culturally appropriate feedback mechanism is in place for affected rights holders to request revisions to the Remedy Plan, specifying: a) the communication channel; b) the appropriate personnel within the Organization or corporate group to receive the feedback; c) the timeframe and method for responding; and d) a guarantee that activities cease until feedback has been addressed to the satisfaction of the affected rightsholders.	Chp 3, 25.9; Chp 3, 26.3	7.1
7.3	The affected rights holders approve the participatory monitoring plan, and are satisfied with their involvement in its design, prior to any wider publication of progress by the Organization or corporate group.	Chp 3, 29.1	7.1
7.4	Affected rights holders and/or their legitimate representatives participate in the monitoring of remedy implementation and completion of priority activities and the confirmation of thresholds being achieved, prior to any wider publication of progress by the Organization or corporate group.	Chp 3, 29.3	7.1
7.5	Any delays or new information causing deviations from the Remedy Plan are communicated to the affected rights holders and implications and resulting actions discussed and agreed by the affected rights holders before proceeding. Changes are made to the Remedy Plan and monitoring plan as necessary, and these are formally recorded as agreed by the affected rights holders before implementation of the changes.	Chp 3, 25.10	7.1
7.6	Monitoring progress is communicated back to the affected rights holders by their legitimate representatives, and they have time to review and approve ongoing activities.	Chp 3, 25.10	7.1
7.7	Monitoring by affected rights holders and/or their legitimate representatives confirms whether the priority activities reduce ongoing social harm and include remedy of priority social harms.	Chp 3 20.2	7.1
7.8	There is regular consultation with affected rights holders and/or their legitimate representatives to monitor their satisfaction with progress towards signed agreements for remedy of harm and, after the agreements have been signed, with the implementation of remedy of harm.	Chp 3 29.1	7.1

## B. The Four Key Elements of FPIC: Indicators for use at FPIC Verification Points

See Methodology for Application of the Four Key Elements Indicators.

### Free

Number	Indicator	Verifier
F1	The FPIC process is free of coercion, manipulation, or externally imposed timelines that limit or hinder self-government processes of rights holders.	<ul style="list-style-type: none"> <li>records of the FPIC process</li> <li>confirmation of rights holder</li> </ul>
F2	The affected rights holders are free to use their preferred methods of engagement (i.e., legitimate institutions and representatives, language) to indicate their agreement with the proposed engagement and decision-making process.	<ul style="list-style-type: none"> <li>records of the FPIC process</li> <li>confirmation of rights holder</li> </ul>
F3	The Organization or corporate group avoided real or perceived coercive or manipulative activities that affect the ability of the affected rights holders to make independent decisions.	<ul style="list-style-type: none"> <li>confirmation of rights holder</li> </ul>

### Prior

Number	Indicator	Verifier
P1	Any FPIC-based decision is sought far enough in advance of any authorization or commencement of the process or undertaking of any activity that affects the affected rights holders' legal and/or customary rights.	<ul style="list-style-type: none"> <li>records of the FPIC process</li> <li>confirmation of rights holder</li> </ul>
P2	Time is provided for the affected rights holders to understand, access, and analyze the relevant information before any decisions are taken.	<ul style="list-style-type: none"> <li>records of the FPIC process</li> <li>confirmation of rights holder</li> </ul>
P3	The engagement process enables the affected rights holders to protect their rights.	<ul style="list-style-type: none"> <li>records of the FPIC process</li> <li>confirmation of rights holder</li> </ul>

### Informed

Number	Indicator	Verifier
I1	Access to and communication with affected rights holders always happens through their legitimate representatives.	<ul style="list-style-type: none"> <li>records of the FPIC process</li> <li>confirmation of rights holder</li> </ul>
I2	All information is delivered in languages and formats that are acceptable to the affected rights holders.	<ul style="list-style-type: none"> <li>records of the FPIC process</li> <li>confirmation of rights holder</li> </ul>
I3	Information is provided in a form that can be understood, shared and distributed widely among members of the affected group, including	<ul style="list-style-type: none"> <li>records of the FPIC process</li> </ul>



	those in remote areas, men and women, the young and elderly, and marginalized groups, according to their internal processes.	<ul style="list-style-type: none"> <li>confirmation of rights holder</li> </ul>
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## Consent

Number	Indicator	Verifier
C1	The rights holder provided consent through their legitimate institution(s) that demonstrates good faith, and a culturally appropriate engagement process was adopted to obtain the decision.	<ul style="list-style-type: none"> <li>confirmation of rightsholder</li> </ul>
C2	There is a consent agreement (binding agreement), recorded in a culturally appropriate manner according to mutually agreed information-sharing protocols and clearly describing what the consent is provided for.	<ul style="list-style-type: none"> <li>records of the FPIC process</li> <li>confirmation of rights holder</li> </ul>
C3	The rights holder did not withdraw or partially withdraw their consent.	<ul style="list-style-type: none"> <li>confirmation of rights holder</li> </ul>

# FPIC VERIFICATION METHODOLOGY FOR THE FSC REMEDY FRAMEWORK

This document provides a verification methodology for the Third Party Verifier (TPV) involved in verifying implementation of FPIC in the FSC Remedy Framework.

This Verification Methodology should be read in the context of FSC-PRO-01-007/004 FSC Remedy Framework (RF) and FSC-GUI 30-003 EN V2-0 FPIC Guidelines (FG). For ease of use, this Verification Methodology provides references to these two documents, where appropriate.

The Verification Methodology is primarily written for Third Party Verifiers responsible for verifying compliance with the FPIC Indicators for FSC Remedy but is also relevant for both *The Organizations* and *corporate groups* in understanding how their FPIC processes will be verified.

## Phase 1: Documentary Review of Foundational Requirements, FPIC policies and procedures

The Remedy Client sends to the TPV all of the documentation to meet FPIC indicators 1.1.1 - 1.1.5 for desk-based review. This step is completed before advancing to an on-site field verification of implementation of FPIC-based processes for remedy.

## Phase 2: Verification of FPIC Implementation

### 1. Preparation for Site Verification

1.1. The Remedy Client provides the TPV with:

- the provisional map of impact areas and potentially affected rights holders (Indicator 1.2.1);
- the procedure to identify all affected stakeholders, rights holders, impacted rights holders, and affected rights holders (Indicator 1.2.2);
- the Register of FPIC Application Units showing the status of FPIC remedy process by Verification Point (1-6) at each FPIC Application Unit (Indicator 1.2.3);
- policies and procedures for effective FPIC implementation for Remedy following Annex 6 of the FSC Remedy Framework, and compliance with these indicators (Indicator 1.3.1);

- e. a grievance mechanism compliant with the UN Guiding Principles on Business and Human Rights and based on Free, Prior, and Informed Consent (FPIC) processes (Indicator 1.3.3);
  - f. a gap analysis between any existing FPIC processes based on the applicable international, national and regional laws and regulations, the requirements for an FPIC process for Remedy, and the FSC FPIC Guidelines (Indicator 1.5.2); and
  - g. strategies for culturally appropriate engagement, communication and information sharing with affected rights holders (Indicator 1.6.1).
- 1.2. The TPV verifies 100% of completed site-specific documentation for implemented FPIC processes at each FPIC Application Unit.
  - 1.3. The TPV assesses the above documentation against the FPIC Indicators to confirm the Remedy Client's readiness for site verification.
  - 1.4. Using the information supplied in 1.1a) and c) above, the TPV defines the site sample for field verification (see Section 2).

## 2. Site sampling of FPIC Application Units

**NOTE: FSC has identified this aspect for further exploration at a later stage of development. The concept of site sampling is introduced here. The Remedy Framework does not specify how verification activities take place regarding desk-based research and field visits. This section aims to propose guidance on how data can be triangulated, especially in remedy cases with a large number of affected rights holders.**

- 2.1. For remedy processes involving up to and including 10 FPIC Application Units, TPVs verify all FPIC verification points at each FPIC Application Unit.
- 2.2. For remedy processes involving more than 10 FPIC Application Units, TPVs may apply a site sampling methodology, with a minimum site sampling selection of 10 FPIC Application Units per FPIC verification point, including all FPIC Application Units where there is known to have been controversy, complaints, e.g. based on feedback from affected rightsholders, or submissions to the Remedy Client grievance mechanism, the FSC's grievance mechanism for the Remedy Framework, Policy for Association complaints procedure, other judicial or non-judicial mechanisms.
- 2.3. The selection of the FPIC Application Units includes a variety of cases for verification, based on geographical spread, stage in the remedy process, Independent Assessor implementation personnel/teams, and risk and complexity of the FPIC Application unit based on type & classification of social harms identified during the social baseline assessment.
- 2.4. The TPV verifies accuracy of documentation gathered in document review with information gathered in field verification.
- 2.5. Each FPIC Application Unit is selected for field verification at least once during at least one of the FPIC verification points.
- 2.6. FPIC Application Units already involved in the verification at an earlier verification point may be selected again when a risk has been identified by the TPV, to follow up on a grievance or assess the completion of a remedy learning request.

## 3. Field Verification

- 3.1 The TPV verifies dissemination, understanding and correct implementation of the Remedy Client's Remedy Client's FPIC management systems within the Remedy Client

corresponding to FPIC Indicators 1.1.1 – 1.6.2 via review of completed training and implementation records and interviews with relevant workers.

- 3.2 The TPV interviews the affected rights holders about their involvement in and satisfaction with the FPIC-based engagement in order to ground truth evidence given by the Remedy Client.
  - 3.3 The TPV conducts interviews with interested and affected stakeholders to assess the adequacy of all documented policies, procedures and templates for effective FPIC implementation for Remedy and grievance mechanisms and the level of satisfaction with the implemented ongoing processes.
  - 3.4 The TPV verifies that FPIC has been granted by the affected rights holders at each of the FPIC Verification Points before verification of subsequent steps in the remedy process may continue.
  - 3.5 The TPV issues Remedy Learning Requests for non-conformances with the Indicators at each Verification Point. Remedy Learning Requests are addressed, before the Remedy Client can move on to the next stage.
- NOTE: “Remedy Learning Request” are analogous to the term “corrective action requests” utilized elsewhere in the FSC certification system, but because remedy processes occur in a pre-certification setting the term has been differentiated.*
- 3.6 The TPV also seeks evidence of FPIC conformance and non-conformance from multiple other sources, including interested stakeholders, governmental institutions, national, regional and local Indigenous Peoples’ Organizations, non-governmental organizations (NGOs) actively involved in the impact area, relevant scientific institutions, other experts and parties that have raised grievances regarding non-conformance by the Remedy Client’s or FSC’s grievance mechanisms or other judicial or non-judicial grievance mechanisms.
  - 3.7 At each FPIC verification point, the TPV completes the 4 Elements of FPIC checklist provided as an Part B in the FPIC Indicators for Remedy.



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