

Safeguards and Ecosystem Conversion

Introduction

The HCV approach was originally developed for use within the context of certification of forest management where issues such as legal compliance are already addressed. Where the concept is used outside of forestry certification this is no longer necessarily be the case. This leads to a consideration of safeguards necessary for these new applications, in terms of the need for legal compliance, the sensitive issues of tenure, rights and consent, and special guidance in the context of ecosystem conversion. This note has been compiled by Dr Marcus Colchester, who is the Director of Forest Peoples Programme (FPP), an international NGO founded in 1990 to promote forest peoples' rights and support them in securing and sustainably managing their forests, lands and livelihoods.

Background

The concept of 'High Conservation Value Forests' was born out of discussions within the Forest Stewardship Council (FSC). The original idea was to get logging and plantation companies to take special care of highly valuable areas, either by zoning them out of exploitation zones or taking more than usual care to respect whatever was of special value in them. In accordance with FSC Principle 9, 'High Conservation Value Forests' are thus to be maintained, with an implied presumption of no use in accordance with the precautionary principle unless it can be shown clearly that the value at risk is being maintained by other means.

When ProForest and a team of experts first developed a Tool Kit to help identify HCVF areas, in 2003, it was anticipated that this would be used within the FSC framework. It was thus assumed that those applying the concept would already be working within the framework of **safeguards** required by the other FSC Principles and Criteria. It was thus taken for granted that those using the Tool Kit, to apply and certify the HCVF approach, would be making sure that operations were (to simplify):

- legal
- had secure tenure
- respecting the rights of local communities and indigenous peoples
- not operating on their lands without prior and informed consent
- respecting workers' rights and ensuring benefits to local communities
- ensuring multiple use and maintaining environmental services
- conserving biodiversity and environmental values
- operating according to a sound management plan

Criterion 9 was thus the cherry on the cake - a set of extra measures to ensure the maintenance of six critical '**high conservation values**', which are (again to simplify):

- critical endangered and threatened species
- critical large, landscape-level habitats
- critical ecosystems
- critical environmental services
- critical for local livelihoods
- critical for cultural values.

The HCV approach is meant to provide a structured framework for land managers to assess what the conservation values are in the areas they manage, and where these values are located. It also guides operation management decisions to maintain these values, not simply by setting aside "pockets" of high conservation value, but by planning and managing the surrounding landscape so that critical values are preserved.

New Situation

The HCV concept has proven so popular that it has now broken loose of its original moorings. It is now being applied outside the framework of the FSC principles and criteria. This is happening in a number of ways, for example:

- FSC itself has applied the principle to 'controlled wood' – wood products that can be mixed in with wood from FSC certified forests and allow the continued use of the label;
- Plantation companies are using HCVF to zone landscapes when they know they cannot meet the current FSC standard (because they are clearing natural forests after the cut off date [1994] but still want to prove their environmental credentials);
- Palm oil companies in the Roundtable on Sustainable Palm Oil have adopted the HCV approach (within their own Principles and Criteria) to zone landscapes in order to avoid clearance of any HCV;
- The World Bank has been exploring use of the concept to help it identify the ill-defined 'critical forests' and 'critical habitats' that it is required to protect in accordance with its own safeguard policies on 'Forests' and 'Natural Habitats';
- Conservation organisations have been zoning landscapes to identify key areas for new protected areas, sometimes in coordination with plantation companies and extractive industries.

The implications are manifold. While it may seem to be a good thing that more efforts are being made to zone landscapes prior to use, the question arises whether adequate care is being taken to safeguard important (if not 'critical') social and environmental values in the wider landscape. Cases have been identified where zoning is taking place:

- Without applying HCV principles 5 and 6 (ie using environmental but not social considerations)
- Without checking adherence to national laws
- Without the participation of indigenous peoples and local communities and without the identification of areas subject to customary rights
- Without any external assessment being done of workers' rights or benefit sharing arrangements
- As a prelude to widespread habitat **conversion** (for example for palm oil or timber plantations) implying substantial change in biodiversity, environmental values and services in areas judged to be not HCV.

At its worst, therefore, **if** used without a broader safeguard framework and, especially, when use to plan habitat conversion, HCV **could potentially** become a tool giving a green 'licence to kill' - facilitating the identification of broad 'sacrifice zones' around little islands of HCV conservation. Exactly the opposite to what was planned when the concept was originally developed.

Luckily, things have not yet got so bad, but how do we safeguard against such a scenario?

Marcus Colchester

Suggested topic for discussion

If other values are not being safeguarded, what mechanisms can be suggested to strengthen safeguards in applying the HCV approach?

Existing Comments

One of the major concerns here is the use of HCVs as a framework for identifying areas that should *not* be converted to some other land use. In regions where there is no robust land use plan and protected areas are not representative of the remaining natural habitats, the use of the HCV framework in a piecemeal fashion on individual land holdings is unlikely to ensure enough of the landscape level values and processes are safeguarded. There is a real need to integrate site-level conceptions of HCV areas with existing approaches to land use planning. I believe the HCV framework can contribute to better land use planning, but getting consensus on a landscape level conservation strategy is crucial when applying the concept at the site level.

*Tim Rayden, ProForest
(Network Participant)*

I think you have indeed raised a cross-cutting concern here of relevance to all our discussion groups though you are right it applies particularly sharply in the context of safeguards and conversion. The tensions between applying HCV approaches at the various different scales - ranging from land holdings through forest management units and landscapes to provinces and entire countries - was a subject that came out very strongly in the HCVRN workshop in Sao Paulo last month. While it is easier to take into account some of the social HCVs and accompanying safeguards at a more local scale - because good community participation is intrinsic to determining these values - some of the biodiversity and ecosystem values are better determined and secured when more widely framed. The challenge for us is to think of methods which allow both fine grain and large grain approaches to work in a complementary manner.

At the moment HCV approaches seem mainly to be used in a voluntary framework. How can local land users applying HCV to their own holdings be expected to carry out or indeed pay for wider landscape level consensus-building activities? Typically land use planning is a responsibility of local or national governments - how should voluntary HCV zoning exercises carried out by farmers, communities or companies be meshed with legally required or State directed land use planning?

*Marcus Colchester, Forest People's Programme
(HCV Resource Network Steering Group, Co-Chair)*

Where and how is the HCV concept being applied in practice, and are wider safeguards being included or excluded? What have been the benefits and costs of such?

In cases where is HCV being used to help make decisions about conversion, what safeguards are applied to the non HCV areas? Is that a problem?
