



**Putting safeguards into the
'HCV approach'
a discussion paper**

Version 1, February 2009

1 Introduction

The concept of ‘High Conservation Values’ 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 values at risk are being maintained or enhanced by other means.

However, the FSC Principles and Criteria address a wide range of other important values and considerations which need also to be safeguarded or secured for a forest to be certified.

Now that the HCV approach is being applied in a number of contexts as a stand alone land management tool, there is a risk that important values are ignored and not safeguarded. This not only poses risks to the environment and to affected peoples, but also risks discrediting the HCV approach itself.

These issues were therefore central considerations in the drafting of the HCVRN Charter.

2 Charter

The HCVRN charter (see Annex 1) makes clear that the application of the ‘HCV approach’ is (only) ‘part of responsible land management’. The Charter explicitly requires the development of a framework to guide the HCV approach so wider values can be safeguarded. The relevant text in the Charter reads as follows and a box is included in the Charter to give this requirement further emphasis:

‘Additionally a framework needs to be developed (also see below) which considers issues identified during, but not dealt with as part of, the core HCV assessment. Examples may include: legality; protection of local communities’ and indigenous peoples’ customary and legal rights and respect for their right to control what happens in their areas; protection of areas from unjustified conversion; and, provision of further environmental safeguards.’

Safeguard Framework: A number of safeguards need to be developed to support the use of the HCV approach outside the certification context for which it was originally developed. The main issues which have been identified are:

- **Legality:** Legal compliance should be a baseline management requirement for all HCV assessments.
- **Tenure, customary rights and consent procedures:** The issue of tenure, rights and consent is important and delicate and there should be an acceptable degree of commonality in the manner in which HCV assessments address these sensitive issues.
- **Conversion:** Guidance should be developed specifically on the use of the HCV approach within the context of ecosystem conversion.

3 Safeguards Discussion Group:

As a first step towards developing this framework, in late 2007 a 'safeguards and conversion discussion group' was launched on the HCVRN website. However, the resulting discussion was desultory. Along with all the other discussion groups, with the exception of the one around the revision of the Indonesian HCV Tool Kit, the discussion group was closed in mid-2008. The full text on the opening of the webpage and what discussion then followed is attached (Annex 2).

4 What are the missing safeguards?

The key missing safeguards that were highlighted in the discussion group and which emerge from a quick review of comparable safeguard policies (see table 1 below) include the following:

- legality
- secure tenure
- respect for the rights of local communities and indigenous peoples
- free, prior and informed consent (no impositions and forced displacement)
- no land conflicts / dispute resolution mechanism
- respect for workers' rights
- benefits for local communities
- encouraging or allowing multiple use
- participatory social and environmental impact assessment
- maintenance of wider environmental services
- conserving wider biodiversity and environmental values
- operating according to a sound management plan
- restrictions on ecosystem conversion

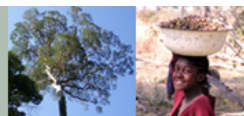


Table 1 (draft) : Simplified comparison of selected safeguard standards¹

Safeguard	FSC	RSPO	RTRS (draft)	RSB	CCB	IFC
Legality	✓	✓	✓	✓	✓	No
Secure tenure	✓	✓	Not clear	✓	Not clear	✓
Indigenous peoples and local community rights	✓	✓	no	✓	✓	✓
Free, Prior and Informed Consent	✓	✓	✓	✓	Not clear	BCS
No land conflicts / dispute resolution mechanism	✓	✓	✓	✓	No	✓
Workers' rights	✓	✓	✓	✓	No	✓
Benefits for local communities	✓	Some	✓	✓	✓	Some
Encouraging or allowing multiple use	Not clear	Not clear	Not clear	No	No	Not clear
Participatory social and environmental impact assessments	✓	✓	✓	✓	No	Consultative
Maintenance of wider environmental services	✓	✓	✓	Not clear	No	Not clear
Conserving wider biodiversity values	✓	Somewhat	No	✓	✓	Not clear
Operating according to sound management plan	✓	✓	Limited	✓	✓	✓
Restrictions on ecosystem conversion	✓	✓	✓	✓	✓	No

¹ Forest Stewardship Council, Roundtable on Sustainable Palm Oil, Roundtable on Responsible Soy (draft), Roundtable on Sustainable Biofuels, Climate Community and Biodiversity Alliance, International Finance Corporation Performance Standards (BCS = 'broad community support').



5 Next steps:

The HCVRN accepts – as the Charter makes clear – that assessing operations merely for the extent to which they maintain or enhance high conservation values is not enough and other important social and environmental values must also be safeguarded. The challenge, however, is to provide clear and workable suggestions on how can this be achieved through a voluntary approach.

There are various ways that these kinds of safeguards could be (re-) introduced to the HCV approach. All of which have their advantages and disadvantages.

- HCVRN develops a list of key safeguards against which operations should also be assessed at the same time as they are reviewed for compliance with the HCV approach and verified by peer review (**the audit approach**)
- HCVRN develops a clear methodology for stakeholder engagement in HCV assessments in order to review compliance with a listed set of safeguards. Views aired and conclusions reached by stakeholders become part of the published account of the HCV assessment (**the participation approach**)
- HCVRN advocates that free-standing HCV assessments should not occur and all HCV assessments should take place as part of a broader certification system eg FSC, RSPO etc (**the certification approach**)

*Marcus Colchester with Portia Asquith
Forest Peoples Programme
February 2009*

5.1 Annex 1:

5.2 High Conservation Value Resource Network Charter, Version 2: February 2008 (with highlights added)

5.2.1 Mission

The mission of the HCV Resource Network is to contribute to the maintenance and enhancement of critical social and environmental values of forests and other ecosystems **as part of responsible land management**, and to advance locally adaptable management strategies through the development and use of the high conservation value (HCV) approach (as defined below in the Network's guiding principles).

To achieve its mission the Network will seek to promote:

- cooperation between organisations, individuals and institutions using the HCV approach;
- cooperation between the HCV approach and other conservation approaches and processes;
- best practice in the use of the HCV approach to maintain the credibility of the concept;
- local level and pluralistic approaches to the implementation of the HCV approach;
- comparability between different types of HCV assessments;
- Initiatives to further develop and improve the HCV approach.

5.2.2 Structure

The HCV Resource Network is a voluntary association of individuals, organisations and institutions who share a broad vision and the principles set out in this Charter, relating to the definition, identification and management of high conservation value forests and other ecosystems within the matrix of conservation and sustainable land use.

Anyone is welcome to use the information and resources of the Network and participate in activities such as training and capacity building or discussion groups. Direct participation in Network-development activities such as membership of the Steering Group or Working Groups, development of the HCV approach, and resolution of conflicts is open to those who agree to this Charter.[\[1\]](#)

The Network structure involves the following:

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Steering Group: The Resource Network will be overseen by a Steering Group made up of representatives of the users of the Network. The Steering Group will be responsible for determining its own membership in the spirit of maintaining a balance of regional and stakeholder perspectives.

Secretariat: Management of the day-to-day activities of the Network will be undertaken by a Secretariat which will be overseen by the Steering Group. Where appropriate, the Secretariat will provide support to Regional Partners, Working Groups and the Steering Group.

Regional Partner: A series of regional partners will be identified in different areas to provide the local representation of the Network and undertake activities such as local networking and co-ordination, provision of information in local languages and development of local interpretations of the HCV approach.

Participants: Participants are individuals, organisations and institutions that have agreed to support the Network's charter.

Discussion Groups: Where there is a need to discuss issues Discussion Groups open to anyone will be used.

Working Groups: Where issues need to be addressed, Working Groups will be convened made up of technical experts who are Network participants.

Charter: The Charter sets out the mission, structure and guiding principles of the Network and is subject to periodic review by the Steering Group in consultation with participants.

Website, information line and mailing list: Virtual electronic tools will be the main means of delivery of the core activities of the Network, including the provision, exchange and dissemination of information, training and technical assistance in the development and use of the HCV approach.

5.2.3 Guiding Principles

All participants of the Network agree to the following:

High Conservation Value areas are critical areas in a landscape which need to be appropriately managed in order to maintain or enhance High Conservation Values (HCVs). There are six main types of HCV area, based on the definition originally developed by the Forest Stewardship Council for certification of forest ecosystems.

HCV1. Areas containing globally, regionally or nationally significant concentrations of biodiversity values (e.g. endemism, endangered species, refugia).

HCV2. Globally, regionally or nationally significant large landscape-level areas where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance.

HCV3. Areas that are in or contain rare, threatened or endangered ecosystems.

HCV4. Areas that provide basic ecosystem services in critical situations (e.g. watershed protection, erosion control).

HCV5. Areas fundamental to meeting basic needs of local communities (e.g. subsistence, health).

HCV6. Areas critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

The HCV approach, which is now being expanded to other ecosystems and applied by other certification systems, should always involve:

- Assessment of the presence or absence of all six HCVs (where studies only address some HCVs, it should be explicitly stated which HCVs were analysed and made clear that it was a partial HCV analysis)
- Analysis of the context including existing protection of, and threats to, the identified HCVs.
- Identification of the location and relevant management regimes for the HCV areas required to maintain or enhance the identified HCVs.
- Development and implementation of a monitoring programme to assess how well the values are being maintained or enhanced.

The assessment process to be followed should be:

- Knowledge-based, incorporating and using all relevant scientific data and local knowledge. Where significant gaps in existing information are identified, data should be collected or the precautionary approach, commensurate with the degree of risk, should be followed.
- Participatory and inclusive, ensuring that relevant stakeholders are consulted and their views or the information they provide is

incorporated into the process and that appropriate existing initiatives are engaged wherever possible.

- Open and transparent including peer reviews of findings and public reporting of outcomes.

Additionally a framework needs to be developed (also see below) which considers issues identified during, but not dealt with as part of, the core HCV assessment. Examples may include: legality; protection of local communities' and indigenous peoples' customary and legal rights and respect for their right to control what happens in their areas; protection of areas from unjustified conversion; and, provision of further environmental safeguards.

The Resource Network recognizes that all natural ecosystems, including those not identified as HCV areas, have environmental and social values, such as carbon storage and sequestration, water supply stabilization, biodiversity conservation, etc. The focus of the Resource Network on High Conservation Values and HCV areas must not lead to the devaluation of other areas, nor undermine the goal of substantially reducing and eventually reversing rates of degradation and conversion of natural ecosystems.

Participants will seek and support continuous improvement in the application of HCV approach.

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[1] Implementation of the Charter is made on a voluntary basis, in line with companies' obligations under anti-trust laws.