



HCV Resource Network Safeguards Framework Meeting, Vienna 27-28 May 2009

Summary Briefing: Safeguard Framework Discussions

(last updated 23 April 2009)

1. Introduction

The need for a safeguard framework for the application of the HCV concept outside of (FSC) certification has been a core concern of the HCV Network from the very start of its development, and subsequent formulation of its Charter. This document outlines a chronology of the discussions on safeguards within the Network.

At the January 2006 [convening meeting](#) of the Network's "Advisory Group", when some of the content of a proposed Network Charter was initially identified, it was recognised that *"An additional component of the charter would relate to the provision of a safeguard framework for application of the HCVF concept outside of FSC certification. This would include attention to the following issues: legality, tenure, customary rights, consent procedures and safeguards related to conversion"*.

Additionally, at that time it was also suggested that two of the potential topics that technical working groups should consider as a matter of priority should be:

- Dealing with the HCV concept in situations where the safeguards provided by FSC Principles and Criteria are absent (i.e. outside of certification)
- Using HCV in a conversion context (landscape planning)

Following an extensive web-based public consultation, [Version 1 of the HCV Resource Network's Charter](#), (September 2006), was finalised post the Advisory Group's [2nd meeting \(July 2006\)](#). This version of the Charter includes two explicit references to safeguards:

1. *"Additionally a framework needs to be developed (also see box) 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."*
2. (from text in the box): *"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”.

During the July 2006 meeting, it was also confirmed that Discussion Groups (DGs) would be established to initiate a broad-based discussion on priority issues, one of these being on the topic of “Safeguards and conversion”.

Subsequent developments, including reference to the most pertinent discussions surrounding the development of a safeguard framework, are summarised chronologically below, with web-links to all related documents and resources.

2. Subsequent Developments

2.1 Safeguards Discussion Group

17 January 2007 - A web-based discussion group, entitled “Safeguards and Ecosystem Conversion”, co-ordinated by Marcus Colchester (FPP), was officially launched on the HCV Resource Network’s website. The pre-ambule and background to the discussion included an overview of the situation, highlighting the current need to establish a safeguard framework, and three specific questions were suggested as initial threads for further exploration:

- *If other values are not being safeguarded, what mechanisms can be suggested to strengthen safeguards in applying the HCV approach?*
- *Where and how is the HCV concept being applied in practice, and are wider safeguards are 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?*

11 June 2007 ([SG conference call](#)) - The SG discussed the poor performance of all the DGs, including that on safeguards. It was agreed that the open-ended web format had not provided effective traction for engaging the HCV community in tackling these issues, and so the DGs were discontinued; the [text of the original concept note](#) including the limited discussion that followed, was kept on the site.

2.2 Additional clause in the Charter

24 January 2007 - At the SG’s [inaugural meeting](#) in Brazil, individual members expressed some concern that the Charter wording needed to be amended to recognise explicitly the value of all forested areas. A drafting group comprising of Christoph Thies (Greenpeace), Jim Ford (then of ForestEthics) and Andre de Freitas (FSC) agreed to meet to discuss an addition to incorporate this proposal.

8 June 2007 - Christoph forwarded the following additional paragraph highlighting the value of all forested areas (drafted in conjunction with Andre and Jim) for the SG to consider:

“While the mission of the network is to focus on maintaining the values of HCVFs and other HCV areas, it also recognizes that all natural ecosystems have value (carbon, water, biodiversity etc) and all deforestation and conversion of natural habitats/ecosystems must be stopped globally in the near future. The focus of the network on HCVFs and other HCV areas must not lead to the neglect of other forests and natural habitats/ecosystems and the goal of bringing their conversion to a halt globally”.

11 June 2007 ([SG Conference Call](#)) - The SG members involved decided to discuss Christoph’s proposal at the SG’s next physical meeting.

23 June 2007 - Ken Creighton (WWF) submitted the following amendment as an alternative to Christoph et al’s proposal:

“While the mission of the Network is to maintain and enhance the values of HCVFs and other HCV areas, it also recognizes that all natural ecosystems, including those not identified as HCVs, have environmental and social values, such as carbon storage and sequestration, water supply stabilization, biodiversity conservation, etc. The HCV-RN is committed to support the goals and objectives of relevant international agreements and conventions, in particular the UN Millennium Development Goals and the UN Conventions on Biological Diversity, Climate and Desertification (UNCBD, UNFCCC, UNCCD) and in line with this commitment, aims to reduce deforestation, land degradation and conversion of other natural habitats and ecosystems. The focus of the network on HCVFs and other HCV areas must not lead to the neglect of other forests and natural habitats/ecosystems and the goal of preventing their conversion globally.”

Ken’s rationale for this new text focussed on a need for the Network to avoid categorical opposition to “responsible conversion” which may not necessarily have negative impacts on HCVs. In support of this Ken cited a number of potential examples, including:

- clearing new roads to connect rural poor with essential clinics and market facilities;
- allowing the development of farms in buffer zones or establishment of tree plantations to reduce human/wildlife conflicts
- land use-zoning where, for instance, agriculture is concentrated in one contiguous area and offset by restoration in another

24 June 2007 - Ken’s proposal was approved by Jack Hurd (TNC) who suggested some minor changes, primarily to ensure consistency in use of terminology.

(NB: Some of the additional discussion surrounding this clause in the Charter has been omitted from this summary but has been previously detailed in the “*Summary Briefing: Charter Revision Discussions - Updated 5th February 2008*”)

7-8 February 2008 - At the [annual physical meeting](#) SG members present deliberated on the wording of the proposed amendment, so as to adequately reflect that the Network's view should not lead to the devaluation of areas not explicitly identified as HCV areas. In addition to the references to safeguards made above (see Introduction) the finalised wording of the current [Charter \(Version 2, Feb 2008\)](#) includes the additional clause:

"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".

2.3 Promoting a mechanism for governance & quality control of the HCV concept

7-8 February 2008 - At its [annual meeting](#), the SG noted the challenge of a proliferation in HCV projects and an increasing risk of poor applications of the HCV concept, and agreed that there was a pressing need to design and implement a quality control mechanism to support good practice. The SG decided to establish a Technical Panel of qualified practitioners, with field experience of interpreting / applying HCV in a variety of contexts, who are able to review and comment on specific cases and make recommendations on good practice. The SG also agreed to form a sub-committee (the Quality Control sub-committee) to provide oversight of the Technical Panel.

April 2008 - The Secretariat proposed a preliminary mechanism for how an expert panel might operate, and initiated a process for setting it up.

June 2008 - The Steering Group, guided by the Quality Control sub-committee, confirmed the initial appointment of a [HCV-RN Technical Panel](#) (TP), whose **role** is:

- To undertake peer reviews of specific HCV assessments or uses when requested to do so;
- To provide recommendations on the way in which the HCV concept should be interpreted and used in practice;
- To play a leading role in identifying the need for further development of the HCV concept, and undertaking that development;
- To inform the SG of important developments in the use of the HCV concept as these arise.

30-31 July 2008 - The newly established TP held its [first meeting](#); one of the major objectives of the meeting was to develop guidance for peer reviews, providing quality criteria for reporting HCV assessments and a common basis for consistent

reviews, to be used by the TP and other HCV reviewers, for HCV practitioners involved in assessments, and for land use managers.

October 2008 – The detailed guidance on how the Panel will [review HCV assessment reports](#) was finalised and posted on the Network website. The Peer review process requires evidence that important safeguards of sustainability are in place when HCV assessments are undertaken (i.e. legality of the operations and the presence of systems in place to deal with any customary tenure or land use rights issues, where applicable), and TP Peer Review applications are only accepted on the basis that such basic safeguards exist.

2.4 Implementing Charter Commitments

3 June 2008 (SG telecon) - The SG discussed the continuing need to examine the issue of the lack of adequate safeguards with respect to the use of the HCV approach outside its original certification context, and emphasized the need to prioritise this activity over the course of the following months. It was suggested that there was still a need to have a more dedicated additional discussion to secure the commitment of the Network's charter. At this point, two further actions were suggested:

1. Secretariat, to work with Marcus Colchester, and present ideas for process to develop safeguards to rest of SG.
2. Small group of SG to work with Andre de Freitas / FSC to see which elements of the P & C would need to be included.

12 December 2008 (telecon) - The SG again considered the issue of safeguards, as it remained apparent that dealing with conversion issues remained a top priority for a number of the organisations represented on the SG. It was decided to postpone a more detailed consideration on safeguards around conversion until the physical meeting (scheduled for Feb 2009), with Geri Steindlegger (WWF) agreeing to provide a basis to start this discussion. Furthermore, although it was recognised that the Network's Technical Panel Peer Review process would act as a quality control process, additional safeguard processes would also need to be developed. To this end, Marcus Colchester / FPP agreed to formulate a framework for the necessary safeguards, again to be discussed further at the physical meeting in February.

3. Current Situation

5-6 February 2009 (HCV Resource Network Steering Group Meeting, Oxford) -

1. Safeguards around conversion: The SG considered the issue of safeguards for the use of HCV where land is designated for conversion, using the [presentation](#) provided by Geri as a basis for initial discussion. Although it was recognised that the Charter explicitly recognises the value of non-HCV areas in its Guiding Principles, concern was expressed by some SG members that in the context of conversion the focus on HCVs might be interpreted to mean that responsible management is limited

to maintaining HCV areas, and thus permitting the conversion of any non-HCV areas. The SG agreed that it is not the HCV Network's intention to sanction conversion of non-HCV areas, and that the wording of the Network's Charter is sufficiently robust to support this position. The consensus was that the Network needs to move forward urgently with the development of a safeguard framework that addresses concerns about the appropriate use of HCV as part of responsible land management, where land is designated for conversion; additionally it was agreed that any communication by the Network in future should take care to support the position of the Network on non-HCV areas, as expressed in the Charter.

2. Promoting additional safeguards: Using the paper formulated by Marcus Colchester / FPP "[Putting safeguards into the 'HCV approach' - a discussion paper](#)" as a starting point, the SG also considered the broader safeguards which need to be developed to support the use of the HCV approach outside the certification context. It was suggested that this involve: identification of the key missing safeguards, a comparison of selected standards highlighting existing safeguard policies, and review of various options for applying a safeguard framework, and that each of these issues should be explored further.

A number of specific actions were agreed at the February 2009 meeting, and these are currently being implemented as listed below:

1. The SG is conducting a further dedicated meeting to discuss the issue of establishing safeguards, both specifically around the issue of conversion and more broadly around the use of HCV outside of certification.
2. The meeting is being organised by Geri Steindlegger, and is confirmed for the 27-28 May 2009 in Vienna.
3. All members of the Quality Control Sub-committee, have been invited to attend the meeting (Andrey Kushlin – World Bank, Antti Marjokorpi – Stora Enso / WBCSD , Fran Price – TNC , Geri Steindlegger - WWF, Jim Ford – Climate for Ideas , Peter Gardiner – Mondi , Marcus Colchester – Forest Peoples Programme); additionally Andre de Freitas (FSC) and Christoph Thies (Greenpeace) have been co-opted to join the QC sub-committee for the purposes of this specific discussion. To date confirmed attendees are: Geri (and his alternate Margareta Renström), Antii, Christoph, Fran, Jim, Peter, Marcus and Andre.
4. The Secretariat will also attend the meeting, and is facilitating the development of ideas on guidance for establishing and applying a safeguard framework; this includes collating input from the Technical Panel on some of the key challenges in applying safeguards to the HCV concept, and seeking additional feedback from other members of the SG.
5. The meeting convener (Geri Steindlegger) has circulated an outline of the major issues to be addressed and a proposed process for developing the issues and agreeing on outcomes

6. The following Issues have already been raised as priorities for discussion :
- safeguards on conversion of forests/other habitats, social issues, legality;
 - complaint mechanism and the Network;
 - peer review criteria and standards;
 - use of the concept within certification schemes/outside of certification schemes;
 - role/limitations/scope of the HCV concept (to include both how the HCV methodology can contribute to a certain safeguard objective, and the supplementary actions in addition to HCV(F) assessment that would be needed to achieve that objective);
 - risks of HCV concept related to conversion;
 - elaboration of a list of actions to address safeguards,
 - other related matters (eg: Technical Panel, funding)