

Collated comments of HCV Resource Network Technical Panel on P9 and High Conservation Values in the FSC Standard – input to the FSC P&C review – compiled 21/05/09

**General wording of P9: Maintenance of high conservation value forests**

**Matthew  
Wenban-Smith**

If the Principle were "**Maintenance of High Conservation Values**" (rather than HCV Forests) that would be clearer about the actual intent of the Principle in an FSC context, and also make it easier to apply to other non-forest situations (e.g. non-forest habitat in an FSC context and beyond the FSC context entirely). Appropriate changes would be needed in the wording of C9.1 and in the Glossary definition.

**Maria  
Tysiachniouk**

I agree that HCV is better than HCVF

**P 9: Management activities in high conservation value forests shall maintain or enhance the attributes which define such forests. Decisions regarding high conservation value forests shall always be considered in the context of a precautionary approach.**

**Matthew  
Wenban-Smith**

Re: precautionary approach (see below to add to glossary) FSC published TJS's Discussion Paper on the definition of the precautionary principle (see FSC Glossary re: definition of 'precautionary approach') some years ago now. It's time FSC completed this process and came up with its definition of the 'Precautionary Principle' to be added to the FSC Glossary.

**General wording C 9.1 - 9.4**

**Matthew  
Wenban-Smith**

**All four Criteria** could do with some note to the effect of '**appropriate to the scale and intensity of forest management**', but the requirement to monitor the effectiveness of measures is likely to be particularly onerous for small scale or community forest managers, and may not be a good use of resources if the intensity of management is particularly low. Perhaps there could be a rider to the effect of "... where there is an indication that the identified values may be threatened"?

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**C 9.1 Assessment to determine the presence of the attributes consistent with High Conservation Value Forests will be completed, appropriate to scale and intensity of forest management.**

**Matthew  
Wenban-Smith**

If the Principle were "Maintenance of High Conservation Values" (rather than HCV Forests) that would be clearer about the actual intent of the Principle in an FSC context, and also make it easier to apply to other non-forest situations (e.g. non-forest habitat in an FSC context and beyond the FSC context entirely). Appropriate changes would be needed in the wording of C9.1 and in the Glossary definition.

**Doug Macfarlane**

1. I strongly believe that assessments need to be grounded in the broader context. This is strongly supported by systematic conservation planning approaches worldwide which base conservation value on conservation targets and the degree that these can or cannot be reached through the current protected area network. Assessments based simply on a site should not be acceptable.
2. We have included a standard under this criterion that states that "Assessment report is updated every five years or as new and applicable information is made available"

**Maria  
Tysiachniouk**

I think we need to add the word mapping (assessment and mapping) -- I think it is very important to designate every category of HCV separately and do separate work for assessment of each type. Next map separately. Certainly many types of HCV will overlap (for example some of the social value forests will be in water protection zones). If they overlap-- the monitoring need to be different as the area reflects different kind of critical values. In Russia companies use different kind of experts to designate HCV and they do not write an assessment report which would include all types together. With our new Handbook - we are moving companies to do more thorough assessment, however, the report is not required. It would be nice to get required both reports and maps.

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**C 9.2 The consultative portion of the certification process must place emphasis on the identified conservation attributes, and options for the maintenance thereof.**

<p><b>Matthew Wenban-Smith</b></p>	<p>There's a pending change to the wording of C9.2 to clarify that 9.2 implies consultation by the forest manager, rather than by the certification body. Requirements for the CB to carry out consultation do not belong in the FSC P&amp;C which is a standard for forest management. Just need to make sure this does not forgotten in the excitement.</p>
<p><b>Gary Paoli</b></p>	<p>Can the FSC better define what constitutes credible stakeholder consultation in the identification of HCV5 and 6, and in particular in the formulation and finalization of management plans to maintain the values (Criterion 9.2)? Is it adequate to include government, local communities and local NGOs? Who gets a seat at the table? What if no consensus can be reached on what management is required to maintain the HCVs? Is it sufficient for the forest manager to have consulted, gotten input, and then finalized the plan whether or not stakeholder inputs were incorporated? More clarity on this issue is required not just for stakeholders to ensure they get an opportunity to provide input on management plans as noted in 9.2, but also to manage risk for the forest manager by clarifying rights, responsibility and ultimate authority for deciding how/whether the consultative inputs are used (bearing in mind that on occasion, stakeholder input can be plain bad advice)</p>
<p><b>Doug Macfarlane</b></p>	<p>This criterion is ambiguous as it stands in that it is unclear what the "consultative portion" of the certification process refers to. In the SA context, we have interpreted the criterion as follows, "This criterion requires forest managers to consult with stakeholders during the identification of HCV attributes and on the options for the maintenance of any High Conservation Values that are identified. This requirement places a safeguard on the management of HCVFs as it allows stakeholders to raise significant and credible points that may be important in maintaining or enhancing the identified HCV." I'd suggest re-wording to clarify requirements.</p>
<p><b>Edward Pollard</b></p>	<p>And a clarification on Matthew's point 4. The draft P&amp;C that I have proposed scrapping 9.2 completely and including a few words on consultation in 9.1. As Matthew says this is to make clear that it is the FM that does the consultation, not the CB. Indeed an important point.</p>

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<p><b>Maria Tysiachniouk</b></p>	<p>Maps of HCV should be created in consultation with stakeholders and should be available for public. In Russia we are struggling with mapping, especially with HCVF 5-6, companies resist making maps available for public. I am pretty sure in many other countries there is the same problem--would be nice to fix it through this review! I think it is important to include mapping separately each type and making maps available for public.</p>
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**C 9.3 The management plan shall include and implement specific measures that ensure the maintenance and/or enhancement of the applicable conservation attributes consistent with the precautionary approach. These measures shall be specifically included in the publicly available management plan summary.**

<p><b>Doug Macfarlane</b></p>	<p>In SA, concerns were raised regarding the need to include measures in the publically available management plan summary. The question was whether or not a summary was required or if forest managers could not simply provide the full management plan to I&amp;APs on request.</p>
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**C 9.4 Annual monitoring shall be conducted to assess the effectiveness of the measures employed to maintain or enhance the applicable conservation attributes.**

<p><b>Matthew Wenban-Smith</b></p>	<p>.....but the requirement to monitor the effectiveness of measures is likely to be particularly onerous for small scale or community forest managers, and may not be a good use of resources if the intensity of management is particularly low. Perhaps there could be a rider to the effect of "... where there is an indication that the identified values may be threatened"?</p>
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<p><b>Doug Macfarlane</b></p>	<p>The requirement for "Annual" monitoring has been widely queried in SA. There is general agreement that management actions should be assessed annually to determine whether or not they have been implemented according to the plan. Other monitoring (such as habitat / species assessments) should rather be scheduled based on realistic return intervals to pick up trends over time. Perhaps there is an opportunity here to revise the wording to ensure that monitoring intervals are documented and justified based on the conservation attributes of the site. The criterion can perhaps be improved by referring to the need for corrective action if monitoring results indicate that current management is ineffective / negative impacts are identified. WE have addressed this by including a standard which states that "Findings and corrective actions from the HCV monitoring programme are incorporated into the implementation and revision of the management plan"</p>
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<p><b>Tom Clark</b></p>	<p>The reference to the "annual monitoring" needs to be clarified. In the large Canadian forests it is prohibitively expensive to "annually" check on some of the values and the protection measures. Auditors have been very liberal in interpreting this thank goodness. But there is room to lodge a complaint on this basis that would be quite unfair. I suggest leaving off the word annual from the criterion. They could add some sort of measure of the quality of the monitoring without using the word "annual".</p>
<p><b>Tatyana Yanitskaya</b></p>	<p>Agree as a whole, but there is a base for abuse. Of course comprehensive annual monitoring is not required for large leased areas, especially those parts that are not involved into logging yet – but some catastrophic events as forest fires probably should be monitored annually. For Russia it is actual. So, there might be different kinds of monitoring: “general” annual monitoring of the whole area with HCVF and monitoring of conservation values in areas involved into logging or other kinds of intensive usage.</p>
<p><b>Glossary definitions - general remarks</b></p>	
<p><b>Matthew Wenban-Smith</b></p>	<p>Further to this change, the Glossary definition of HCVF specifies 4 'attributes', whereas ProForest work (subsequently endorsed by FSC) identifies 6 values. It would be simpler for everyone if the FSC Glossary listed all the values/attributes individually. (Additional comment: re:FSC 'endorsement' of global Toolkit I was thinking of the recent FSC briefings, which seem to be co-branded with ProForest. I guess that's not a formal endorsement for evaluation purposes though)</p>
<p><b>Gary Paoli</b></p>	<p>Does the FSC endorse the Global HCV Toolkit as a valid means of making operational the HCV concept embodied in Principle 9? If yes, then make this formal, and clarify how far does this endorsement go? Is it just the 6 HCV framework? There is some growing concern about the need for the FSC to acknowledge National Interpretations (Toolkits) as credible national guidelines for implementing HCV and for auditors to verify compliance with Principle 9 in a country where Toolkits have been developed. Two issues are important here. First, assuming the FSC endorses the Global Toolkit, does the FSC endorse the notion of a National Interpretation of the Global Toolkit? Second, keeping in mind that National interpretations are intended to provide guidance appropriate for a specific national context, this creates possibility for a degree of 'deviation' in some cases from the Global Toolkit in wording/definitions/interpretations of HCVs. How much deviation is too much?</p>
<p><b>Doug Macfarlane</b></p>	<p>Official endorsement of the HCVF Toolkit by the FSC would certainly be a step in the right direction. In the SA standard, we have made reference to this document in a "Guidance" document to aid users in interpreting the standard.</p>

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<b>Edward Pollard</b>	On the issue of FSC recognizing the 6 values that we all know and love as opposed to the 4 'attributes' in the glossary. I found an old FSC document dating back to March 2001 (Principle 9 Advisory Panel Recommendation Report Version 1.2) that already splits the 4 attributes into the current 6. So how hard can it be to get the glossary updated to list the HCVs 1-6 that we all use?
<b>Maria Tysiachniouk</b>	I think that the standards should have the same attributes, but on the national level the additions can be made in the direction of preserving more. I think that there should not be "confirmed by scientific studies" -- to make the process more democratic. Scientific studies is the only one part of the medal.
<b>Tatyana Yanitskaya</b>	Not quite sure. Maybe just partly, and as a recommendation, not as a strict rule. For vast areas of Russia some of the Global Toolkit directives are impracticable – but Russia is now one of the leaders of FSC-certification. Our National Toolkit differs very much from the Global Toolkit because of our specific condition, and we do need the National one. The deviation does not concern interpretation, but the methodology and procedure of the HCVF assessment.

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**High Conservation Value Forests: High Conservation Value Forests are those that possess one or more of the following attributes:**

<p><b>Gary Paoli</b></p>	<p>Is HCVF the forest that contains one or more HCVs, or is it the forest area over which management must be implemented to maintain one or more HCVs in a forest? If HCVF is the forest area in its totality that contains one or more HCVs, and the goal of the HCV tool is to maintain or enhance the HCVs contained therein, then what term do we use in reference to the portion of the HCVF over which management will be implemented to maintain or enhance the HCVs? It's very confusing for 'HCVF' to be used in reference to both, when they are not always spatially equivalent. Can we refer to the area of forest over which management must be implemented as the HCVF management area, or, to generalize to other ecosystem types, the HCV management area?</p> <p>I bring this up because recent experience in Indonesia has made clear the need for better definitions. If a company commits to preserving HCVF, or a bank announces a policy to avoid loans to commercial operations that destroy or threaten HCVF, or if an NGO calls for a moratorium on clearance of all remaining HCVF in some geographic areas, does this mean no clearance of forests that contain HCVs, or no clearance of forest areas deemed necessary, in a transparent and credible manner, to maintain one or more HCVs? The wording of the HCV provision of the RSPO standard (Criterion 7.3) is that no areas (forest or non-forest) deemed necessary to maintain or enhance an HCV are cleared. This is an implicit reference to HCV management areas as distinct from HCVF or HCVA, a vital distinction in conversion settings. How would the FSC respond to this?</p>
<p><b>Doug Macfarlane</b></p>	<p>Definition of High Conservation Forests: As previously discussed at a meeting in SA some time back, there is a clear need to expand the definition to other ecosystems. This is particularly important in the plantation context where afforestation typically takes place in non-forest ecosystems that are more easily converted than natural forest areas. We have expanded the definition to include other ecosystems in the SA national standard but have faced some opposition from forestry companies who are concerned that this will make the assessment of HCVs more onerous. It would be easier to back up our arguments if this was formally endorsed by the HCV RN &amp; FSC. In order to try and accommodate new assessments required, we have included a 5 year grace period to allow already certified companies to comply with the new requirements.</p>

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<b>Edward Pollard</b>	I strongly agree with Gary on this persisting problem of clarifying the difference between areas in which the values are present and those in which they are managed. There was discussion of this in the landscape HCV document (if I remember correctly) which covered this well. Could this be used as the basis for guidance to FSC?
<b>Tatyana Yanitskaya</b>	Absolutely agree. But probably it is a question of HCVF definition developed by FSC, not of P & C. Just “HCVF can include plots of non-forested natural ecosystems if being a part of High Conservation Value”
<b>a) forest areas containing globally, regionally or nationally significant : concentrations of biodiversity values (e.g. endemism, endangered species, refugia); and/or large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance</b>	
<b>Doug Macfarlane</b>	If we are to expand the definition of HCVs to non-forest ecosystems, we need to ensure that HCV attributes are carefully updated in line with this approach. One that we have battled to expand to other ecosystems is the definition for "landscape level forests". Following discussions, we have decided to limit this definition to forests rather than expanding to other ecosystems. Further guidance on size of forests that would qualify would be useful here.

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**b) forest areas that are in or contain rare, threatened or endangered ecosystems**

**Matthew  
Wenban-Smith**

The value/attribute '... forest areas that are in...' RTE ecosystems is a bit odd. In order to maintain this value, the manager would have to ensure that the forest remains 'in' such an ecosystem. I'm not sure how the manager is expected to do this. Suggest this is deleted. In fact, if one focuses on the attributes/values themselves then 'b' could simply become "rare, threatened or endangered ecosystems within the FMU".

**c) forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control)**

(no comment)

**d) forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health) and/or critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).**

**Gary Paoli**

Can the FSC better define what constitutes credible stakeholder consultation in the identification of HCV5 and 6, and in particular in the formulation and finalization of management plans to maintain the values (Criterion 9.2)? Is it adequate to include government, local communities and local NGOs? Who gets a seat at the table? What if no consensus can be reached on what management is required to maintain the HCVs? Is it sufficient for the forest manager to have consulted, gotten input, and then finalized the plan whether or not stakeholder inputs were incorporated? More clarity on this issue is required not just for stakeholders to ensure they get an opportunity to provide input on management plans as noted in 9.2, but also to manage risk for the forest manager by clarifying rights, responsibility and ultimate authority for deciding how/whether the consultative inputs are used (bearing in mind that on occasion, stakeholder input can be plain bad advice)

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**Glossary: Precautionary approach: Tool for the implementation of the precautionary principle) (Footnote: The definition of Precautionary Approach was ratified during the 1999 FSC General Assembly in June 1999).**

**Matthew Wenban-Smith**

FSC published TJS's Discussion Paper on the definition of the precautionary principle (see FSC Glossary re: definition of 'precautionary approach') some years ago now. It's time FSC completed this process and came up with its definition of the 'Precautionary Principle' to be added to the FSC Glossary.

**General observations**

**Edward Pollard**

However my main comment is a much more general, and probably contentious one. I am wondering if any members of the TP have some sense of how radical the revision of the P&C is going to be. I have always felt that the whole thing needs to be re-worked and rationalized. There is a lot repetition, and redundancy in the current P&C. Cleaning this up may have an impact on what needs to be said in P9.

**Assessments:**

**Gary Paoli**

Should HCV assessment reports be mandatory public domain? If not, what about public summaries thereof?

**Doug Macfarlane**

Finally, where does the need for review of HCV assessments fit in - is the network promoting reviews of all assessments or simply to provide an added measure of security in specific situations.

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**Relationship of P9 with other P & C**

**Edward Pollard**

One could argue that as long as appropriate criteria are added to P3, 6, 7 and 8, it may even be possible to do away with P9. Examples of additions could be P6 includes something on maintaining and enhancing HCVs1-4, P3 has something on maintaining and enhancing HCVs 5 and 6, P7 explicitly states that management plan must include HCVs, and similarly P8 has something on the monitoring of HCVs. P6 already has much more direct management recommendations than are covered in P9, and includes many of the recommendations that we all usually make to forest managers who want to comply with P9, why does this need to be covered twice. I felt that Indonesian forestry companies I worked with often found this confusing. Or alternatively could criteria be removed from these Principals and covered in a more explicit P9?

**Matthew  
Wenban-Smith**

Re: Edward's suggestion to incorporate P9 into other P's: yes, I think you could clearly do it and technically it would be neater. On the other hand one might lose the explicit 'high conservation value' concept - the idea of managing to maintain a number of explicitly identified paramount social/environmental values special to a particular area, whose maintenance is dependent on the forest/land use. You could perhaps address this by having an explicit 'high conservation value' subsection to several Ps - and then generic references to management and monitoring in P7 and P8 (though I'm not sure how much simpler this would be than the putting these things in one place as at present). If you're developing a management plan for a forest I suspect this is the approach you'd take anyway - whether it's helpful to re-structure the P&C to facilitate auditing I'm not sure (probably makes little difference?) - but from a communication point of view (not unimportant) I think the P&C would probably lose something. I've not got very strong feelings on this either way.

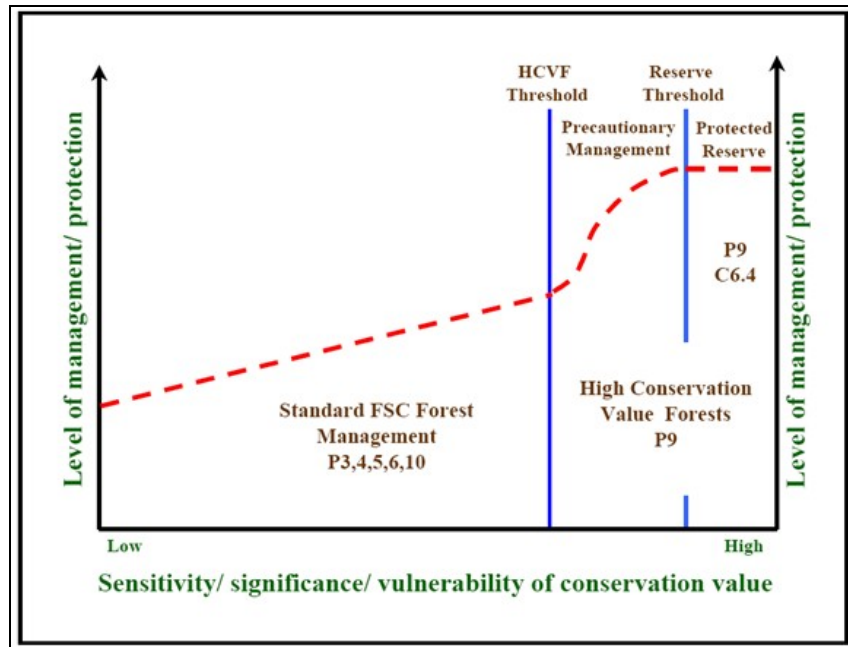
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<b>Tom Clark</b>	<p><b>Reasons to keep P9:</b></p> <ol style="list-style-type: none"><li>1. Fixing the rest of the PCs to conform to the precautionary principle, which I believe is unassailable, would take some tinkering with wording in many places. I think it would be problematic.</li><li>2. FSC's competitor in North America, the Sustainable Forestry Initiative SFI has always been trying to emulate the HCVF idea, not very successfully. To keep ahead of SFI's pots of money, FSC needs to have some apparent distinctions, of which HCVF is one.</li><li>3. We are quite far along toward getting people to understand the idea, even if they are still a little unsure.</li><li>4. The lack of governance for the whole idea of HCVs, as the steering committee is currently wrestling with, means that right now HCV need to have a home place. P9 is probably the best for that until the concept has become more established.</li></ol>
<b>Maria Tysiachniouk</b>	<p>It is great that HCV is incorporated in many other principles, but in my opinion we definitely need to make stronger P9</p>

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**Other comments:**

1) Tom Clarke: This (graph from BC standard) has been helpful when I have to explain to a manager that they must choose the really special values for designation as HCV and the implications of the precautionary principle



2) Note from HCV Network Secretariat re P 6.10:

The requirement related to HCV in P 6.10 is currently poorly worded: "6.10 - Forest conversion to forest plantations or non-forest land uses shall not occur except in circumstances where conversion (...) b) does not occur on high conservation value forest areas;"

In line with the comments from our Technical Panel, we would suggest "forest conversion to forest plantations or non-forest land uses shall not occur except in circumstances where conversion (...) b) does not adversely affect or pose a potential risk to any high conservation value;"