

FSC® TERMS OF REFERENCE

HCV Technical Working Group



DRAFT 1-7

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PROJECT INFORMATION

Project Title	HCV Technical Working Group
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Steering Committee	Kim Carstensen (FSC Director General) Achim Droste (FSC Policy Director) Pasi Miettinen (Project Manager)

TWG INFORMATION

Type of Working Group	Technical with 3-5 experts
TWG Coordinator	Pasi Miettinen
Working language	English (Spanish on request)
Guideline drafter	Consultant

MAIN MILESTONES

Working Group establishment	March 2015
First public consultation	Sep-Oct 2015
Second public consultation	Feb 2016
Final drafts submitted for Board approval	July / August 2016

Part I –Terms of Reference for the HCV Technical Working Group (TWG)

1 Background of the Project

The basic need for developing guidelines for managing and maintaining HCVs in FSC certified forests derives from the FSC's Principles and Criteria (P9) stating that *'The Organization shall maintain and/or enhance the High Conservation Values in the Management Unit through applying the precautionary approach'*. So far, there has not been sufficient guidance for the certificate holders or the standard developers for addressing these requirements.

In addition, two motions were passed at the General Assembly in Seville 2014 that call for further guidance in managing and maintaining HCVs:

- Motion 7 (GA 2014) requested Intact Forest Landscapes (IFLs) to be explicitly included into the HCV2 definition
- Motion 65 (GA 2014) requested FSC to develop, modify, or strengthen indicators within National Standards and CB standards that aim to protect the vast majorities of IFLs. The motion also requested that *'If by the end of 2016 a relevant standard has not been implemented, a default indicator will apply that mandates the full protection of a core area of each IFL within the management unit. For this purpose, the core area of the IFL will be defined as an area of forest comprising at least 80% of the intact forest landscape falling within the FMU'*

In order to address these motions, further guidance is needed for defining the core areas of IFLs. In addition, standard developers will need more guidance in strengthening the indicators to protect the IFLs.

FSC IC has already established a Motion 65 IFL Advisory Team consisting of the Strategic Management Team, the regional directors and key network partners to follow up the implementation of the Motion 65. The Team will provide guidance also for the HCV TWG.

The HCV TWG is intended to exchange information and support the national or regional development efforts related to HCV frameworks and IFLs taking place in various locations in Canada, Russia, Congo basin, Brasil, Australia etc

The HCV Technical Working Group (TWG) will use following documents as a starting point for developing the guidelines:

- 'Defining High Conservation Values at a national level: a practical guide'; Jennings, Nussbaum, Judd & Evans, Proforest 2003
- 'FSC Guidelines for Principle 9 and high conservation values'; Synnott et al. 2012, Draft
- 'Common Guidance for HCV Identification', HCV Network 2013
- 'Common Guidance for HCV Management and Monitoring', HCV Network 2014
- 'HCV Manager's Guide', PSU Draft 2013
- HCV Resource Network National Toolkits
- Feasibility of integrating "High Carbon Density" Forests as a High Conservation Value, Unique, December 2014

1.1 Methodology

Due to the complexity of targets for the TWG, there is a need to set sub-groups to focus different High Conservation Values and also to address IFLs as requested in the Motion 65. Following sub-groups are tentatively envisaged:

- HCV1&3 sub-group, 1-3 members
- HCV2&4 sub-group, 1-3 members
- HCV5&6 sub-group, 1-3 members
- IFL sub-group, 3-5 members

Same person(s) may belong to various sub-groups, if deemed necessary. The drafter will assist all sub-groups in formulating new versions of guidelines and indicators.

The HCV sub-groups will develop HCV-specific guidelines for the management, monitoring and conservation of each of the six High Conservation Values. In addition, they will provide technical support to the IFL sub-group in defining the IFL core areas and appropriate indicators for their protection.

2 Objectives of the Technical Working Group

The objective of the TWG is to develop guidelines for certificate holders on identification, management, monitoring and conservation of each of the six High Conservation Values.

In addition, the TWG will participate in addressing Motion 65 in coordination with the IFL Advisory Team.

2.1 Expected outputs

The Technical Working Group is expected to deliver following outputs:

1. A Guide for managing and maintaining HCV's in FSC certified forests, including best practices guidance for participatory land-use planning and identification of IFL cores
2. An (empty) template for HCV Framework, to be filled by the standard developers for presenting national interpretation of all the six HCV categories
3. A set of International Generic Indicators and corresponding guidance to address the Motion 65 in NFSSs and Interim National Standards
4. A set of proposals for incorporating the IFL aspects into the standards that guide standard development procedures

3 Selection of the members of the Technical Working Group

A call for expressions of interest, combined with CVs, will be launched and submitted to the FSC membership, network partners and stakeholders. The TWG members will be chosen based on the professional qualifications of the candidates. All six categories of HCVs have to be covered by the expertise of the TWG, including experts on the socially focused HCVs. It is envisaged that the TWG will consist at least of 3-5 experts plus the Coordinator and the Drafter, with a representation from North and South and all chambers. Following sub-groups will be formed to ensure appropriate resources for each HCV category:

- HCV1&3 sub-group, where the members have expertise on the endemic, rare, threatened and endangered species and their habitats
- HCV2&4 sub-group, where the members have expertise on intact forest landscapes and large landscape-level ecosystems and ecosystem mosaics, including the critical ecosystem services
- HCV5&6 sub-group, where the members have expertise on the basic needs of forest dependent communities and the indigenous peoples, engagement procedures, as well as culturally valuable sites, resources, habitats and landscapes

Members of the Motion 65 IFL sub-group should have expertise on defining and protecting IFL core areas, as well as in-depth knowledge of the standard setting procedures and the functioning of the FSC scheme in order to duly address the Motion 65. The other sub-groups will provide technical advice to the IFL sub-group where necessary. The IFL sub-group will also liaise with the Motion 65 IFL Advisory Team.

The final decision regarding the number of people per each sub-group will be taken by the Steering Committee within 2 weeks after the call for expressions of interest is closed.

4 Tasks and responsibilities of the Technical Working Group

4.1. General Tasks

The main task of the TWG will be drafting the guidelines for managing and conserving the HCVs in FSC certified forests. This will include following actions:

- 1) Define the scope of the guidelines
- 2) Agree on the work plan with timelines and milestones, including the sub-groups with special focus on HCV1&3; HCV2&4; HCV5&6 and IFL
- 3) Identify other ongoing processes and publications related to HCV
- 4) Develop the guide to address separately each of the six HCVs covering
 - means for assessing the presence of each HCV
 - guidance for developing and implementing a strategy and action plan for maintaining and enhancing the HCV;
 - guidance for monitoring the impacts of forest operations to HCV;
 - guidance for adaptive forest management and;
 - guidance for restoring the HCVs.
- 5) Specify potential ecosystem services, including NTFPs (see Motion58 GA2014) that could compensate the expenses of the protection. Coordinate with HCV Reward Pilot Project and other efforts by FSC Ecosystem Services Program
- 6) Exchange information and support the national or regional development efforts related to HCV frameworks and IFLs taking place in various locations in Canada, Russia, Congo basin, Australia etc
- 7) Engage with the National Offices where such exist, or with national standards development groups (SDGs) proactively and regularly to help them reaching appropriate solutions
- 8) Develop best practises to land use planning at a landscape and/or jurisdictional scale to enhance the maintenance of HCVs together with governments, Indigenous Peoples, NGOs and other commodity certification systems
- 9) Develop an (empty) template for HCV Framework, to be filled by the standard developers for presenting national interpretation of all the six HCV categories
- 10) Ensure that the guide
 - links to the Common Guidelines of the HCV Resource Network
 - complies with all requirements presented in FSC P&C
 - complies with the Motion 65 for IFLs
 - considers high carbon stock forests as part of HCVs
 - is sent out for public consultation and revised accordingly before its approval.

4.2. Tasks for the Motion 65 IFL sub-group

An IFL group, covering social, environmental and economic knowledge, will be established as a fourth sub-group to focus on the Motion 65. It will be supported by the other sub-groups

to conduct following tasks, derived from the original wording in the Motion and the interpretation of the Motion:

- 1) Create guidance for multi-stakeholder planning process (with Indigenous People and government involvement) to develop land use plans for the IFL cores.
- 2) Develop International Generic Indicators and corresponding guidance to address the Motion 65 in NFSSs and Interim National Standards. These should include:
 - Indicators for the monitoring of the IFL/HCV2 from the year 2000
 - Indicators for appropriate protection measures within IFL cores (for example, set-asides, legal protected areas, conservation reserves, deferrals, community reserves, indigenous protected areas etc.)
 - Indicators for avoiding overly intense logging in MUs containing IFLs by considering the set-aside area in the AAC calculation
 - The default indicator that mandates the full protection of at least 80% of the core area of each IFL within the management unit, if by the end of 2016 a relevant standard has not been submitted for the pre-approval process in PSU
- 3) Develop proposals for incorporating the IFL aspects into:
 - FSC-STD-60-004 International Generic Indicators
 - FSC-STD-60-002 Structure and Content of National Forest Stewardship Standards
 - FSC-PRO 60-007 Structure, Content and Development of Interim National Standards
 - FSC-GUI-60-002 Scale, Intensity and Risk (SIR) Guideline for Standard Developers
 - FSC Guidelines for HCVs
 - FPIC Guideline
 - FSC-STD-30-005 Standard for group entities in forest management groups

4.3. Public consultation and finalization of the guidelines

The TWG will:

- 1) Decide if a draft is ready for public consultation.
- 2) Review and consider stakeholder comments received during and outside the formal public consultations.
- 3) Decide when the final draft is ready for review and decision making by the Policy and Standards Committee and the FSC Board of Directors.

5 Tasks and responsibilities of other entities in the process

In addition to the TWG, the following bodies are involved in the project:

A **Steering Committee** (composed of the FSC Director General, the Policy Director and the Coordinator and others on invitation) which provides oversight on all phases of the process until the final decision by the FSC Board of Directors. Liaisons from the FSC Board of Directors and the Policy and Standards Committee will be invited to the Steering Committee, though they do not have a decision-making role on the Steering Committee.

A **Consultative Forum** is a self-selecting group of interested/affected members, certificate holders, certification bodies, National Offices, Standard Development Groups and other stakeholders interested in providing ongoing, direct and meaningful input into the process.

A **Coordinator** who is a PSU staff member, is appointed by the Policy Director, to administer the process and to manage the TWG and the Consultative Forum. The Coordinator is responsible for ensuring that the TWG operates responsibly and in accordance with its terms of reference and the applicable procedures. The Coordinator is also responsible for coordinating with PSU staff and seeking other expertise as necessary.

A **Drafter** will compile Draft 0-0 based on the existing documents and literature and deliver it to the scrutiny of the TWG members. After that, the drafter compiles all the feedback and drafts new versions, striving to develop consensus between conflicting aspects.

A **Facilitator** will assist the TWG and the sub-groups in reaching the set objectives by guiding the discussions towards consensus in the given timeframe

6 Deliberations and Decision making

In order for the TWG to take decisions (incl. provisional decisions), there must be a quorum, defined as a minimum of 2 out of 3, or 3 out of 4, or 3 out of 5 TWG members. All TWG members must participate in each point of decision-making. If member(s) are not present for a decision, then a provisional decision may be made, subject to confirmation by the absent member(s).

The TWG shall strive and make every effort possible to take decisions by consensus (see Glossary).

If a decision cannot be reached by consensus, then the arguments for and against the issue shall be documented and the issue shall be forwarded to the Steering Committee for resolution.

In all cases, outstanding concerns of individual TWG members shall be documented and presented to the FSC Board of Directors in the final report that accompanies the document presented for decision making.

7 Work plan and time commitment

The TWG will conduct most of its work via e-mail or similar means of electronic communication (e.g. Go-to meeting conference), and through one-on-one calls with the Coordinator or Drafter when required. Two face-to-face meetings are envisaged: A kick-off meeting and a meeting after the first public consultation to revise the guidelines.

Following main activities and milestones are envisaged:

Approval of TWG ToR & Work Plan	
TWG membership applications	
Setting up the TWG :	March 2015
Kick off meeting	
Workplans for sub-groups drafted	
Development of the Draft 1	
Public consultation of Draft 1	Sep-Oct 2015
Development of the Draft 2	
Public consultation of Draft 2	Feb 2016
Development of the Final Draft	
Submission of the Final draft to the PSC	
Final Drafts submitted to Board Approval	Jul-Aug 2016

The whole tentative timeline is presented in Annex 2. The timetable, and work plan, will be updated as necessary and placed on the FSC website.

8 Expenses and Remuneration of the TWG

FSC is an international not-for-profit membership organization with limited funding. Participation in the TWG takes place on a voluntary non-paid basis.

If required, FSC covers reasonable travel and accommodation expenses related to the workplan upon submission of the respective invoices and receipts, and if expenses are agreed upon in advance.

9 Confidentiality

TWG members shall sign a confidentiality and non-disclosure agreement with FSC at the beginning of their work.

All documents prepared by or presented to the TWG are assumed to be public unless identified otherwise by FSC and agreed by the TWG.

The TWG operates according to Chatham House Rules. So, while members of the TWG have full authority to share the non-confidential substance of discussions and papers, they shall not report or attribute neither the comments of individuals nor their affiliations outside of meetings, whether conducted face to face or virtual.

The default approach of the TWG is that the non-attributable content of discussions and papers is not confidential, unless so specified.

10. Language

The working language of the TWG is English. Language support to Spanish is provided on request.

All formal drafts for consultation, as well as other documents, as requested and as possible, shall be translated into Spanish.

Part II –Principles for an effective process

Effective TWG meetings

- Established solid foundation at the start (objectives, roles, timetable, etc)
- Agreed meeting protocols
- Detailed agendas provided before and at meetings; meeting materials provided well in advance of meetings whenever possible to ensure that members have sufficient time to review.
- Clear decision making structures, e.g., Use of decision-making matrix based on criteria that need to be considered and scenario-testing
- Simple, logical discussion format, e.g., commencing with clarifying the issue(s) the requirement is meant to address before starting to comment on the specific requirement
- Regular, ongoing temperature checks on points-of-agreement
- Decision point, end of day and end of meeting summaries
- Development of workplan during the first meeting to guide process
- Use of PSU and technical experts in drafting the documents to support TWG's role and task
- Decision on use of sub-groups, break-out groups in meetings, etc.
- Temperature check from stakeholder groups before a final draft is recommended to the FSC Board for approval.
- When impasse issues arise that cannot be resolved by the TWG, they will be addressed through the consultative process, with options and perspectives circulated for consultation. The TWG will then work to resolve the issues based on comments received. If the issue is highly technical in nature, additional research/investigation on that issue might also be called upon to provide additional information for making informed decisions.
- Straw poll of the TWG before going to decision-making.

Effective communications and representation of stakeholders

TWG members are expected to consult with other colleague(s) to ensure a wide range of views are sought

To support stakeholder engagement, the Coordinator will also:

- Implement a communications strategy to ensure ongoing and meaningful stakeholder engagement
- Proactively push communication towards those who self declare their interest, or otherwise may be impacted by the standard/policy, via email news briefs to the self-selecting Consultative Forum as well as the FSC mailing lists (Network Partners, Members, etc.)
- Make available for all interested parties via the website:
 - Background documentation and references
 - TWG agendas
 - TWG minutes (non-attributable)
 - Signed off internal documents and drafts of the TWG
 - Attributable comments of stakeholders on draft documents (unless requested otherwise in writing)
- Use tracking/document handling software tools to facilitate dialogue amongst stakeholders as part of the consultation process.
- Seek FSC-related forum to provide updates and solicit input on the documents, for example at Network Partner meetings, regional FSC meetings, global meetings, etc.

Annex 1: Glossary

For the purpose of this document, the terms and definitions given in *FSC-STD-01-002 FSC Glossary of Terms*, and the following apply:

Chatham House Rule: *"When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed"*. The Chatham House Rule has the aim to encourage openness and the sharing of information at meetings.

Consensus: general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests.

NOTE: Consensus should be the result of a process seeking to take into account the views of interested parties, particularly those directly affected, and to reconcile any conflicting arguments. It need not imply unanimity (adapted from ISO/IEC Guide 2:2004).

HCV Framework: The High Conservation Value Framework is a national interpretation of FSC Principle 9. It is a document annexed to the National Forest Stewardship Standard or Interim National Standard specifying the location, management, maintaining, monitoring and restoring of all six categories of HCVs, including the cores of IFLs and it is used for conformity assessment by the CABs.

Intact Forest Landscape: a territory within today's global extent of forest cover which contains forest and non-forest ecosystems minimally influenced by human economic activity, with an area of at least 500 km² (50,000 ha) and a minimal width of 10 km (measured as the diameter of a circle that is entirely inscribed within the boundaries of the territory). Source: Global Forest Watch.

Technical consultation: targeted internal consultation to receive feedback on a FSC document during the drafting or re-drafting stage before the document is released for public consultation.

Annex 2

Tentative timeline

HCV TWG activities	2015												2016							
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
Approval of TWG ToR & Work Plan																				
TWG membership applications																				
Setting up the TWG																				
Kick off meeting																				
Workplans for sub-groups drafted																				
Development of the Draft 1																				
Public consultation of Draft 1																				
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Development of the Final Draft																				
Submission to PSC approval																				
Submission to Board approval																				