



Forest Stewardship Council®



# Terms of Reference

Working Group to Develop and Field test  
'Forestry Contractor Certification'

Prepared by Lauri Ilola, May 2018

New Approaches to Smallholder Certification

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The purpose of this terms of reference is to provide relevant background information, delineate roles and responsibilities, outline the project objectives, and define the working protocols of this project. If you have any questions, please contact Working Group Coordinator, Lauri Ilola at [l.ilola@fi.fsc.org](mailto:l.ilola@fi.fsc.org).

## 1.1 Summary

At the 2017 FSC General Assembly, ‘New Approaches to Smallholder Certification’ (New Approaches) was recognized as a top priority and a vital project for FSC to achieve 20 per cent of the global forest-based trade. This commitment to the empowerment of smallholders and communities requires identifying certification barriers and exploring new solutions to design a certification system that truly works for smallholders, in their contexts, while ensuring a balance with the need to maintain the credibility of FSC certification.

**Project schedule** The project has three phases and is consistent with the FSC Implementation Plan developed to help FSC take the necessary steps towards achieving the Global Strategic Plan 2015–2020.

<b>16</b>	Mobilize the team and launch the project
<b>17-18</b>	Develop existing and prototype new certification products
<b>19-20</b>	Scale up certification products with potential to drive real returns

**Project streams** The project has three dedicated project streams.

<b>Normative Framework</b>	Creating and revising relevant standards to reduce the cost and complexity of FSC certification through risk- or landscape-based approaches.
<b>Market Development</b>	Conducting market research to inform a marketing differentiation strategy for smallholders.
<b>Enablers</b>	Developing high-impact policy communication products with user-friendly language.

This Terms of Reference is for a project titled, ‘forestry contractor certification,’ which falls within the ‘Normative Framework’ project stream.

## 1.2 Background

In November 2017, the New Approaches project published a discussion paper on forestry contractor certification. This aimed to generate additional views and gather more ideas on how forestry contractor certification could be implemented on the ground. The results were analyzed and incorporated into this Terms of Reference (ToR).

In 2018, and with the end goal of increasing the number of smallholders in the FSC system and total forest area coverage, FSC seeks to field test 'forestry contractor certification' in three countries in the global North. Ultimately, the field test process will result in concrete proposals for new tools to improve access to, and uptake of, the FSC system by small forest owners and communities.

Additional information may be found in the discussion paper titled, '*Reaching smallholders in the global North: Forestry Contractor certification.*'

## 1.3 Setup

FSC will establish a working group (WG) consisting of nine technical experts. Each member of the WG are expected to advise and create content for the development and field testing/piloting of 'forestry contractor certification' and to deliver on the tasks and responsibilities outlined in these Terms of Reference (ToR) and the Standard Operating Procedure (SOP).

The different roles are delineated in the table below. (See section 4.3 for organogram)

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<b>Steering Committee</b>	Composed of the FSC Director General (Kim Carstensen), the Policy Director (Achim Droste), the project manager of the New Approaches project (Vera Santos) and the coordinator of this working group (Lauri Ilola), provides oversight on all phases of the process until the final decision by the FSC Board of Directors..
<b>Project Manager</b>	Appointed by the Policy Director, to manage the project.
<b>Working Group Coordinator</b>	Appointed by the Policy Director to set up, administering and managing the WG and the Consultative Forum. The Project Coordinator is responsible for ensuring that the WG operates responsibly and by its terms of reference and applicable procedures.
<b>Working Group</b>	Shall consist of three 'national sub-working groups', each comprising of three technical experts selected from within the field test country. The role of the national sub-working groups is to follow and execute a concerted work plan accompanied by a technical guidance document depicting the methodology and details of the field testing activities.
<b>Technical advisors</b>	A group of technical advisors that are called upon to participate in the WG meetings based on a specific need and area of expertise to gain a more comprehensive outlook on the topics discussed.
<b>Consultative forum</b>	A self-selecting group of interested/affected members, certificate holders, certification bodies and other stakeholders interested in

providing ongoing, direct and meaningful input into the process as follows

Before WG meetings, provide topics and papers to be discussed by the WG.

Provide advice to the WG on specific aspects when required.

## Working Group 2

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### 2.1 Objectives

The working group (WG) consisting of nine technical experts is expected to advise, provide content-related input and agree on the development and implementation of the field testing and, if deemed applicable, ultimately the development of a proposal for the introduction of contractor certification to the FSC normative framework.

The WG shall prioritize as their first task the development of the fundamental approach of FSC towards the use of forestry contractors as a part of our normative framework.

In this context, the WG shall at least:

- Assess the overall feasibility of the proposed three generic scenarios of contractor certification about FSC in each of the field test countries.
- Implement specific requirements set in the standard operating procedure document provided for the National working groups.
- Explore National Forest Stewardship Standards, FSC-STD-30-005 *FSC Standard for Group Entities in Forest Management Groups*, and FSC-STD-20-007 *Forest Management Evaluations* in determining the appropriate role for the forestry contractors.

Further tasks include looking at least at the following specific aspects:

- Definition of the scope of the field testing phase.
- Identification of the best feasible approach to the actual development of a proposed framework in which forestry contractor certification could become a tool/part of FSC normative framework.
- A consensus-based final proposal on the inclusion of a forestry contractor certification framework for the FSC Board of Directors.

### 2.2 Responsibilities and Tasks

Working group (WG) members will work together throughout the process, discussing issues and interacting with each other as a group in and outside of meetings as necessary and required by the coordinator. The technical experts shall execute necessary development steps nationally as described in the *Standard Operating Procedure* provided by the project coordinator to all WG members.

All WG members shall:

- Analyze, discuss, and negotiate the applicability and requirements for forestry contractor certification;

- Seek comprehensive advice on the development and outcome of the FSC Global Network, FSC Board of Directors, FSC accredited CBs, FSC certificate holders, other FSC stakeholders and relevant Technical experts;
- Provide detailed input into the development of draft versions of the proposal for the inclusion of forestry contractor certification for FSC;
- Review and advise on comments received during public consultation of the proposal;
- Participate in stakeholder outreach and information-sharing forums, as needed;
- Present consensus-based proposals for the development of the drafts;
- Recommend when a draft is ready for final public consultation;
- Recommend when the final draft is ready to be sent for decision making by the FSC Board of Directors;
- Provide input into the final report to the FSC Board of Directors;

### **2.3 Selection Process**

A total number of nine technical experts will be selected to form the working group (WG). These technical experts shall represent the three field test countries with equal representation. Technical experts and technical advisors will be sought to facilitate the working group.

The Steering Committee will select members of the WG according to the following criteria:

- a. Ability to provide specific technical input on:
  1. Understanding and involvement with FSC group certification;
  2. Technical understanding of forestry contractor involvement with the current FSC forest management procedures.

Up-to-date knowledge and experience of FSC's systems and procedures;

- c) Understanding of the potential impact of a normative document on affected stakeholders;
- d) Understanding of and support for FSC's mission and vision, and FSC global strategy;
- e) Desire to seek and reach consensus on controversial issues;
- f) Ability to review and comment on documents submitted in the working language(s) agreed for the WG;
- g) The track record of successful working groups is an asset;
- h) Desire towards gender balance and balance of geographical regions.

Applicants, who do not get chosen, may apply to participate in the Consultative Forum.

### **2.4 Structure and Accountabilities**

The working group (WG) consists of 9 technical experts.

The term of WG members ends with the submission of the final draft for decision making.

Appointed WG members are expected to adhere to the rules and regulations of this TOR and are expected to donate sufficient time to fulfill their duties thoroughly.

Appointed WG members shall sign a service and confidentiality agreement with FSC upon appointment.

The WG is accountable to FSC.

## **2.5 Work Plan and Time Commitment**

The WG will be established after the approval of this TOR. The expected start date for the working group is April 2018, with targeted completion by February 2019.

An estimated timetable is provided in section 4.2. The timetable and the detailed work plan will be updated as necessary. The work plan is further detailed in the Standard Operating Procedure for the national sub-working groups and the working group.

The WG 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 when required. A kick-off meeting, a meeting after the first public consultation to review the comments and to revise the draft and a third, face-to-face meeting, after the second public consultation.

## **2.6 Expense and Remuneration**

FSC is an international not-for-profit membership organization with limited funding.

Participation in the working group (WG) takes place on a voluntary non-paid basis. If required, FSC covers reasonable travel and accommodation expenses related to the work plan upon submission of the respective invoices and receipts, and if expenses are agreed upon in advance.

## **2.7 Confidentiality and Conflict of Interest**

Working group (WG) members shall sign a confidentiality and non-disclosure agreement with FSC at the beginning of their work.

Per default, the non-attributable content of discussions and papers prepared by or presented to the WG is not considered confidential, unless otherwise specified.

The WG operates according to Chatham House Rules. So, while members of the WG 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.

Members are expected to declare any conflicts of interest, where they arise. This will cause the person(s) to be excused from the discussion and to abstain from participating in decision-making.

## **2.8 Language**

The working language of the working group (WG) is English. Language support to Spanish is provided on request.

All drafts for public consultation, as well as other documents, as requested and as possible, shall be translated into Spanish. Documents may also be translated into other languages if requested by the working group and depending on resource availability.

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# **Operating Rules 3**

## **3.1 Deliberations and Decision Making**

Within the working group (WG) decisions are taken by the technical expert WG, with no interference by technical advisors or consultative forum members.

For the WG to meet and deliberate, there must be a quorum, defined as a majority vote from working group members. The Coordinator will strive to select meeting dates and venues that allow for full participation of all working group members. At least one WG member from each country shall be present at each WG meeting.

NOTE: a neutral facilitator may be appointed for each working group meeting to support the working group in running a successful meeting.

The members of the WG shall strive and make every effort possible to take decisions by consensus (see Glossary).

If consensus cannot be achieved, outstanding concerns shall be documented and presented to the FSC Board of Directors in the final report that accompanies the document presented for decision.

The technical advisors, coordinator, FSC staff, Steering Committee members and any other supportive personnel shall not participate in any decision-making. However, any concerns expressed by technical advisors to the WG will be recorded and reported.

If the members of the working group are not able to agree on a final draft within three (3) months after the final round of public consultation, the Steering Committee shall decide on how to move forward with the process.

### **3.2 Effective Working Group 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.
- The WG members will review any documents provided before the WG meeting and produce necessary information and data required for the WG meeting.
- Clear decision-making structures.
- 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.
- Agreement of work plan and standard operating procedures during the first meeting to guide the process.
- Use of PSU and technical experts in drafting the documents to support WG's role and task.
- A decision on use of sub-groups, break-out groups in in-person meetings.
- 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 WG, they will be addressed through the consultative process, with options and perspectives circulated for consultation. The WG will then work to resolve the issues based on comments received. If the issue is highly technical, additional research/investigation on that issue might also be called upon to provide additional information for making informed decisions.

### **3.3 Effective Communications and Representation of Stakeholders**

WG members are expected to consult with another colleague(s) to ensure a wide range of views are sought.



To support stakeholder engagement, the Coordinator will also:

- Implement timely communications on the developments of the field test process utilizing existing communication tools and channels of the New Approaches project.
- 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.)
- The consultative forum is open for any interested stakeholder to obtain timely information of the development process
- 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 4

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### 4.1 Glossary of Terms

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

**Chairperson:** the WG coordinator shall assume the role of the Chairperson to act as a contact point and spokesperson for the working group. He/she brings together the shared concerns, suggestions and recommendations of the working group members and shares them with the other actors involved in the project.

**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 consider 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).

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

**Technical advisors:** a group of selected experts with professional experience in the field of question, to advise and provide content related input to the development or revision process of an FSC normative document. Technical experts are considered working group members.

**Working Group:** a group of experts appointed by FSC with professional experience in the field of question, to advise and provide content related input to the development of a proposal for the inclusion of Forestry Contractor Certification to the FSC.

**Sub-working group:** a group of experts appointed by FSC with professional experience in the field of the question within a country, to advise and provide content related input to the development of a proposal for the inclusion of Forestry Contractor Certification to the FSC. The sub-working group represents a part of the working group with three sub-working groups forming the actual working group.

## 4.2 Estimated Timeline

Activity	2017					2018												2019								
	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	
Appoint Coordinator																										
Establishment of Steering Committee																										
Drafting of the work plan and TOR																										
TOR Approval																										
Call for WG members																										
Set up WG																										
Sub-WG tasks (nationally)																										
1 <sup>st</sup> WG GoToMeeting																										
Development of Draft 1																										
Public consultation of Draft 1																										
Evaluation of comments																										
2 <sup>nd</sup> WG GoToMeeting																										

Activity	2017					2018												2019								
	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	
Development of Draft 2 <sup>1</sup>																										
Public consultation of Draft 2																										
Evaluation of comments																										
3 <sup>rd</sup> and Final WG meeting																										
Development of Final Draft																										
Draft report for FSC Board																										

<sup>1</sup> The development and public consultation of draft 2 is contingent with the stakeholder feedback on the draft 1 of the proposal. If no major discrepancies between the stakeholder feedback and proposal are detected, there might not be a need for a second round of public consultation.

### 4.3 Organogram

