



# Technical Working Group to implement the FSC Policy on Conversion

## Terms of Reference and Operating Rules

DRAFT 3<sup>rd</sup> June 2019  
Amended 21<sup>st</sup> June 2019

WORKING GROUP SUMMARY	
<b>Type of Working Group:</b>	Technical Working Group
<b>Project Supervisor:</b>	Maria Pilar Melero Bravo
<b>Coordinator:</b>	Yan Li (covering Diana Franco's maternity leave)
<b>Working language</b>	English (other languages may be supported as needed)

PROJECT SUMMARY	
<b>Project Title:</b>	Technical Working Group to implement the FSC Policy on Conversion
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## Contents

<b>PROJECT INFORMATION</b> .....	4
<b>1 Introduction and background</b> .....	4
<b>2 Set up of the project</b> .....	4
<b>3 Tasks and Responsibilities of the Technical Working Group</b> .....	6
<b>4 Selection of Technical Working Group members (TWG)</b> .....	6
<b>5 Expected outputs</b> .....	7
<b>6 Workplan and time commitment</b> .....	8
<b>7 Collaboration between FSC Policy on Conversion WG and FSC     Technical Working Group to implement the Policy on Conversion</b> ...	8
<b>8 The working language</b> .....	8
<b>9 Expenses and remuneration</b> .....	8
<b>10 Confidentiality and conflict of interest</b> .....	9
<b>11 Deliberation and Decision Making</b> .....	9
<b>Annex 1: Glossary</b> .....	10
<b>Annex 2: Organogram</b> .....	11
<b>Annex 3: Estimated work plan – Updated 21 June 2019</b> .....	12
<b>Boxes</b>	
<b>Box 1: Mandate of the Motion 7 (GA 2017)</b> .....	4

## PROJECT INFORMATION

### 1 Introduction and background

Mandated by Motion 7 (GA 2017), FSC is developing a holistic Policy on Conversion to guide the review and revision of relevant FSC Principles and Criteria and to advise the national forest stewardship standard developers in creating the corresponding indicators. In addition, the policy will provide overall rules to the Policy on Association and other elements of the normative framework which regulate conversion.

To address Motion 7 FSC has split the process into two:

- a chamber balanced Working Group (WG) to develop a holistic Policy on Conversion, and
- a Technical Working Group (TWG) to focus on the implementation of the policy.

The WG is comprised of FSC members and is developing an organizational position statement on the topic. The TWG is comprised of experts appointed by the Motion 7 Steering Committee to develop a mechanism to turn the FSC Policy on Conversion into operational practices.

#### Box 1: Mandate of the Motion 7 (GA 2017)

The membership recognizes the strategic importance of addressing the issues around conversion of natural forest-related ecosystems to plantations and the need for alignment of the diverse ways in which conversion is treated in different parts of the FSC normative framework.

The membership requests that FSC puts in place a mechanism, building upon previous work, which will develop a holistic policy and appropriate treatment at Principle, Criterion and Indicator levels with guidance to national Standards Development Groups, considering compensation for past conversion, in terms of:

- a. restoration and/or conservation for environmental values; and
- b. restitution for socio-economic values.

### 2 Set up of the project

FSC will establish a Technical Working Group (TWG) to deliver on the tasks and responsibilities outlined in these Terms of Reference (ToRs).

In addition to the TWG, the following bodies are involved in the project, established in line with FSC-PRO-01-001 V3-1:

A **Project and TWG Coordinator** who is a PSU staff member, is appointed by the Director Policy Operations, 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. The Coordinator will send the invitations to online calls and meetings, draft Agendas for the meetings, draft Minutes of the meetings and maintain recordings of the process. The Coordinator is responsible for the overall project management (timelines, agendas, minutes, workplan,

communications and budget planning). The Coordinator manages communication to the Steering Committee and plans and organizes consultations. Administrative support to the project in processing the contracts, booking venues and caterings for the physical meetings, booking the flight tickets and processing the invoices and expense claims in due time will be provided by PSU administrative assistants.

A **Technical Coordinator** who is a PSU staff member, is appointed by the Director Policy Operations, to provide technical input, background for discussion and guide the TWG. The Technical Coordinator makes technical recommendations and provides references to the TWG, he/she proposes topics for discussion and how these are linked to the policy and other normative documents. He/she provides possible impacts of the policy on other normative documents, possible scenarios, etc.

A **Project Supervisor** is appointed by the Director Policy Operations to supervise the process and to support the working group in reaching its goals.

A **Facilitator** is appointed to support the TWG for facilitating calls and face to face meetings and solving case specific concerns.

A **Drafter** to draft all products of the TWG incorporating input and comments from the rest of TWG members.

A **Board Liaison Person** to keep the FSC Board of Directors closely informed about the process and to give advice to the Technical Working Group on timely alignment to relevant processes within the FSC normative framework.

A **Policy and Standards Committee Liaison Person** to keep the Policy and Standards Committee closely informed about the process and to give advice to the Technical Working Group on timely alignment to relevant processes within the FSC normative framework.

A **Steering Committee** is composed of the FSC Director General, the Director Policy Operations, the Chief Policy Officer, the Project Supervisor, a liaison from the FSC Board of Directors and a liaison from the Policy and Standards Committee, to provide 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 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 and other stakeholders interested in providing ongoing, direct and meaningful input into the process. The members of the current Consultative Forum for FSC Policy on Conversion may provide comments on any document developed by the TWG.

An Organogram is provided in Annex 2.

### 3 Tasks and Responsibilities of the Technical Working Group

The members of the TWG will work together throughout the process, discussing issues and interacting with each other as a group through online calls, email communication and meetings as necessary and/or required by the Coordinator.

The TWG calls and meetings will be facilitated by a neutral facilitator. News items, and other communications will be drafted by the Secretariat.

In order to implement the Policy on Conversion, the TWG will develop requirements and guidance for the conversion of natural forest-related ecosystems, regarding:

- Eligibility to enter the FSC system, such as:
  - Being associated with FSC (Policy for Association).
  - Becoming FSC certified (Forest Management and Controlled Wood) and maintaining FSC certification.

These include, at least (subject to final scope of the Policy):

- Technical application of fixed or rolling cut-off dates.
- Compensation mechanisms for past conversion with restoration and/or conservation for environmental values and restitution for socio-economic values,
- Indicators and thresholds for acceptable conversion.

The TWG will also develop a proposal for the alignment across the normative framework according to recommendations from the M7 WG, including but not limited to FSC Principles & Criteria, International Generic Indicators, National Forest Stewardship Standards, Policy for Association and Controlled Wood. If needed, motions to the FSC General Assembly will be developed.

The TWG is expected to consult with other initiatives.

### 4 Selection of Technical Working Group members (TWG)

A call for expressions of interest (supported by Curricula Vitae) will be launched for identifying the candidates of the Technical Working Group. Members of the TWG will be selected and approved by the Steering Committee.

The TWG will be comprised of three experts with the aim of implementing and operationalizing the FSC Policy on Conversion and with the following expertise:

- 1- Compensation mechanisms for forests and non-forests ecosystems (general).
- 2- Restitution for socio-economic values including relocation and finance mechanisms (social and economic).
- 3- Restoration and or/conservation for environmental values including forest landscape restoration and/or forest landscape watershed management (environmental)

In addition, to ensure consistency, the chairperson of the Motion 7 WG will be invited to participate as liaison person with the TWG.

Apart from their specific expertise, expert members of the TWG will be selected and approved by the Steering Committee based on the following criteria:

- a) Up-to-date knowledge of and experience with FSC's systems and procedures;
- b) Understanding of the potential impact of the changes being discussed during the process on interested or affected stakeholders;
- c) Understanding of and support for FSC's mission and vision;
- d) Desire to seek and reach consensus on controversial issues;
- e) Ability to review and comment on documents submitted in English;
- f) Track record on successful working groups is an asset;
- g) Confirmed availability to actively participate in the revision process until approval of the standard;
- h) Gender balance and balance of geographical regions, where possible.

One of the TWG members with expertise in drafting documents may take the role of drafter of all products of the TWG.

Applicants, who do not get chosen, will be invited to participate in the Consultative Forum.

## **5 Expected outputs**

The TWG is expected to deliver the following outputs:

- 1) Criteria, indicators and thresholds for conversion across the normative framework, including Policy for Association, Principles and Criteria, International Generic Indicators (IGI), Controlled Wood Standards and others as needed, and related definitions.
- 2) Instructions for Standard Developers to address any revised IGIs on conversion in National Forest Stewardship Standards and Interim National Standards.
- 3) Develop a compensation procedure and proposals for verification for:
  - a) Organizations that want to be associated with FSC (e.g. as member, certificate holder).
  - b) Certification applicants to address their conversion.
  - c) Members and certificate holders that have been suspended because of violation of conversion rules.
- 4) Draft text for a possible motion to the 2020 General Assembly to reword FSC Principles & Criteria and to align the International Generic Indicators (IGIs), National Forest Stewardship Standards, Policy for Association and Controlled Wood standards with the Policy on Conversion.

For delivering the above outputs, TWG shall consider the recommendations from M7 WG, which will be detailed under annex 4: M7 WG recommendation for TWG on the implementation of policy on conversion.

## **6 Workplan and time commitment**

The TWG will be established after the approval of this ToR. The expected start-date for the Technical Working Group is July 2019, with a targeted completion date for all outputs by October 2020 for their approval in December 2020.

The draft text for a possible motion shall be completed at least one month before the deadline to submit motions for the FSC General Assembly 2020.

An estimated timetable is provided in Annex 3. The timetable and the detailed work plan will be updated as necessary. The TWG will conduct most of its work via e-mail or similar means of electronic communication (e.g. Go-to meeting, Zoom conference calls), and through one-on-one calls with the coordinators when required. At least three face to face meetings are envisaged for completing the outputs of this TWG.

## **7 Collaboration between FSC Policy on Conversion WG and FSC Technical Working Group to implement the Policy on Conversion**

The WG answers the question “what must FSC put in place?” while the TWG answers “how will a certificate holder or associate have to conform with the policy and how is this going to be verified?”. Each group operates independently and has its corresponding Terms of Reference and workplan. However, they are expected to collaborate and share drafts of their work.

Both working groups will be working in parallel and the Steering Committee for Motion 7 will provide oversight on all phases for both projects until the final decision by the FSC Board of Directors.

The WG will provide advice and input to the TWG and the TWG is expected to address all aspects of the Policy on Conversion.

The WG is not mandated to sign off on the deliverables of the TWG. However, the liaison will be asked to provide a statement on the (level of) consistency and comprehensiveness of the TWG’s deliverables with the Policy on Conversion to be shared with the Board for final decision making.

## **8 The working language**

The working language of the TWG 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 TWG and depending on resource availability.

## **9 Expenses and remuneration**

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

Participation in the TWG takes place on a voluntary non-paid basis. However, FSC agrees to offer a stipend for the participation in the TWG discussions, if needed. Stipends are available for those TWG members if their participation costs in the TWG are not covered by their employers.



FSC covers reasonable travel and accommodation expenses related to the work plan upon submissions of the respective invoices and receipts, and if expenses are agreed upon in advance.

## **10 Confidentiality and conflict of interest**

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

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

The TWG operates according to Chatham House Rules (see Glossary). 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.

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.

## **11 Deliberation and Decision Making**

For the TWG to meet and deliberate, there must be quorum, defined as a minimum of 2 (for a TWG of 3 members). The Project Coordinator will strive to select meeting dates and venues that allow for full participation of all Technical Working Group members.

All TWG members must participate in each point of decision-making. If any of the member(s) is not present for a decision, then a provisional decision may be made, subject to participation by the absent member(s). Quorum is required for any provisional decisions, and full member participation is preferred.

The liaison person for the Motion 7 WG shall have voice in the TWG discussions, but no formal role in its decision-making processes.

As per Section 7, the liaison will be asked to provide a statement on the (level of) consistency and comprehensiveness of the TWG's deliverables with the Policy on Conversion to be shared with the Board for final decision making.

The TWG shall strive and make every effort possible to take decisions by consensus (see Appendix 1: 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 Coordinators, FSC Staff, Steering Committee members and any other supportive personnel shall not participate in any decision-making. If the TWG is not able to agree on critical discussion points, the Steering Committee shall take a decision on how to move forward with the process.

## Annex 1: Glossary

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

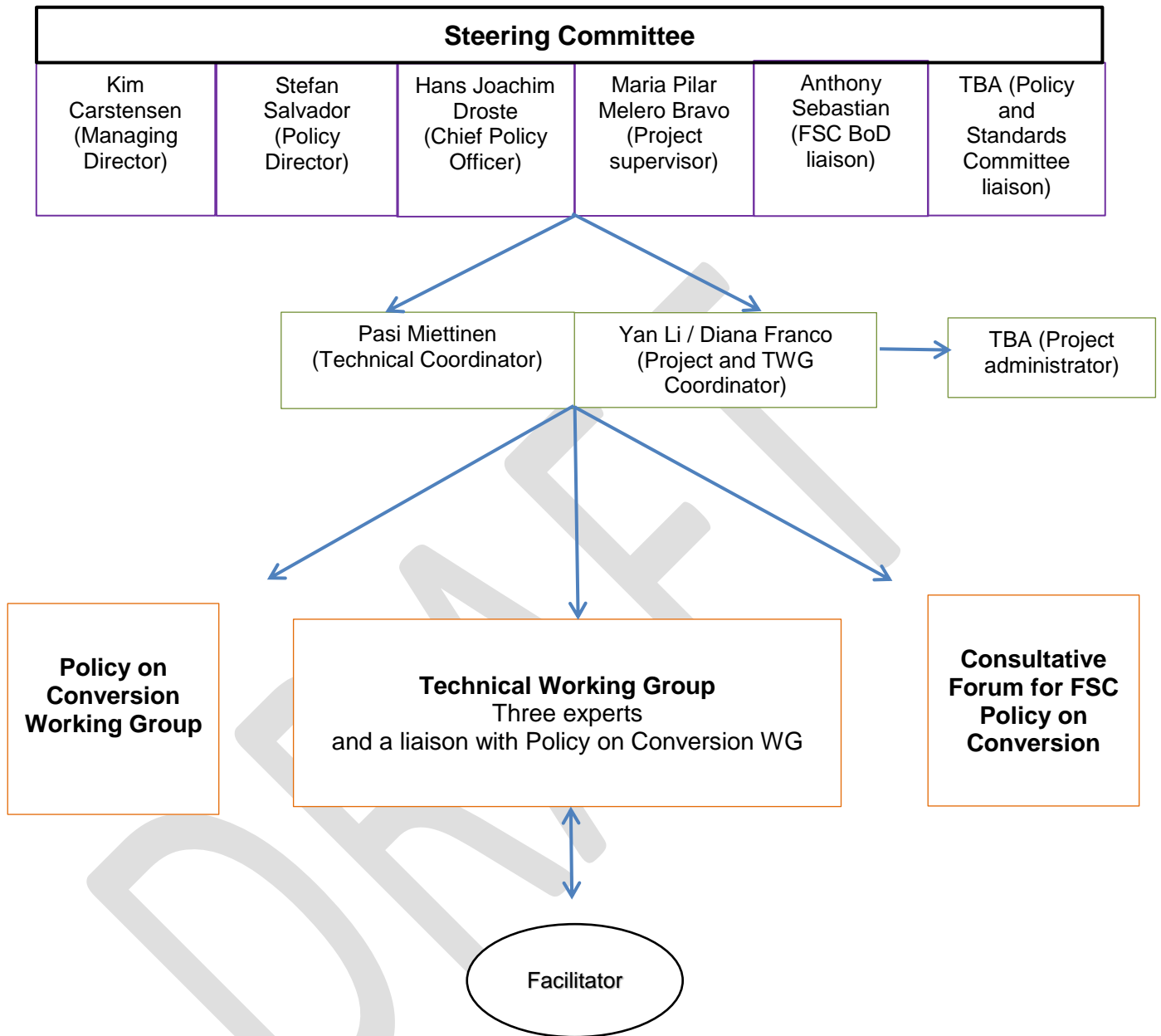
**Chatham House Rule:** "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed". The Chatham House Rule has the aim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

**Policy:** a documented principle. The objective of every FSC Policy shall be to further the mission of FSC in line with the aims and aspirations of its members, and taking equal account of the concerns and interests of the three FSC chambers, and its 'northern' and 'southern' membership.

**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).

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**Annex 2: Organogram**



**Annex 3: Estimated work plan** – Updated on 21 June 2019

No.	Phases of the project	2019							2020										
		Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
1	Approval TWG ToR by Steering Committee	■																	
2	Launch call for TWG applicants		■	■															
3	Steering Committee approves selection of TWG final members			■	■														
4	Online calls of TWG to present ToR & kick off TWG			■	■	■													
5	First TWG face to face meeting					■	■												
6	Prepare of Draft 1-0					■	■	■	■										
7	1st Public consultation of draft compensation procedure and other outcomes								■	■	■								
8	Analysis of consultation result									■	■								
9	Second face to face meeting										■								
10	Prepare Draft 2-0										■	■	■						
11	2nd Public consultation of Policy Draft 2-0											■	■	■	■				
12	Analysis of consultation result													■	■				
13	Third face to face meeting														■	■			
14	Prepare final draft														■	■	■		
15	Present draft compensation procedure and other outcomes at GA 2020															■	■		
16	Submission package is developed and signed off on expected outcome																	■	
17	Submission to PSC																	■	
18	Submission to BoD for final approval																		■