

Remediation Framework Guidance

[1] Section U – Universal Requirements

Guidance:

- a. These quality management systems are necessary foundations for successful implementation of the requirements and indicators of the REMEDIATION FRAMEWORK.

[U1.1] Conducive implementation environment - Guidance:

- a. The term “continuous learning” applies at an organisation level rather than only at an individual staff member level. Both staff and the organisation as a whole are continuously learning through, for example, the use of monitoring, evaluation and internal feedback systems that ensure active learning and the development of policies and procedures takes place from experience.
 - i. From Wikipedia: “In business management, a learning organization is a company that facilitates the learning of its members and continuously transforms itself.”
https://en.wikipedia.org/wiki/Learning_organization

[1.1.3]

- b. For enabling conditions for FPIC refer to the latest version of the FPIC Guidelines FSC-GUI-30-003.

[U1.2] REMEDIATION GOVERNANCE BODY - Guidance:

[1.2.1]

- a. The term self-management refers to the organizational philosophy described by Frederic Laloux (2014) *Reinventing Organizations*. In a self-management structure of organizing there is no chairperson or hierarchy of positions on the REMEDIATION GOVERNANCE BODY, the purpose of the body is clearly defined and specific roles on the RGB are created with their own specific purposes described, including that of facilitator.
- b. Self-management principles can be found for example at holacracy.org. The Holacracy Constitution is the governance model and process for self-management and can be adopted by any group wishing to work in this way. Visit holacracy.org to download templates.

[1.2.1.2]

- c. INDEPENDENT members are those that have no familial relationship to the first or second degree, or financial relationship with THE COMPANY GROUP or its executives.

[1.2.2]

- d. The REMEDIATION GOVERNANCE BODY’s (RGB) role is one of oversight. It oversees work to deliver the ORGANIZATION-SPECIFIC ROADMAP rather than undertaking the necessary work itself, ensuring that the desired outcomes are achieved. The necessary work is undertaken by staff within THE COMPANY GROUP, INDEPENDENT EXPERTS, INDEPENDENT THIRD PARTIES and other consultants as engaged by THE COMPANY GROUP and/or the REMEDIATION GOVERNANCE BODY.
- e. The RGB does not replace STAKEHOLDER balanced groups that work through detailed dialogue, traditional and specialist approaches as needed to come to agreements and drafting.
- f. The RGB specifically does not undertake the following tasks (these should be done by staff and engaged consultants in consultation with STAKEHOLDERS):
 - i. Producing policies, procedures, methodologies and plans; instead the RGB ensures that the process undertaken to produce policies, procedures, methodologies and plans is fair and just, efficient, includes STAKEHOLDER input and meets the requirements of the ORGANIZATION-SPECIFIC ROADMAP.

- ii. Editing procedures, methodologies and plans and agreeing specific wording; instead the RGB ensures that the process followed to produce such documents has been sufficient, meets the requirements of the ORGANIZATION-SPECIFIC ROADMAP and that STAKEHOLDERS are satisfied. It may give staff and consultants feedback on improvements that it perceives might be needed but “must not cross the operational line”.
- iii. The negotiation of REMEDY PROCESS AGREEMENTS and agreements for REMEDY of HARM; instead the RGB ensures that there has been good due process to reach these agreements, that is compliant with the ORGANIZATION-SPECIFIC ROADMAP, and that STAKEHOLDERS are satisfied with the outcomes.

[U1.3] GRIEVANCE MECHANISM - Guidance:

- a. This Requirement and Indicators informed by Box A, page 6 in: Ruggie, J (2011) *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie. Addendum: Piloting principles for effective company/stakeholder grievance mechanisms: A report of lessons learned.* <https://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31-Add1.pdf>
- b. The GRIEVANCE MECHANISM needs to cover both the functions of identification of adverse HUMAN RIGHTS impacts as part of on-going HUMAN RIGHTS DUE DILIGENCE [U1.8] and secondly to enable the grievances to be addressed early on, thereby preventing HARM from grievances compounding and escalating (Guiding Principles on Human Rights Implementing the United Nations “Protect, Respect and Remedy” Framework UN 2011).
- c. The GRIEVANCE MECHANISM developed should be based on key criteria recommended in UNGP implementation guidance which identifies the following criteria for assessing grievance mechanisms including: legitimate, accessible, predictable, equitable, transparent, rights compatible, involving engagement and dialogue, and continuous learning (*Piloting Principles for Effective Company-Stakeholder Grievance Mechanisms: A Report of Lessons Learned A/HRC/17/31/Add.1* 2011) <https://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31-Add1.pdf>)
- d. Different GRIEVANCE MECHANISMS will be required for different RIGHTS-HOLDERS for different purposes.
 - i. Relevant RIGHTS-HOLDERS should be informed appropriately about their respective GRIEVANCE MECHANISM.
 - ii. This includes responding to grievances and REMEDY of OCCUPATIONAL DISEASES or OCCUPATIONAL INJURIES of WORKERS.
 - iii. This includes responding to public grievances and REMEDY of fire-related impacts on human health.
- e. For an operational-level GRIEVANCE MECHANISM, engaging with STAKEHOLDER groups about its design and performance can help to ensure that it meets their needs, that they will use it in practice, and that there is a shared interest in ensuring its success escalating (*Guiding Principles on Human Rights Implementing the United Nations “Protect, Respect and Remedy” Framework* UN 2011. <https://media.business-humanrights.org/media/documents/files/reports-and-materials/Ruggie-UN-draft-Guiding-Principles-22-Nov-2010.pdf>).
- f. Non-aggrieved parties may file grievances on behalf of others as long as there has been full FPIC.

[1.3.1.1]

- g. RIGHTS-HOLDERS and STAKEHOLDERS should be informed that PAST grievances involving HARM are applicable (CONTINUING HARM is common long after violations of RIGHTS and UNACCEPTABLE ACTIVITIES have ceased). See the Definitions section.
- h. GRIEVANCE MECHANISM procedures include those that address CONFLICT.
- i. Refer to FSC FPIC Guidance (FSC-GUI-30-003) on the FSC recommended approach to addressing complaints, disputes and conflicts.
- j. Procedures need to respect the following principles of best practice:
 - i. CONFLICT resolution/management processes must be established and agreed together with the RIGHTS-HOLDERS;

- ii. Evidence is collected of the participation of the relevant RIGHTS-HOLDER(s).
- k. See Guidance Notes for Section R Requirement [R3.4] *REMEDY OF HARM* process for references on best practices, specialist facilitation, mediation and RESTORATIVE PRACTICE approaches for other relevant principles that equally apply to grievances procedures.

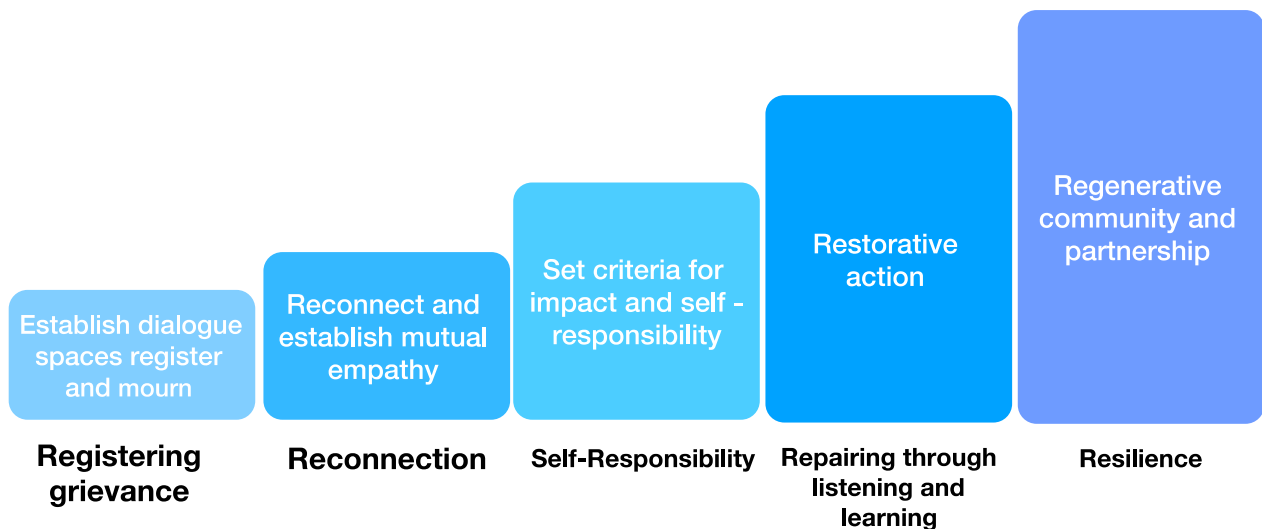
[1.3.1.2]

- l. The REMEDIATION GOVERNANCE BODY (RGB) may meet the requirement for a multi-stakeholder independent governance structure if there is agreement of the RGB and STAKEHOLDERS that it can take on this role. If another body needs to be set up then its set up needs to at least have the level of independence of the RGB, see the Guidance Notes on Requirement U1.2 above.

[1.3.1.8]

- m. See Restorative Continuum for Addressing Conflict and Harm diagram below for the stepwise progression of addressing CONFLICT and HARM, NB: this applies equally to processes seeking to remedy both social and environmental harm:

Restorative Continuum for Addressing Conflict and Harm



Inspired by the work of the Society for Ecological Restoration, Dominic Barter and Mikki Kashtan.
Created by Karen Edwards

[U1.4] Prevention of UNACCEPTABLE ACTIVITIES, re-occurrence and violations of the FSC Policy for Association - Guidance:

[1.4.2] & [1.4.3]

- a. The REMEDIATION FRAMEWORK is based on the premise that learning, feedback and continuous improvement of systems is the basis for bringing about the systemic change required to prevent and REMEDY HARM caused by UNACCEPTABLE ACTIVITIES. As such it is accepted that the continuation of UNACCEPTABLE ACTIVITIES after the start of the

ORGANIZATION-SPECIFIC ROADMAP is likely. The intention of the ORGANIZATION-SPECIFIC ROADMAP is to establish the systems and procedures for a company to spot and address on-going UNACCEPTABLE ACTIVITIES and bring about REMEDY OF HARM. The early stages of implementation will therefore likely include active cases.

- b. On-going UNACCEPTABLE ACTIVITIES should reduce over time and have stopped before ENDING DISASSOCIATION.
- c. NEW UNACCEPTABLE ACTIVITIES occurring during the ORGANIZATION-SPECIFIC ROADMAP implementation period would be subject to processing of a PfA violation complaint as per FSC-PRO-01-009.
- d. It should be noted that there is a key difference between on-going UNACCEPTABLE ACTIVITIES and HARM. UNACCEPTABLE ACTIVITIES are the action taken that causes HARM; the HARM is the resultant effect that may continue for significant periods of time (maybe years, tens of years or even hundreds of years) after the UNACCEPTABLE ACTIVITY has ceased.

[U1.5] Identification and RESPECT of RIGHTS and RIGHTS-HOLDERS - Guidance:

- a. Processes for identification of RIGHTS-HOLDERS should reflect multiple best practice methodologies such as: FSC FPIC Guidelines (FSC-GUI-30-003) (U1.6); HRDD processes (U1.8); HUMAN RIGHTS IMPACT ASSESSMENTS (HRIAs); Social Impact Assessment (SIA) or Welfare Impact Assessment (WIA) (for WIA guidance see the High Carbon Stock (HCS) Approach Toolkit's Module 2: <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Implementation-Guide-Apr-2020.pdf>).
- b. This requirement covers all operations, including mills, other processing facilities and transport.
- c. Note that under the *United Nations Guiding Principles (UNGP) on Business and Human Rights* guidelines for implementation, business bears a responsibility to REMEDY for *all* RIGHTS impacts identified by HUMAN RIGHTS IMPACT ASSESSMENTS (HRIAs) (U1.8) (*Guiding Principles on Business and Human Rights Implementing the United Nations "Protect, Respect and Remedy" Framework* UN 2011).
https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf
- d. See definition of RIGHTS, which is based on the approach of HRDD (U1.8) and encompasses the whole suite of HUMAN RIGHTS recognised in International Human Rights Law (IHRL) that could be impacted by the business activities and relationships of THE COMPANY GROUP AND ITS WOOD SUPPLIERS. For references see:
 - Ethical Trading Initiative (ETI) (2016) *Human Rights Due Diligence Framework*. ETI: <https://www.ethicaltrade.org/resources/human-rights-due-diligence-framework>; and
 - The Federal Institute for Sustainable Development's *Toolbox Human Rights* website on HRDD <https://business-humanrights.be/tool/8/how>Note that:
 - i. RIGHTS could include legal and customary RIGHTS to land, food security, education and health, freedom of expression, security of person, and other HUMAN RIGHTS where relevant. (See Section b for additional requirements relating to impacts relating to the HUMAN RIGHT to health and wellbeing)
 - ii. Identified RIGHTS that have been impacted by THE COMPANY GROUP AND ITS WOOD SUPPLIERS' OPERATIONS will later need to be assessed and prioritised through a HRDD approach (U1.8) based on the identification of SALIENT HUMAN RIGHTS ISSUES (U1.8).
- e. See guidance on taking a rights-based approach (RBA), e.g.: RECOFTC. (2018) *Taking a Rights-Based Approach to Forest Governance*.
<https://www.recoftc.org/publications/0000239?t%5B0%5D=96&p=browse>
- f. See definition of RIGHTS-HOLDERS, which also includes WORKERS.
- g. See definition of WORKERS and RIGHTS.

[U1.6] FREE PRIOR INFORMED CONSENT (FPIC) - Guidance

- a. Refer to and fully apply the latest version of the *FSC FPIC Guidelines* FSC-GUI-30-003.

[1.6.6]

- b. This Indicator applies where the process of FPIC has not yet resulted in an FPIC agreement

[U1.7] Identification of STAKEHOLDERS and their engagement in the process

- a. See FSC standards and guidance on STAKEHOLDER CONSULTATION: *The Development and Revision of FSC Normative Documents* FSC-PRO-01-001 and *Stakeholder Consultations for Forest Evaluations* FSC-STD-20-006
- b. Also see guidance for example from:
- i. Accountability Framework initiative (AFi) (2019) *Achieving Commitments Through Collaboration*: <https://accountability-framework.org/operational-guidance/achieving-commitments-through-collaboration/>
 - ii. OECD (2017) *OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector*. <http://dx.doi.org/10.1787/9789264252462-en>
- c. Multi-STAKEHOLDER processes as a vehicle to deliver due diligence systems may not deliver the outcomes needed. Thus, due diligence legislation should be leading in developing these systems. Organizations and companies that implement their own designed multi-stakeholder processes and due diligence systems ahead of legal obligations being in place should therefore ensure they learn the lessons from the failure of weakly implemented systems and ensure that rigorous systems are implemented that bring about real change. STAKEHOLDER engagement processes must not be used cynically by continuing business as usual, they must bring about real improvement in the outcomes of ceasing and preventing UNACCEPTABLE ACTIVITIES and resultant HARM as well as bringing about just and fair REMEDY OF HARM including that of legacy issues from the PAST. See for example this commentary: <https://www.business-humanrights.org/en/blog/evidence-based-law-making-what-lessons-have-we-learnt-for-an-effective-due-diligence-law/>

[1.7.1.2]

- d. Priority STAKEHOLDERS or “key STAKEHOLDERS” are those that are:
- i. Most impacted, involved or central in the areas/cases/situations in question;
 - ii. In a minority or from a marginalised group and therefore whose views may not be readily heard elsewhere;
 - iii. Representative of a group of STAKEHOLDERS;
 - iv. A formal representative for a group of STAKEHOLDERS, or other interlocutor of STAKEHOLDERS (formal or otherwise).
- e. For detailed guidance on the identification and verification of priority stakeholders see: OECD (2017) *OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector*. <http://dx.doi.org/10.1787/9789264252462-en>

[U1.8] HUMAN RIGHTS DUE DILIGENCE (HRDD) framework - Guidance

- a. The HRDD approach should be based on current best practice and methodologies and include HUMAN RIGHTS RISK ASSESSMENT (HRRR) and HUMAN RIGHTS IMPACT ASSESSMENT (HRIA) processes. Recommended resources include (NOTE: FSC does not endorse any of the individual following resources, several resources will likely be needed to fully meet the requirements):
- i. Ethical Trading Initiative (ETI) (2016) *Human Rights Due Diligence Framework*: <https://www.ethicaltrade.org/resources/human-rights-due-diligence-framework/>;
 - ii. The (Belgian) Federal Institute for Sustainable Development’s *Toolbox Human Rights* website on HRDD <https://business-humanrights.be/tool/8/how/>;
 - iii. Danish Human Rights Institute (DHRI) HRIA methodology <https://www.humanrights.dk/business/tools/human-rights-impact-assessment-guidance-and-toolbox/>;
 - iv. NomoGaia HRRR and HRIA <http://nomogaia.org/tools/>;
 - v. Swiss Peace Foundation: *Enhanced Human Rights Due Diligence in Conflict Affected and High- Risk areas* (2016) http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Essentials/swissp

[peace-Essential_5_2016.pdf](#);

- vi. On Common Ground adapted DHRI methodology <https://oncommonground.ca>;
 - vii. International Alert's guidance on *Conflict Sensitive Business Practices* (2005) <https://www.international-alert.org/publications/conflict-sensitive-business-practice-guidance-extractive-industries-en>;
 - viii. SHIFT: *Doing Business with Respect for Human Rights* (2016) <https://www.shiftproject.org/resources/publications/doing-business-with-respect-for-human-rights/>;
 - ix. OECD due diligence guidance:
 - General guidance: OECD (2018) *OECD Due Diligence Guidance for Responsible Business Conduct*. <https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>
 - Clear short infographic guidance: *Due Diligence Guidance for Responsible Mineral Supply Chains*: <https://www.duediligenceguidance.org/>
 - By sector: <http://mneguidelines.oecd.org/duediligence/>
 - x. Graf, A., & Iff, A. (2016). *Enhanced Human Rights Due Diligence in Conflict Affected and High-Risk Areas*. Basel, Switzerland: Swiss Peace Foundation https://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Essentials/swisspeace-Essential_5_2016.pdf.
- b. Notes from UNGPs (*Guiding Principles on Business and Human Rights Implementing the United Nations "Protect, Respect and Remedy" Framework* UN (2011). https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf):
- i. UNGP (2011) Principle 17a) "Human rights due diligence: (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships."
 - ii. UNGP (2011) Commentary (p18 print/p23 digital): "Questions of complicity may arise when a business enterprise contributes to, or is seen as contributing to, adverse human rights impacts caused by other parties. Complicity has both non-legal and legal meanings. As a non-legal matter, business enterprises may be perceived as being "complicit" in the acts of another party where, for example, they are seen to benefit from an abuse committed by that party."
 - iii. HRDD frameworks and HRIAs should therefore cover the impacts that are (UNGP commentary sections 13 and 14 (p14 & 15 print/p19 & 20 digital)):
 - **Directly caused** by company activities;
 - **Contributed to** by company activities;
 - **Directly linked** to business relationships.
- c. Please see guidance note U1.7 c [U1.7c] above for discussion on meaningful STAKEHOLDER consultation and the need to ensure processes that bring about improvements in outcomes.
- d. Note regarding ILLEGAL LOGGING and ENCROACHMENT: HARM to RIGHTS-HOLDERS identified through the HRDD and HARM identification processes must include the identification and addressing of root causes (e.g. customary land tenure CONFLICTS lead to ENCROACHMENT by RIGHTS-HOLDERS)

[1.8.1.1] & [1.8.1.2]

- e. Identification of sector specific HUMAN RIGHTS impacts according to UNGP on Business and Human Rights. See the following examples of sector specific guidance (non yet covering forestry sector):
 - i. Annex 3 in: Ethical Trading Initiative (ETI) (2016) *Human Rights Due Diligence Framework*: <https://www.ethicaltrade.org/resources/human-rights-due-diligence-framework>;
 - ii. OECD sector specific guidance: <https://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm>. Most relevant to forests: OECD-FAO *Due Diligence Guidance for Responsible Agricultural Supply Chains*
- f. Sector specific HUMAN RIGHTS impact areas include identification of regional, national, local and community risk.
- g. SALIENT HUMAN RIGHTS ISSUES can informed by the sector specific HUMAN RIGHTS

impact areas and be identified and prioritised based on the findings of the component processes of the HRDD approach such as HRRRA and HRIA methodologies. Prioritisation categories/considerations include:

- i. **Most severe:** based on how grave and how widespread the impact would be and how hard it would be to put right the resulting HARM;
 - ii. **Potential:** meaning those impacts that have some likelihood of occurring in the future, recognizing that these are often, though not limited to, those impacts that have occurred in the PAST;
 - iii. **Negative impact:** placing the focus on the avoidance of HARM to HUMAN RIGHTS rather than unrelated initiatives to support or promote HUMAN RIGHTS;
 - iv. **Impacts on human rights:** placing the focus on risk to people, rather than on risk to the business;
 - v. For further information see UNGP Reporting Framework: <https://www.ungpreporting.org/> and specifically: Mazars & Shift (2015) *UN Guiding Principles Reporting Framework*. Mazars LLP & Shift Project Ltd: https://www.ungpreporting.org/wp-content/uploads/UNGPRReportingFramework_withguidance2017.pdf
- h. Prioritised SALIENT HUMAN RIGHTS ISSUES are the highest priority categories of HARM that need to be addressed in the context of the MANAGEMENT UNITS and THE COMPANY/THE COMPANY GROUP and WOOD SUPPLIERS in question. These in turn influence the choice of cases of HARM that are prioritised for REMEDY (see R3.3)

[1.8.3] (& [1.9.3])

Discussion point & key area

Context note: *The Remediation Framework both sets out the processes needed to decide on the remedy of harm required to remediate harm from unacceptable activities and the establishment and improvement of due diligence systems that would have prevented such harm from having taken place had such systems been operating within the organisation. The Remediation Framework is therefore a process taking a systemic view with some specific procedures outlined within it. As such it seeks to establish systems that identify harm and then remedy that harm, all with several forms of checks and balance and independent verification. The CRP does not look at improving the systems within an organisation, instead it sets out the procedure for there to be legitimate remedy of harm for conversion. Part of this procedure is the use of independent assessors to determine the harm that has taken place.*

Consultation discussion questions:

Please take a deep dive here if you want to and consider:

- a) *Do we need to have impacts and harm assessed by HRIAs and EIAs that are undertaken by only independent experts in order to determine past harm that needs to be remedied?*
- b) *Or can we rely on the company's own processes (that may or may not include independent third parties) to assess impact and harm – overseen by the Remediation Governance Body, peer reviewed by independent experts and verified by the FSC third party verifier?*
- c) *Or should this be decided case by case with the most egregious harm entirely independently assessed?*
- d) *Should the Remediation Governance Body decide?*
- e) *Should stakeholders decide as part of the Roadmap development process?*
- f) *Or should there be a blanket requirement that only independent experts can make the decision on what needs remedy?*
- g) *Should it be different depending on whether the case is a disassociation case or a pre-association case (with problems found in a PfA pre-association audit)?*
- h) *Would a phased approach work with initial assessment carried out by independent experts and later the company commissions or undertakes such assessments itself as part of its due diligence systems?*

NB: *These questions also relate to Indicators 3.3.1 & 3.3.2*

[U1.9] ENVIRONMENTAL DUE DILIGENCE (EDD) framework - Guidance:

- a. Example environmental due diligence frameworks or systems may vary depending on the specific environmental value or issue they aim to assess. For example many model due diligence systems have been developed to address illegal timber tracking for the European Union's Timber Regulation (EUTR), such as: WWF & BSi (2012) *Exercising due diligence in establishing the legal origin of timber and timber products* PAS 2021.
- b. Due diligence guidance from OECD:
 - i. General guidance: OECD (2018) *OECD Due Diligence Guidance for Responsible Business Conduct*. <https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>
 - ii. Sector specific guidance: <https://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm>. Most relevant to forests: OECD-FAO Due Diligence Guidance for Responsible Agricultural Supply Chains
- c. Many commercial consultancies publish model EDD systems online.
- d. The European Union is actively exploring making supply chain due diligence systems mandatory. A useful overview of such systems across sectors and national legal obligations in individual European countries is available here: EPRS European Parliamentary Research Service (2020) *Towards a mandatory due diligence system for supply chains* https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/659299/EPRS_BRI%282020%29659299_EN.pdf
- e. Please see guidance note U1.7 c [U1.7c] above for discussion on meaningful STAKEHOLDER consultation and the need to ensure that processes bring about improvements in outcomes.

[1.9.3]

Discussion point & key area

See the note at 1.8.3 above.

[1.10] Transparency and Demonstration of Progress

- a. THE COMPANY/THE COMPANY GROUP need to transparently and honestly demonstrate progress to both THE FSC THIRD PARTY VERIFIER and the public. It therefore needs to both send information to THE FSC THIRD PARTY VERIFIER and publish key information itself.
- b. The REMEDIATION PROGRESS DEMONSTRATION WEBSITE is the official FSC established and hosted website that will formally track PfA compliance and ORGANIZATION-SPECIFIC ROADMAP progress of ORGANIZATIONS seeking to END DISASSOCIATION and/or establish ASSOCIATION with FSC.
 - i. THE FSC THIRD PARTY VERIFIER systematically updates the REMEDIATION PROGRESS DEMONSTRATION WEBSITE over time.
 - ii. Only documents, plans, procedures, policies, methodologies, reports and data verified and approved by THE FSC THIRD PARTY VERIFIER can appear on or be linked to the REMEDIATION PROGRESS DEMONSTRATION WEBSITE. Links alone are sufficient but can only be to information verified and approved by THE FSC THIRD PARTY VERIFIER.
 - iii. THE FSC THIRD PARTY VERIFIER publishes public summaries of its own verification and progress reports - that it produces on the implementation of the ORGANIZATION-SPECIFIC ROADMAP - on the REMEDIATION PROGRESS DEMONSTRATION WEBSITE.
 - Regarding confidential information and report contents: all reports should follow the existing normative instructions for that type of report where they exist. Where no such instruction exists the spirit of the instructions contained in *Forest management evaluations addendum – Forest certification public summary reports* FSC-STD-20-007b (V1-0) should be followed. Examples of specific report public summary guidelines include:
 - For HCV assessments: Assessor Licensing Scheme (ALS) public summary template: <https://hcvnetwork.org/library/hcv-assessment-report-public-summary-template-with-guidance-2019/>
 - For HCSA assessments: <https://hcvnetwork.org/library/guidance-for->

using-the-hcv-hcsa-assessment-report-template/

- c. THE COMPANY GROUP ORGANIZATION-SPECIFIC ROADMAP website (or website area) is owned and controlled by THE COMPANY/THE COMPANY GROUP.
- i. The intention of this website is for THE COMPANY/THE COMPANY GROUP to honestly and transparently demonstrate progress (and also where there are problems and a lack of progress) in order to provide honest information and therefore build trust with STAKEHOLDERS of all types. Such transparent reporting is a cornerstone of Environmental, Social and Governance (ESG) systems and real improved outcomes for sustainability and HUMAN RIGHTS.
 - ii. The website/webpage must include a very prominent link on its first page to The REMEDIATION PROGRESS DEMONSTRATION WEBSITE.
 - iii. It publishes details of: On-going ORGANIZATION-SPECIFIC ROADMAP related work; STAKEHOLDER engagement events; public consultations; links to core documents, mechanisms (such as GRIEVANCE MECHANISMS), policies, procedures and methodologies; details of the REMEDIATION GOVERNANCE BODY and other similar relevant information as required by the ORGANIZATION-SPECIFIC ROADMAP.
 - iv. For information additional to that required by the ORGANIZATION-SPECIFIC ROADMAP: THE COMPANY may publish other information as deemed necessary by the REMEDIATION GOVERNANCE BODY and/or THE COMPANY/THE COMPANY GROUP provided no misleading impression is given of overall ORGANIZATION-SPECIFIC ROADMAP implementation progress that contradicts the official information on progress on the REMEDIATION PROGRESS DEMONSTRATION WEBSITE.

[2] Section T – Trust Building

Guidance:

- a. These “additional measures” are in addition to the policy elements of the Policy for Association.¹

[2.1] Mitigate risks of wood and forest products supply chain - Guidance:

- a. This requirement applies to the supply chains of both DIRECTLY and INDIRECTLY INVOLVED (or definition used in the latest version of the FSC Policy for Association (FSC-PO:-01-004) companies in THE COMPANY GROUP.
- b. Compliance with Controlled Wood (CW) standards will not result in the issuance of FSC CW certificates or an FSC Trademark License Agreement. After ending disassociation THE COMPANY GROUP may apply for FSC CW certificates, via an FSC accredited certification body.
- c. FSC reference documents:
 - i. *FSC Controlled Wood Standard for Forest Management Enterprises* FSC-STD-30-010
 - ii. *Requirements for Sourcing FSC Controlled Wood* FSC-STD-40-005
- d. Refer to the graphic below in 2.1.2.

[2.1.1]

- e. The intention here is that THE COMPANY GROUP discloses its suppliers and divides suppliers into three categories: *1st Priority Suppliers*; *2nd Priority Suppliers*; and *All Other Suppliers* on the basis of risk and other relevant factors.
- i. Risk should be determined as high or significant and the SUPPLIER categorised as a *1st Priority Supplier* under the following circumstances:
 - Evidence of high risk as detailed in: FSC Complaints Panel Reports; FSC Disassociation Baseline studies; FSC PfA Assessments.

¹ FSC 72nd Board Meeting.

- Material that comes from other known high/risk areas or involves other known high risk factors.
 - THE COMPANY GROUP may also choose to nominate key SUPPLIERS as *1st Priority Suppliers* for its own reasons.
- ii. Risk should be determined as moderate and the SUPPLIER categorised as a *2nd Priority Supplier* under the following circumstances:
- Material comes from an area of “specified risk” as defined in a FSC National Risk Assessment (NRA)² in relation to FSC Controlled Wood standards;
 - Material comes from an area of “unspecified risk” as defined in a FSC NRA or other known moderate risk area or factor;
 - In the absence of a FSC NRA, a risk assessment has been made as set out in FSC-STD-40-005 V3-1³ that demonstrates specified or unspecified risk.
- iii. Risk can be determined as low and the SUPPLIER categorised as *All Other Suppliers* under the following circumstances:
- Material comes from an area of “low risk” as defined in a FSC NRA;
 - In the absence of a FSC NRA a risk assessment has been made as set out in FSC-STD-40-005 V3-1⁴ that demonstrates low risk.
- iv. Other significant factors to be taken into account in determining supplier categorisation include:
- The supply volume is significantly large either in of itself or as a proportion of the overall supply input to THE COMPANY GROUP;
 - Scale of the management area of the supplying company;
 - In general the larger the scale of the operation and/or volume of the input material the higher the priority to implement Controlled Wood systems and therefore categorise the SUPPLIER as either a *1st Priority Supplier* or a *2nd Priority Supplier*.
 - Large scale SUPPLIERS should not be categorised as All Other Suppliers even if the supply is coming from a low risk region.
- v. NOTE: Smallholders and COMMUNITY suppliers should not automatically be considered to be low risk and therefore should not be automatically added to the All Other Suppliers group. Risk assessment needs to take place.
- vi. Evidence should be collected of the participation of the relevant STAKEHOLDERS.

[2.1.2]

Scroll down, diagram follows...

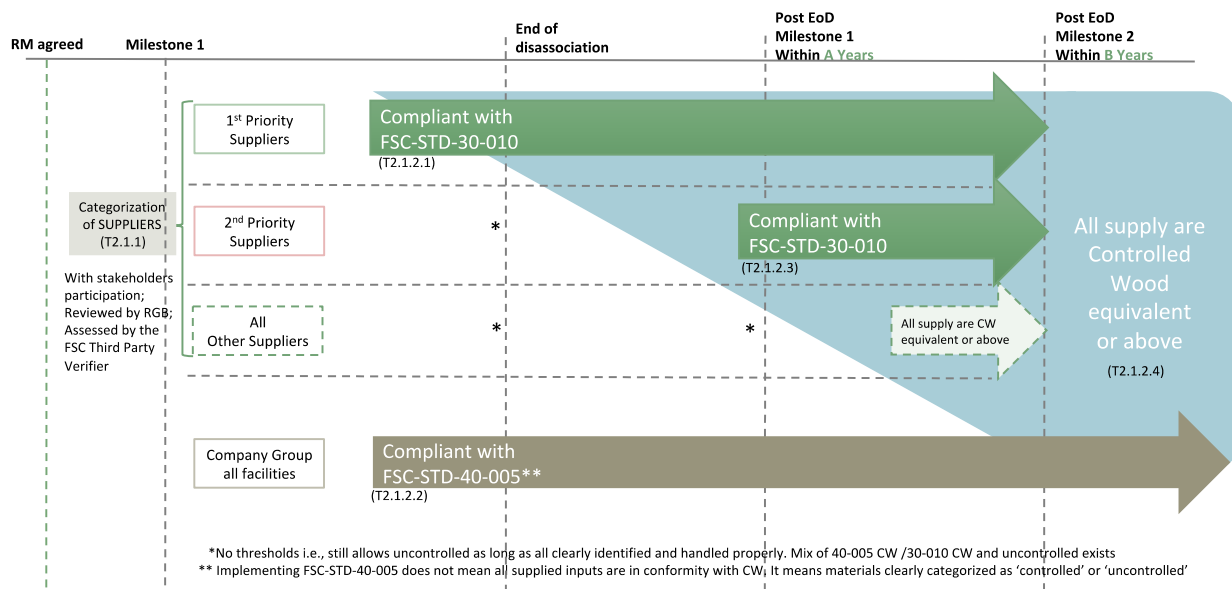
² A FSC National Risk Assessment (NRA) conducted as per FSC-PRO-60-002 V2-0.

³ FSC-STD-40-005 V3-1 *Requirements for Sourcing FSC Controlled Wood*. Section 3.3.

⁴ FSC-STD-40-005 V3-1 *Requirements for Sourcing FSC Controlled Wood*. Section 3.3.

PfA RF | Sec. T 2.1
Mitigation of risks in supply chains

- Setting milestones in three phases with two ending disassociation thresholds
- Take out time pressure on all involved parties
- Instead FSC makes sure easy reporting of progress
- Emphasis on co-creation
- Roadmap should not be punitive process, it is a process of learning & improvement



[2.1.2.2]

- f. Compliance of material inputs is assessed by adhering to FSC-STD-40-005.
g. Compliant with FSC-STD-40-005 at all facilities of the COMPANY GROUP does not necessarily mean all supplied material must be controlled. Compliance with this indicator should be continued until Indicator 4.1.2.4 has been met.

[2.1.2.4]

- h. This concerns all other wood/forest products that are not only *1st Priority Suppliers* or *2nd Priority Suppliers*. These include material supplied from *All Other Suppliers* as per the above diagram. Together all the categories achieve Requirement 2.1.2.

[U2.3] Anti-corruption measures - Guidance:

[2.3.1]

- a. This indicator is informed by FSC-STD-60-004 International Generic Indicators (IGIs) under Criterion 1.7. See that criterion for further guidance.

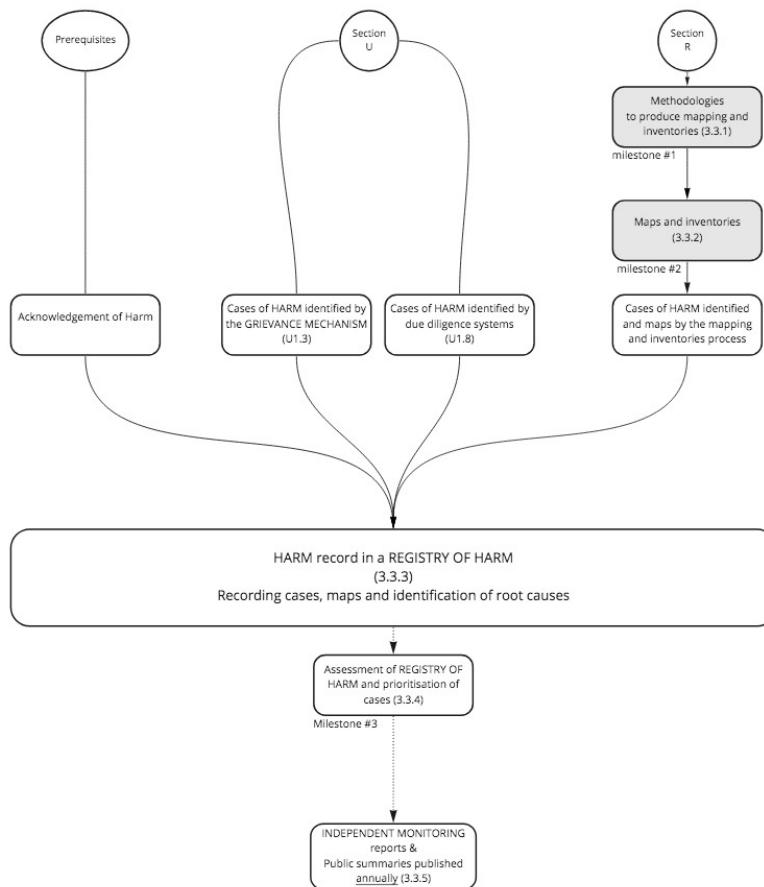
[3] Section R – General REMEDY OF HARM Procedures

Guidance:

- a. The process set out in Section R is inherently iterative, the stages will need to be repeated as more information comes to light over time as improved systems set out in Section U start to yield more detailed and accurate information. In addition as cases are worked through additional information will come to light on HARM that has taken place and RIGHTS-HOLDERS and other STAKEHOLDERS involved. The majority of steps set out in Section R can therefore be viewed as a repeating cycle.
- b. The first two steps in this part of the process - the identification of RIGHTS-HOLDERS and other STAKEHOLDERS and planning on how they will be engaged with - have already taken place in Section U and must be repeated throughout all stages in the ORGANIZATION-SPECIFIC ROADMAP.

[R3.3] Identification of environmental and social HARM - Guidance

a. An overview of this process and how it fits together with other requirements is illustrated below:



b. The process of identification of HARM, particularly legacy cases that initially started in the PAST and where systems to identify and prevent such HARM have been lacking or insufficient, is likely to take some time. THE COMPANY GROUP must make consistent steady progress, beginning with focusing on the presence of HARM where there are SALIENT HUMAN RIGHTS ISSUES and SALIENT ENVIRONMENTAL ISSUES (as identified as part of the HRDD and EDD process U1.9 & U1.9) and on those cases that it is already aware meet the priority criteria set out in Guidance Note R3.3.4r [R3.3.4r] below.

[3.3.1] & [3.3.2]

Discussion point & key area

See the note and questions at 1.8.3 above.

- c. In these Indicators the basic process required is to:
- Develop the methodologies for making maps and inventories;
 - Assess and map PAST impacts;
 - Assess and map the current situation;
 - Identify HARM (this may require cross-referencing to HRIAs and EIAs for further information before concluding HARM has taken place or recommending production HRIAs and EIAs where they do not already exist and HARM is suspected);
 - The above information is fed into the:
 - REGISTRY OF HARM (3.3.3);
 - Prioritisation for REMEDY OF HARM process (3.3.4);
 - In the case of environmental HARM, after prioritisation, the conservation and restoration planning process as set out in Sub-section RE.

- d. Note that all HIGH CONSERVATION VALUES (HCVs), including HCV 5 – community needs - and HCV 6 – cultural values - are covered by the HCV sub-indicators in (3.3.1) and (3.3.2).
- e. National Forest Stewardship Standards (NFSSs), where they exist, should be consulted for primary guidance on HCV framework for definitions and interpretation at the national level.
- f. In the absence of a NFSS: For examples of credible methodologies to map natural forest, HCVs and HCV AREAS under (3.3.1), refer to the latest versions of the relevant toolkits.
- g. Toolkits for Identification of HCVs in specific countries where they exist, should be consulted.
- h. **ORGANIZATION-SPECIFIC ROADMAP Adaptation Guidance Note:** Where HCVs present include PEAT it must be explicitly included in the Requirements/Indicators of the ORGANIZATION-SPECIFIC ROADMAP.
- i. National Forest Stewardship Standards (NFSSs), where they exist, should be consulted for primary guidance on HCV framework for definitions and interpretation at the national level.
- j. Where THE COMPANY GROUP AND ITS WOOD SUPPLIERS' PAST operations have impacted areas outside their MANAGEMENT UNITS, these impacts should be assessed and mapped, especially on animal species with large ranges/territories and PEAT landscapes. In addition, assessment of HCV AREAs outside the MANAGEMENT UNITS is needed to identify the areas where the EQUIVALENT HCVs are still present and could be maintained/enhanced as a part of the conservation and restoration plan (see U1.1.3.).
- k. Cases requiring REMEDY may overlap in terms of the categories of area that require environmental REMEDY, i.e. more than one category may apply. This will impact the quality of REMEDY not the quantification. In the first instance all such areas should be mapped according to the individual situations set out in (3.3.1 and 3.3.1). e.g. the area may be an ILLEGALLY LOGGED SIGNIFICANT CONVERSION of NATURAL FOREST containing numerous HCVs, including RARE, THREATENED OR AND ENDANGERED SPECIES on PEATLAND.

[3.3.1.4] & [3.3.2.4]

- l. High Carbon Stock (HCS) areas are included here as in some areas these have likely already been assessed.

[3.3.1.6] & [3.3.2.6]

- m. NB: There is no start date for the REMEDY OF HARM from the violation traditional and HUMAN RIGHTS in forestry operations .
- n.

[3.3.3]

- o. The REGISTRY of HARM is not made publicly available.
- p. Cross-referencing between the sources of information that can lead to the identification of HARM should take place, i.e. between GRIEVENCE MECHANISM records [3.3.3.1], the due diligence system [3.3.3.2], and the mapping and inventory process [3.3.3.3].

[3.3.3.1.1]

- q. The precautionary principle is applied in the screening of conflicts for HARM and root causes of the CONFLICT are analysed for HARM. Very often the presence of a CONFLICT is an indicator of the presence of HARM and this may not always be immediately obvious.

[3.3.4] Discussion point & key area needing further development: this whole guidance section on prioritisation

Background note for consultation readers: *Some of the development of the Remediation Framework took place while a draft Roadmap for APP was being drawn up by a stakeholder working group. When the APP Roadmap process was suspended this took place while the prioritisation process for environmental remedy was in its very early stage of development, further work then stopped. In the meantime the Conversion Remedy Procedure has been developed and it is therefore sensible to consider the approach that this draft process is proposing as noted below.*

- r. Priority cases for REMEDY OF HARM are identified using best practice criteria some of which are included in *UNGP Implementation Guidelines (2011)*

https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf.

Including:

- i. High severity (not risk – see below);
 - ii. Direct role of company;
 - iii. Difficulty of remedy;
 - iv. High risk;
 - v. Well-established recognition of rights;
 - vi. Urgency.
- s. Priority of cases for REMEDY of environmental HARM should also follow similar criteria as those set out in the *UNGP Implementation Guidelines* as summarised above (see also Sub-section RE while assigning priority to environmental cases).
- t. All types of HARM: Take into account the following considerations from the draft Conversion Remedy Procedure (CRP):

[Consultation Discussion Point] **NB:** The following is taken verbatim from the June 2021 CRP draft, some of the terms currently used vary between the CRP and the REMEDIATION FRAMEWORK. Items marked * are defined in the CRP definitions. The following is taken from CRP definitions:

What is your view on the approach put forward in the CRP and copied into the Guidance of the Remediation Framework? If this is not the right approach what do you propose?

- i. **Priority activities:** Activities that should be undertaken as a priority in the early phases of implementing the Remedy Plan prior to being able to demonstrate that the initial implementation threshold has been achieved. These activities shall include:
 - Resolution of *priority social conflicts** associated with *conversion**;
 - Independent identification of *Affected Rights Holders** and *social harm** caused.
 - Agreement with *Affected Rights Holders** on a roadmap to *remedy* social harm**, including realistic timeframes and a method for monitoring implementation.
 - *Restoration** and *conservation** of *ecosystem attributes** deemed to be critical for recovering ecosystem resilience as identified by environmental experts and input from *affected stakeholders** (these may include but are not limited to critical ecosystem values identified in the FSC Principles and Criterion under principles 5, 6 and 9, including:
 - 5.1 resources and *ecosystem services**,
 - 6.4 *rare species** and *threatened species** and their *habitats**,
 - 6.5 representative sample areas of native ecosystems,
 - 6.7 natural water courses, water bodies, riparian zones and their connectivity
 - Principle 9 – all High Conservation Values.)
 - *Conservation** and/or *restoration** of areas of the same ecosystem as that which was lost, if such ecosystems are considered HCV 3 in the local or national context of the Unit in question.
 - *Conservation** and/or *restoration** of areas which specifically expand functional habitats, are adjacent to existing *conservation** areas or intact forests, or form viable biodiversity corridors.
 - Priority Activities for environmental harm aimed at halting further environmental damage, examples may include, but are not limited to: erosion control, fire management, water quality restoration, eradicating invasive species, protection measures from further harm.
 - Locations where priority activity for environmental remedy are recommended to be identified should be in the following sequence:
 - The conversion site,
 - The management unit,
 - Any areas outside the management unit affected by the conversion.
- ii. **Priority social conflict:** CONFLICTS or processes that are preventing the *remedy** from being initiated which need to be resolved in order to build confidence in the effectiveness of the remedy process. This can include accessibility to the process, equitable process, transparency, rights compatibility or legitimacy *Conflicts** to be

identified and prioritized for resolution against best practice criteria, some of which are included in UNGP implementation guidelines 2011. (NB: *The definition of CONFLICT is identical in both documents*)

[R3.4] REMEDY OF HARM process - Guidance

[3.4.1]

- a. These procedures cover both HARM (*ex post*) from PAST violations of RIGHTS and other on-going UNACCEPTABLE ACTIVITIES - so that it can be REMEDIED – as well as identify potential future HARM (*ex ante*) – to prevent future violations.
- b. REMEDY goes beyond Corporate Social Responsibility or general community economic development interventions and needs to both remediate the RIGHTS-HOLDER and the forest level HARM and address the root cause of the HARM identified.
- c. THE COMPANY GROUP should engage INDEPENDENT EXPERTS on the facilitation and support of REMEDY processes to support the development of the necessary foundational procedures and the adaption of the procedures on a case by case basis. This is particularly necessary in the early stages of developing such approaches and while specialist staff capacity and experience is being built. See also Guidance Note 3.4.1.7o [3.4.1.7o] below.
- d. The 'general' methodology developed here should include a range of options as specific REMEDY PROCESS AGREEMENTS (3.4.3) will be developed in dialogue with RIGHTS-HOLDERS on a case by case basis.

[3.4.1.1]

- e. See: 'Conflict & Remedy of Harm Continuum' :
 - i. VIACONFLICT (2012) *The Conflict Continuum*: <https://viaconflict.wordpress.com/2012/01/01/the-conflict-continuum/>; and
 - ii. Moore, C (2014) *The Mediation Process. Practical Strategies for Resolving Conflict*. 4th Edition. Figure 1.1. Continuum of Conflict Management and Resolution Approaches and Procedures: <https://download.e-bookshelf.de/download/0002/3724/53/L-G-0002372453-0003337617.pdf>
- f. For RESTORATIVE PRACTICE references and approaches see:
 - i. Schormair, J. & Gerlach, L. (2019) Corporate Remediation of Human Rights violations - A Restorative Justice Framework, *Journal of Business and Ethics*. December 2020. https://www.researchgate.net/publication/332066560_Corporate_Remediation_of_Human_Rights_Violations_A_Restorative_Justice_Framework
 - ii. The Restorative Justice Council's *Principles of Restorative Practice*: Restoration; voluntarism; neutrality; safety; accessibility; and respect. <https://restorativejustice.org.uk/sites/default/files/resources/files/Principles%20of%20restorative%20practice%20-%20FINAL%2012.11.15.pdf>
 - iii. The work of Dominic Barter, his concept of "restorative circles" and work on dialogical social systems: In particular his focus on the five key elements that need specific attention and consideration for successful dialogical/restorative processes to take place: Information; mechanism of access to the system; support; consideration of power; and space and time. <https://www.restorativecircles.org/>
 - See for example his work on remediation with the Renova Foundation on remediation in the wake of the Mariana disaster dam collapse in Brazil. <https://earthrestorativejustice.org/interviews/dominic-barter>
 - A clear description of restorative circles is given in: Kashtan, M. (2015) *Reweaving Our Human Fabric*.
- g. RESTORATIVE PRACTICES and processes that are proposed by RIGHTS-HOLDERS and their chosen representatives (provided FPIC has taken place) are given priority.
- h. The REMEDY procedures of the COMPANY GROUP AND ITS WOOD SUPPLIERS are suitably flexible to allow for different approaches and practices as determined in dialogue with the RIGHTS-HOLDERS.

[3.4.1.2]

- i. See the obligation for information in the *FSC FPIC Guidance*, FSC-GUI-30-003.

- j. In the case where RIGHTS-HOLDERS do not wish to communicate directly with THE COMPANY or the COMPANY GROUP, they may be informed of their RIGHTS by an INDEPENDENT THIRD PARTY. The INDEPENDENT THIRD PARTY should not receive monetary compensation from THE COMPANY or COMPANY GROUP and shall be selected based on expertise on informing communities on the right to REMEDY OF HARM.

[3.4.1.3]

- k. See definition of RESOURCED ACCESS.

l. The definition of “other support” will be subjective and specific to the RIGHTS-HOLDERS in question and the situation at hand and can include existing trusted relationships, e.g. a spiritual leader, counsellor, or advisor. It can also mean professional specialists in RESTORATIVE PRACTICES. The needs of the RIGHTS-HOLDERS should be central and they themselves should decide what is needed.

- m. Details of RIGHTS-HOLDERS that choose not to engage with the company and efforts to engage them should be recorded.

[3.4.1.6]

- n. Professional input is likely to be needed to design systems and processes that successfully redress power imbalances, particularly in the early stages of establishing such approaches. See Guidance Notes 3.4.1c [3.4.1c] and 3.4.1.1f [3.4.1.1f]

[3.4.1.7]

o. This professional support may be in the form of specialist facilitation and coaching, professional or traditional space holding for RESTORATIVE PRACTICES/dialogical system approaches/CONFLICT resolution, mediation, Non Violent Communication etc. The needs of both ‘victims’ and ‘perpetrator COMPANIES or agencies’ are considered and support made available to all parties.

- p. This indicator is not intending to refer to a legal team or other form of defensive support, although of course these too may be needed.

[3.4.1.9]

q. RIGHTS-HOLDERS have a greater voice above that of other STAKEHOLDERS in determining whether there is sufficient progress of REMEDY OF HARM.

r. Any assessment of progress must be conducted in a participatory and inclusive way with RIGHTS-HOLDERS and their chosen advisors.

s. See section 5.4 *FSC FPIC Guidance* (2012) FSC-GUI-30-003: ‘Setting up a participatory monitoring model’.

t. Satisfaction can be determined through the following evidence: Documentation of process to date; interviews with RIGHTS-HOLDERS and other STAKEHOLDERS; participatory evaluation reports.

u. Best practice references include Poitras and Le Tareau (2009) Quantifying the Quality of Mediation Agreements. *Negotiation and Conflict Management Research*, 2(4), 363–380. <https://doi.org/10.1111/j.1750-4716.2009.00045.x>, for example, propose some simplified aspects for the participatory evaluation

- i. Parties’ perception on the process;
- ii. Perception on the procedural justice: the degree to which the parties believe that the agreement was achieved in a fair and equitable way/process;
- iii. Perception on the usefulness of the mediator/facilitator;
- iv. Parties’ satisfaction with the content of the agreement;
- v. Confidence with the agreement. Is the agreement feasible and implementable? Will the parties comply with the agreement?;
- vi. Parties’ perception on relationship change;
- vii. Parties’ perception regarding reconciliation between parties (To what degree the process helps improve parties’ relationship?)

[3.4.1.10]

- v. Use of the UNGP Reporting Framework is recommended. See: <https://www.ungpreporting.org/>

and Mazars & Shift (2015) *UN Guiding Principles Reporting Framework*. Mazars LLP & Shift Project Ltd: https://www.ungpreporting.org/wp-content/uploads/UNGPRReportingFramework_withguidance2017.pdf

[3.4.3]

- w. REMEDY PROCESS AGREEMENTS are made in consultation with a representative cross section of the communities and their chosen representatives including e.g. women, elders, youth, customary leaders, village government.
- x. See *FSC FPIC Guidance* FSC-GUI-30-003 v2 for key process elements that should be considered for inclusion in the process agreement, summarised here:
- i. A Process Agreement may include (but is not limited to):
 - An agreed scope of the process;
 - Timelines for implementation, noting that new applicants to FSC certification and current FSC certificate holders will likely differ [and in this case of ENDING DISASSOCIATION or ensuring PfA compliance verification pre-association with FSC may respectively differ again];
 - Representation in the process;
 - Effective and expiry date of the agreement;
 - Frequency and location of meetings and how decisions will be made;
 - Clear phasing of the process, in line with continuous and iterative decision-making;
 - Terms of verification and observation of the process (e.g. see *Step 6: independent verifiers of FPIC process* in the *FPIC Guidance*);
 - Financial commitments of FPIC process;
 - Acceptable use of advisors, facilitators, and observers;
 - Capacity-building strategy, if necessary;
 - Mechanism for monitoring the process;
 - Mechanism to formalize the agreement (see *Step 6* in the *FPIC Guidance*);
 - Types of documents to be shared (see *Step 3: Results of impact assessments* in the *FPIC Guidance*);
 - Interim dispute-resolution process; and
 - Record of actions taken in the process.
 - y. The quality of agreements should be assessed on the following elements (taken from: *United Nations Guidance for Effective Mediation* (2012) <https://peacemaker.un.org/guidance-effective-mediation>):
 - i. The agreement should aim to **resolve/address the major issues and grievances** that led to the conflict, either by addressing the root causes directly in the agreement or by establishing new mechanisms and/or institutions to address them over time through democratic processes;
 - ii. Agreements should be **as precise as possible** in order to limit the points of contention that would have to be negotiated during the implementation stage;
 - iii. Agreements should incorporate **clear modalities for implementation, monitoring and dispute resolution** to address disagreements that may arise during implementation. They should also include guidelines on priorities, the obligations of the respective parties and realistic timetables;
 - iv. The **gender dimension** of all issues should be clearly articulated, as agreements that are gender neutral have often proven detrimental to the well-being, security, and needs of women.
 - z. When agreement cannot be reached on sensitive issues, the mediator/facilitator should also help the CONFLICT parties and other STAKEHOLDERS build into the agreement options or mechanisms for these issues to be addressed at a later time (i.e. it should be stated explicitly in the REMEDY PROCESS AGREEMENT).
 - aa. REMEDY PROCESS AGREEMENTS should also include a situation where a community or individual chooses to not go forward with a process to REMEDY HARM.

[R3.5] Pilot cases - Guidance

- a. Refer to Guidance Notes for R3.4 on the *REMEDY OF HARM* process Indicators that are applied and therefore repeated in this section.

[3.5.1]

- a. A pilot case may be HARM that has happened to a community or an individual.
- b. SALIENT HUMAN RIGHTS ISSUES and SALIENT ENVIRONMENTAL ISSUES as identified by HRDD and EDD processes (U1.8 & U1.9).
- c. The prioritisation criteria listed in the Guidance Notes for 3.3.4 can be used to help choose pilot cases.
- d. NB the full process of prioritisation of cases of HARM will not be complete at the point that pilots are chosen and therefore informed decisions that consider the above Guidance Notes and Sub-Indicator 3.5.1.1 need to be taken to determine the pilots.

[4] Sub-section RS – Remedy of Social Harm from UNACCEPTABLE ACTIVITIES

Guidance

- a. Refer also to Sections b and f for additional indicators relating to social issues and where HARM may be identified. These are potential PfA specific SALIENT HUMAN RIGHTS ISSUES (NB: June 2021 note - these have not yet been fully developed). Stakeholder Consultation Point re 4.1.5
- b. Note that under the *United Nations Guiding Principles (UNGP) on Business and Human Rights* guidelines for implementation, business bears a responsibility to REMEDY for *all* rights impacts identified by HUMAN RIGHTS DUE DILIGENCE (HRDD) processes (see *Guiding Principles on Business and Human Rights Implementing the United Nations “Protect, Respect and Remedy” Framework* UN 2011).
In English: https://www.ohchr.org/documents/publications/GuidingprinciplesBusinessshr_eN.pdf.
Other languages: <https://www.unglobalcompact.org/library/2>
- i. See Guidance Notes on section [2.2] for other references of HRDD frameworks and approaches.
- c. Refer to FSC FPIC Guidance (FSC-GUI-30-003 v2) on the FSC approach to addressing complaints, disputes and conflicts.
- d. Note regarding ILLEGAL LOGGING and ENCROACHMENT: HARM to RIGHTS-HOLDERS identified through the HRDD (U1.8) and HARM identification processes must include root causes (e.g. customary land tenure conflicts leads to ENCROACHMENT by RIGHTS-HOLDERS)

[4.1] REMEDY social HARM – Guidance

- a. This section is a recap/list of instructions of what needs to be followed for the REMEDY of social HARM.
- b. Note that the RIGHTS and RIGHTS-HOLDERS in this section include WORKERS and covers HARM from violation of the ILO Core Conventions.
- c. Note that the REMEDIATION FRAMEWORK exists for the REMEDY OF HARM from UNACCEPTABLE ACTIVITIES. At the same time it seeks to establish systems that prevent the occurrence of HARM and ensure that there is access to REMEDY for RIGHTS-HOLDERS. Therefore these systems should be applied to all HARM and not just that from UNACCEPTABLE ACTIVITIES. In terms of ENDING DIASSOCIATION it is the REMEDY OF HARM from UNACCEPTABLE ACTIVITIES and sufficiency of the system implemented by THE COMPANY GROUP to meet the ORGANIZATION-SPECIFIC ROADMAP that will be verified by THE FSC THIRD PARTY VERIFIER and not the REMEDY of other HARM that falls outside the definition of UNACCEPTABLE ACTIVITIES.

[5] Sub-section RE – Remedy of Environmental Harm from UNACCEPTABLE ACTIVITIES

Guidance

- a. Refer also to Sections a, c and d for clarification on when to apply the Conversion Remedy Procedure (CRP) and (in the future) additional indicators relating to environmental issues and where HARM may be identified. These are potential PfA specific SALIENT HUMAN RIGHTS ISSUES (NB: June 2021 note - these have not yet been fully developed – see Section f for a draft set of such indicators). *Stakeholder Consultation Point re 5.1.5*
- b. The REMEDY of environmental HARM is achieved through conservation and restoration for the liability BY THE COMPANY GROUP AND ITS WOOD SUPPLIERS of DESTRUCTION OF HIGH CONSERVATION VALUES and ILLEGAL LOGGING (including ENCROACHMENT), and SIGNIFICANT CONVERSION for development of PLANTATIONS or OTHER PURPOSES.
- c. The REMEDY of environmental HARM for the liability of forest CONVERSION is achieved through the application of the separate CONVERSION REMEDY PROCEDURE (CRP). NB: CONVERSION differs from SIGNIFICANT CONVERSION, the latter is covered by the REMEDIATION FRAMEWORK (see REMEDIATION FRAMEWORK Section d).
- d. REMEDY by THE COMPANY GROUP AND ITS WOOD SUPPLIERS includes ILLEGAL LOGGING caused by ENCROACHMENT regardless of forest type or ecosystem values.
- e. See <https://www.illegal-logging.info/TOPICS/MAJOR-IMPACTS> for one view of what is considered to be the major impacts of illegal logging.
- f. If there is evidence that the forest has recovered from ILLEGAL LOGGING and there is no on-going HARM from the ILLEGAL LOGGING then no further REMEDY of environmental HARM is required. The potential need for REMEDY of social HARM should however still be investigated.
- g. **ORGANIZATION-SPECIFIC ROADMAP Adaptation Guidance Note:** In ORGANIZATION-SPECIFIC ROADMAPS developed from the REMEDIATION FRAMEWORK, where a National Forest Stewardship Standard (NFSS) exists there will be a national definition for NATURAL FOREST, this definition should be included under those circumstances.
- h. Note that all HIGH CONSERVATION VALUES (HCVs), including HCV 5 – community needs - and HCV 6 – cultural values - are covered by the process outlined in this section. See FSC Principles & Criteria (FSC-STD-01-001) and guidance from the HCV Resource Network (HCVRN) <https://hcvnetwork.org/wp-content/uploads/2019/07/HCV-Screening-summary-1.pdf>.
- i. **ORGANIZATION-SPECIFIC ROADMAP Adaptation Guidance Note:** Where HCVs present include PEAT it must be explicitly included in the Requirements/Indicators of the ORGANIZATION-SPECIFIC ROADMAP.
- j. National Forest Stewardship Standards (NFSSs), where they exist, should be consulted for primary guidance on HCV framework for definitions and interpretation at the national level.
- k. Where THE COMPANY GROUP AND ITS WOOD SUPPLIERS' PAST operations have impacted areas outside their MANAGEMENT UNITS, these impacts should be assessed and mapped, especially on animal species with large ranges/territories and PEAT landscapes. In addition, assessment of HCV AREAs outside the MANAGEMENT UNITS is needed to identify the areas where the EQUIVALENT HCVs are still present and could be maintained/enhanced as a part of the conservation and restoration plan (see 5.2).
- l. Cases requiring REMEDY may overlap in terms of the categories of area that require environmental REMEDY, i.e. more than one category may apply. This will impact the quality of REMEDY not the quantification. In the first instance all such areas should be mapped according to the individual situations set out in [R3.1.1]. e.g. the area may be an ILLEGALLY LOGGED SIGNIFICANT CONVERSION of NATURAL FOREST containing numerous HCVs, including RARE, THREATENED OR AND ENDANGERED SPECIES on PEATLAND. The REMEDY must meet the requirements set out in [5.2].

[5.1] REMEDY environmental HARM - Guidance:

- a. This section is a recap/list of instructions of what needs to be followed for the REMEDY of environmental HARM.
- b. Note that the REMEDIATION FRAMEWORK exists for the REMEDY OF HARM from UNACCEPTABLE ACTIVITIES. At the same time it seeks to establish systems that prevent the occurrence of HARM and ensure that there is access to REMEDY for RIGHTS-HOLDERS and that REMEDY in the form of restoration and conservation takes place in environmental cases.

Therefore these systems should be applied to all HARM and not just that from UNACCEPTABLE ACTIVITIES. In terms of ENDING DIASSOCIATION it is the REMEDY OF HARM from UNACCEPTABLE ACTIVITIES and sufficiency of the system implemented by THE COMPANY GROUP to meet the ORGANIZATION-SPECIFIC ROADMAP that will be verified by THE FSC THIRD PARTY VERIFIER and not the REMEDY of other HARM that falls outside the definition of UNACCEPTABLE ACTIVITIES.

[5.1.8]

- a. In some cases conservation and restoration plans may be all that is needed to REMEDY HARM. In other cases social REMEDY may be needed as well. This will differ on a case by case basis.

[5.2] Landscape-level conservation and restoration plan - Guidance:

- a. Conservation and restoration areas are selected based on the information collected in [R3.3.2].
- b. Demonstration of impacts of restoration should follow FSC-PRO-30-006 *Ecosystem Services Procedure*, Section III and Annex B. Section IV is specifically excluded regarding labelling.

[5.2.2.1.4]

- c. The use of data beyond mapping and inventory data will very often need to be relied upon to produce an estimate of total area CONVERTED, HCVs destroyed and ILLEGAL LOGGING and therefore PAST HARM. Data available, approach and formulae will vary in different regions and with different forest types. This is therefore a specialist task.
 - i. In South East Asia a typical approach is to analyse the proportion of mixed tropical hardwood (MTH) processed through mills over time. Formulae that relate the actual amount of MTH to the density of the source forests and therefore the area of forest lost vary with forests types and their relative densities.
- d. EQUIVALENCE is determined by the map data generated in [R3.3.2].

[5.2.3.1]

- e. With the exception that deforestation or forest degradation for small-scale low-intensity use by RIGHTS-HOLDERS to meet basic livelihood needs may be undertaken in areas that have been previously identified, mapped and agreed with THE COMPANY GROUP in the landscape level conservation and restoration plan and site conservation and restoration plan and verified by INDEPENDENT OBSERVERS.
- f. Fire and burns can be considered a method of deforestation.

[5.2.3.2]

- g. THE COMPANY GROUP route, site or design planned infrastructure to avoid negative impacts in the conservation and restoration areas. The emphasis here in the Sub-Indicator is on the word "major" and is not intended to preclude infrastructure that is specifically needed for conservation and restoration purposes. A clear rationale for such new infrastructure is required to ensure it is truly justified.

[5.2.4]

- h. See U1.7 for Requirements and guidance on stakeholder identification and consultation.

[5.3] Site conservation and restoration plans - Guidance:

- a. Site conservation and restoration plans include a clear time-line and maps for when and where each activity will be completed.

[7] Section b - Violation of traditional and human rights in forestry operations

Guidance:

[7.1.1] Public and WORKER health

- a. Reference: UNGPs and Declaration of Human Rights (the Universal Declaration of Human Rights of the United Nations).

[7.1.1.1.]

- b. WORKER Health references:
 - i. This indicator is in part adapted from FSC IGI 2.3.1. Reference: International Generic Indicators FSC-STD-60-004 V1-0 (IGIs).
 - ii. ILO Code of Practice Safety and Health in Forestry Work (1998).
 - iii. ISO 45001 – Occupational Health and Safety (2018).

[7.1.1.2.]

- c. This indicator is adapted from FSC IGI 10.7.6 and other sections of the IGIs.
- d. ENVIRONMENTAL VALUES that underpin the HUMAN RIGHT to health and well-being:
 - i. This part of the indicator relates to Article 25.1 of the Universal Declaration of Human Rights
 - ii. Human Right to clean water, air, environment including protection of land, soil, marine environment, the right to live without pollutants and be free from exposure to toxic chemicals; etc. See UNEP video: <https://www.unep.org/news-and-stories/video/right-safe-clean-healthy-and-sustainable-environment>

[7.1.1.3]

- e. This indicator is adapted from FSC IGI 10.9.1 and 10.9.2
- f. Potentially affected communities should include those that are not in direct proximity to fire but nonetheless affected by smoke and haze hazards, this may be some considerable distance from forest areas. PAST fires in the region will give some indication of where AFFECTED STAKEHOLDERS have been located.
- g. Guidance from FSC IGI 10.9: “Recognizing that NATURAL HAZARDS also include natural disturbances such as wind and fire, mitigation of the impact of NATURAL HAZARDS should focus in these cases on ensuring resilience as opposed to attempting to control or prevent the NATURAL HAZARDS”. In interpreting this indicator it is necessary to distinguish between three types of fire that might occur in forest situations:
 - i. Fires that are a natural, necessary and nonetheless still potentially hazardous part of the forest ecosystem. These are NATURAL HAZARDS;
 - It is in these areas that controlled burning may be a necessary management technique.
 - ii. Fires that are human induced;
 - In seeking to prevent the starting of “manmade fires”, the REMEDIATION FRAMEWORK does not seek to prevent controlled burning practices for ecological reasons where such practices are necessary. In such circumstances guidance must be sought from the respective National Forest Stewardship Standards (NFSSs) and local official ecological authorities as to whether such a practice is considered appropriate.
 - iii. Natural fires that spread far too widely and quickly because of human induced factors such as peat drainage or climate change.
- h. All three types of fire situation (detailed immediately above) require that the forest system is managed in order to be resilient enough to withstand unwanted effects of type i. fires and prevent type ii. and type iii. fires.
- i. This Indicator is primarily aimed at type ii. and type iii. fires - those that have started because e.g. the original fire was deliberately lit for forest clearance and where there is unnatural rapid progression of natural fires because of manmade problems e.g. the drainage of peat or the drying of forests because of climate change. Therefore such fires are those that would not have ordinarily occurred under natural circumstances. Such fires cannot be considered to be NATURAL HAZARDS.
- j. Training for relevant WORKERS and affected communities (with their collaboration on consent) is likely to be needed to meet need for early warning systems and mitigation measures.
- k. Refer to National Forest Stewardship Standards to find locally regulated, required fire

management measures.

[7.1.1.4]

- I. Climate heating in the context of the HUMAN RIGHT to health and well-being. The current climate heating emergency threatens all of life and is increasingly impacting human health and well-being.

Stakeholder Consultation Point

Do additional aspects that are crucial to HUMAN RIGHTS need to be added to Section b and its Guidance? For example:

- i. Legal and customary rights to land (P&C 3 & 4)
- ii. Land acquisition without FPIC ('land grabbing') (P&C 3 and 4)
- iii. Land concentration (not in P&C)
- iv. Livelihoods (P&C 3.4 and P&C 9 as 'basic necessities' under HCV5 and through protection of traditional occupations under ILO C111 under P&C 2)
- v. Local Food Security (not in P&C)
- vi. Healthy environment (soils, water, disease ecology, micro-environment) (P&C 5 with Annex C and P&C 9 as ecosystem services under HCV4)¹
- vii. Basic human rights (P&C 1.5 includes ratified human rights treaties)
- viii. Environment and human rights defenders (not in P&C)
- ix. Workers' rights (P&C 2)
- x. Loss of employment (not in P&C)
- xi. Rights of women and children (not in P&C except P&C 2.2 requires gender equality in employment)
- xii. Culture (P&C 3, 4 and 9 under HCV6 – 'critical to cultural identity').