

## **The Policy for Association Remediation Framework: Forward**

### **Acknowledgement**

There are many people who have contributed to the creation story of this piece of work. Attempting to acknowledge all of you would likely be impossible and many cannot be named. However, I would like to acknowledge your inspiration, advice, guidance, trust, patience, and dedication have been formative in shaping and contributing to this work over the course of the last four years. Without you, this work would not have been possible, this journey would have been too difficult to walk and the objective of co-creating a process for remedy of harm for the forest sector and forest dependent peoples and other rightsholders too heavy to bear. Thank you and welcome to the first public consultation of the FSC Policy for Association Remediation Framework (PfA Remediation Framework).

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### **Objective**

The objective of the PfA Remediation Framework is to establish a framework process to provide access to remedy in co-creation with rightsholders, stakeholders, companies and experts for violations of the FSC Policy for Association. The framework provides requirements, indicators, and guidance for the development of methodologies, policies and procedures to improve systems, implement early warning signals and ultimately transform the outcomes of operations with the aim of addressing the legacy of past harms and prevention of future violations. Through acknowledgement and accountability, the framework process provides a structured environment for mutual learning, dialogue and co-creation to take place between organizations, rightsholders, stakeholders and peers; it seeks to encourage transform conflict into reconciliation. The PfA Remediation Framework shall be adapted to an Organization-Specific Roadmap for each company engaging in an FSC PfA remedy process. Every Organization-Specific Roadmap will be presented for public consultation before being approved for implementation.

### **Scope**

For the first time, FSC is introducing a Policy for Association Remediation Framework, which provides a process by which companies and other organizations (we use the term companies interchangeably here) can remedy historic violations of the six unacceptable activities in order to meet FSC expectations. The new Conversion Remedy Procedure connects to the framework. The PfA Remediation Framework together with the Conversion Remedy Procedure provide a process for remedying harm from pre-association and pre-certification through to ending disassociation and maintaining association.

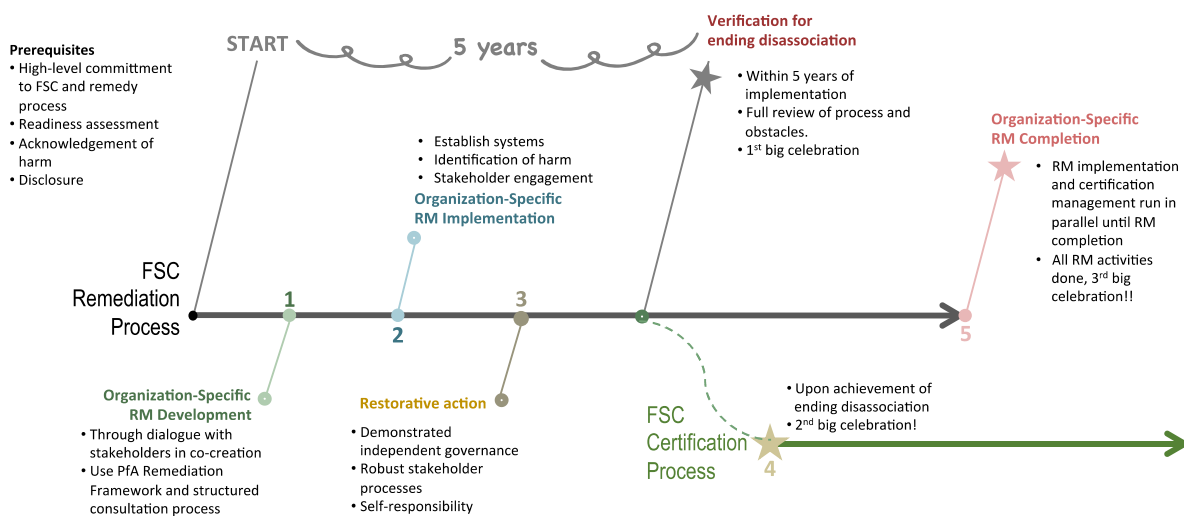
This means that companies seeking to associate with FSC or applying for FSC certification for the first time, will have an opportunity to remedy violations of the Policy for Association; the Policy for Association shall no longer permanently prevent these companies from engaging with FSC and contributing to responsible forest management. For these companies, we refer to a pre-association disclosure or discovery of PfA unacceptable activities.

In addition, companies that have been associated and found in violation of the Policy for Association will be able to remedy these violations and enter a path for ending disassociation with FSC. For companies found in violation of the Policy for Association who were not disassociated, but where the association is dependent on remedying harm, the PfA Remediation Framework provides the path for remedying these violations and allowing these companies to maintain association with FSC. For ending disassociation and maintaining association, the Remediation Framework applies to the company group directly and indirectly involved in the PfA unacceptable activity as well as its wood and wood fiber supply chain. The inclusion of the wood and wood fiber supply chain is to reestablish trust with FSC and the market for organizations that have been involved in unacceptable activities during their association with FSC.

## Thresholds

The PfA Remediation Framework is organized into five phases and a pre-requisite phase. Each phase is connected to an FSC board decision or verification milestone and reporting of progress. The purpose of framing thresholds in phases and not timelines, is to remove pressure on rights-holders and peoples to rush important dialogue and to avoid forcing agreements which are not sustainable and meaningful. The 5 year milestone of achieving ending disassociation or a full review of the organization company roadmap is intended to ensure steady progress through the roadmap milestones without creating impossible timelines or forcing progress when energy needs to be dedicated to process and engagement. The 5 year milestone is not a hard and fast rule, and in some Organization Specific Roadmaps, the 5 year milestone could be longer or shorter depending on the size of operations and harms to be addressed.

<b>PfA Remediation Framework</b> <b>- Vision -</b>	<ul style="list-style-type: none"> <li>• Process of 5 phases</li> <li>• Emphasis on co-creation throughout</li> <li>• Milestones rather than set time pressure points</li> </ul>	<ul style="list-style-type: none"> <li>• A learning &amp; improvement process</li> <li>• Independent verification progress reporting</li> <li>• Review at 5 years</li> </ul>
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## Principles

The PfA Remediation Framework is based on the international guidance of the UN Guiding Principles on Business and Human Rights, the principles of restorative justice, the belief in co-creation, the power of self-responsibility, and the wisdom of continuous learning. Our experience managing the Policy for Association shows unacceptable activities do not take place in isolation and that the harms caused by these activities are interconnected. For example, harms from destruction of high conservation values may also involve harms to livelihoods or human health.

The framework provides a means for organizations to acknowledge, take responsibility and accept accountability for harm in their operations. The framework does not provide prescriptive processes or a one-size-fits-all solution for remedy. The framework is only a template; the real work is in the co-creation of methodologies and systems whose robustness is tried through piloting and peer review governed by the self-managed Remediation Governance Body made up of rights-holders, stakeholders, topical experts and company representatives. The framework lays out requirements and indicators for verification to ensure desired outcomes, steady progress and opportunities for continuous improvement.

## Operating instructions

FSC is responsible for managing the infrastructure of the Remediation Framework. This infrastructure includes the third party verifier, the demonstration of progress website, and the Organization-Specific Roadmap contract. The third party verifier is a qualified and independent organization managed by

FSC and contracted to conduct verification of the achieved milestones in the Organization-Specific Roadmap. The accreditation process for vetting third party verifiers and their operation is managed and maintained by FSC. This accreditation process is not part of this public consultation and is subject of further work by FSC. The Conversion Remedy Procedure and the PfA Remediation Framework both make use of the third party verifier.

The demonstration of progress website is an important part of the communication and transparency requirement of the PfA Remediation Framework. Transparency and reporting are two components of rebuilding trust and demonstration of commitment to remedy. The demonstration of progress website is managed by FSC. This too is a work in progress and in the development phase.

Finally, the agreement binding FSC and the organization to the organization company roadmap is managed and maintained by FSC including the enforcement and regular review of that agreement.

# The Policy for Association (PfA) Remediation Framework (RF) Summary Version

## The Sections:

1. **Section U - Universal Requirements:** Foundational Infrastructure, Principles and Procedures
2. **Section T - Trust-Building Measures:** Additional Measures to Rebuild Trust with THE COMPANY GROUP and Protect FSC's Reputation
3. **Section R – General Remedy of Harm Procedures**
  4. **Sub-Section RS – Remedy of Social Harm**
  5. **Sub-Section RE – Remedy of Environmental Harm**

## PfA Specific Policy Element Sections:

### *Specific information on which parts of the Remediation Framework to apply in which cases and additional Requirements:*

6. **Section a** - Illegal logging and trade in illegal wood and forest products
7. **Section b** - Violation of traditional and human rights in forestry operations
8. **Section c** - Destruction of high conservation values (HCVs) in forestry operations
9. **Section d** - Significant conversion of forests to plantations or non-forest use
10. **Section e** - Introduction of genetically modified organisms in forestry operations
11. **Section f** - Violation of any of the ILO Core Conventions

## **Section U - Universal Requirements: Foundational Infrastructure, Principles and Procedures**

### **1. Establish foundational infrastructure, principles and procedures for implementation of the REMEDIATION FRAMEWORK via an ORGANIZATION-SPECIFIC ROADMAP**

#### **1.1. Conducive implementation environment**

THE COMPANY GROUP shall create an environment conducive for implementation of the ORGANIZATION-SPECIFIC ROADMAP by providing sufficient resources and applying continuous learning and improvement principles to ensure and improve delivery of the ORGANIZATION-SPECIFIC ROADMAP.

#### **1.2. REMEDIATION GOVERNANCE BODY**

THE COMPANY GROUP shall establish a REMEDIATION GOVERNANCE BODY to govern the implementation of the ORGANIZATION-SPECIFIC ROADMAP.

#### **1.3. GRIEVANCE MECHANISM**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall have GRIEVANCE MECHANISMs.

#### **1.4. Prevention of UNACCEPTABLE ACTIVITIES, re-occurrence and violations of the FSC Policy for Association**

THE COMPANY GROUP shall have systems in place to stop and prevent UNACCEPTABLE ACTIVITIES and shall demonstrate continuous improvement in stopping on-going UNACCEPTABLE ACTIVITIES.

#### **1.5. Identification and RESPECT of RIGHTS and RIGHTS-HOLDERS**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall identify and RESPECT RIGHTS and RIGHTS-HOLDERS.

#### **1.6. FREE PRIOR INFORMED CONSENT (FPIC)**

The practice of FREE PRIOR INFORMED CONSENT (FPIC) shall be implemented by THE COMPANY GROUP AND ITS WOOD SUPPLIERS in interaction with RIGHTS-HOLDERS.

#### **1.7. Identification of STAKEHOLDERS and their engagement in the process**

Stakeholders shall be identified and engaged in the process.

#### **1.8. HUMAN RIGHTS DUE DILIGENCE (HRDD) framework**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall have a HRDD framework in place.

#### **1.9. ENVIRONMENTAL DUE DILIGENCE (EDD) framework**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall have an EDD framework in place.

#### **1.10. Transparency and Demonstration of Progress**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall establish systems and platforms that enable it to demonstrate progress and disclose information required for the assessment of implementation of the ORGANIZATION-SPECIFIC ROADMAP to the THIRD-PARTY VERIFIER, REMEDIATION GOVERNANCE BODY and for PEER REVIEW.

**Section T - Trust-Building Measures:** Additional Measures to Rebuild Trust with THE COMPANY GROUP and Protect FSC's Reputation

**2. Implement additional Measures to Rebuild Trust with THE COMPANY GROUP and Protect FSC's Reputation.**

**2.1. Mitigation of risks in wood and forest products supply chains**

THE COMPANY GROUP shall have a wood and forest products supply that meets as a minimum the requirement of FSC Controlled Wood throughout its supply chains.

**2.2. Payment of fees, taxes, fines and penalties**

THE COMPANY GROUP shall pay all legally due fees, taxes, fines and penalties.

**2.3. Anti-corruption measures**

THE COMPANY GROUP shall implement anti-corruption measures.

**2.4. Transparency and Demonstration of Progress**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall demonstrate progress. It shall disclose information, required for the assessment of implementation, to the REMEDIATION GOVERNANCE BODY, THE FSC THIRD-PARTY VERIFIER, and for PEER REVIEW.

**Section R – General Remedy of Harm Procedures**

**3. Establish REMEDY OF HARM procedures**

**3.1. Identification and RESPECT of RIGHTS and RIGHTS-HOLDERS**

*See Section U above*

**3.2. Identification of STAKEHOLDERS and their engagement in the process**

*See Section U above*

**3.3. Identification of environmental and social HARM**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall identify and assess HARM.

**3.4. REMEDY OF HARM process**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall develop procedures to REMEDY HARM.

**3.5. Pilot cases**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall pilot cases for REMEDY OF HARM.

**3.6. Transparency and demonstration of progress**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall demonstrate progress. It shall disclose information required for the assessment of implementation to the REMEDIATION GOVERNANCE BODY, THE FSC THIRD-PARTY VERIFIER and for PEER REVIEW.

## **Sub-Section RS – Remedy of Social Harm**

### **4. REMEDY of social HARM from UNACCEPTABLE ACTIVITIES**

#### **4.1. REMEDY social HARM**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall REMEDY social HARM from PAST violations of the RIGHTS of RIGHTS-HOLDERS

#### **4.2. Transparency and Demonstration of Progress**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall demonstrate progress. It shall disclose information required for the assessment of implementation to the REMEDIATION GOVERNANCE BODY, THE FSC THIRD-PARTY VERIFIER and for PEER REVIEW.

## **Sub-Section RE – Remedy of Environmental Harm**

### **5. REMEDY of environmental HARM from UNACCEPTABLE ACTIVITIES**

#### **5.1. REMEDY HARM**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall REMEDY environmental HARM including from PAST UNACCEPTABLE ACTIVITIES.

#### **5.2. Landscape-level conservation and restoration plan**

THE COMPANY GROUP shall identify and select areas of NATURAL FOREST and HCVs that it shall conserve and restore and it shall develop a landscape-level conservation and restoration plan to deliver this.

#### **5.3. Site conservation and restoration plans**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall develop, pilot and implement conservation and restoration plans at the site level.

#### **5.4. Transparency and Demonstration of Progress**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall demonstrate progress. It shall disclose information required for the assessment of implementation to the REMEDIATION GOVERNANCE BODY, THE FSC THIRD-PARTY VERIFIER and for PEER REVIEW.

## **PfA Specific Policy Element Sections**

*Specific information on which parts of the Remediation Framework to apply in which cases and additional Requirements:*

### **6. Section a - Illegal logging and trade in illegal wood and forest products**

Apply: Section U; Section T; Section R and sub-sections RE and RS; Section a

### **7. Section b - Violation of traditional and human rights in forestry operations**

Apply: Section U; Section T; Section R and sub-sections RE and RS; Section b

Additional Indicators for the Requirement:

**U1.4 Prevention of UNACCEPTABLE ACTIVITIES, re-occurrence and violations of the FSC Policy for Association**

### **8. Section c - Destruction of high conservation values (HCVs) in forestry operations**

Apply: Section U; Section T; Section R and sub-sections RE and RS; Section c

### **9. Section d - Significant conversion of forests to plantations or non-forest use**

Apply: Section U; Section T; Section R and subsections RE and RS; Section d

#### **Additional alternate Requirements:**

#### **9.1. REMEDY HARM from significant conversion of forests (that led to disassociation from FSC)**

THE COMPANY GROUP AND ITS WOOD SUPPLIERS shall REMEDY HARM from PAST significant conversion of forests to plantations or non-forest use.

#### **9.2. REMEDY pre-association HARM from conversion of forests**

Where there is no SIGNIFICANT CONVERSION THE COMPANY GROUP shall REMEDY HARM from PAST CONVERSION since 1994 of forests to plantations or non-forest use.

### **10. Section e - Introduction of genetically modified organisms in forestry operations**

Placeholder – further discussion needed.

### **11. Section f - Violation of any of the ILO Core Conventions**

Apply: Section U; Section T; Section R and sub-section RS; Section f

Additional Indicators for the Requirement:

**U1.4 Prevention of UNACCEPTABLE ACTIVITIES, re-occurrence and violations of the FSC Policy for Association**