

The elements of PEFC International in want of improvement, according to TPAC

Memo written by the Dutch Timber Procurement Assessment Committee (TPAC) for the meeting of the PEFC Standard Revision Working Group on May 27, 2009, Geneva.

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1. Introduction

The Dutch Timber Procurement Assessment Committee (TPAC) assesses certification systems for sustainable timber on behalf of the Green Procurement Policy of the Dutch government. During the assessment process of PEFC International last year, TPAC has identified a number of weak elements that were communicated to the PEFC Council in October 2008. Following this communication, the Council affirmed that it is willing to address these elements during the revision of two of its core documents dealing with PEFC's criteria for sustainable forest management and its standard setting procedures at national level. For this reason the Council invited TPAC to present its findings during the kick-off meeting of the Standard Revision Working Group in Geneva on May 27, 2009.

In this memo, TPAC lists the elements of the PEFC International system that, according to TPAC, are in want of improvement. The memo is intended as reference document for the Standard Revision Working Group, but will also be communicated to other stakeholders of sustainable forest management through the TPAC website. It should be noted that TPAC will not participate in the Working Group itself, because this may possibly jeopardise its independent position required for assessment of certification systems.

Section 2 gives an overview of the elements that, according to TPAC, are eligible for improvement. In section 3, the elements are further elaborated.

2. Elements in want of improvement, as identified by TPAC

TPAC has assessed the PEFC International system based on the Dutch Procurement Criteria for timber. The assessment has indicated that at any rate two elements need to be improved before TPAC can consider PEFC International as conforming to the Dutch Procurement Criteria. These elements are:

- free and informed consent of local population and indigenous peoples with forest management activities (TPAC SFM C2.3);
- public availability of management plans, maps and monitoring results (TPAC SFM C2.4).

In addition, TPAC has indicated two other elements, as to which in TPAC's opinion improvement is desirable:

- biodiversity conservation (TPAC SFM principle 4);
- composition of decision-making bodies (TPAC DAM C3.1).¹

Finally, TPAC has assessed, or is in the process of assessing, four national PEFC systems: Finland, Germany, Belgium and Sweden. These assessments have indicated three elements eligible for improvement at the *national* level:

- the forest management system (TPAC SFM principle 8);
- the overall structure of the SFM standard and the formulation of its criteria and indicators;
- a description of the national PEFC system in relation to the relevant legislation.

Although these elements pertain only to the *national* level, it can be argued that the international PEFC criteria and procedures should provide further guidance for these issues in order to accomplish better compliance of the national systems with the PEFC International standard.

¹ The acronym DAM refers to criteria included in the "*Development Application and Management of certification systems*"-Matrix of the Dutch Procurement Criteria. The other two matrices are: SFM (Sustainable Forest Management) and CoC (Chain of Custody). See annex.

3. Discussion of elements

3.1 The international standard

Based on the assessment of PEFC International, TPAC has identified the following elements which, according to TPAC, are eligible for improvement.

Free and informed consent by stakeholders with management activities (TPAC SFM C2.3)

PEFC International does not include a criterion that covers the issue of “free and informed consent”. This is noteworthy because the concept has broad international support; amongst others the Convention on Biological Diversity (CBD) and the widely adopted UN Declaration on the Rights of Indigenous Peoples refer to free (prior) and informed consent, as does the World Bank and the Round Table on Sustainable Palm Oil (RSPO). Guidelines have been developed for practical implementation of this element. It should be noted that the national PEFC systems which have been assessed by TPAC, all include more strict requirements on this issue, either in the national standard or through national legislation. Thus, there appears to be sufficient room for the accommodation of this element in the PEFC International standard. The question is about the wording, aiming at a balance between the interests of indigenous peoples and other interests. A simple opportunity to veto forest management activities is not aimed at.

Public availability of management plans, maps and monitoring results (TPAC SFM C2.4)

The public availability of management plans, maps and monitoring results is not required by PEFC International. This can be considered a shortcoming because it hampers transparency in logging operations and thereby the effective communication with stakeholders. TPAC notes that at the national as well as at the international level, there is increased concern for transparency in business operations. Including such a transparency requirement in the international PEFC documentation would therefore be an important improvement in the opinion of TPAC. Again, of the national PEFC systems that were assessed by TPAC, most were awarded a better score on this criterion than PEFC International. However, because PEFC does not explicitly require such transparency, there is no guarantee that each national system addresses this issue.

Protection of objects with high ecological value and of representative forest areas (TPAC SFM C4.1)

PEFC International includes several criteria which address the protection of forest areas and objects with high ecological value. However, some improvements are considered valuable by TPAC, particularly including:

- a requirement that a specific part (guidance TPAC 5%) of the certified FMU should be protected, representing the different forest types. This requirement should apply to both public and private certified forest land;
- protection of specific types of valuable ecosystems or representative parts thereof, such as old growth forests and wetlands/peatlands.

It is highly informative if these requirements at FMU level are accompanied with information on the total protected area as percentage of the total certified forest land under the given system.

Protection of endangered plant and animal species (TPAC SFM C4.2)

Regarding the protection of species, PEFC International includes several criteria. However, an improvement can be made by particularly requiring that endangered species are not only protected, but are also excluded from exploitation for commercial purposes.

Plantations

(TPAC SFM C4.4 and C4.5)

PEFC International's reference standard PEOLG does not make a distinction between natural forests and plantations. Although for forests in the boreal and temperate zone of the northern hemisphere such a distinction may be less relevant, the issue does have relevance for some forests in the temperate zone in the southern hemisphere and in the tropical zone. Issues which are to be covered to the opinion of TPAC are in particular:

- preference for the use of native tree species;
- a minimum area which allows for (regeneration to) natural forest;
- a cut-off date after which conversion of natural forest into plantations is prohibited (TPAC requires 1997).

Composition of decision-making bodies without undue dominance of one interest group

(TPAC DAM C3.1)

Regarding the composition of decision making bodies, PEFC International requires that the initiative for constitution of a national PEFC governing body lies with the national forest owners organisations. They are responsible for inviting national organisations representing all relevant interested parties. This initiative requirement in itself may be an obstacle for participation of stakeholders, notably NGOs, and may instigate undue dominance of forest sector organisations in the PEFC body. An alteration of this requirement along the lines of the "People, Planet, Profit" concept is therefore advised by TPAC.

3.2 The national standards

Based on the assessment of four national PEFC systems, TPAC has identified the following elements which, according to TPAC, are eligible for improvement at national level.

The management plan

(TPAC SFM P8)

The core of a management plan is its cyclic nature: definition of targets, implementation of measures, monitoring, evaluation and implementation of corrective measures.

Although this general structure is required by PEFC International, it is less articulated in some of the assessed national systems.

In addition, TPAC notes that sustainable forest management requires a management plan at an appropriate spatial level. Concerning the national PEFC systems, it is not always clear on what level the forests are managed and monitored and whether that management structure is capable of adequately implementing sustainable forest management. This goes in hand with the general need for a good definition of an FMU. Furthermore, the exceptions made in the PEFC standards (e.g. for small FMUs) may well limit the scope of the management activities in certified forests.

Finally, TPAC notes that forest management should benefit if both PEFC International and the national systems strengthen their requirements for the monitoring of environmental and social effects of forest management.

The structure of the SFM standard and the formulation of its criteria and indicators.
(TPAC SFM, general)

It is a great challenge to assure the development of a robust and consistent standard in a process with many stakeholders, different interests and different levels of expertise. Annex 3 of PEFC International reads: "*Certification criteria shall be auditable and express clearly the objectives for forest management that can be verified unambiguously (...)*". And "*Criteria shall include management and performance requirement (...)*". Although Annex 3 gives rather clear guidance to the development of well structured standards, TPAC notes that on national level some improvements can be made concerning the structure of the SFM standard and concerning the overall requirement that criteria and indicators reflect the present situation and are sufficiently specific.

Description of the relation between the national PEFC systems to national legislation
(TPAC SFM, general)

The national PEFC systems do not stand alone. To a greater or lesser extent relevant criteria are not included in these systems because they are already laid down in national laws or regulations. For transparency reasons it would be helpful if the relationship between a given national PEFC system and the prevailing legal context is clearly described in an introductory chapter of the system.