



Best Practice Standards for Planted Forests: **Social considerations**

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UN Commission on Human Rights

A Licence to operate from the State is not a sufficient condition for success.

*Companies need to pay as much attention to their social relations of production as they did to the physical, and to be as attuned to their **social licence to operate** from surrounding communities as they were to the legal.*

Problems of Plantations (1)

- Illegal land acquisition
- Concessions or title issued without respect for community rights and interests
- Removal of original ecosystem
- Livelihoods lost or at best transformed
- Culture lost



Problems of Plantations (2)

- Wealth and land concentrated
- Rights extinguished, displacement common
- Benefits limited
- Impoverishment
- Loss of political control



Protests



Conflict



Repression




Standard setting



- International law:
 - International human rights treaties
 - International labour organisation conventions
 - International environment laws (CBD)
- Soft law of international agreements:
 - Rio Declaration, Agenda 21
 - IPF/IFF Proposals for Action
 - e.g Akwe:kon Guidelines
 - ITTO Guidelines
- Development agency standards
- Voluntary industry standards

'Best practice' standards

- Implication is that they go beyond what is legally required in any one country
 - Can be adopted voluntarily by 'market leader' companies or progressive countries
 - Tend to rely on market pressure or incentives
 - Forest Stewardship Council
 - Roundtable on Sustainable Palm Oil
 - FAO draft Code on Planted Forests ?
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Key issues:

- Legality
 - Just land acquisition
 - Respect community and indigenous rights
 - Local control
 - Conflict Resolution
 - No forced resettlement
 - Cultural sensitivity
 - Workers' rights
 - Equity, benefit sharing and non-discrimination
 - Provision for small producers and outgrowers
 - Socially sensitive conservation
 - Independent verification
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Legality



- FSC Principle 1

all applicable laws of the country in which they occur, and international treaties and agreements to which the country is a signatory

- RSPO Principle 2

compliance with all applicable local, national and ratified international laws and regulations

- FAO draft – Principle 1 says 'good governance' but not explicit about need for legality.

Just land acquisition



- FSC

No diminishment of indigenous peoples' rights without consent. Local communities with legal or customary rights should control 'to the extent necessary'. Maybe included in review?

- RSPO

Not diminish legal or customary rights of other users without Free, Prior and informed consent, compensation for rights through freely negotiated agreements

- FAO draft

Not yet explicit.

Respect community rights

- FSC Principles 2 & 3

Legal and customary rights protected, indigenous peoples legal and customary rights recognised and respected

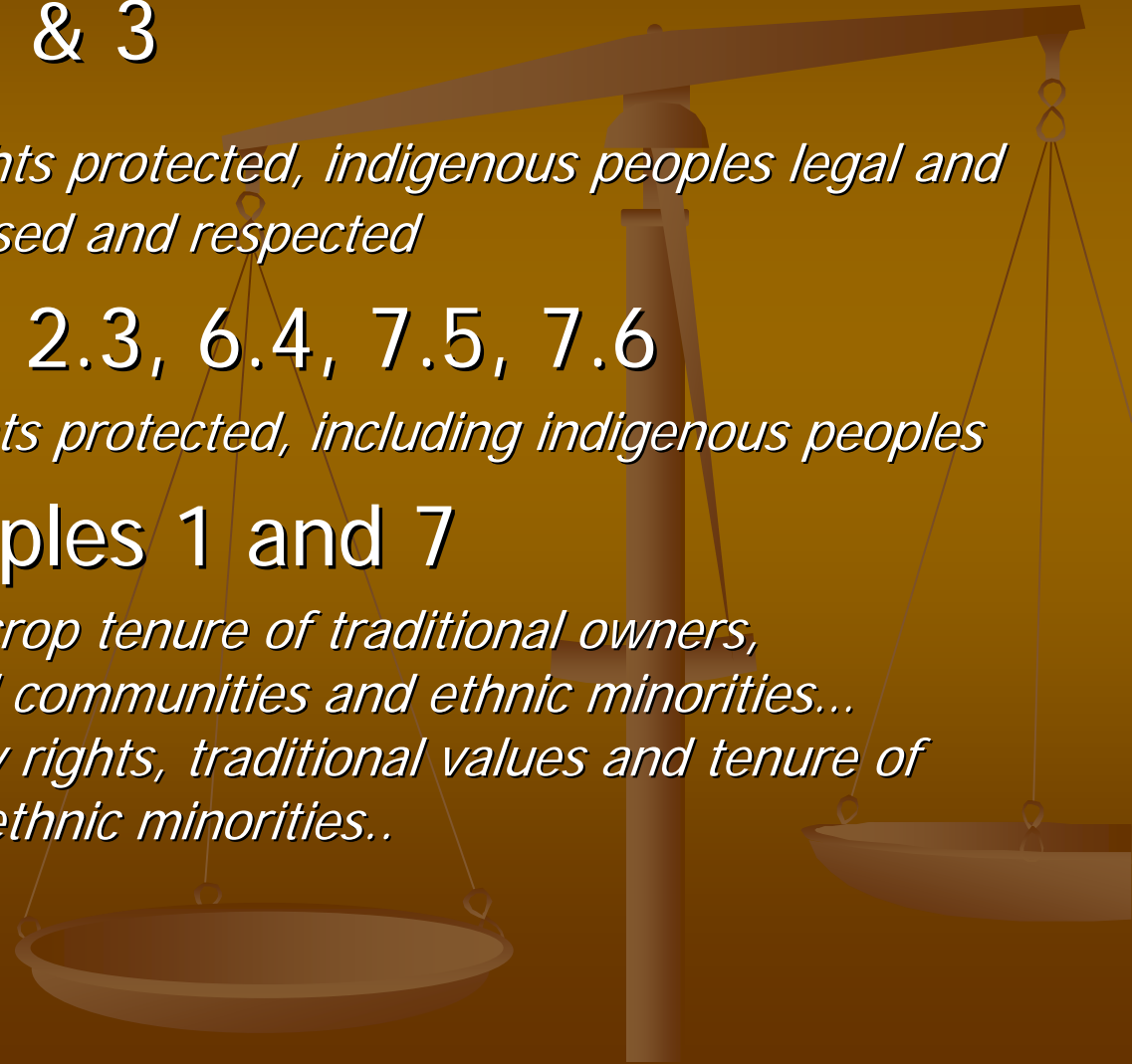
- RSPO P&C: 2.2, 2.3, 6.4, 7.5, 7.6

Legal and customary rights protected, including indigenous peoples

- FAO draft Principles 1 and 7

Recognition of land and crop tenure of traditional owners, indigenous peoples, local communities and ethnic minorities...

Recognition of customary rights, traditional values and tenure of indigenous peoples and ethnic minorities..



Local control



- FSC Principles 2&3

local communities ... and indigenous peoples ...retain control ... unless they delegate control with free and informed consent

- RSPO P&C 7.5

no new plantings are established on local peoples' land without their free, prior and informed consent... expressed through their own representative institutions.

- FAO draft Principle 2

*participation **in the spirit of** free, prior and informed consent by [all] stakeholders*

Conflict Resolution



- FSC P 2

*appropriate mechanisms shall be employed to resolve disputes..
Disputes of substantial magnitude involving a significant number of
interests will normally disqualify an operation from being certified*

- RSPO P&C 2.2, 6.3

*right to use the land is not legitimately contested by local
communities with demonstrable rights.... There is a mutually agreed
and documented system for dealing with complaints and grievances*

- FAO draft Principles 2 and 8

*resolution of conflicts through conflict management mechanisms
involving the major stakeholders... Establishment of clear conflict
resolution mechanisms to address conflicts over tenurial rights,
access and other rights that arise between major stakeholder[s]...*

No forced resettlement



- FSC

not explicit but implicit in respect for customary and legal rights and free and informed consent

- RSPO: P&C 7.6

not explicit: *local people are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements*

- FAO draft: Principle 8

Discouragement of displacement or resettlement of communities without free, prior and informed consent

Cultural sensitivity



- FSC P&C 3.3, 3.4 and P 9

*Sites of special, cultural, ecological, economic or religious significance ... shall be identified, recognized and protected...
Indigenous peoples shall be compensated for application of their traditional knowledge...*

- RSPO P&C 6.1, 7.1 and 7.3

Participatory social impact assessments...

- FAO draft Principle 8

Protection of sites of archaeological, cultural, spiritual or other scientific significance... recognition of community ancestral rights

Workers' rights



- FSC Principle 4

Legal health and safety, right to organise and voluntarily negotiate in line with ILO 87 and 98 ... appropriate mechanisms to resolve grievances

- RSPO P&C 4.7, 4.8, 6.2, 6.3, 6.6, 6.7

Occupational health and safety plan... appropriate training for workers... mutually agreed and documented system for dealing with complaints and grievances which is implemented and accepted by all parties... pay and conditions meet basic needs... right to form and join trades unions of their choice and to bargain collective... not child labour

- FAO draft Principles 1, 7 and 8

Recognition of the rights of workers to organise... Provision of employment, adequate training and equipment for health and safety... provision of a safe and healthy working environment and conditions, in compliance with national and international standards and laws

Equity and non-discrimination

- FSC

not explicit

- RSPO P&C 6.6.& 6.7

no discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation or age... a policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive rights is developed and applied

- FAO draft Principles 2,

Balance of trade offs between investor, sustainable livelihoods, sustainable land use and sustainable forest management... more equitable sharing of benefits



Provision for small producers and out-growers

■ FSC

not explicit in P&C

- SLIMF and group certification measures introduced since

■ RSPO P&C 6.10

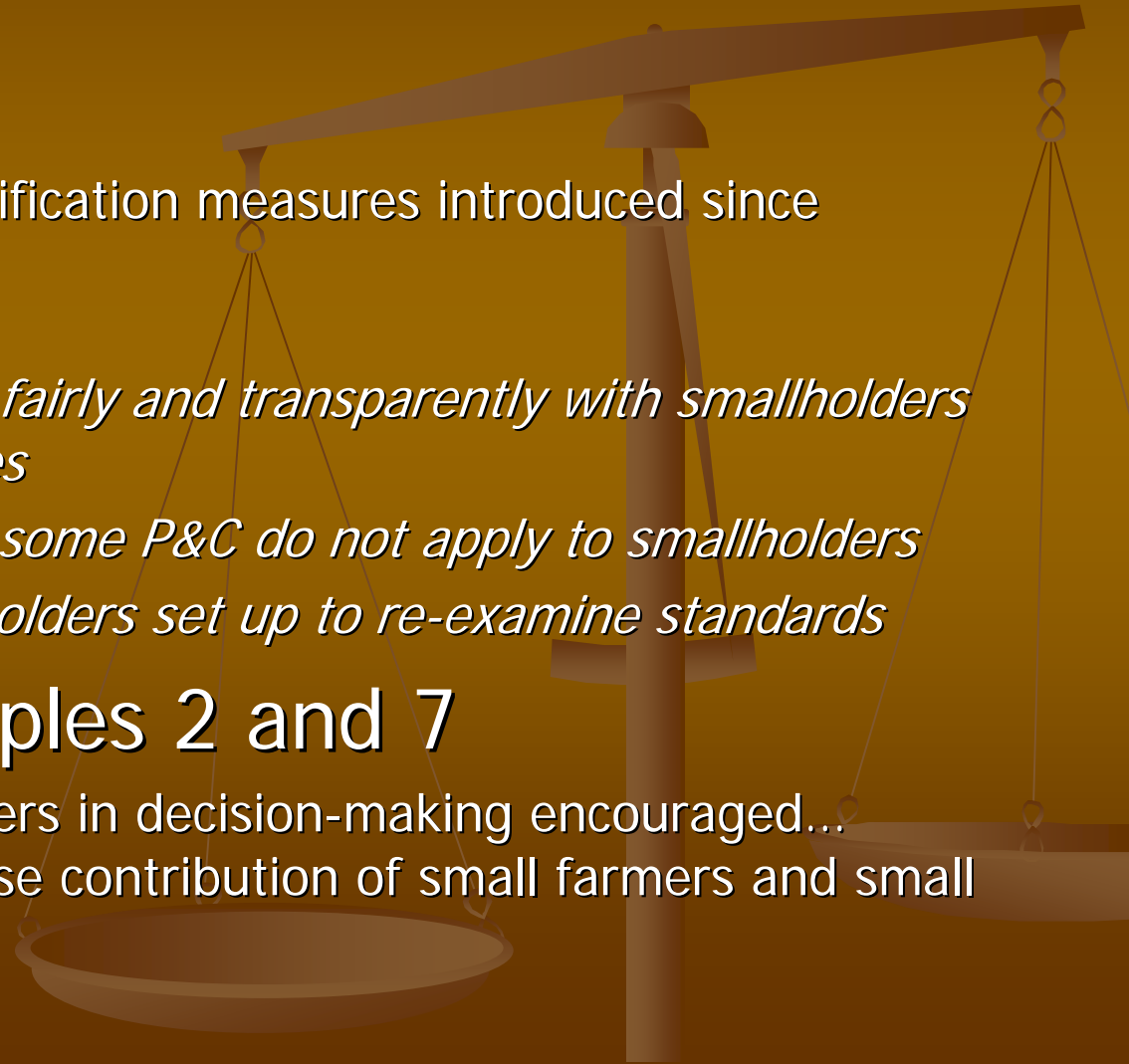
Growers and millers deal fairly and transparently with smallholders and other local businesses

- *Draft guidance notes some P&C do not apply to smallholders*
- *Task Force on Smallholders set up to re-examine standards*

■ FAO draft Principles 2 and 7

Participation of smallholders in decision-making encouraged...

Recognition of multiple use contribution of small farmers and small forest owner investors...



Socially sensitive conservation

- FSC

HCVF 5&6 protects areas critical to livelihoods and cultural identity

- RSPO

HCV 5&6 protects areas critical to livelihoods and cultural identity

- FAO draft

Omitted



Independent verification



■ FSC (FMU level)

- performance based
- 3rd party independent
- accreditation of certifiers
- participatory

■ RSPO (FMU level but its still under discussion)

- performance based
- 3rd party independent
- accreditation of verifiers (not yet clear how)
- participatory

■ FAO draft (Landscape level) Section D

- Governments to provide regulatory framework and monitor compliance

Conclusions

- Land Use Planning: more participation and emphasis on livelihoods
 - Landscape: more social issues in conservation planning
 - Legality: frameworks are crucial esp re land acquisition
 - FPIC
 - Workers' rights: esp non discrimination
 - Outgrowers and smallholders.
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