

10 August 2023

MiiRat Matthias Schwoerer
Bundesministerium für Ernährung und Landwirtschaft
Rochusstraße 1,
53123
Bonn

SUBJECT: AL DEU 4/2023

Dear Mr. Matthias Schwoerer,

Thank you for your letter dated July 5, 2023, in which you included a letter received by the Permanent Mission of the Federal Republic of Germany to the United Nations Office and other international organizations in Geneva which highlighted concerns regarding a certificate holder within Forest Stewardship Council (“FSC”) and requested certain pieces of information about our organization including processes and procedures. FSC takes all allegations about the violation of Indigenous People’s rights seriously and assures your office and the United Nations Human Rights Special Rapporteur that the matter will be reviewed via all appropriate channels following FSC’s standard procedures.

Firstly, FSC is deeply saddened by these allegations. As an organization working towards responsible forest management for over twenty years, we take every measure possible to ensure adherence to regulatory standards.

As the leader in sustainable forestry, FSC is trusted by NGOs, businesses, and consumers worldwide to protect healthy, resilient forests for all, forever.

FSC sets standards for forestry operations that want to conform with sustainable forestry requirements including good management practices, and for producers and traders of forest products who want to source from these suppliers and communicate this to their customers. In addition, FSC sets standards for certification bodies (“CBs”) to follow during their evaluations of organizations’ conformity with forest management and chain of custody standards. FSC’s standards on CBs, forest management and chain of custody form the foundation of the certification system.

Actors in FSC’s certification system each play a key role in getting products from the forest to the market; as well as ensuring the protection of forests for future generations. Certificate holders conform with the requirements set by FSC in the certification standards. In conforming with FSC standards, certificate holders ensure that their forests and forest sector products are responsibly sourced and managed, thereby yielding environmental, social and economic benefits.

CBs carry out the forest management and chain of custody evaluations that lead to FSC certification. They also conduct audits to ensure that certificate holders continue to conform with FSC’s certification requirements. If they do not conform, then their CB may suspend or terminate their certificate, and FSC may block them from the system.

Just as conformity of certificate holders is checked by CBs, CB performance is also checked by an independent third-party, Assurance Services International (“ASI”). ASI carries out annual checks on the CBs through office-based, remote and field assessments. If a CB does not conform with the required standard, then ASI may suspend them. In addition, ASI carries out additional investigations on certificate holders at the direction of FSC, as well as following allegations of wrongdoing.

In response to your letter, FSC has compiled the following answers.

1. **Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

On the overlap of rights claims over concessions distributed to Canales Tahuamanu S.A.C:

In October 2022, ASI conducted an assessment of the CB's evaluations of the certificate holder Maderera Canales Tahuamanu following the death of a logger after an encounter with indigenous people. During the assessment, ASI investigated how the CB evaluated the compliance of Maderera Canales Tahuamanu through a documentation review with FSC principles of indigenous peoples' rights. ASI determined that there is an ongoing legal land dispute between the Maderera Canales Tahuamanu and FENAMAD regarding part of the forest management area belonging to the Maderera Canales Tahuamanu. Based on the documentation reviewed, the ASI assessment concluded that Maderera Canales Tahuamanu were the official guardian of its concessions that were distributed by the state.

The assessment also determined that Maderera Canales Tahuamanu recognizes the risks of contact between its workers and isolated indigenous communities as the company adopted measures to maintain distance through buffer zones, trained its workers, and suspended forestry activities. Maderera Canales Tahuamanu is working together with the Ministry of Culture of Peru to minimize interactions between indigenous population and workers. The assessment did not identify any evidence of indigenous peoples' claims on the land that overlapped with Maderera Canales Tahuamanu concessions.

On obtaining consent of the Mashco Piro affected by the company's operations as per FSC requirement:

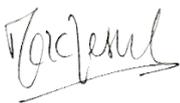
ASI and FSC share the view by the Inter-American Commission on human rights and of the UN Special Rapporteur on the Rights of Indigenous Peoples on people in voluntary isolation (non-consent is presumed against any type of activity that interferes with their territory). In accordance with standard practices, ASI evaluates whether CBs apply this view when indigenous peoples in voluntary isolation are affected by the management activities of the certified entity. Based on information gathered during assessments ASI and FSC do not have evidence that the Mashco Piro Indigenous People are legally entitled to and are present on the concession owned by Maderera Canales Tahuamanu. It is ASI's and FSC's understanding that the territory of the Mashco Piro people is adjacent to the concession owned by Maderera Canales Tahuamanu and that, notwithstanding the tragic case when contact occurred in August 2022, adequate measures have been taken by this certificate holder to maintain distance with the Mashco Piro people through the means of buffer zones and training of workers.

On the impact of the legal proceedings engaged by Canales Tahuamanu S.A.C. on FENAMAD, an indigenous-led human rights organization:

The defamation proceedings mentioned in the letter of the United Nations Human Rights Special Rapporteur regarding Canales Tahuamanu S.A.C. on FENAMAD were not known to ASI and FSC. Currently, there is no normative reference in FSC's system that could be applied to correct the matter or to apply corrective measures related to this. Entities and private persons are free to challenge each other legally for defamation.

We hope that this response satisfies you request.

Yours Sincerely,



Marc Jessel
Chief System Integrity Officer