

30.08.2024

Beatriz Balbin

Office of the United Nations High Commissioner for Human Rights (OHCHR)

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Dear Ms. Beatriz Balbin,

I am writing to you in my capacity as Director General of the Forest Stewardship Council (FSC) International in reference to your letter Ref.: AL OTH 25/2023, dated 19 June 2023. This letter concerns the issue involving The Native Federation of the River Madre de Dios and Tributaries (FENAMAD) and Maderera Canales Tahuamanu SAC, a logging company certified by FSC. Your correspondence requested detailed information about our organization's processes and procedures.

In our response dated 18 August 2023, we provided a description of our human rights due diligence policies, processes, and assurance system to ensure that certified organizations comply with FSC standards particularly with respect to the rights of Indigenous Peoples. We are now seeking your feedback and guidance on whether these measures adequately meet the human rights duties and obligations of the FSC Certification Scheme and certified organizations – as non-public entities – concerning Indigenous Peoples in isolation. Specifically, we are interested in how these measures align with the UN Guiding Principles on Business and Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples.

Additionally, our previous response included information on the actions FSC has taken regarding the organization Maderera Canales Tahuamanu SAC, that holds an FSC certification. While you are already familiar with the details, we want to highlight a few critical points:

- The indigenous group in question is in self-isolation.
- Maderera Canales Tahuamanu holds a valid concession within a Forest of Permanent Production.
- There is an ongoing State process to clarify land rights for the isolated Indigenous Peoples and the rights of concessionaires.
- The Madre de Dios province is affected by illegal activities such as logging and drug trafficking which increase the risks to the integrity of Indigenous Peoples in Isolation. Certified organizations follow strict forest management plans and measures to prevent unauthorized third agents approaching the Mashco Piro territory.

As a precautionary measure, FSC will suspend the certificate of Maderera Canales Tahuamanu provisionally for a period of eight months, enabling us to engage in dialogue with various stakeholders, seeking to understand the complex situation on the ground and the rights and obligations of the different parties involved in this case.

In this context, we seek your advice on the responsibilities of non-public entities, including FSC and certified organizations, regarding Indigenous Peoples in isolation and initial contact. We are particularly interested in guidance related to articles 3, 8, 10, 20, 25, 26, 27, 28, 31, 32, 33, and 40 of the UNDRIP, or any other article that you deem relevant for this case.

Our leadership intends to visit Peru on the first week of November to meet with government officials, local stakeholders, and Indigenous Peoples' organizations to engage in dialogue and understand the land classification issues in the country, to ensure that our actions are informed by on-the-ground realities.

In light of the importance of this matter, we would appreciate the opportunity to discuss our response and any further clarifications you may require. We believe a meeting would be beneficial in addressing this critical and sensitive matter.

We would greatly appreciate your guidance by end of October to enable us to have a better understanding of what actions can be taken in accordance with international law relating to Indigenous Peoples living in voluntary isolation.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,

**Kim Carstensen**

A handwritten signature in blue ink that reads "Kim Carstensen". The signature is fluid and cursive, with the first name "Kim" being particularly prominent.

**Director General**

**FSC International**