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**Your consultation answers**

1 message

**FSC Consultation Platform** <admin@proxy.fsc.org>

Thu, Jun 17, 2021 at 2:57 PM

Reply-To: admin@proxy.fsc.org

To: dan@mxwood.com



## FSC CONSULTATION PLATFORM

Daniel Simonds,

Thank you for participating in the consultation.

Below are the answers you have submitted. If you need to edit your answers, you can do this before 17/7/2021.

### Public Consultation on the FSC Policy for Association

#### 1. Do you have any comments on this section?

FSC is a membership organization that relies upon the voluntary and collaborative participation of a wide variety of stakeholders (primarily Certificate Holders), without whom the organization cannot function or meet its objectives. This revised PfA - beginning here in the Introduction - violates an important, basic principal of collaborative participation. It establishes (in the 3rd paragraph) an adversarial relationship between "associated organizations" and "FSC" - ignoring the fact that without "associated organizations", the FSC does not even exist. An important mistake that is made worse within the document.

#### 1. Do you support the proposal for determining how far into the past the FSC Policy for Association applies?

Oppose

#### Please explain your rationale.

The scope is overly complex and confusing.

#### 2. Do you have any further comments on this section?

The Objective is wrong: should be to define unacceptable activities and ensure voluntary agreement by associated organizations to hold themselves and each other

accountable to their avoidance.

**1. Do you have any comments on this section?**

This policy is clear and acceptable. The introduction of "corporate group" is conceptually reasonable, but will be difficult and complicated to implement. For this reason, I am doubtful about its practical utility.

**1. Do you agree with this unacceptable activity as defined?**

Agree

**Please explain your rationale.**

You didn't answer

**2. Do you have any further comments on this section?**

You didn't answer

**1. Do you agree with this unacceptable activity as defined?**

Agree

**Please explain your rationale.**

You didn't answer

**2. Do you have any further comments on this section?**

You didn't answer

**1. Do you agree with this unacceptable activity as defined?**

Agree

**Please explain your rationale.**

You didn't answer

**2. Do you have any further comments on this section?**

You didn't answer

**1. Do you agree with this unacceptable activity as defined?**

Agree

**Please explain your rationale.**

You didn't answer

**2. Do you have any further comments on this section?**

In principal, HCV is a reasonable concept. In practice, it will never be meaningful outside the context of FM certification.

**1. Do you agree with this unacceptable activity as defined?**

Neutral

**Please explain your rationale.**

Introduction of the term "significant" is sensible and wise.

## **2. Do you have any further comments on this section?**

We must recognize the the community remains far from consensus on this very complex question.

### **1. Do you agree with this unacceptable activity as defined?**

Disagree

#### **Please explain your rationale.**

The rationale for this prohibition has never been properly understood or agreed upon. Whether for good or ill, GMO techniques are fully established in agriculture and other commodity sectors. Prohibiting them from commercial forestry lacks a sensible purpose.

## **2. Do you have any further comments on this section?**

Safe for food, but not for toilet paper?

### **1. Do you have any comments on this section?**

This policy should be (but is not) principally based on the principal of transparency and due diligence. This section would be acceptable if the following sections (3 - 5) did not have serious flaws.

### **1. Do you have any comments on this section?**

Section 3 has many flaws: It defines terms for evaluating complaints, without stating this purpose. It should not be an "evaluating allegations" section, but a Complaints Evaluation section. Language is imprecise and does not define authority. Who determines "substantial" and "is suspected"? The answer - of course - is professional staff, but this is unstated. And a mistake. Section 4 is worse: Punitive consequences for violations have not place in a "Policy for Association". This document would be better entitled as "Policy for Enforcement".

### **1. Do you have any comments on this section?**

This is simply a promise to un-do things that should not have been done before. The promise, as with the policy and procedure, are ill-considered and arbitrary. Unbecoming of a member-based organization.

### **1. Do you understand who the Policy for Association applies to based on the information in Annex 1?**

Partly

#### **Please explain your rationale.**

A sincere attempt to create criteria for defining an unworkable term. The underlying principal is reasonable, but will always be imprecise. This criteria can probably be applied as written, but will inevitably prove inadequate. At that time, discipline should be applied and the temptation to add complexity resisted. This - of course - will fail.

## **2. Do you support the proposal for who the Policy for Association applies to?**

Neutral

**Please explain your rationale.**

As noted above. The underlying principal is reasonable.

**3. Do you have any further comments on this section?**

You didn't answer

**1. Do you understand what it means to engage in an unacceptable activity based on the information in Annex 2?**

No

**Please explain your rationale.**

This Annex is terrible! It is a perfect example of taking a challenging principal and attempting to make it less challenging by adding complexity to its definition. The additional complexity does NOT make it less challenging or more clear. It does the reverse.

**2. Do you support the proposed explanation for engaging in an unacceptable activity?**

Strongly oppose

**Please explain your rationale.**

This Annex is a fine example of the worst behavior of FSC. We always over-complicate.

**3. Do you have any further comments on this section?**

Everything we do becomes more difficult when we add complexity. Simplification is hard, but there is no alternative.

**1. Do you have any comments on any of the following terms and definitions:**

You didn't answer

**Allegation**

ok

**Association**

ok

**Control**

OK - this definitions is well-written and understandable. It will be rendered utterly irrelevant by Annex 2.

**Conversion**

A "definition" which requires 6 paragraphs, 5 bullets, and a NOTE is not a definition. It is an incomplete and confusing attempt at a policy position. Attempting to "define" a concept this complex, at the global scale, it simply impossible. FSC must achieve consensus first and then set policy. We continue to work backwards.

## **Corporate group**

OK. This term is also rendered largely irrelevant by Annex 2.

## **Degradation**

OK

## **Disassociation**

ok

## **Due diligence**

ok

## **FSC core labour requirements**

ok

## **Genetically modified (trees)**

ok

## **Human rights**

Too long

## **Illegal harvesting or trade in forest products**

too long

## **Natural forest**

A "definition" requiring 4 bullets is not a definition. It is a vaguely defined concept, subject to disagreement and confusion.

## **Significant conversion**

As an attempt to provide criteria for "significance" this is understandable, but unlikely to be practical. This "definition" (not really a definition) relies too much on other ill-defined "definitions": HCV, natural forest

## **Significant damage to high conservation values**

Completely unworkable. Multiple layers of ill-defined criteria that defy practical understanding.

## **Substantial information**

The first sentence may be practical. Lists of examples have no place in defined terms. They serve only to illustrate the fact that the term is subjective.

## **Traditional rights**

ok

## **1. Do you support the proposal to define a process to screen applicants for conformance with the FSC Policy for Association?**

Strongly oppose

**Please explain your rationale.**

This procedure is offensive to the spirit of FSC.

**Do you have any further comments on this section?**

FSC is a membership organization that relies upon the voluntary and collaborative participation of a wide variety of stakeholders (primarily Certificate Holders) and members, without whom the organization cannot function or meet its objectives. This procedure for pre-screening effectively places authority with a handful of employed professional staff to decide who may participate in FSC's market-based programming. This violates the underlying principals of peer governance and stakeholder accountability that FSC was founded on.

**1. Do you support the proposal that association can take place before screening is completed?**

Strongly oppose

**Please explain your rationale.**

See comments in previous section. Pre-screening is an offensive and ill-considered idea. It should be dropped.

**Do you have any further comments on this section?**

You didn't answer

**1. Do you have any comments on this section?**

The disclosure requirements here are reasonable, but should be confined to the scope of confidential contractual relationship between organizations and FSC. Pre-screening on the basis of this disclosure is impractical and offensive. Public posting of applications to invite external objections is entirely unacceptable, and likely to invite a circus atmosphere when engaged by campaign organizations.

**1. Do you have any comments on this section?**

Viewed in isolation, these disclosure requirements are reasonable and acceptable.

**1. What is your overall impression of the revised Policy for Association?**

Very negative

**Please explain your rationale.**

You didn't answer

**2. Do you have any further comments on the Policy for Association?**

This draft needs major revision. Conceptually a Policy for Association should be based on self-disclosure, in the context of public policy acceptance of PfA principals, internal DDS, and peer accountability should be the basis of this Procedure. As written, this is not the case. As written, this is an enforcement mechanism. It is ugly and unworthy of FSC.

**3. What is your overall impression of the Procedure for Disclosure Requirements for Association with FSC?**

Very negative

**Please explain your rationale.**

The concept of pre-screening by staff, with invited external objections is deeply offensive and unnecessarily adversarial.

**4. Do you have any further comments on the Procedure for Disclosure Requirements for Association with FSC?**

The details of self-disclosure are reasonable.