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INTACT FOREST LANDSCAPES & INDIGENOUS CULTURAL LANDSCAPES

WORKING TOGETHER TO FIND A FUNCTIONAL APPROACH

**DISCUSSION PAPER
JANUARY 2016**





PROCESS FOR DEVELOPING AN APPROACH TO SAFEGUARD INTACT FOREST LANDSCAPES AND INDIGENOUS CULTURAL LANDSCAPES IN CANADA

The Intact Forest Landscapes (IFL) Policy Motion approved by FSC at the 2014 General Assembly is designed to ensure that large intact landscapes are considered when developing, modifying, or strengthening indicators within Standards. A key component of the Motion is to take into account cultural, social and economic values of Indigenous peoples and forest-dependent communities, including the provision of Free Prior and Informed Consent (FPIC). The Aboriginal Chamber introduced the concept of Indigenous Cultural Landscapes (ICLs) as both a tool for implementing FPIC within the Policy Motion and as an alternative, Indigenous peoples-led land management method. Since the approval of the Policy Motion, there has been active discussion about its implementation internationally and in Canada.

IFLs, ICLs and FPIC will be important components of Canada's new FSC Standard. As they will fit into the broad requirements of certification, **it should be reiterated that an organization is required to meet all FSC Principles and Criteria, taking into account social, environmental and economic requirements.**

Since October, 2014, FSC Canada, working with technical experts as part of the Standards revision process, has fostered discussions about IFLs and ICLs through research and the framing of outstanding challenges. As part of the development of Canada's National Standard, a draft Discussion Paper summarizing IFL and ICL concepts and challenges was released during FSC Canada's Annual General Meeting in early November. This document is an updated version of the draft Discussion Paper taking into account the discussions that occurred during the AGM breakout sessions and further discussions by the IFL and ICL Sub-Committee. It provides a refined overview of the considerations and proposed direction related to the development of a Canadian approach for the management and protection of IFLs and ICLs.

FSC Canada is interested in hearing from you, on the questions posed in this Discussion Paper. Please note that work and discussions will progress during the comment period in order to stay on track for integrating IFL and ICL indicators into the Standard.

PRELIMINARY DEFINITIONS

FSC defines Intact Forest Landscapes as:

A territory within today's global extent of forest cover which contains forest and non-forest ecosystems minimally influenced by human economic activity, with an area of at least 500 km² (50,000 ha) and a minimal width of 10 km (measured as the diameter of a circle that is entirely inscribed within the boundaries of the territory). (Source: Intact Forests / Global Forest Watch. Glossary definition as provided on Intact Forest website. 2006-2014).

This definition forms the basis of what is being proposed for use in Canada. In addition to the size threshold, the level of disturbance is also a key characteristic of IFLs. Most definitions describe allowable disturbance as "minimal" or without "significant human impact." To be functional for certificate holders, a more quantifiable basis is required in both defining the extent of disturbance and types of disturbance acceptable within IFLs. The HCV (High Conservation Value) framework within the existing regional standards cite the requirement of being "free of permanent infrastructures and < 5% non-permanent human disturbances." Natural disturbances (e.g., fire, wind throw) appear 'acceptable' in IFLs while it remains difficult to precisely characterize what types of human use within IFLs are acceptable.



At this point, FSC Canada is proposing that an Intact Forest Landscape has the following qualities:

Size

- at least 500 km² (50,000 ha)
- minimal width of 10 km (measured as the diameter of a circle that is entirely inscribed within the boundaries of the territory)

Disturbance

- free of permanent infrastructure and < 5% non-permanent anthropogenic disturbance
- free of large-scale industrial resource extraction activities
- natural disturbances such as fire are permissible

Character

- dominated by forest but may contain non-forest areas as part of the broader ecosystem
- dominated by native plants and communities
- not necessarily dominated by old-forest communities

Indigenous Cultural Landscapes (ICL)

The 'cultural landscape' concept originates in the fields of human geography and anthropology. Its popularity increased when it was adopted in the International Convention for the Protection of the World's Cultural and Natural Heritage (or the World Heritage Convention) by UNESCO in 1992. Since then, the term has been used in a variety of management contexts—cultural heritage, environmental assessment and sustainable development—to name a few.

As part of Phase 2 of this work, pragmatic and clear requirements and guidance that relate to the management of ICLs will be developed. At this point, FSC Canada is proposing the following definition of Indigenous Cultural Landscapes.

Indigenous Cultural Landscapes are living landscapes to which Indigenous peoples attribute social, cultural and economic value because of their enduring relationship with the land, water, fauna, flora and spirits, and their present and future importance to their cultural identity. An ICL is characterized by features that have been maintained through long-term interactions with the landscape based on land-care knowledge, and adaptive livelihood practices. They are landscapes over which Indigenous peoples exercise responsibility for stewardship.

Indigenous peoples have interacted with, and shaped some of the most diverse, forest landscapes in Canada by creating patterns of resource use based on traditional management systems. For example, the biodiversity and ecosystem functions that exist in the boreal region today are in some ways a direct result of the long-standing relationship that Indigenous people have maintained with their traditional territories. The continued use of forest lands and the continued assertion of management responsibility through political and legal processes has inextricably tied Indigenous peoples to the landscapes that sustain and define the diverse Indigenous cultures in Canada.



REQUIREMENTS IN DRAFT 1 OF THE NATIONAL FOREST MANAGEMENT STANDARD THAT ARE RELEVANT TO IFLS AND ICLS.

FSC Canada has analyzed how and where in the Draft Standard existing requirements already address IFL and ICL topics and what additions may be required. There is an obvious link between requirements and values of FSC and the rationale for carefully defining and managing IFLs and ICLs. Through work and discussions with the IFL and ICL Sub-Committee, consultants and stakeholders, there appears to be an opportunity for incorporating IFLs and ICLs into the existing structure of Principle 9, which deals with High Conservation Values (HCV). Beside this, other existing requirements of the Standard that will be important for addressing IFLs and ICLs are Criterion 6.5, which deals with the conservation areas network; Criterion 6.8, which deals with landscape values; and Principle 3, which addresses Aboriginal Rights.

Integration with Principle 9. The Principle 9 Adaptive Management Approach includes the identification and assessment of High Conservation Values followed by the development of strategies and actions. These action are then followed by monitoring, re-assessment, etc. Requirements for engagement and demonstrated support exist concurrently and at different stages of management.

High Conservation Values are a hallmark of FSC and will be pivotal in addressing IFL and ICL requirements. Of the six high conservation value categories, Large Landscape Level Ecosystems (HCV Category 2) and Cultural Values (HCV Category 6) provide a ready home for addressing IFLs and ICLs. Policy Motion 65 invokes HCV2 in its initial sentence, providing the rationale for the Policy Motion: “To ensure the implementation of Principle 9 and the protection of Intact Forest Landscapes – the worlds remaining large undisturbed forest areas contained in HCV2...” Furthermore, HCV Policy Motion 7 (also passed in 2014) refers to HCV2 as “Intact forest landscapes and large landscape level ecosystems and ecosystem mosaics that are significant at global, regional or national levels...”

Integration with Criterion 6.5. Criterion 6.5 focuses on two types of conservation lands for areas of forest: Protected areas and Protection areas.

1. Protected areas are protected by legislation or regulation of government land-use policy (Provincial Parks, which exclude industrial activities are examples of these types of areas)
2. Protection areas, are managed by certified organizations (rather than government) primarily to safeguard species, habitats, and ecosystems.

These two types of conservation lands are consistent with those identified in Canada’s previous regional standards. To address the direction of Policy Motion 65 regarding protecting IFLs, it may be necessary to consider additional options for special management of IFLs that recognize their ecological value, but do not permanently restrict options for forest managers. These options, which are noted in the Policy Motion, may include concepts like enhanced management areas, conservation reserves, deferrals, and Indigenous protected areas such as Tribal Parks. These types of lands may help to ‘fill the gap’ that may exist in some areas between what it is possible to achieve through Criterion 6.5 and satisfying the intent of the Policy Motion.

Integration with Principle 3. In Principle 3 the most relevant Criteria and Indicators related to ICLs and IFLs will be those related to the identification and protection of sites of significance (Criterion 3.5), those that identify rights and aspirations (Criterion 3.1) and the subsequent free, prior and informed consent agreements that result when there is impact from management activity (Criterion 3.2).

Integration with Criterion 6.8. Criterion 6.8 deals with landscape management, with many topics of potential relevance



to the management of IFLs that will depend on the landscape context of the management unit being considered and the eco-region in which the management unit is located. The current draft version of Indicator 6.8.2 requires that “large areas of forest be maintained in contiguous blocks and/or restored to a contiguous state.” The Indicator does not specifically mention IFLs or ICLs. There is an obvious role in the management of forests for contiguous areas that are large, but not at the scale of IFLs. The current version of Indicator 6.8.2 may accommodate those areas, but the precise role of this Indicator in dealing with IFLs and non-IFL large areas of forest has yet to be determined, and is pending a decision on how IFLs will be accommodated in the Standard.

TOPICS UNDER DISCUSSION. CALLING OUT THE ELEPHANTS

Policy Motion 65 attempts to set direction for management of IFLs within certified landscapes. However, the broad direction and other Canadian specific context requires that a number of key issues be resolved before implementation can proceed, including:

Level and Type of Disturbance and the Role of Restoration. Canada’s forests, particularly the boreal forest, are dynamic ecosystems well-adapted to landscape-scale disturbances. Boreal forest ecosystem-based management, in which forest management activities are inspired by natural disturbances (primarily wildfire), is currently the most common management paradigm in Canada. While questions remain regarding the extent to which a forest managed in this manner will return to a natural ecosystem, complete with the full complement of biota, there are positive indications that such a process can occur if accompanied by rigorous management practices.

Consultation Questions

What types of activities are acceptable within IFLs and under what conditions?

How should Indigenous Peoples’ use of forests be accommodated within IFLs?

IFL Cores. Although it is not explicitly laid out in the Policy Motion, it is obvious that the intent is that Cores should comprise most of the area within IFLs. Cores should also consist of the most ecologically important areas within IFLs and so Cores have a dual character of being large and encompassing the ecologically valuable lands within IFLs.

Consultation Questions

What is the relationship between the size of an IFL and the size of its Core?

What ecological characteristics are to be most importantly represented in Cores?



Influence of Surrounding Lands

Large landscape forests and their ecosystem boundaries span certified and uncertified forests. As such, the management of IFLs in certified forests affects the broader landscape in which they exist. Similarly, the existence of IFLs outside certified forests affects the landscape-scale ecology of certified areas. So, in considering the protection priorities and management strategies of IFLs in certified forests the status of lands outside of the certified forests may be an important consideration.

Consultation Questions

How should the status of IFLs outside of certified forests be taken into account in identifying protection priorities for IFLs within the bounds of certified forests?

FPIC and ICLs. Principle 3 addresses the right to free, prior and informed consent by Indigenous peoples. With forest management processes tied strongly to meeting annual allowable cut allocations, the application of FPIC as a means to assert rights is of particular importance. The acknowledgement and understanding of the social, cultural and evolving legal relationships between Indigenous peoples and their territorial lands (e.g., Tsilqot'in decision) will be manifested through FPIC processes and agreements. In practice, the discussion of Indigenous rights will be linked directly to forest management activities that have the potential to limit or infringe on these rights in the present and/or future forest condition.

Meaningful and culturally appropriate engagement between affected Indigenous peoples, Organizations, governments and third-party interests ought to result in the accumulation of land use information that reveals a long-standing and enduring relationship between Indigenous peoples and their territories, or ICL. This land use information may be captured in Criterion 3.5 (sites of significance), Indicator 6.5.2 (conservation area network) or Criterion 9.1 (HCV6 Cultural values, including landscapes) in Draft 1 of the national Standard and displayed at the landscape level. An important function of the ICL is to safeguard the social, cultural and ecological integrity of forest ecosystems so as to protect the rights of Indigenous peoples.

Sphere of Influence (Sol). Forest management units are located within larger regional landscapes, with the responsibilities for their stewardship shared between forest managers (who may be tenured licence holders), Provincial and Federal regulatory agencies, and other organizations including those operating on adjacent forest lands. Indigenous peoples' territorial interests, both within the forest management unit and greater regional landscape, are important considerations for land management. While forest managers have some authority to manage the forest license, there are constraints and limitations on decisions they can make, such as dedicating lands for legislated protection and fulfilling commitments related to annual allowable cut allocations. Because of these shared responsibilities and interests, a forest manager needs to engage in discussions specifically about their management unit, and also in relation to the larger regional-level discussions as they relate to management and protection objectives. In the draft Standard, the notion of *sphere of influence* is embedded in a number of indicators and requires forest managers to work collaboratively with others who have responsibilities for land stewardship.

Consultation Questions

How should Sphere of Influence factor into discussions regarding management of IFLs and ICLs?



OPPORTUNITIES AND CHALLENGES. SAFEGUARDING VALUES ASSOCIATED WITH LARGE CONTIGUOUS FORESTS.

The concept of IFLs as introduced in the Motion is a way for values associated with large contiguous forests to be recognized with strategies incorporated into forest management. The definition of 'intact,' as proposed earlier, has strengths and disadvantages. While it is useful to have an objective basis to classify forests as intact or not, the underlying reason for safeguarding IFLs is to ensure the continued existence of processes, ecosystems, and species that rely on large areas. A key question is whether it is possible to foster these values in landscapes other than those which meet the quantitative parameters of the definition of "intact." **The challenge is to find the appropriate balance to achieve the extent of protection and permissiveness of management interventions, while still safeguarding the values.** While it may be appropriate to strictly protect contiguous forests in some areas or for some values, in others circumstances additional options, including those identified in the Policy Motion may be appropriate.

Another fundamentally important component when managing large forest areas is in the incorporation of values central to Indigenous Cultural Landscapes. IFLs and ICLs emphasize different yet valuable aspects of large forest areas. IFLs clearly focus on ecological values, and ICLs are based on social and cultural values. In many instances, the values of IFLs and ICLs may be complimentary, but it is important to understand where these values may be incongruous. As Indigenous peoples believe they are *part* of landscapes, the conservation ethic has, at times, marginalized and excluded people from landscapes. These opposing concepts and perceptions must be reconciled if the Policy Motion is to be realized.

Forest certification as a voluntary market mechanism is effective only if certified companies remain viable. Certification initiatives have exceeded expectations on many scores, but need improvement on others. Graced with forests that have not been accessed or only marginally accessed, there are competing and compatible interests for managing and safeguarding Canada's forest landscapes and Indigenous Cultural Landscapes. The rapid change of forestry in Canada – tenure reform, the increased legal recognition of Indigenous rights, the increased coordinated interest of environmental groups and the increased market competitiveness for industry and the importance of the forestry industry for rural communities—creates a dynamic and challenging environment.

This discussion paper highlights that reconciling Motion 65 with the evolving forestry and cumulative effects context in Canada poses challenges and opportunities both within the FSC certification system and with the application of the concepts themselves.