

SFI Forest Management Standard

Indigenous Peoples' Rights, Recognition, Relationship Building (including UNDRIP)

July 1, 2022

Why It Matters

Indigenous Peoples are essential partners in any forest-focused collaboration and their full participation better enables us to collectively advance forest sustainability.

Respecting Nation-to-Nation Relationships

UNDRIP seeks to enhance harmonious and cooperative relations between States and Indigenous Peoples, and regards treaties, agreements and other constructive arrangements as the basis for strengthened partnership. North American legal and forest management frameworks are wholly consistent with UNDRIP's nation-to-nation imperative. Government responsibility for nation-to-nation relationship-building with Indigenous Peoples is enshrined within both the Canadian and US constitutions, and is reflected within forest sector regulations at all levels.

It is therefore fundamentally inappropriate for non-governmental organizations (NGOs), like SFI, to interfere within these nation-to-nation processes or rights-related understandings by attempting to define the scope or extent of Indigenous Peoples' rights. [Evidence demonstrates](#) that attempts by NGOs, including forest certification schemes, to define Indigenous Peoples' rights have the potential to [limit the rights assertions and sovereignty of Indigenous nations](#).

Ensuring Good Faith Consultation and Cooperation

UNDRIP Article 32 requires States to "consult and cooperate in good faith" with Indigenous Peoples, with the ultimate aim of achieving free, prior, and informed consent (FPIC). The level of consultation and consent required by UNDRIP is proportionate to the degree of a project's potential impact. Relocation (Article 10) and disposal of hazardous materials (Article 29) are extremes requiring explicit FPIC.

Despite this nuance, some have construed FPIC as an absolute right, or veto. In reality, UNDRIP requires the commitment to a meaningful process of consultation. This is wholly consistent with North American rights-recognition frameworks (e.g., Duty to Consult and Accommodate), which have been developed through nation-to-nation relationships and consider Indigenous Peoples' rights assertions on a nuanced project-by-project basis. SFI's 2022 Standard, through Objectives 8 and 11, respects these frameworks.

Consideration of Regional Particularities

UNDRIP recognizes that, "the situation of Indigenous Peoples varies from region to region and from country to country", and therefore suggests that "national and regional particularities and various historical and cultural backgrounds should be taken into consideration". This recognition is especially important in North America, where Indigenous Peoples' political, socioeconomic, historical, and cultural situations are tremendously diverse, often intersect or overlap within a specific forest tenure, and are nested within well-established legal frameworks governed by nation-to-nation relationships.

SFI's 2022 Standard is consistent with UNDRIP and other North American forest management standards, including FSC, in requiring a meaningful process of consultation and cooperation, directed by nation-to-nation relationships using prevailing legal understandings in each operating jurisdiction. Presently, no North American forest management certification requires full FPIC. Within this context, major forest certification standards, including the SFI 2022 Forest Management Standard, are aligned in their approach to respecting Indigenous People's rights, including those articulated within UNDRIP, within the unique and complex North American context.

How The SFI Forest Management Standard Addresses Indigenous Peoples' Rights, Recognition, and Relationship Building

The SFI Forest Management Standard respects nation-to-nation relationships, ensuring that established legal, customary, and traditional rights frameworks are upheld. It also requires SFI-certified organizations to recognize and respect Indigenous Peoples' rights, confer with Indigenous Peoples whose rights may be affected by the SFI-certified organization's forest management practices, and respond to Indigenous Peoples whose rights may be affected by forest management practices on the SFI-certified organization's private lands.

SFI Forest Management Standard Requirements

Objective 8. Recognize and Respect Indigenous Peoples' Rights

To recognize and respect Indigenous Peoples' rights and traditional knowledge.

Performance Measure 8.1. Certified Organizations shall recognize and respect Indigenous Peoples' rights.

Indicators:

1. Certified Organizations shall develop and implement a written policy acknowledging a commitment to recognize and respect the rights of Indigenous Peoples. This policy shall provide reference to a program that includes:
 - a. use of available resources and information to identify the Indigenous Peoples whose rights may be affected by the Certified Organization's forest management activities.
 - b. recognition of the established framework of legal, customary, and traditional rights such as outlined in:
 - i. the UN Declaration on the Rights of Indigenous Peoples;
 - ii. federal, provincial, and state laws and regulations;
 - iii. treaties, agreements or other constructive arrangements among governments and Indigenous Peoples.
 - c. appropriate training of personnel and contractors so that the Certified Organization is competent to fulfill their responsibilities under Objective 8 of the Forest Management Standard.
2. The written policy shall be publicly available.

Performance Measure 8.2. Certified Organizations with forest management responsibilities on public lands shall confer with Indigenous Peoples whose rights may be affected by the Certified Organization's forest management practices.

Indicator:

1. Program that includes communicating with affected Indigenous Peoples to enable Certified Organizations to:
 - a. understand and respect traditional forest-related knowledge;
 - b. identify and protect spiritually, historically, or culturally important sites;
 - c. address the use of non-timber forest products of value;
 - d. communicate through processes that respect their representative institutions, using appropriate protocols;
 - e. provide opportunities to review forest management plans and forest management practices; and
 - f. respond to inquiries and concerns received.

Performance Measure 8.3. Certified Organizations are encouraged to communicate with and shall respond to Indigenous Peoples whose rights may be affected by forest management practices on the Certified Organization's private lands.

Indicators:

1. Certified Organizations are aware of traditional forest-related knowledge, such as known cultural heritage sites, the use of wood in traditional buildings and crafts, and flora that may be used in cultural practices for food, ceremonies, or medicine.
2. Respond to Indigenous Peoples' inquiries and concerns received.

SFI's Standard Development Process

As part of SFI's commitment to continual improvement, we revise the SFI standards every 5 years. This last revision process included two public comment periods, a dozen webinars, and nearly 2,300 individuals and organizations commenting on the 2022 Standards. This ensures everyone has a voice in shaping the SFI Standards.

Independent Third-Party Certification

Organizations certified to the SFI Standards are also required to undergo annual audits by independent and accredited certification bodies to deliver ongoing conformance. Third-party independent certification is critical to verify that requirements set out in the SFI standards and supporting documents are met.