

RESPECTING INDIGENOUS PEOPLES' RIGHTS THROUGH THE 2022 SFI STANDARD

SFI is an independent, non-profit sustainability organization committed to promoting forest-focused collaborations rooted in recognition and respect for Indigenous Peoples' rights. Objectives 8 and 11 of the SFI 2022 Forest Management Standard require compliance with all applicable legal requirements at the federal, provincial, state and local levels, including those related to Indigenous Peoples' rights. To further advance this commitment, SFI has adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a framework for policy, program and relationship development. Accordingly, the SFI 2022 Forest Management Standard is consistent with UNDRIP's principles.

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](#). The SFI 2022 Standard respects nation-to-nation relationships, ensuring that established legal, customary, and traditional rights frameworks are upheld.

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 FPIC¹.** Within this context, major forest certification standards, including the SFI 2022 Forest Management Standard, are aligned in their approach to respecting Indigenous Peoples' rights, including those articulated within UNDRIP, within the unique and complex North American context.

¹ Guidance to FSC's Canadian National Forest Management Standard, for example, acknowledges FPIC agreements may not be reached despite "persistent and sincere" efforts by industry actors (pg. 21). In these circumstances, certified organizations are encouraged to simply document setbacks and "consider the legal and social risks" that may arise (pg. 22).

Advancing Meaningful Forest-Focused Relationships

SFI is committed to building and promoting forest-focused collaborations rooted in recognition and respect for Indigenous Peoples' rights and traditional knowledge. We firmly believe that inclusive, collaborative approaches to policy, program and relationship development lead to real progress on the ground and a positive difference in people's lives. We recognize that Indigenous Peoples are essential partners in any forest-focused collaboration and that their full participation will better enable us to collectively advance forest sustainability.

SFI supports community-led forest-focused initiatives and partners with leading Indigenous organizations to help ensure all communities can fully value and benefit from sustainably managed forests. This includes making direct investments into the forest-focused issues, initiatives and collaborations that matter most to each of our community partners.

Through meaningful engagement with Indigenous Peoples and fostering collaborative relationships, SFI maintains strong alignment between SFI standards and the values, rights and traditional knowledge of Indigenous Peoples. This commitment is exemplified, in part, through the over 40 Indigenous communities and businesses in Canada and the United States that are certified to and support the SFI Forest Management Standard.

While the current SFI Standard already contains strong measures, SFI is further enhancing the SFI Standard to ensure SFI-certified organizations effectively identify the Indigenous Peoples whose rights may be affected by their forest management practices and implement appropriate measures to ensure genuine, meaningful relationship building with Indigenous rights-holders. These approaches are consistent with the principles of UNDRIP, creating space for Indigenous Peoples to be partners in determining the priorities and strategies for the development of their territories while also respecting their representative institutions, the foundational importance of nation-to-nation relationships, and the rights-related understandings that flow through them.

SFI also recognizes the need for ongoing education and training on Indigenous Peoples' rights and respectful relationship building within the corporate sector. Under the enhanced SFI Standard, SFI-certified organizations will be required to provide training opportunities so that staff and contractors can recognize and respect Indigenous Peoples' rights and traditional knowledge within their professional capacities. These requirements build on existing requirements for a program ensuring SFI-certified organizations understand and respect traditional forest-related knowledge, can protect spiritually, historically, or culturally important sites, and enable the continued use of non-timber forest products of value. SFI remains committed to providing our forest sector network with training, guidance, resources and supports that will promote greater understanding, recognition and respect for Indigenous Peoples' rights, traditional knowledge, representative institutions and distinctive relationships with the forest.