Resolution Guideline to Appeal Against The Certification Decision
LEI Guideline 55

Resolution Guideline
To Appeal Against The Certification Decision
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© 2000 by The Indonesian Ecolabeling Institute

ISBN :

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Published by :
The Indonesian Ecolabeling Institute (LEI)

This publication was prepared for a dissemination of Certification System for Sustainable Production Forest Management to concerned parties. Publications are available in two versions, in Indonesian and English.
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Letter No.:29/LEI/SPS/VII/99

Each LEI’s document will follow the numbering/coding system as follows:

I. Document Type and Status

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<tr>
<td>Amendment Draft</td>
<td>LEI-II</td>
<td>LEI-II/99-02/2</td>
<td>June 18, 1999</td>
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</table>

1.1. Type of Document

a. Proposal Draft: is a new proposal document to the document of certification system

b. Amendment Draft: is a revised document that has been determined as LEI/BSN Guideline

1.2. Status of Document

a. LEI-I: Document of proposal/amendment draft proposed by LEI Secretariat

b. LEI-II: Document of proposal/amendment draft resulted from the first workshop and/or from consultation process with stakeholders

c. LEI-III: Document of proposal/amendment draft resulted from Team Work established by LEI

d. LEI-IV: Document of proposal/amendment draft resulted from the second workshop and/or from consultation process with stakeholders

e. LEI-V: Document of final proposal/amendment draft proposed by LEI to be approved by stakeholders.

f. Final Document: Document that has been approved by YLEI Board of Trustees

1.3. Number of Document

Document number is related to the document types and status. Document No. LEI-II/99-02/2, for example, indicate that:

a. The document is published from the result of workshop

b. It has a serial number of 99-02

c. It is a second draft judging from the status of document
1.4. Date of Document
Describing when the document is made

II. Document Title
Document title follows LEI numbering system.
Example:
  • LEI Guideline 99-01: General Requirements of SPFM Certification Body

III. Numbering System
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<td>Verifier and Verification Toolbox for Assessment Criteria and Indicators of Sustainable Natural Production Forest Management (SFPFM) System</td>
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IV. Memorandum

1. All parties who have reasons to quote all or some of this document, should acknowledge the document status, type, and number clearly, and should inform LEI secretariat.

2. The use of every LEI Standard, Guideline, Technical and Academic Document in the implementation of SPFM Certification should be done thoroughly. LEI is not responsible for the inaccurately use of LEI Standards and Guidelines.

Note:
Documents in which the titles are in italic form shows that such documents are still in the development process.
Gratitudes

With a kind help and supports from various concerned parties to the development of certification system for an upright and sustainable natural resources management, this publication was completed. We would like to take this opportunity to deliver our gratitude for the support and cooperation provided in the development of certification system for natural production forest management and its training system to:

Ecolabel Working Group (1994-1998): Emil Salim, Agus Purnomo (Pelangi), Loekito Darjadi (Departemen Kehutanan), Zaim Saidi (YLKI), Asep S. Suntana, Mia Siscawati (RMI), Tri Nugroho, Suporahardjo (LATIN), Riga Adiwoso (UI), Mubariq Ahmad (NRM), Daniel Abimanju Carnadie, Upik W. Djalins; Leaders and Members of Criteria and Indicator Working Team: Ishemat Soerianegara (RIP) of Bogor Agricultural University for production aspect, Effendi Sumardja of Ministry of Environment (ecological aspect), Riga Adiwoso Suprapto of Magister Management University of Indonesia (social aspect), also to Koesnadi Hardjasono and Wimar Witoelar for giving their valuable inputs in developing the institutional aspects of LEI foundation (YLEI); LEI In-house Experts: Hariadi Kartodihardjo, M. Buce Saleh, Haryanto R. Putro, R. Yando Zakaria; and to Iwan Jaya Azis, Raksaka Mahi, Kirti Peniwati, and Ngadiono for their efforts in developing decision making system using Analytic Hierarchy Process (AHP), and to Alan Purbawiyatna who designed standard procedures for certification implementation.

We also would like to convey our gratitude to: Mr. Djamaluddin Surjohadikusumo (Ex-Minister of Forestry) for his courage and support in the development of forest certification system in Indonesia, and to forestry officers (echelon I and II) in the Ministry, Untung Iskandar, M. Ratu Asyhari (Foreign Affairs of Ministry of Forestry), Boedijono, Tri Joko Mulyono (Center
for Standardization and Environment, Ministry of Forestry) and also to others in the Ministry that we can not mention individually. To our colleagues from National Standardization Body (NSB) i.e. Herudi Kartowisastro dan Lies Wibisono, our thanks also goes to them. People from NGO(s): Abdon Nababan (Telapak), Indro Tjahjono (SKEPHI), Wibowo A. Djatmiko (LATIN), Jim Jarvie (TNC), Niel Makinuddin (PLASMA), Noer Fauzi (KPA), Ruwindrijanto (Telapak), Hira Jhamtani (Konphalindo). Colleagues from Walhi: Zukri Saad, Suraya Hafif, Emmy Hafild, Lili Hasanuddin, and Muayat Ali Muhsy gave many inspiration to us, thank you. We would like to extend our thanks to private sectors associated in APHI (Indonesian Concession Holders Association), as well as individual from companies; Nana Suparna, Jeffri Sirait, Agung Nugraha, APHI Expert Team Member : Achmad Soemitro, Zachrial Coto, Syafii Manan, A.A. Malik, Soeyitno Soerdiman, Herujono Hadisoeparto, Amri Marzali, Darni Soebari, Anwar Umar, dan Daniel Leuhery. As well to the Certifiers: PT. Sucofindo (Haris Witjaksono,Triyan Aidilfitri); PT. Mutu Agung Lestari (Hermawan, Arifin Lambaga, Victor Antonio Amir, Taufik Margani); LATIN (Dwi Rakhmat Muhtaman, Aisyah Sileuw). And to experts from Academicians and Research Centers : Endang Suhendang, Didik Suhardjito, Sanusi Wiradinata [RIP], Bahruni, Sudaryanto, Soemarjono Soedargo [RIP], Nyoto Santosos, Elias, A. Mahmud Thohari, Teddy Rusolono, Togu Manurung, Wiratno, Yanto Sansosa (IPB); Agus Setyarso, Sofyan P. Warsito, Hasanu Simon, P.M. Laksono (UGM); M. Soerjani, Semiarto Aji Purwanto, Yunita T. Winarno (UI); M.A. Sarjono, Soeyitno Sudirman (UNMUL); Purnadaja [RIP] (CIFOR). Assesors : Jamartin Sihite, Daru Asycarya, Marolop Sianipar, Nawa Irianto, Sunardi, Ahmad, Jalal, Zaenal, Ferdinandus Agung PMW, Lukman Mulyanto, etc.

Our special thanks also goes to Duncan Poore (IISD), Timothy Synnott (Executive Director of Forest Stewardship Council/FSC), T. Mok (FSC Board Member), Kishokumar Jeyaraj (FSC Consultant), and FSC-accredited certifiers: Richard Donovan, Steve Gretzinger, Abraham Guillon, and Jeff Hayward from Smartwood, Ruth Nussbaum and Bill Maynard from SGS Qualifor who have been working with Ecolabell Working Group since 1994 in discussions regarding certification system in Indonesia. Our thank you goes to our colleagues from WWF International such as Chris Elliot, Pierre
Hausselman. To Alexander Hienrich, Hans Beukeboom and Barbara von Kruegner from GTZ. Datuk Freezailah, Amha bin Buang and Efransyah from ITTO.

We appreciate all consulting firms and forest concessionaires who expressed their willingness as well as participation in the implementation of field tests for certification system of sustainable natural product forest management:


d) Member of Expert Panel II and Team Member of Second SNFPM Certification System Field Test: Eka Pria Anas, Gunarwan Soeratmo, Lumisu Mangiwa, Kus Darmodjo, Aulia LP. Aruan, Komara Djaja; Deddy Herdiansyah; Arimbi Heroeopoetri; Anna Indria Wirasari; Suranto; Ayub Pairunan; Endang Suhendang; Yanto Santosoa, Raksaka Mahi; Ngadiono.

e) Evaluation Team for Second SNPFPM Certification System Field Test: Budhi Sugarda; Hiras Sidabutar; Toga Siltonga; Loekito Darjadi; Rudy C. Tarumingkeng; Herman Prayudi; Teddy Pawitra; Chris A. Bennett; Effendi A. Sumardja; Iwan Tjitradjaja; Indroyono Susilo; Soemarso SR; Agus Purnomo; Ahmad D. Habir
f) Forest Management Unit PT. Hutan Mulya (Dwima Group) where the revised certification system field test was conducted.

g) Expert Panel I and II for Field Test of Revised Certification System for SNPFM: Didiek Suharjito, Soedarjanto, M. Ratu Asyhari.

h) Assessors for field assessment on the Field Test for Revised Certification System on SNPFM: Nawa Irianto, Wuri, Ahmad, Jamartin Sihite, Sunardi, Jalal.

Finally, we also would like to extend our gratitude to our colleagues at the Executive Board of LEI who have been very active to directly or indirectly involve in the development of certification system and therefore, make this publication possible, as well to all parties we could not name of and also to field officers of forest management units who involved in the field tests as the counterparts to system developers, government agencies, NGO(s) and private sectors who gave significant contributions in designing and developing certification system in Indonesia.

Bogor, December 2000

[Signature]

Dradjad H. Wibowo
Executive Director
Preface

Sustainable Forest Management

Indonesia belongs to a few and limited countries of rich biological diversity. Forests provide economics, socio-culture and environmental benefits to the current as well as the future generations. We may achieve those by a comprehensive implementation of Sustainable Forest Management.

One road toward Sustainable Forest Management is through forest certification. This certification reveals the managerial performance on the aspects of production, social and ecology. The managerial units that have met the performance criteria are given certification for sustainably have managed the forest.

Forest certification system is developed by an independent working group supported by multi-stakeholders comprising of non-governmental organizations, academicians, professionals and government bureaucrats as well. This system covers

1. criteria and indicators of Sustainable Forest Management
2. procedures for implementing the system
3. requirements for certification actors and
4. guidelines for decision-making in certification.

The implementation would be transparent, open and follow internationally accepted standards.

The system on certification for a Sustainable Forest Management is, therefore, concluded and presented in the following chapter.
THE INDIAN ECO-LABELLING INSTITUTE

It is hoped that the readers not only comprehend the content of the certification system but also using this information to watch the proper implementation of Sustainable Forest Management. ■

Jakarta, 28 March 2001

Emil Salim
Board on Trustees
About

The LEI Standards, LEI Guidelines, LEI Technical and Academic Documents

1. LEI standards describe system framework for sustainable production forest management, which are the basis for certification implementation. The standards also become assessment frameworks for Sustainable Production Forest Management System (SPFM).

2. The LEI Guidelines is the reference during an implementation of SPFM Certification activity, these guidelines define procedures for Sustainable Natural Production Forest Management (SNPFM) including procedure for the process of appealing against certification decision.

LEI Guidelines in SNPFM comprises of three main parts:

2.1 LEI Guidelines series 99-00 explains Minimum Requirements for certification implementers i.e.: certification bodies, Assesors and Experts Panel.


3. LEI Technical Documents are available for references in the assessments or in developing quality system for certification bodies. Available documents to date are Verifier and Verification Toolbox for Assessment Cri-
The Indonesian Ecolabeling Institute

Criteria and Indicators of Sustainable Natural Production Forest Management (SNPFM) System and Indicators of Intensity Scale for Sustainable Production Forest Management.

4. The Academic Document provides background, logical framework and the urgent to develop SPFM certification system.

5. This publication is prepared for the interest of SNPFM certification implementation in Indonesia. These guidelines are developed particularly to lead Executive Board of LEI, Secretariat and Certification Bodies as well as concerned parties.

5.1 For LEI Executive Board:
   5.1.1 To provide a basis to evaluate certification bodies for accreditation process.
   5.1.2 To provide a basis for developing other procedures
   5.1.3 To provide for a transparency as LEI is required to be credible with the stakeholders including government, private sector in forestry, certification bodies, Personnel Registration Body, NGO(s) and general public.

5.2 For Certification Bodies:
   5.2.1 To provide a concise framework to facilitate the development of effective certification systems
   5.2.2 As reference in developing quality system for the certification bodies
   5.2.3 To specify the performance that should be achieved by certification bodies in order of maintaining their accreditation from LEI

5.3 For management unit:
   5.3.1 As a framework in achieving sustainable forest management.
   5.3.2 As a reference for internal assessment in management unit to prepare for certification.
5.4 For concerned parties

5.4.1 As a reference to understand certification system that has been applied,

5.4.2 As a reference in the monitoring process of certification implementation,

5.4.3 As a reference for inputs providing as well as critics to the certification implementation,

5.4.4 As a reference for providing inputs and critics to the certification system. ■
Short Notes

In the Development Process of Certification System

1. LEI Standards, LEI Guidelines and Technical Documents have been developed through various consultations with multi-stakeholders in the form of seminars, workshop, meetings with selected participants, small group meetings and others.

2. LEI Standards, LEI Guidelines, and LEI Technical Documents has been developed through a long process, started in September 1999 to November 11, 1999.

3. In February 1998, the Ministry of Forestry initiated a workshop to discuss criteria and indicators for a system of management on natural production forest. The participants of the workshops were from government agencies (Ministry of Forestry), Indonesian Ecolabelling Working Group, and APHI Expert Team Members. The result was an agreement to a set of criteria and indicator for sustainable natural production forest management.

4. With reference to the above workshop results, Indonesian Standardization Body (ISB) endorsed the standards for sustainable production forest management as a guidelines for an implementation to be applied as the ISB Standard and Guidelines in 1998;
5. With respect to various inputs and critics via letters, fax, e-mail messages delivered to LEI Secretariat from the stakeholders on criteria and indicators for sustainable production forest management and its certification system, as well as recommendations from various discussion/workshops and other public meetings on LEI Standards and Guidelines to concerned parties in Indonesia together with memorandum of understanding between LEI and Forest Stewardship Council (FSC), LEI Board of Trustees decided to revise (amend) LEI certification system.

6. During the joint activities between LEI and FSC in international workshops, and joint field test for both systems, a revision needs to be conducted to the certification system (in subjects of Procedure for Certification Implementation as well as Criteria & Indicators) of Sustainable Natural Production Forest Management.

7. On November 11, 1999 –after system development and revision process was completed– LEI Board of Trustees approved LEI Standards, LEI Guidelines and LEI Technical Documents as the Final Documents as stated in a letter of approval No. 02/LEI/SK/BP/XI/99 signed by Prof. Dr. Emil Salim. The revision process followed the stages as described in LEI numbering system.

8. This publication is based on a review of all comments and suggestions received until 2000. It has also been reviewed by the LEI editorial team to ensure the clarity, accuracy and adaptability of the sentences structure.

All parties are invited to give comments and suggestions to this publication.
All inputs should be delivered to LEI Secretariat
Resolution Guideline To Appeal Against The Certification Decision
1. Introduction

In the process of certification, a misleading interpretation of information and decision-making may occur as a logical consequence of limited methodology. In addition, ecological, social, economic and cultural aspects related to the process of certification may be characterized by uncertainty. As a result, the decision made by Expert Panel II may not satisfy all parties. For example, the management unit may object to the decision of failing certification, whereas other parties object to the awarding of certification.

Furthermore, the validity of the decision and affirmation of certification may be disputed with the possibility of malpractice by the field assessor, expert panel or certification body. Therefore, to safeguard the principle of accepting the decision of certification by all parties involved, the certification system must be equipped with a guideline accommodating various developments, which within the certification system is the Resolution Guideline to Appeal against the Decision of Certification stipulated in this LEI Guideline 55.

In principle, the opportunity to appeal against the decision and affirmation of certification is meant to uphold a transparent certification process for all parties involved with the management unit operating in certain locations. A transparent certification process is essential for the following reasons:
a) Assessment for certification should be carried out in a most objective manner;

b) In addition to the objective of financial gain from its profit-generating activities, a management unit utilizes forestry resources, which hold public functions and benefits of such resources.

It is realized that assessing the ideal performance of management units needs the information that its reliability might find it difficult to get due to:

a) The scope of activities and its impact covers a broad area, relative to the cost and time-consuming process of certification.

b) The social and environmental impacts are not instantaneous.

c) The data and information on the performance of certain management units are minimal, including those, which can be provided by the management unit and even by authorized government agencies.

2. Scope

This guideline presents general guidance in the resolution process to appeal against the decision of certification issued by a certification body. The aim of the guideline to appeal against the decision of certification is to establish a transparent management in the certification process, specifically in validating the decision and affirmation of certification on the basis of known and actual field conditions by relevant parties. In effect, this guideline is meant as a control mechanism for certification awarded to management units by the certification body, and to resolve disputes caused by the decision and affirmation of certification by the certification body on one specific management unit.

3. Definitions

Definition of the terms related to the Forest Certification System is the meaning from general and technical forestry terms. The following terms are used as a reference:

3.1 The Certification Review Council (CRC) is a council formed
and mandated by stakeholders of the certification system to resolve any dispute that may arise in connection with the decision and affirmation of certification.

3.2 **Provincial/Local Consultation Forum** refers to a procedure of verification, validation, and/or dispute settlement on the certification decisions used by the Certification Review Council through group discussion forums with the relevant parties.

3.3 **Personal Consultation** is a procedure of verification, validation and/or dispute settlement on the certification decisions used by the Certification Review Council (CRC) through personal discussions with the relevant parties.

3.4 **Appeal Resolution Committee** is an ad hoc committee created by CRC to resolve a dispute of decision and affirmation certification.

3.5 **Forest Certification Body** hereafter referred to as forest certification body is a legal body which has the competence to provide forest certification services and has been accredited by LEI.

3.6 **Expert Panel** is an ad hoc team, which consists of a group of individuals who are themselves specialists in their fields and/or have an in-depth knowledge on issues associated with the certification process who has the right to make the certification decision.

3.7 **Field Scoping** is a field visit carried out by Expert Panel I and is a part of the screening process.

3.8 **Sustainable Natural Production Forest Management (SNPFM)** is a series of strategies and implementation activities to produce natural forest products which guarantee sustainability of production, ecological, and social functions of the forest.

3.9 **Sustainable Production Forest Management** is a series of strategy and implementation activities to harvest forest products that ensure sustainable production, ecological and social functions.
3.10 **Field Assessor** is an individual who has the right to do field assessment in the forest certification process based on the LEI 5000 Series Guidelines. The Field Assessor is not allowed to have financial ties and/or ownership or any relationship with any management unit or other enterprise that would pose a conflict of interest.

3.11 **Surveillance** is a monitoring activity conducted by the Certification Body of a certified management unit to determine whether certificates obtained remain appropriate.

3.12 **Forest Certification** is an activity carried out by independent third parties to issue a statement that the managing of the production forest by management unit, forest product sources and processing by forestry industrial unit are in accordance with the LEI Standard 5000 which consists of production forest management, timber tracking and forest product labelling.

3.13 **Sustainable Production Forest Management Certification** is carried out by independent third parties to issue a statement, which stipulates that the managing of the forest production by the management unit is in accordance with the LEI Standard 5000.

3.14 **Forest-based Business Unit** is a commercial unit that processes and/or alters the shape, dimension or characteristic of a raw material or products and their derivations.

4. **Objects of Appeal**

Appeals are a result of the discontentment of some parties who wish to voice their objections. The appeal is thus not only directed to the final decision of certification but can also be addressed to the on-going evaluation process.

However, objections may not be directed at the certification system stipulated by the certification body, as the system is an embedded part of the process of certification itself. For the management unit, the certification
system provides a selection of alternatives available in the 'market'.

On the grounds that appeals are essentially an act of disapproval towards the result and/or process of certification, thus internally—in the implementation of the certification process—an appeal requires clarification that implicate:

a) The data collected from various resources
b) The data collection process
c) The valuation results
d) The evaluation process

5. Parties with Rights to Appeal

The Parties, which qualify for submitting their objection against the result of certification, are as follows:

a) Certification applicant/Management unit/forest-based business unit
b) Associations or similar organizations involved in forest utilization
c) Central and Local Government
d) Provincial/Local Communication Forums
e) Other Community Groups, such as: Local Communities, Non Government Organizations (NGOs), Universities and Research Institutes, International Agencies, and other civilian organizations.

6. Term of Submission and Resolution of Appeal

6.1. If the result fails to obtain certification, the parties intent on submitting their objection should do so within 30 days following the certification body’s notification of the decision to award certification to the management unit.

6.2. If the result is in accordance with certification, no time limit is given to the parties wanting to submit their disapproval.

6.3. The time given to resolve objections, from the process of verification, validation, to the final decision, should not exceed 6 (six) months.
7. **Procedure to Resolve an Appeal against Decision of Certification**

The procedure, which can be divided into 2 (two) groups of activities, are the following:

7.1. **Mechanism governing the submission of appeals**

   7.1.1 Written objections are submitted to the certification body with complete data on the reasons for disapproval.

   7.1.2 Objections submitted should:
   
   a) Refer to evaluation stages
   b) Refer to the results of evaluation (by criteria and indicators)
   c) Confirmed and supported by new data/information never used before in the evaluation process.

   7.1.3 The certification body forwards the objection to the Certification Review Council.

7.2 **Appeal Resolution Process**

The appeal resolution process is carried out in 2 (two) phases: the Verification and Validation of Objection Phase and the Re-evaluation of Certification Decision Phase.

The two phases are done progressively. However, should the required data and information be readily available, resolution of the appeal can be clarified in the first phase.

This process is shown in detail in the attached chart on Resolution Procedure to Appeal against Decision of Certification.

7.2.1 **Verification and Validation of Objection Phase**

   a) The Certification Review Council completes the process of verification, validation, and when feasible, the resolution of objection, based on information received by the certification body.
b) The process of verification, validation, and resolution of objection is implemented through personal and group consultation. Group consultation is referred to as Provincial/Local Consultation.

c) The Provincial/Local Consultation is coordinated by the Certification Review Council and the Provincial/Local Communication Forum.

d) The Provincial/Local Consultation whenever possible should be held on location nearest to the management unit being assessed. This is to ensure a comprehensive opinion gathering from local communities, local non-governmental organizations, and other related parties in the effort to achieve an accurate assessment of the real condition of the management unit.

e) In the event that the objection comes from local community members where the management unit exists, the Provincial/Local Consultation could be carried out in accordance with local customs. If necessary, consultations with the local community may be held separately from the meetings to obtain comments from other related parties.

f) If needed, the Provincial/Local Consultation may summon representatives from Expert Panel II, representative of field assessor team, management unit, and other relevant interested parties.

g) The Certification Review Council may refuse recommendation of appeals that are considered irrelevant.

h) The objection is considered relevant if based on: (1) relevant data and information; (2) data and information submitted by relevant parties; (3) the relevant parties determined by accurate and relevant data and information.

i) In the event that objections are accepted and resolved through procedures of personal consultation and/or Pro-
through agreements reached between disputing parties, the affirmation of certification of the management unit involved is valid.

7.2.2 Re-evaluation of Certification Decision Phase

a) In the case that objections are accepted but unresolved through procedures of personal consultation and/or Provincial/Local Consultation, the Certification Review Council must then facilitate the settlement of objections through the Re-evaluation process of Certification Decision.

b) In this stage, the Certification Review Council forms an ad hoc resolution committee described as the Appeal Resolution Committee.

c) The Appeal Resolution Committee formulates its final conclusion by adhering to the guidelines regulating the certification decision process.

d) In the event that the final decision by the Appeal Resolution Committees to overturn the decision of certification, the certification will then be revoked or, otherwise, remain.

e) In case the Appeal Resolution Committee's final decision is the cancellation of certification, the management unit concerned must return to the initial stages of the certification evaluation process, in accordance with the guidelines regulating the process.

f) This decision of the Re-evaluation of Certification Decision Phase is final and further appeals as regulated in this guideline can no longer be challenged.

8. Parties Involved in the Appeal Resolution Process

Three parties are involved in the appeal resolution process:

8.1 Certification Review Council
The Certification Review Council is a council formed and mandated by stakeholders of the certification system to resolve any dispute that may arise in connection with the decision and affirmation of certification.

It is made up of at least 5 (five) members, with one member also acting as Chairman, for a duration of 3 (three) years and eligible for reappointment.

The daily function of the Certification Review Council is carried out by the Certification Review Council Secretary General. The Secretary General works full-time, assisted by a secretariat, and also heads the secretariat.

If deemed necessary, the Certification Review Council may be assisted by experts in their daily operation. The Certification review council may appoint a ‘negotiator’ during the process of resolving cases.

Further arrangement of procedures in forming the Certification Review Council, appointing the members and Chairman of the Certification Review Council, financing the Board’s activities, and other technical and operating issues in relation to the existence and role of the Certification Review Council, will be formulated in decrees issued by the Certification Review Council itself.

8.2 Provincial/Local Communication Forum

The Provincial/Local Communication Forum, which may be called another name by relevant parties, is a communication forum for parties in the region, the existence of which is intended to assist in verifying the credibility of decisions and affirmations reached during the certification process.

The Provincial/Local Communication Forum is therefore one of the stakeholders in the certification system developed by the Indonesian Ecolabeling Institute Foundation (YLEI). The existence of the Provincial/Local Communication Forum is a logical consequence of the certification system developed by YLEI, based on the principles of non-
discrimination; non-violence; justice; giving priority to the involvement of multi-stakeholders; and upholds values which gives priority to: Transparency, Empowerment, Participation, Independence, Sustainability, and Accountability.

The Provincial/Local Communication Forum may be formed by the initiatives of the local communities themselves, in line with the expected functions of the forum. In the absence of similar forums capable of assuming the expected role, the presence of a Provincial/Local Communication Forum becomes a moral obligation of the parties initiating the certification process.

As an institution, the Provincial/Local Communication Forum stands outside the institutional certification system. Meaning that, the views and decisions of the Provincial/Local Communication Forum do not directly reflect those of the institutions involved in the certification process. Acknowledgement of the views and decisions of the Provincial/Local Consultation Forum by institutions involved in the certification process is a recognized functions of the forum and vice-versa.

As the Provincial/Local Communication Forum is independent of related institutions within the certification process, its institutional system, including work procedures; decision-making process; and membership criteria for participation in the Provincial/Local Communication Forum are the prerogative of the Regional Communication Forum itself.

Based on the principles referred to in the certification system, the form; work procedure; and the parties related to the Provincial/Local Communication Forum will be determined by the process of reciprocal recognition between all institutions involved in the certification process and the Provincial/Local Communication Forum.

The objectives of establishing the Provincial/Local Communication Forum in the certification process are as follows:

a) To verify all recommendations resulting from the evaluations by
Expert Panel II;
b) To provide the opportunity for the general public to submit their objections on findings by the Field Assessor Team vis-à-vis the facts and actual experience of the community;
c) To provide the opportunity for the general public to open dialogue with Expert Panel II and Field Assessor Team with regard to the reasons given in certain recommendations for the management unit being assessed;
d) To create principles of maximum transparency within the certification process;
e) To become a partner to institutions involved in the certification process, e.g. as a communication channel for community inputs; recommending an expert panel; and the dissemination of information in relation to the currently ongoing certification process.

8.3 Appeal Resolutions Committee
The Appeal Resolutions Committee is an ad hoc committee established by the Certification Review Council to settle all disputes and come to a decision and/or the affirmation of specific certification. No parties involved in the assessment process by the management unit in dispute can be appointed as a member of the Appeal Resolution Committee.

Members of the Appeal Resolutions Committee must comply with the criteria of expertise and integrity, in accordance with the expected role of the committee. In addition, members of the Appeal Resolutions Committee must also comply with the criteria as stipulated in the guideline and the necessary panel composition needed for the certification process.
Appeal / Objection on Certification Decision

Verification, Validation and Settlement of Difference by Certification Review Council

CONSULTATION PROCESS
- Personal Consultation
- Local Communication Forum

Decision Making Process by Objection Review Council

Certification Recommendation

Certification Decision Changed

Certification Decision Stay by Same

Stay the Same