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FSC certification and strengthening legal compliance in the forest products trade
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Summary

Since its founding in 1993, the Forest Stewardship Council has set up an international system for development of forest and certification standards, for the tracking of forest products, and also for the continuous independent monitoring of performance by forest managers, forest product manufacturers and certification bodies. The FSC system is based on hard-won consensus between business, environmental and social groups as to what constitutes responsible forestry. It encompasses independent auditing to ensure that standards are met.

Today, in the international arena, there is a high level of interest in the issue of legal compliance in the forestry sector including trade in forest products, by G8, ASEAN and APEC governments, businesses and NGOs. It is now widely recognized that identification and independent verification of “legal” forest products, is one practical method that can be employed to help tackle the illegal forest products trade. This implies a direct link between certification and the verification of legal compliance.

The link can be represented at two levels: the level of forest management, and the tracking of forest products to markets.

At the level of forest management, FSC requires, through its forest management certification, legal compliance by certificate holders. The specifications for this are included under FSC Principle

1. However, there are also other elements of the FSC Principles and Criteria that address the issue of “legality.” These include Principle 2 (Tenure and Use Rights and Responsibilities), Principle 3 (Indigenous Peoples Rights) and Principle 4 (Community Relations and Worker Rights). The FSC Principles and Criteria offer the broad framework for the definition of national or regional forest stewardship standards through participatory processes at national or regional level.

Certified suppliers have to demonstrate that their products originate from certified forests. The FSC chain of custody system is used to track and trace such materials through the supply chain. Certified suppliers’ production systems are designed and implemented in a way that allows tracing and tracking of forest products back to the certified forest. They include mechanisms such as physical or temporal separation of wood or wood products, or the use of tracer paints and bar coding. Through chain of custody certification, independent certification bodies verify the adequacy of these production systems and their implementation against a chain of custody standard. For business-to-business commercial relations, invoices for certified products and bills of lading carry a chain of custody registration code. This confirms the status of the products as “certified.” Additionally, certified products are labelled with the FSC trademarks.

Developing systems for the verification of legal compliance requires the development of a clear and practical definition and protocol for evaluating “legal compliance” that meets the requirements of governments, businesses and NGOs, and takes account of international agreements such as the ILO Conventions or the Universal Declaration of Human Rights, as well as the elaboration of specific guidance for certification bodies for evaluating compliance with the protocol at the forest management and processing unit level.

FSC is working to forge the links between forest certification and verification of legal compliance and contribute its expertise to the development of tools and systems for identifying and tracing independently certified legal forest products. The development and uptake of credible and appropriate systems for assuring legal compliance in the forest sector could lead to significant improvement in the way forests are managed as well as in the “legality” of timber trade.
