

**FSC DISCUSSION PAPER
FSC-DIS-01-001**

**The scope of application of the FSC Principles and Criteria for
Forest Stewardship**



Forest Stewardship Council A.C. 1996
All rights reserved

Charles-de-Gaulle-Str. 5 · 53113 Bonn, Germany
Tel : +49 - 228 - 367 66 0 · Fax : +49 - 228 - 367 66 30
www.fsc.org · fsc@fsc.org

Discussion Paper

Title:	The Scope of Application of the FSC Principles and Criteria for Forest Stewardship
FSC reference code:	FSC-DIS-01-001
Type of document:	Discussion paper
Status of document:	Draft open for review
Date:	11 th January 2005 - updated 5 th May 2005
Deadline for comments:	5 th June 2005
Body responsible for drafting:	Policy and Standards Unit
Contact person:	Matthew Wenban-Smith
Contact email:	m.wenbansmith@fsc.org

Published by Forest Stewardship Council, A.C. No part of this work covered by the publisher's copyright may be reproduced or copied in any form or by any means (graphic, electronic or mechanical, including photocopying, recording, recording taping or information or retrieval systems) without the written permission of the publisher.

The Forest Stewardship Council (FSC) is an independent, not for profit, non-government organisation based in Bonn, Germany.

The mission of the Forest Stewardship Council is to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC develops, supports and promotes international, national and provincial standards in line with its mission; evaluates, accredits and monitors certification bodies which verify the use of FSC standards; provides training and information; and promotes the use of products that carry the FSC logo.

TABLE OF CONTENTS

Summary

1	Background
2	Alternative definitions of the word 'forest'
3	An alternative approach to the definition of scope
4	The scope of 'other vegetation types'
5	How to apply the P&C to other vegetation types
6	Compliance with the FSC Principles and Criteria
7	Options
8	Conclusions
9	Next Steps

Summary

Trees may be grown in a wide variety of systems in order to yield a wide variety of products. FSC receives a constant stream of questions as to whether products from particular systems are eligible for certification within the FSC conformity assessment scheme.

Currently, the International Center's starting point for giving guidance on whether such systems are within the scope of FSC certification has been to ask whether these systems can be described as 'forests', and secondly to ask whether the production system can, in practice, comply with the requirements of the FSC Principles and Criteria.

However, this approach leads to an impasse in that whilst the introduction to the FSC Principles and Criteria explicitly states that they may be applied to the evaluation of plantations, some FSC members and other stakeholders do not consider that plantations are 'forests' - preferring to reserve the term 'forest' for more natural vegetation types.

This paper proposes an alternative approach based directly on the introduction to the FSC Principles and Criteria. This approach is to recognise that the FSC Principles and Criteria are properly applicable to forests "*and other vegetation types*" including plantations. The paper proposes that the concept of 'other vegetation types' should be limited to those land-uses involving the growing of trees, but should include, in principle, all such land-uses.

This proposal allows the FSC Principles and Criteria to be applied as explicitly proposed in its introduction, without prejudicing one way or the other the question of whether plantations should be included in a definition of 'forests'. It also opens the way to the application of the FSC Principles and Criteria not only to 'natural forests' and 'plantations' but also, in principle, to other non-forest vegetation types.

If this conclusion is accepted, then guidance will be required on the implementation of FSC-STD-20-002 and FSC-STD-20-003 as applied to the development of standards for such non-forest land-uses. Clear decisions are also required in relation to the resource implications for the FSC network, and how these might be addressed in future work plans.

1 Background

1.1 Trees may be grown in a wide variety of systems in order to yield a wide variety of products. FSC receives a constant stream of questions as to whether products from particular systems are eligible for certification within the FSC conformity assessment scheme. Examples include:

1.1.1 very short rotation crops such as:

- Conifers, traditionally Norway Spruce (*Picea abies*) grown for use as Christmas trees (examples from UK, Germany, N.America, Sweden, Denmark);
- Poplar (*Populus* spp.) and other species coppiced on short rotations (e.g. 4 - 7 years) for use as fuel (examples from UK).
- Willow (*Salix* spp.) and other species coppiced on short rotations for production of shoots for e.g. basketwork and production of hurdles.

1.1.2 orchards (e.g. from Switzerland); 'forest gardens' (e.g. Sri Lanka, Malaysia);

1.1.3 silvo-pastoral production systems;

1.1.4 agro-forestry production systems (e.g. some cork production systems in Portugal; acacia-corn-acacia rotation systems from southern Brazil);

1.1.5 plantations managed primarily for Non Timber Forest Products (e.g. rubber, oil palm, coconuts);

1.1.6 Urban trees (e.g. streets and parks in UK, Kenya);

1.1.7 Windbreaks (e.g. Bolivia);

1.1.8 Bamboo 'forests' (e.g. Colombia, China).

1.2 Until now FSC's starting point for considering whether such systems are within the scope of FSC certification has been to ask whether these systems can be described as 'forests', and secondly to ask whether the production system can, in practice, comply with the requirements of the FSC Principles and Criteria (see FSC Guidelines for Certification Bodies, Subject 2.1).

1.3 The FSC Principles and Criteria for Forest Stewardship (FSC P&C) make reference to 'forest' management, 'forest' products, 'forest' workers, etc.. However, the FSC P&C do not define the term 'forest'. In the FSC Guidelines for Certification Bodies, Subject 2.1, 1998 the FSC Secretariat therefore adopted its own definition as "a tract of land dominated by trees", specifically for the purpose of defining the scope of application of the FSC P&C.

1.4 However, recent efforts to implement this approach have been criticised on the grounds that it implies that FSC recognises plantations as "forests", as well as including land uses (e.g. bamboo 'forests') that many people feel are not true 'forests'. These concerns have led to a re-appraisal of the question of the scope of application of the FSC Principles and Criteria.

2 Alternative definitions of the word 'forest'

- 2.1 There are many definitions of the word 'forest'. The origin of the word in the English language was to denote an area subject to special laws related to the protection of game rather than to the presence of trees per se (e.g. *Trees and Woodland in the British Landscape*, Rackham O, 1981). Are there alternative definitions that would be more appropriate for FSC?
- 2.2 The position taken by the FSC Secretariat in 1998 was based on the Shorter Oxford Dictionary definition of a forest as '*an extensive tract of land covered with trees and undergrowth sometimes intermingled with pasture*'. A 'tree' in turn is defined by the Shorter Oxford Dictionary as '*a perennial plant having a self-supporting woody main stem or trunk (which usually develops woody branches at some distance from the ground), and growing to a considerable height and size. Extended to bushes or shrubs of erect growth and having a single stem; and even some perennial herbaceous plants which grow to a great height, as the banana or plantain*'.
- 2.3 Such common usage rather than technical definitions may not however be useful for the purpose of defining the scope of application of the FSC Principles and Criteria. An area growing a very short rotation crop of trees would not normally be described as a forest, because the trees have not yet developed their 'considerable height and size'. Nevertheless, the area may consist of 'an extensive tract of land covered with trees and undergrowth'. If the same area was left to grow without intervention it would very likely develop into a forest. Similar issues apply to other production systems, such as orchards and, it might be argued, plantations.
- 2.4 More technical definitions are also problematic. FAO changed its definition in each of its forest resource assessments of 1980, 1990 and 2000. FAO now refers to 'forest and other wooded land' as '*Land with tree crown cover (or equivalent stocking level) of more than 10 percent and area of more than 0.5 hectares (ha). The trees should be able to reach a minimum height of 5 meters (m) at maturity in situ.*' (Definitions related to Planted Forests, FAO Working Paper 79, Carle and Holmgren, FAO 2003). Whilst this approach is logical and is consistent with the dictionary definition of the word, it does not resolve the difficulty presented by the argument that 'plantations are not forests' since the definition allows for plantations, planted forests and other land use categories to be included as sub-categories of the generic term 'forest'. It also introduces two fairly strict criteria - a minimum area of 0.5ha, and a minimum height of 5m, whilst leaving a further category of 'trees outside forests' undefined.
- 2.5 Of course many words have more than one meaning, or a variety of overlapping but non-identical meanings depending on the context. Ultimately, the question of definition is only as important as the use to which the definition is put. If one chooses to equate the word 'forest' with the concept of 'natural forest', then, clearly, there is a conflict between this use and any use of the word which includes the concept of 'plantation'. Inappropriate use of the broader term 'forest' to cover both natural forest and plantations could then be used to support the contention that replacing a natural forest with a plantation does not constitute a change in land use.
- 2.6 This points to a simple, logical issue that cannot be resolved by any alternative definition of the word 'forest'. The FSC Principles and Criteria *explicitly* apply to both plantations and natural forests. It then becomes logically necessary *either* to reject the contention that the scope of the FSC Principles and Criteria is limited to their application to 'forests', *or* to accept that plantations are in fact a subcategory of the term 'forest'. The following section considers the possibility of an approach to the definition of scope which is not based on the assumption that the FSC P&C are applicable only to 'forests'.

3 An alternative approach to the question of scope

- 3.1 The introduction to the FSC P&C provides a number of indications as to the expected scope of their application.
- 3.2 The first paragraph of the introduction to the FSC Principles and Criteria refers to "*forest resources and associated lands*", to the growing awareness of forest destruction and degradation, and to consumers' demands that their '*purchases of wood and other forest products*' will not contribute to this destruction but '*rather help secure forest resources for the future*'. This paragraph doesn't specify the land-uses to which the Principles and Criteria apply, but instead focusses on the role of consumer purchases of 'wood' and 'other forest products' in protecting against destructive practises.
- 3.3 In relation to the application of the Principles and Criteria themselves, the third paragraph of the introduction states that they "*apply to all tropical, temperate and boreal forests.... More detailed standards for [plantations and partially replanted forests] and other vegetation types may be prepared at national and local levels*" (bold added). This paragraph explicitly provides for the application of the P&C not only to plantations, but also, specifically, to 'other vegetation types'.
- 3.4 Following this provision, the question for FSC would not be 'what is the definition of a forest', but rather 'what other vegetation types can the FSC P&C be applied to, and how'.

4 The scope of 'other vegetation types'

- 4.1 It could be argued that 'other vegetation types' is completely non-specific, and therefore should be applicable to any vegetation type of any sort. However, as mentioned above, the introduction to the FSC P&C refers to "*forest resources and associated lands*", and to '*purchases of wood and other forest products*'. Whilst not definitive, these references suggest a clear limitation of the scope to vegetation types associated with 'forest lands', and/or that result in the production of 'wood' and 'other forest products'.
- 4.2 Following this approach, the scope of application of the FSC P&C could be tied to the notion of any land-uses involving the growing of trees. If this approach is accepted, then any area of land on which trees are growing would be within the scope of the FSC P&C, including all of the examples of land use listed in paragraph 1.1. The question of whether such systems can be certified using the FSC P&C would then not be a question of scope of application of the FSC P&C, but a question of *implementation* of the P&C, and *compliance* with their requirements. These are considered below.

5 How to apply the P&C to other vegetation types

- 5.1 The question of *how* to apply the FSC P&C to other vegetation types may be relatively simple to answer. The wording of the introduction clearly recognises that this would require the development of specific national or local standards in order to be implemented. The same is true, of course, for the implementation of the FSC Principles and Criteria for natural forests and plantations, through the development of FSC national or sub-national standards and locally adapted generic standards. In this case, the starting point for implementation of the FSC P&C for non-forest vegetation types should be consideration of *FSC-STD-20-002 Structure and content of Forest Stewardship Standards* and, as applicable, *FSC-STD-20-003 Local adaptation of generic forest stewardship standards*.

- 5.2 Review of these standards suggests that they do, indeed, provide a framework for the development of standards applicable to non-forest land-uses. The terminology of both standards makes reference to 'forests', and some modifications would be required, but these do not seem to be problems in principle.
- 5.3 The major technical issue would be the circumstances in which specific FSC Criteria might be considered 'non-applicable'.
- 5.4 Paragraphs 3.3 and 3.4 of *FSC-STD-20-002* require that there shall be indicators for every Criterion of the FSC P&C "*unless the FSC Criterion is considered to be inapplicable in a given situation*", and that "*an explanation shall be provided in the standard if any FSC Criterion is considered inapplicable in a given situation*". A footnote explains that "*a criterion may be considered inapplicable if there are no circumstances in the Criterion can be evaluated in the geographical scope of the standard, or for a particular category of forest land within the scope of the standard. A Criterion may not be designated as 'inapplicable' on the basis that the standards development group would prefer not to apply it*". A key concept is that there must be 'no circumstances' in which the Criterion can be evaluated - this is a strong requirement, applying to the *category* of land use, not simply to an individual case. There is a strong presumption that the standard would include indicators applicable to the category of land use, and against which the land use would have to be evaluated (so long as such evaluation is possible).
- 5.5 Section 4, in relation to adaptations to the scale and intensity of forest management, provides further background. Paragraphs 4.2 and 4.3 provide for the development of alternative indicators applicable to small or low intensity managed forests. Paragraph 4.4 requires that the standard shall include clear guidance as to the category of forest management units to which any exemptions or alternative indicators apply.
- 5.6 In relation to non-forest vegetation types guidance would be required. Clearly one could expect many circumstances in which particular Criteria appear to be non-applicable, or at least only indirectly applicable. Nevertheless, a review of the P&C suggests that in most of the examples listed in paragraph 1.1 above, most of the P&C would, in fact, be readily applicable. Furthermore, the application of the P&C to these circumstances should be beneficial in that it would ensure that key social and environmental considerations are taken into account in situations in which they might otherwise be ignored or discounted. Indicators would need to be developed through a transparent, consultative multi-stakeholder process. In conclusion, although additional guidance would likely be required, such guidance should not be particularly problematic to develop.
- 6 Compliance with the FSC Principles and Criteria**
- 6.1 If FSC takes the position that the FSC P&C may be applied, in principle, to any 'tract of land on which trees are growing', including various vegetation types and management systems which might not be considered a 'forest', the question would remain as to whether some land-uses necessarily fail to comply with the requirements of the P&C.
- 6.2 This may be the case. However, it would have to be evaluated case by case in terms of compliance with the applicable national or locally adapted forest stewardship standard. In either case, the certification body would have to evaluate the land use against the indicators specified in the standard, and make a certification decision on the basis of compliance or non-compliance with these indicators.

- 6.3 As for any evaluation, it would be advisable for the certification body to carry out a pre-evaluation visit to identify any problems prior to the cost and commitment of a full evaluation visit.

7 Options

- 7.1 This discussion paper has considered whether the scope of the FSC P&C should be limited in principle to 'forests'. It argues that the FSC P&C in fact explicitly allow for their application to non-forest vegetation types as well as to natural forests and plantations, so long as specific indicators can be developed for these vegetation types.
- 7.2 Nevertheless, FSC is constrained in terms of its resources. Although the FSC P&C might be applicable in principle to non-forest vegetation types this might still be considered a misallocation of scarce resources - at the national level and/or at the international level.
- 7.3 There are a number of options that FSC could choose:

a) FSC could determine that, notwithstanding the arguments presented above, the scope of the FSC Principles and Criteria shall be limited to 'forests'. This is to maintain (or reinforce) the status quo. This does require that FSC adopts some acceptable definition of the word 'forest' and resolves the issue identified in paragraph 2.6 above - in order to be consistent with the current Principles and Criteria, this implies accepting that plantations fall within FSC's definition of forests - at least for the purpose of determining the scope of the FSC Principles and Criteria. Decisions would then be required either case by case or on a generic basis as to whether particular land uses (such as those identified in section 1, above, are also included in the definition.

Alternatively FSC could accept that the scope of the FSC Principles and Criteria does include other (non-forest) vegetation types. In this case at least three options are possible:

b) FSC could accept that the scope of the FSC Principles and Criteria in principle includes other (non-forest) vegetation types, but determine that the development of standards for 'non-forest' land uses is not currently a priority, and that in the absence of such standards certification should not in practice be permitted. This would establish the point of principle that the Principles and Criteria are applicable to non-forest vegetation types, but would in practice maintain the status quo.

However, this allows FSC members to accept that plantations are 'not forests', whilst recognising that they still fall within the scope of the FSC Principles and Criteria.

Alternatively it would require that FSC provide guidance as to what FSC *currently* considers to be a 'forest' and therefore *currently* falls within the scope of application of the FSC Principles and Criteria, as for option a), above.

Decisions would still be required as to whether each of the land-uses described in 1.1 could be included in the definition either as a 'forest', a 'natural forest' or as a 'plantation'. This could be done case by case, or through the development of generic guidance.

c) FSC could require the development of national or locally adapted certification body standards applicable to each identified non-forest vegetation type, but allow the

use of these standards without explicit FSC-accreditation. Thus, where there is both local demand and local resources certification of non-forest vegetation types could move ahead without creating costs for FSC at the international level. This would be similar to the approach currently adopted for certification of NTFPs. This would leave a gap in the scope of the FSC system of accreditation for some products which would nevertheless carry the FSC logo - and some of which might be controversial. If problems arise these would likely become FSC's responsibility, and require resources to resolve.

d) FSC could require the development of national or locally adapted certification body standards for the specified non-forest land uses *and require* that these are evaluated and accredited by FSC-IC, but require that this service is paid for by the entity creating the standard. This approach has the advantage of allowing standards to be developed where there is demand, but also requires that resources are allocated to the evaluation and FSC-accreditation of the standard. It would require that FSC carry out an evaluation of the actual cost of evaluating, accrediting and monitoring compliance against a new standard, and communicating clearly that this cost has to be covered by the developers.

8 Conclusions

- 8.1 FSC needs to provide consistent guidance on the scope of application of the FSC Principles and Criteria. This paper argues that the original Principles and Criteria provide, explicitly, for their application to natural forests, plantations *and other* (i.e. non-forest) *vegetation types*.
- 8.2 This paper proposes that the concept of 'other vegetation types' should be limited to those land-uses involving the growing of trees, but should include, in principle, all such land-uses.
- 8.3 If this conclusion is accepted, then guidance is required on the implementation of FSC-STD-20-002 and FSC-STD-20-003 as applied to the development of standards for such non-forest land-uses.
- 8.4 Clear decisions are also required in relation to the resource implications for the FSC network, and how these might be addressed.

9 Next Steps

- 9.1 The proposals presented in this discussion paper are open for discussion and comment until June 5th 2005. The Policy and Standards Unit will then finalise proposals to be submitted to the FSC Board of Directors for consideration at the 38th meeting of the FSC Board of Directors, scheduled for June 16th - 18th 2005.