

Integration of Biological Diversity in New Policies for Forests and Forestry in Japan

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1. Introduction

In Japan, laws providing the backbone for forest and forestry policies have been the Forestry Basic Law enacted in 1964 and the Forest Law with a long history stretching back to 1897. The former was enacted to strengthen the productive force of forestry, to improve the status of forestry workers and to eliminate the productivity gap between forestry and other industries in response to a vigorous demand for wood and strong interest in forestry management among forest owners in the aftermath of the Second World War. The latter set forth the forest planning system and the protection forest system, etc. for the conservation of forests, focusing on such traditional forest functions as wood production, national land conservation and the conservation of water resources. In June, 2001, the Forestry Basic Law was revised for the first time in 37 years to become the Forest and Forestry Basic Law in response to the changing expectations of the public in regard to forests and the increasing international trend towards sustainable forest management in recent years. The Forest Law was also revised accordingly. The purpose of this paper is to clarify the manner in which the issue of biological diversity has been incorporated in the forest and forestry-related legal framework which underwent major revisions last year.

2. Status of Biological Diversity in Forest and Forestry Basic Law

(1) Outline of Basic Law

The new Basic Law consists of Chapter 1 - General Provisions (Article 1 - Article 10), Chapter 2 - Forest and Forestry Basic Plan (Article 11), Chapter 3 - Measures Relating to Performance of Multi-Functionality of Forests (Article 12 - Article 18), Chapter 4 - Measures Relating to Sustainable and Sound Development of Forestry (Article 19 - Article 23), Chapter 5 - Measures Relating to Stable Supply and Use of Forest Products (Article 24 - Article 26), Chapter 6 - Administrative Bodies and Related Bodies (Article 27 - Article 28), Chapter 7 - Forest Council (Article 29 - Article 33) and Additional Rules. The chapters directly related to biological diversity are Chapter 1 through Chapter 3.

(2) Basic Idea

While the former Basic Law stipulated increased forestry production and others as policy targets, the new Basic Law stipulates “the performance of multi-functionality of forests” as the basic idea for forest and forestry policies in Chapter 1 and includes “conservation of the natural environment” in the list of multiple functions (Article 2).

(3) Forest and Forestry Basic Plan

“Chapter 2 – Forest and Forestry Basic Plan” has a provision which requires the government to formulate a basic plan for the comprehensive as well as systematic promotion of forest and forestry measures. It is also stipulated that the said basic plan shall specify the targets for the performance of the multi-functionality of forests and shall be harmonized with the basic plan for the environment.

(4) Domestic Measures for Performance of Multi-functionality of Forests

Chapter 3 stipulates such required government measures as the promotion of silviculture to suit the characteristics of each region (Article 12), restriction of activities, which may hinder the conservation of forests, in order to ensure the conservation of forests (Article 13), clarification of the targets for research, development and dissemination of related technologies (Article 14) and promotion of the voluntary activities of private bodies for the greening and conservation of forests (Article 15).

(5) International Collaboration and Contribution

Article 18 at the end of Chapter 3 stipulates that *“in view of the importance of promoting the sustainable performance of the multi-functionality of forests with international collaboration, the government shall make conscious efforts to promote international collaboration for the development of criteria on forest improvement and conservation and international cooperation, including technical cooperation and financial cooperation, for developing areas.”*

3. Status of Biological Diversity in Forest and Forestry Basic Plan

(1) Structure of Basic Plan

The Basic Plan is composed of four chapters: I. – Basic Policies for Forest and Forestry-Related Measures, II – Targets for Performance of Multi-Functionality of Forests and for Supply and Use of Forest Products, III – Measures to be Formulated by the Government in Comprehensive and Systematic Manner Regarding Forests and Forestry and IV – Necessary Matters for Comprehensive and Systematic Promotion of

Forest and Forestry-Related Measures. Each chapter contains a reference to biological diversity as described below.

(2) Basic Policies

(Current Conditions)

There is growing expectation for forests to perform their multi-functionality, including carbon dioxide absorption, carbon storage and providing places to preserve biological diversity, with the growing interest in the problem of global warming and co-existence with nature together with emphasis on such forest functions as conservation of the natural environment and living environment and enhancement of health and culture. At the same time, there is a global trend of promoting “sustainable forest management” which considers forests as ecosystems and which tries to permanently meet our diverse needs for forests while ensuring the co-existence of forest conservation and utilisation.

Forests provide the foundation for the creation of beautiful national land. The improvement and conservation of forests are necessary to meet the diverse expectations of the public and to ensure the sustainability of the multi-functionality of forests. In the international arena, various efforts are required to prevent the illegal felling of forests and other activities which hinder the promotion of sustainable forest management.

(Policy Concept)

Forests are the home of diverse wildlife and support natural ecosystems together with the seas through the water cycle. Humans have greatly benefited from the various functions of forests and the working of diverse ecosystems. Forestry has played the role of fostering, supplying and reproducing forest products through work involving many generations, utilising the working of forests as ecosystems. Those of us living today must inherit the wisdom of our predecessors and make this century a “century of forests” in which humans and nature live together in harmony.

(Measures Enabling Performance of Multi-Functionality of Forests)

In order to enjoy the various benefits of forests for a long time to come, the state of forests must be accurately monitored from the long-term viewpoint and appropriate improvement and conservation measures must be introduced based on the diverse ecological characteristics of forests. Apart from the promotion of permanent dwelling in mountain villages, basic activities, including fact-finding studies and

promotion of the co-existence and exchanges between cities and mountain villages, are essential.

(3) Targets for Performance of Multi-Functionality of Forests

(Setting the Targets)

Forests are classified in three categories: “forests for water resource management, soil conservation and sheltering”, “forests for conservation of ecological, cultural, historical, recreational and spiritual values” and “forests for sustainable use of wood resources” depending on the function to be emphasised for forest improvement. Management targets are established for each category of forest. Forests which are important from the viewpoint of natural environment conservation which is in turn important to maintain biological diversity are classified as “forests for conservation of ecological and cultural, historical, recreational and spiritual values”. For each category of forest, their desirable state in 10 and 20 years time should be clearly indicated.

(Consideration of Biological Diversity)

Regardless of the category of forest, all forests contribute to the conservation of biological diversity as they provide habitats for diverse animals and plants, making it essential to consider this aspect for all forests.

(Desirable State of Forests)

“Forests for conservation of ecological and cultural, historical, recreational and spiritual values” will be managed in an appropriate manner as forests which constitute a genuine natural environment and which are suitable for the habitation and growth of precious plants and animals from an academic point of view. Forests under this category cover an area of 55 million ha (approximately 22% of all forests in Japan).

(Guiding Principles for Forests)

The management of “forests for conservation of ecological and cultural, historical, recreational and spiritual values” will be promoted to primarily conserve or recreate the natural environment and others.

Approximately 60% of “forests for conservation of ecological and cultural, historical, recreational and spiritual values” will be subject to natural forest management, the basic principle of which is to leave forests providing habitats for

wildlife, an important aspect for the conservation of the pristine nature and natural environment, and forests with excellent natural environment and landscape to natural processed with minimum human disturbances. Appropriate management practices for these forests include the conservation or restoration of vegetation only when such action is found to be necessary.

(Pending Task for Performance of Multi-Functionality)

Both the government and local public bodies will be required to make conscious efforts, including public relations activities, to reflect the opinions of forest owners on forest plans and to facilitate their participation in forest improvement.

(Management of “Forests for Conservation of Ecological and Cultural, Historical, Recreational and Spiritual Values”)

In addition to the adequate conservation of forests as important ecosystems, the continuity of forests must be secured by means of diversification of the forest composition through the introduction of broad-leaved trees, restoration of vegetation and development of corridors for wildlife, including familiar aspects of nature, depending on specific needs. Maintenance of landscape poses another task. For the use of these forests, appropriate guidance, including restrictions on entry, must be provided. The active use of the protected forest system under national forest operation and collaboration with the national park system will also be required.

(Development of Forest Data)

Natural and economic data relating to forests, including that on rare species, water resources, soil and types of ownership, must be developed, taking into consideration the trends of international criteria and indicators to objectively assess sustainable forest management.

(4) Measures to be Formulated by the Government

(Promotion of Forest Improvement)

The forest management plan system should be actively disseminated so that systematic forest management can be put into practice by clearly classifying forests based on the function to be emphasised while promoting thinning and planting, etc. Forest monitoring featuring biological diversity should be promoted. Assistance should be provided for fact-finding studies on forests and forest improvement with public sector involvement should be promoted. New ways of sharing the social cost should be examined in the form of an environment tax and water source tax, etc.

(International Collaboration and Contribution)

The issues relating to forests are global concerns that need international collaboration. Japan should actively participate in efforts to apply international criteria to assess sustainable forest management and also in policy dialogue at the UN and other international organizations. Japan should also be actively committed to bilateral technical and financial cooperation and cooperation provided by multilateral organizations for forest improvement and conservation in developing areas.

(5) Necessary Matters for Comprehensive and Systematic Promotion

The implementation of various measures under the Basic Plan will require a) evaluation and review of measures by their implementation bodies, b) efficient and prioritised financial input avoiding duplication, c) disclosure of information and incorporation of public opinions, d) separate roles of the government and local public bodies and wide-ranging participation by NPOs and others, e) harmony with the international regime and f) regular review of the Basic Plan.

4. Implications of Biological Diversity in Revised Forest Law

(1) Outline of Forest Law and Forest Planning System in Japan

The forest planning system stipulated in the Forest Law is one way of applying the principles of the Basic Plan to concrete practices in the field.

The forest planning system with regards to non-national forests on which the government cannot directly impose its forest management ideas consists of three levels of public plans, i.e. nation-wide forest plans, regional forest plans and municipal forest plans, and forest management plans to be voluntarily formulated by forest owners or other parties who have the legal right to manage the forests as shown below.

Name of Plan	Responsible Person	Coverage	Period	Main Planning Items	Relevant Provision
Nation-Wide Forest Plan	Minister of Agriculture, Forestry and Fisheries	Nation-Wide	15 years	Basic principles for forest improvement for each category of forest	Article 4 of Forest Law
Regional Forest Plan	Prefectural Governor	Regional Forest Management Block 158	10 years	Guidelines on forest improvement for each category of forest, taking into account the circumstances peculiar to the region	Article 5 of Forest Law
Municipal Forest Plan	Head of Municipality	Municipality	10 years	Designation of area of each category of forest and guidelines on forest operation	Article 10.5 of Forest Law
Forest Management Plan	Forest Owner or Any Owner who has the Legal Right to Manage the Forest	Forest Management Unit	5 years	Plan of forest operation including the timing and method of cutting, thinning and restocking	Article 11 of Forest Law

(2) Role of Forest Management Plan

A forest management plan provides the mechanism which links the planning items of public forest plans at three levels, i.e. central government, prefecture and municipality, with the management principles of owners or managers of non-national forests who actually conduct forest management.

The basis for a forest management plan is the provision of Article 11 of the Forest Law which states “a forest owner or any other party who has the legal right to manage the forest may formulate a forest management plan lasting for a period of five years, independently or jointly with another forest owner(s), and request the head of the municipality’s approval of the appropriateness of the said plan”.

(Planning Items)

The stipulated planning items are listed below.

- a. Long-term direction for forest management
- b. Outline of the forest (area, planted forest or natural forest, species, forest type, forest age and standing tree volume)
- c. Cutting method (cutting area, actual cutting age, cutting volume and cutting method at each site)
- d. Restocking method (site, restocking time, area, restocked species and restocking method i.e. whether planted or naturally regenerated)

- e. Thinning method (as above)
- f. Area by type of tending
- g. Others

(Approval Procedure)

The head of the municipality approves the plan if the plan satisfies the following conditions.

- a. The following criteria set forth by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries are met.

(Example of forests for conservation of ecological and cultural, historical, recreational and spiritual values)

- Planting : planned within two years after the cutting year (for forests where regeneration is difficult except by means of planting)
- Thinning : planned for those planted forests where the standing tree volume exceeds a certain threshold value
- Final cutting : selective cutting of not more than 30% by volume at an age above the standard age

- b. Suitable in view of the municipal forest plan

(Incentives for Approved Plan)

Subsidies are provided by the central and prefectural governments, etc. for planting, thinning and tending in accordance with an approved forest management plan.

The payment of inheritance tax on forest can be suspended for up to 20 years (or up to 40 years under certain conditions) if the forest is continuously managed by the inheritor throughout the said period in accordance with approved forest management plans. Other tax incentive policies include tax reduction on income accrued from forest management, which shall compensate for profits lost by adhering to forest management plan.

(3) Revision of Forest Planning System Following Revision of Forest Law and Status of Biological Diversity

The biological diversity-related sections of the revised Forest Law which stipulates forest plans performing the above-mentioned role are explained below.

(Classification of Forests According to Their Social Functions)

The principles of and criteria for the classification of all forests into three categories, i.e. “forests for water resources management, soil conservation and sheltering”, “forests for conservation of ecological, cultural, historical, recreational and spiritual values” and “forests for sustainable use of wood resources” shall be clearly indicated by the nation-wide forest plan and others (Article 4 and Article 5).

The work to classify individual forests into three categories is conducted by the head of each municipality in the municipal forest improvement plan (Article 7-2 and Article 10-5).

(Revision of Advance Notification System on Intended Cutting)

At the time of notifying the head of the municipality of the intended cutting of standing trees in advance, notification of the method, timing and species for restocking after cutting shall be added.

(Revision of Forest Management Plan System)

A forest owner or any other party who has the legal right to manage the forest may formulate a five year forest management plan and request the approval of the said plan by the head of the municipality. For this approval, different approval criteria shall be applied for each forest category. (Incentives will be given using the preferential taxation system and subsidies, etc.)