

INTRODUCTION

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1. Goal

The goal of the Legal and Administrative Measures (LA) sub-theme is to identify and develop legal and administrative measures, as well as regional criteria and guidelines which ensure, facilitate, assist, support, promote and accelerate sustainable management of forest area in Asia and the Pacific region based on Asia-Pacific perspective and philosophy.

2. Back Ground

Forests are important for maintaining biodiversity and securing livelihoods for local communities. Threats to forests are also threats to local communities. Thus, local people should be aware of the importance of forest resources and forest functions. For that end, every effort should be made to promote the awareness of local people of their surrounding environment, through campaigns, symposia, education, training courses, village meetings or the media. Providing easily understandable materials and suitable coordinators are also important.

Sometimes, although local people are well aware of the values and benefits of forests and of the importance of their conservation, rapid social changes make it difficult for them to continue their traditional life which values forests highly. When this occurs, governments and other organizations should make themselves more aware of the traditional ways of living and should help the local people to adapt themselves to socio-economic change and to build prosperous communities beside the forests.

On the other hand, a forest of international importance cannot be managed effectively if local people do not take necessary actions in their daily life. Global values depend on local people. The success of projects for conservation and wise use of biodiversity and forests will in large measure depend upon the ways in which local people are involved. No measure will have a positive effect if local people and communities are not convinced, trained and empowered to be key actors in the project.

It is most important that their participation should be active, free and meaningful. Such participation should be assured by law in both planning and implementation processes of conservation or development projects. In planning process, it is necessary to incorporate local people and communities into environmental impact assessment procedures. In the assessment procedures, not only natural and physical impacts but also socio-economic and socio-cultural impacts should be examined. It is also necessary to incorporate local people and communities into the implementation processes, including those relating to decision making and management.

Local people should understand their rights under present laws and administrative procedures concerning forest management and they should use their rights properly. Since legal and administrative systems are sometimes difficult for the general public to understand, experts or NGOs should help local people to be aware of their rights.

The participation of local people and public awareness are also attached importance in relevant international instruments, such as Agenda 21 (Chapters 24-32 and 36); the Rio Declaration (Principle 10); the Biodiversity Convention (Articles 10, 11, 13 and 14); the Criteria and Indicators on Sustainable Management of Temperate and Boreal Forests.

3. Objective

To achieve the goal as mentioned above, the LA sub-theme conducts research on the following objectives.

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(1) International Laws on Sustainable Forest Management

First, relevant international laws on sustainable forest management will be overviewed in order to identify and clarify basic principles and criteria for sustainable utilization of forest resources. Instruments will be examined and analyzed.

(2) Domestic Laws on Sustainable Forest Management

Second, relevant domestic laws on sustainable forest management will be overviewed in order to understand the overall legal situation in the country or area concerned. Since a variety of laws will cover forest management, key instruments will be mainly examined and analyzed.

(3) General Framework and Institution of Local Administration

Local authorities play important roles for land use management and forest management. Basic structure and institution of local government, as well as decentralization or devolution policy and process should be examined. Key elements to understand local administration will be studied.

(4) Environmental Impact Assessment Procedures

Environmental impact assessment (EIA) is indispensable to ensure sustainable management of forest resources. EIA also provides important opportunities for people to participate in planning processes of development, and management policies and projects. Studies will focus on how and to what extent EIA works and its role for ensuring sustainability.

(5) Supporting Measures for Law Enforcement and Administration

Based on above examinations, further analysis and examination should be carried out in order to clarify problems, obstacles and difficulties in enforcing and implementing laws and regulations. To solve those problems and difficulties revealed, investigations will be conducted to identify and develop legal, administrative and other supporting measures for enforcement, compliance and implementation of laws, as well as participatory management based on local community life. These examinations will be useful to develop ways and methods to be employed in order to achieve agreements among local residents.

4. Activities

LA sub-team has been collecting relevant laws (international and domestic) and regulations on sustainable forest management, as well as on wildlife or bio-diversity conservation, in order to understand overall the legal and administrative institutions in countries or areas concerned. In cooperation with APCEL, legal and administrative information on ASEAN countries have been collected. Based on such information and analysis, consultancy work is being done by research cooperators in Thailand, the Philippines, Indonesia and Papua New Guinea, on domestic forestry laws and environmental laws. Traditional methods of conflict resolution related to forests in Thailand and Indonesia are also reviewed and examined.

The IGES Forest Conservation Project has held brainstorming forums to coincide with a new initiative which was declared at Intergovernmental Forum on Forests second session by Canadian and Costa-Rican governments to support discussions about international legal instruments regarding forest conservation for all type of forests. The LA sub-theme has been analyzing the results of discussions from the legal point of view.

This Part consists of reports of the brainstorming forums and other results of activities that have been conducted in accordance with the research draft plan. Background documents included here are result of this year's sub-contracted research. The LA sub-theme members will prepare a final annual report referring to these results.