

SUPPORTING MEASURES ON PARTICIPATION OF LOCAL PEOPLE IN FOREST CONSERVATION

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Abstracts

There are systems to provide an opportunity for local people to participate in the process of forest management. But there are some problems in implementing those systems effectively. Supporting measures is required for implementing them effectively.

This paper analyzes some of those measures that are, the EIA system, forest certification, and the indigenous people's right.

According to those analyses, a fair system needs to be constructed to support local people participation.

1 Why the participation of local people needs to be supported

Recently, it has being recognized that participation of local people is important in the forest management.

But sometimes there is no opportunity legally for those people to participate in this process. Even though there is an opportunity to participate in the forest conservation, sometimes people could not utilize it effectively or that process generates adverse results. Those results caused by many reason; too complicated procedure, lack of awareness of social and economic problem in the local community, disregard for traditional culture including the management way for natural resources, tenure right etc.

That is the reason why it is necessary to support those systems implementing effectively and achieving their purpose.

There is an ideal measure already. It is an international treaty called "the convention on Access to information, public participation in decision-making and access to justice in environmental, matters" was adopted on June 1998 in ECE (The Economic Commission Europe). This convention requires parties to support public participation by disclosing information related to environmental matters. In this treaty, government can refuse to disclose information, but people have the right to appeal to court about this decision.

I think this is an ideal measure to support the participation of local people, but I think that the introduction of a such system is possible in only developed countries such as Europe.

In Asian and pacific region, the situation is difference from Europe. We have

to seek alternative way, which can support the participation effectively in this region.

In this paper, I elaborate on the advantages and disadvantages of three measures to support local participation and comment future perspective mentioning about inter-governmental forum on forest.

2 Some measures to support local people participation

I chose three measures, which are and will be supporting the participation of local people.

Three examples are as follows:

- An environmental impact assessment system (EIA)
- A forest certification system
- An indigenous people's right.

(1) EIA system

First example is the EIA system.

This system provides people an opportunity to participate in the process of forest management, even if the opportunity of participation is not given in forestry law. EIA system is an alternative way for participation in this process.

This system is already being managed in a lot of countries. Various problems are pointed out in relation to it. In the United States, there was a case, where the procedure of a making forest management plan was stopped because of some trouble raised in this process. There were many reasons. One was that the procedure was too complicated to understand. It was difficult to participate in that process. People didn't know how their opinion to reflect to procedures. Second one was that too difficult and too much information provided on the process. Nobody knows all information that was provided on the process completely. Also training and education related to the participation of local people for concerning authority's personnel was not enough. Moreover, it is pointed out that local people's interests can conflict, and that conflict left a serious influence on a local communities after the EIA process of resort development plans of Japan.

These problems indicate the need of disclosing all information related to EIA process to public with a more detailed explanation. Also sufficient communication is necessary to avoid the conflict between local people. This implies the importance of effective information disclosure too.

The causes of confrontations in its process are not only the lack of communication among the parties, but also the social and economic problems which local community faces. It is necessary to consider the social and economic problems.

(2) Forest Certification.

Forest certification is the system, where the third party examines the forest management and confirms whether it is sustainable or not. It labels the wood and product of the wood. This guarantees consumers that they are cut out of the forest which are managed in a sustainable way. Those labeled commodities are expected to be dealt at a high price in the market, and if the forest certification can be effectively used, it is possible to support participation of local people.

FSC (Forestry Stewardship Council) is a non-governmental organization that accredits the certification organization.

FSC requires them to check whether the local people are involving in the decision-making process of the forest management plan. Buying the commodities certified by the organization accredited by FSC supports their participation. Also, it could be economic support for local communities.

But, there are three problems in the forest certification.

First one is, related to WTO. The label given to products made on a production process intended not to harm the environment is called ecolabel. Some countries have already implemented such a system. But, some other country point out the possibilities that could be against provisions in GATT in discussion of Committee Trade and Environment (CTE). It is prohibited to restrict import by reason of the production process that is not related to the characteristics of the products. Forest certification concerns the process and not characteristics of the products, and there is a possibility that it is regarded as trade barrier. CTE recognized that ecolabel is useful for environmental conservation, but they don't deny the possibility against GATT.

Second one is the problem of reliability. The expectation to sell at a high price is an incentive for false labeling. There is an example. The market for organic farming products has expanded in developed countries. Organic foods certified by the organization have been increasing, and their price is higher than conventional food. However, there is some news in the papers, concerning pesticides detected on organic foods certified by the organization. Selling at high price is necessary for maintaining the certification system, but it can become a cause of false labeling.

Finally, there is a fairness problem. It is not a duty to buy the certified commodities for consumers. Therefore, there is the difference of the load between the consumer who buys the certified commodities and the others who do not. Those who do not buy the certified commodities could enjoy the benefits of the forest without sharing the cost of conserving it. Such an unfair system couldn't be sustainable in itself.

(3) Indigenous people right.

The indigenous and local communities have managed forests for a long time by a sustainable way. Their traditional knowledge includes a lot of information about the nature surrounding them, and it is useful for us to improve natural resource management system.

But in many countries, indigenous and local community's traditional knowledge has been disregarded and destroyed. It is necessary to protect their knowledge and to build system making the best of it. The Convention on Biological Diversity (CBD) has some provisions to protect, to apply wider traditional knowledge.

Article 8 (j) *“Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;”*

This provision can provide a base for including traditional management system in the modern legal system. That could help effective implementation of their participation effective. It requires parties to "promote wider application with approval and involvement of the holders of such traditional knowledge. This means that those who want to utilize traditional knowledge have to open all information related to their plan to holders of traditional knowledge, and explain it precisely before receiving their consent.

Also in this provision, parties have to " encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices." It means equitable sharing of the benefits derived from utilizing traditional knowledge between inventor and holder. This provision recognizes the importance of sharing information and sharing benefit equitable.

But there is problem related to its interpretation. We can interpret the meaning of "indigenous and local communities embodying traditional lifestyles" in many ways. There is a possibility to interpret the meaning in a restricting way. We could restrict people who live now under traditional way completely. But now all communities are influenced by western culture. Almost all indigenous and local community may be excluded from the subject of this provision.

Also the meaning of "holder" could be narrowly interpreted. Sometimes only a few persons know traditional knowledge and passed it to children and descendants, but most people in a community don't know it. This fact could restrict the few knowledgeable persons who know traditional knowledge to teach others.

Making the definitions precisely is required with considering indigenous and local people's situation and the purpose of this provision.

3. Conclusion

From these examples I think two points are necessary for considering the participation of local people.

The first one is sharing information. All information that affects a social, economical situation, a natural environment in the region including traditional knowledge, or a latest scientific finding should be shared. The second one is sharing

benefits equitably. A benefit sharing also means sharing cost equitably. Sharing benefits among parties could be come an incentive for participation of local people. Therefore, taken all together, I associate sharing information and benefits with fairness. I think that fairness plays important role in considering the supporting measures on participation of local people for forest management.

Discussion about the Convention on Forest is still process on the Inter governmental Forum on Forest. Also it is not sure what will be the conclusion of this discussion. But it is certain that it is necessary for us to make the guidelines that can support the participation of local people effectively in Asia-Pacific region.

In IGES project, we aim to research and propose the guidelines which includes effective supporting measures for the participation of local people in this region, with consideration over the points mentioned above.

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