

Indigenous forest policy

On June 30, 1992 the Government introduced a Forests Amendment Bill which will promote the sustainable management of New Zealand's indigenous forests.

Sustainable management

Sustainable management means the management of a forest in a way that maintains its ability to provide products and amenities in perpetuity, while retaining or enhancing the natural ecological process and genetic diversity for the benefit of future generations.

To promote sustainable management the Bill uses export controls, controls on domestic sawmilling, and a requirement for forest owners to have approved sustainable management plans where felling is for commercial purposes.

Export controls

The Bill prohibits the export of indigenous woodchips and logs. It permits the export of rimu and beech sawn timber provided it is harvested under an approved sustainable management plan. Sawn timber of other indigenous species will not be allowed to be exported.

Manufactured indigenous timber products, such as furniture, can continue to be exported. This is consistent with the desire to ensure that indigenous timber is used for high-value purposes.

Sawmilling controls

The Bill requires that sawmills (fixed and portable) are registered with the Ministry of Forestry before they can mill indigenous logs. Registered sawmills will only be able to mill indigenous timber if it is harvested under an approved sustainable management plan.

There is a transition period before the sawmilling controls take full effect. The transition period started on July 3, 1992 and will run for four years. During this time sawmills will be permitted to mill an "allowable cut" of indigenous logs from forest not covered by an approved sustainable management plan as well as any logs that are covered by such a plan. The "allowable cut" will be a volume equivalent to that milled in the period from July 3, 1990 to July 3, 1992. A mill that cut 5000 cubic metres of logs in the last two years will be able to cut that volume over the next four years. This approach provides time for sawmills to adjust to sustainable management and removes any incentive for loggers to

panic fell during the time the Bill is before Parliament.

Where the Secretary of Forestry is satisfied that timber has been felled for a public work, mining operation, or an access way she or he may approve the milling of that timber by a registered sawmill. This will prevent unnecessary waste of the valuable timber.

The Bill also proposes that the Secretary of Forestry has power to issue approval to landowners to have a registered sawmiller cut up to 10 cubic metres of their logs (about 5-10 trees) for the landowner's personal use. This type of approval will not require the landowner to have a sustainable management plan.

Sustainable management plans

The Secretary of Forestry will be responsible for approving sustainable management plans. The Bill requires him or her to consult with the Director-General of Conservation, and where appropriate the Chief Executive of the Ministry of Maori Development, and to have regard to their views.

Plans will describe proposed indigenous forest harvesting and management. The criteria for approval of a sustainable management plan include:

- **rate of harvest** – the rate of harvest is restricted to the rate of forest growth;
- **representative area** – a representative area of up to 20 per cent of the forest covered by a plan is to be reserved from logging;
- **podocarp and kauri forest** – logging of podocarp (e.g. rimu) and kauri is restricted to the removal of single trees or small groups of trees and is to be undertaken using low-impact techniques;
- **beech forest** – logging in light-demanding beech forests is restricted to clearings (coupes) of less than half a hectare;
- **replanting** – any regeneration failures are to be corrected by planting of nursery-raised seedlings.

Variation to beech felling coupe size and the representative area

The Secretary of Forestry can, subject to certain criteria, approve beech coupes of up to 20 hectares. However, if beech felling coupes of greater than half a hectare are approved, any interested party may

appeal the Secretary's decision to the Planning Tribunal within 15 working days of announcement of the decision. Interested parties may also appeal a decision by the Secretary to reserve a representative area of less than 10 per cent of the forest. The party who lodges the management plan may appeal any decision regarding the coupe size and representative area.

When plans are subject to appeal, the Planning Tribunal will be given powers to finally decide on all matters under sustainable management plans.

Enforcement

The Ministry of Forestry will be responsible for monitoring the implementation of sustainable management plans, sawmilling operations and export controls. The Bill contains appropriate offence provisions and penalties including fines of up to \$200,000, and if an offence is a continuing one, a further fine of up to \$10,000 per day during which the offence continues.

Exemptions

The Bill will apply to all indigenous forests except forests managed by the Department of Conservation, the West Coast Accord forests, forests allocated under the South Island Landless Natives Act 1960 and planted indigenous forests.

The 1906 Act was designed to redress Maori grievances arising from the failure of the Crown to fulfil promises made when acquiring tribal land in the nineteenth century. The Government will negotiate the protection and use of these forests with their owners.

The Government will also continue to consider the relationship between the West Coast Accord and its indigenous forest policy.

Compensation

The Bill will protect the Crown from liability to pay compensation for the measures it has introduced. The Government has already allocated \$29 million for ex gratia payment to those suffering commercial loss as a result of interim export controls implemented in July 1990. The Bill will not prevent Government from setting further claims on an ex gratia basis.

The legislation will replace the deeds of agreement which have been signed by landowners who have already received *ex gratia* payments.

The Earth Summit: What does it mean for us?

Other indigenous forest policy measures

The sustainable management legislation will complement two highly successful voluntary forest protection schemes, the Forest Heritage Fund and Nga Whenua Rahui, which have been running since mid 1990. These funds are designed to provide permanent protection for private and Maori forest with high or moderate conservation values through gifting, the use of covenants and by outright purchase. The funds are contestable. Anyone can apply to the Forest Heritage Fund. Nga Whenua Rahui is restricted to Maori landowning interests. Each fund is administered by a committee appointed by the Minister of Conservation. To date nearly 59,000 hectares of forest have been protected at a cost of some \$9.4 million.

The Government is considering measures to reforest suitable land in indigenous species and rehabilitate degraded indigenous forest.

The Resource Management Act 1991 also has a valuable role to play in protecting indigenous forests.

Attachment

Increased beech coupe size

The Secretary of Forestry before considering applications for coupe size larger than 0.5 ha would need to be satisfied that there is *prima facie* evidence that either:

- i 0.5 hectare beech coupes make sustainable management commercially unviable; or
- ii 0.5 hectare beech coupes could be more damaging to the forest's ecology than larger coupes.

Having satisfied him/herself as to the above, the Secretary of Forestry would consider the matter taking into account matters including whether the use of larger coupes would:

- i have significant adverse impacts on flora and fauna;
- ii significantly increase soil erosion or the risk of soil erosion;
- iii have significant adverse impacts on drainage or aquatic ecosystems;
- iv have adverse impacts on forest regeneration;
- v have significant adverse impacts on scenic, cultural, and landscape values in the forest.

The above matters will be considered in a national and regional context.

In June this year 40,000 people, from heads of state to journalists and NGOs to UN officials, gathered in Rio de Janeiro at the UNCED Earth Summit. It was the first time in human history that so many world leaders gathered together to address issues of environment and development. The conference ended with the endorsement of a number of major policy documents. Don Wije-Wardana, Chief Economist of the Ministry of Forestry, was at the Earth Summit. In this article he analyses its significance to New Zealand forestry.

It was only in recent years that the world has focussed attention on the environment. The UN Conference on Human Environment held in 1972, for the first time, placed environmental issues on the international agenda. But not much progress in addressing the issues has been made in the intervening period until the UNCED (UN Conference on Environment and Development) process was initiated in 1989. The importance of the UNCED is that it considered environment and development together as two sides of the same issue; perhaps, more importantly, it brought together both the North and the South to jointly address the issue.

Progress towards the Rio Summit was made through a number of preparatory meetings (Prepcoms), the last of which was held in New York in March 1992. The Summit included almost a fortnight of negotiations by officials followed by Ministerial level meetings which ultimately resolved the remaining disagreements. In a parallel event NGOs gathered at 'the Global Forum' to address the environmental issues.

ACHIEVEMENTS OF THE CONFERENCE

The Conference focussed on five main areas:

- a) **The Rio Declaration on Environment and Development** – a set of principles addressing the interrelationship between economic activity and the environment;
- b) **Agenda 21** – an action programme addressing the full spectrum of environment and development issues for the rest of the century and beyond;

- c) **Forestry principles** – a set of non legally binding principles for conservation and sustainable development of forests;
- d) **Adoption of a Framework Convention on Climate Change**; and
- e) **Adoption of a Convention on Biological Diversity.**

The first three of these were negotiated within the UNCED process while the two Conventions had been negotiated separately but in close association with UNCED. The Rio Declaration and the Forestry Principles represent important advances by the world community in defining the rights and the obligations of countries and individuals in the area of sustainable development. Although these two and the Agenda 21 are not legally binding, their endorsement by the Summit lent support towards their acceptability.

FORESTRY

Rather than discuss each of the agreements reached in Rio it would be productive to concentrate on implications for New Zealand forestry. A large number of issues were considered by UNCED ranging from oceans to atmosphere and desertification to education. But forestry was the sector that became the central focus. This was largely because it had major implications for both environment and development on which there were embedded extreme positions held by the developing countries and some of the major developed countries.

Negotiation of "an authoritative set of principles on all aspects of the use, conservation and management of all types of forests" is perhaps the most important achievement of UNCED in relation to forestry.

We in New Zealand have grown up with planted forests; as such we have come to recognise their role in providing wood needs as well as their importance in protecting our natural forests. But it came as a surprise that this view was not shared by most other countries. In fact, at the third Prepcom held in August 1991 when New Zealand proposed the inclusion of a statement in the Forestry Principles on the role of plantation forests the reaction of most countries ranged from reluctance to hostility.

The reasons for this were many: for countries which have been under colonial rule plantations represented exploitation of labour and other resources.