

International Laws and Regulations on Cutting of Trees

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(Received 8 January, 2022; Accepted 5 March, 2022)

ABSTRACT

Forests are a gift of nature. Association of trees is with human beings from time immemorial. Trees know no boundaries. Principles to save trees are universal in nature. Laws on protection of trees evolved with the evolution of laws. It is a modern concern to save trees as the increase in a world population, the demand for exploitation of trees for timber and furniture has increased. The United Nations as world organization has taken keen interest in the protection of trees. In the present article I have dealt with the laws, rules and regulation for protection of trees in Australia, Brazil, Canada and the United States of America.

Key words: *Forest Conservation in World, International Laws Rules and Regulations in Conservation of Forests, UN Efforts on Conservation of Forest, Austrian laws on protection of trees, Brazilian laws on protection of trees, Canadian laws on protection of trees, U.S. Laws on protection of trees.*

United Nations Effort in Protection of Trees

The United Nations Environment Programme was established on 6th June 1972 in Kenya Nairobi by Maurice Strong, its first director. As a member of the United Nations Development Group, UNEP aims to help the world meet the 17 Sustainable Development Goals. Goal No.15 says, “to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss”.

Australian Laws on conservation of forests

In Australia, forest policy is formulated and executed at the national, state, and territory levels. Forest management is primarily the responsibility of state and territorial administrations. State and territory forestry Ministers issued a Joint Ministerial Statement for support of forestry industry in Australia on 12 September, 2017 (Australian Forest

Policy). The Australian, state, and territory governments all signed the National Forest Policy Statement in 1992 (NFPS). The NFPS provides a framework within which governments can collaborate to realise their goal for sustainable forest management in Australia, while also meeting community expectations.

Negotiating Regional Forest Agreements (RFAs) between the Australian Government and various state governments was a significant component of the NFPS approach. RFAs are 20-year plans for native forest conservation and management in Australia. They are intended to give confidence to forest-based enterprises and people while also achieving conservation goals.

Aside from the NFPS and RFAs, the Australian Government has a number of major forest policies in place to accomplish essential conservation and management outcomes for Australia’s forests and forest businesses.

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Illegal logging: The Australian Parliament approved the Illegal Logging Prohibition Act 2012 in November 2012, making it an offence to import unlawfully logged timber into the Australian market and to process timber that has been illegally collected in Australia. Illegal logging is a major issue in many poor countries, causing forest degradation, habitat loss, and biodiversity loss, as well as jeopardising sustainable livelihoods and contributing to global carbon emissions. The Act ensures the purchase and sale of legally logged timber products in Australia, so leveling the economic playing field, and provides consumers and businesses with greater clarity regarding the legality of the timber products they purchase.

Australia's Plantations: The 2020 Vision: The Plantations 2020 Vision is a collaborative effort involving the Australian, state, and territory governments, as well as the plantation timber producing and processing sectors. The Ministerial Council on Forestry, Fisheries, and Aquaculture launched the Vision in 1997, and it was amended in 2002. Its guiding premise is to encourage a sustainable increase in the size of Australia's plantation estate in order to boost regional wealth creation and international competitiveness.

National Indigenous Forestry Strategy: The Australian Government produced a National Indigenous Forestry Strategy in 2005, which was developed in collaboration with Indigenous communities and forest sector stakeholders. The strategy's goal is to increase Indigenous engagement in the forest and wood products industries.

Brazilian Laws on conservation of forests

The Brazilian Forest Code of 1965 required private landowners to set aside between 20 and 80 percent of native forests and savannas on their rural estates as "legal reserves," depending on the state in which they lived. The law has been praised for its strict conservation of Amazon forests; as a legal mechanism, it remains the largest single defender of private property woods mandated by any nation on the earth. However, researchers believe that a 2012 legislative update that reduced the area required for legal reserves on rural private properties within states that have already protected at least 65 percent of their total territory as conservation units or indigenous reserves may have reduced the total forest area protected nationwide.

Flavio Freitas of KTH Royal Institute of Technol-

ogy in Stockholm, Sweden, and colleagues created a map of private and nationally protected land in what is known as Legal Amazonia by combining national data on land tenure, rural properties, and settlements with official statistics on national- and state-level conservation units, indigenous reserves, and military land.

Article 12(5) of the New Forest Code reduced the Legal Amazonia legal reserve requirement from 80 percent to 50 percent, provided that at least 65 percent of a state's area is allocated as either nature reserves known as conservation units or indigenous reserves (The Brazilian Forest Code of 1965).

Contrary to popular belief, greatly expanding the area conserved as conservation units or indigenous reserves within a state results in a net decline in protected land if the state reaches the 65 percent protection level and reductions in private property protections are considered. As a result, the team reported that reaching the 65 percent state land protection criteria may more than double the area of unprotected land on private property in any given state. This could damage between 6.5 and 15.4 million hectares (25,097 – 59,460 square miles) of native vegetation over Legal Amazonia.

These native plant losses have ramifications for global climate change: the researchers predict that if these additional private lands are destroyed, between 0.8 and 2 gigatons of carbon will be released into the atmosphere instead of being absorbed in native vegetation and soils.

Around 80 million hectares (308,882 square miles) of land in Brazil are currently undesignated, with no clear land rights, and some conservationists are concerned that this unclaimed land will be converted into conservation units and indigenous reserves, releasing previously protected legal reserves on rural properties (Freitas *et al.*, 2018).

Freitas, on the other hand, advocates for preserving as much of the 80 million hectares as feasible. "Although it may appear counterintuitive, rapid growth of CU and IRs [conservation units and indigenous reserves] would be the most effective approach to protect biodiversity and avoid greenhouse gas emissions," he stated. CUs and IRs would be established on 97 percent of the remaining undesignated land in Amazonas and Amapá, removing protection from 4.6 million hectares (17,761 square miles) and 0.5 million hectares (1,931 square miles) of forest currently held in legal reserves on private property, respectively, under this scenario.

However, the researcher claims that the quick growth of state protected areas will reduce any desire to purchase up huge rural estates that can subsequently be turned to agriculture if the 65 percent criterion is reached.

Private landowners were required to set aside at least 50% of their property for native vegetation under the Brazilian Forest Code (Lei 4.771) in 1965, but this figure was increased to 80% for Legal Amazonia forest properties in 1996, causing outrage among agricultural producers and agribusiness lobbying groups.

The most recent revisions were adopted in 2012 as part of the Native Vegetation Protection Law (NVPL), also known as the New Forest Code (Lei 12.651), at the request of Amapá, a state in the Brazilian Amazon's northern region. Amapá is one of the smallest states in the country, containing only 142,814 square kilometres (55,141 square miles) or 2.8 percent of Legal Amazonia, yet the majority of it is already protected in reserves and conservation units.

The 2012 New Forest Code, for example, included an amnesty for illegal deforestation that occurred before 2008, as adopted by the congressional rural caucus - landowner pardons that were upheld by the Supreme Court last year. Amnesties like these, say conservationists, give farmers and illegal loggers carte licence to eradicate natural vegetation. Indeed, according to Nobre, another congressional deforestation pardon is on the way, this time with a fresh amnesty for those who broke the 2012 version of the code. Under the agribusiness-friendly Bolsonaro administration, concerns about leniency are expected to rise.

To prevent the erosion of current legal reserves, federal and/or state environmental regulations must be revised and strengthened, according to Freitas, but he believes that "there won't be a conducive political environment for such a change in the future years."

Nobre points out a problem in the latest study's logic, pointing out that the researchers believe loggers respond to changes in forest legislation, which ignores the reality that up to 70% of Amazon deforestation is illegal. "All of the calculations assume that landowners follow the law," he explained. If this is true, the New Forest Code will result in a significant increase in deforestation rates, as predicted by the study. Despite the fact that Article 12(5) will undoubtedly accelerate forest clearance, Brazil's

"rules were never a definitive deterrent to sustained deforestation."

Future market pressures, according to the study's authors, could shape how Brazilian property owners respond to the New Forest Code: if global consumers' reactions to escalating Amazon deforestation have a negative impact on Amazon agricultural producers' bottom lines, they may choose to maintain legal reserves regardless of Forest Code regulations.

"Creating obstacles for items originating from deforestation zones would require zero deforestation promises from private [commodities] companies," Freitas said. In reality, the 2006 Amazon Soy Moratorium, a voluntary cooperation between global commodities firms, growers, and the government, was one of the most successful prior examples of mitigating Amazon deforestation.

"The current circumstance is really worrisome," Freitas concedes. He is concerned that the Bolsonaro administration will allow agribusiness and mining to expand widely in the Amazon, that government partnerships with conservation NGOs will be weakened or terminated, and that satellite deforestation monitoring programmes such as PRODES and TerraClass, a project run by the Amazon Regional Center (CRA) and the Brazilian Agricultural Research Corporation (Embrapa) that maps deforestation, will be axed. All of this, he claims, will "limit civil society's capacity to campaign for the preservation of the Brazilian Amazon in Brazil."

"The Ministry of the Environment does not comment on foreign studies," the Bolsonaro administration said in response to Mongabay's questions for this piece. The government also refused to respond to a crucial policy question unconnected to the study, namely, whether it has "plans to make new modifications in the Forest Code," by refusing to discuss fresh research findings. It also didn't respond to Mongabay's question: "Since 2018, deforestation in the Brazilian Amazon has reached a decade-high level; what plans does the government have to ensure that surviving natural vegetation is protected? (Brazil's New Forest Code).

Canadian Laws on conservation of forests

Canadian legislation, particularly the National Parks Act 2000, has evolved in tandem with provincial government legislation and plans for the creation and management of protected areas. Today, national and provincial parks cover roughly two-thirds

of Canada's protected forests. The remainder is spread throughout different sorts of protected areas, such as wildlife reserves.

Science underpins all of Canada's protected area classifications, policies, and forest management plans. Scientific research contributes to the creation of best management practices, and governments and industry incorporate new scientific understanding into forest legislation, policies, and plans.

Exemplifications of scientific studies on forest conservation and protection

Managing forests for martens — Researchers from the Canadian Forest Service are investigating the effects of forest management methods on marten habitat in Ontario and Newfoundland and Labrador. This research has aided land managers in making planning decisions that will protect species in managed forests.

Birds in boreal woods - Scientists from the Canadian Forest Service discovered that harvesting procedures that replicate natural disturbances can help birds and other animals. As a result, several forest firms have shifted toward harvesting methods that mimic natural disturbances.

Caribou of the boreal forest – Researchers from the Canadian Forest Service and other experts are conducting a massive field study to determine how forest disturbances influence boreal caribou. The study's findings will help guide management decisions aimed at protecting the species in managed forests across Canada.

Riparian zones — Researchers from the Canadian Forest Service have launched long-term investigations into the role of riparian areas in boreal and temperate forests. These studies have influenced management decisions regarding stream and river harvesting.

Papers on Boreal Synthesis (2013—2015) – Researchers from the Canadian Forest Service have been analysing scientific material to determine the status of Canada's boreal zone. The findings have been published in a series of studies on climate change, biodiversity, carbon, and water resources.⁸

U.S. Laws on conservation of forests

Laws that are historically significant

The Bankhead-Jones Farm Tenant Act of 1937: it directs the Secretary of Agriculture to design a land conservation and utilisation programme to remedy

land use imbalances and thereby aid in soil erosion control, reforestation, natural resource preservation, and fish and wildlife protection (Conservation and Protection of Canada's Forests).

Clean Air Act 1970: The legislation, which is part of environmental law, establishes uniform national standards for a variety of air pollutants and sources through a number of methods. The act regulates air quality and allows pollution sources to be regulated.

The Clean Water Act of 1972: It establishes the foundation for controlling pollutant discharges into U.S. waters.

Environmental Response Compensation and Liability Act of 1980 (CERCLA): The "superfund" law aims to clean up areas that have already been poisoned. This law holds practically everyone responsible for the improper disposal of hazardous material and is intended to provide funds for remediation.

The Various Use Sustained Yield Act of 1960: It addresses the formation and administration of national forests to ensure multiple uses and sustained yields of products and services, such as recreation, range, wood, watershed, and wildlife and fish. Title 16, Chapter 2 of the United States Code is supplemented by this act.

The National Environmental Policy Act of 1969: It was enacted to protect the environment. NEPA was signed into law on January 1, 1970, by President Richard Nixon, and it outlined a bold new vision for America. Recognizing decades of environmental neglect that had severely harmed the nation's landscape and human environment, the law was enacted to foster and promote the general welfare, to create and maintain conditions in which man and nature can coexist in productive harmony, and to meet the social, economic, and other needs of current and future generations of Americans. More information on the National Environmental Policy can be found here (Laws, Regulations and Policy).

The National Forest Management Act of 1976 changes the Forest and Rangeland Resources Planning Act of 1975 to recognise that managing the nation's renewable resources is highly complicated, and that the uses, demand for, and supply of the various resources change over time. The Forest Service, USDA, and other agencies assessed the nation's renewable resources and developed and prepared a national renewal resource and programme that is periodically evaluated and updated, according to Congress. The National Forest Management Act is a

law that governs the management of forests in the United States (Chronology of National Forest Management Laws and Regulations).

The purpose of the Endangered Species Act of 1973 is to first avoid the extinction of endangered plants and animals, and then to help these populations recover by removing dangers to their survival.

Conclusion

Protections of trees are an obligation taken by the world community through various treaties and domestic laws. Specialized agency of United Nations UNEP seeks to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests. In Australia state, and territory governments all signed the National Forest Policy Statement in 1992 (NFPS). The NFPS provides a framework within which governments can collaborate to realise their goal for sustainable forest management in Australia. The Brazilian Forest Code of 1965 required private landowners to set aside between 20 and 80 percent of native forests and savannas on their rural estates as "legal reserves," depending on the state in which they lived. It has improved on 1965 Act and comprehensively protects forests of Amazon. The National Parks Act of 2000, in particular, has evolved in lockstep with provincial legislation and plans for the construction and maintenance of protected areas. National and provincial parks now account for nearly two-thirds of the country's protected woods. The rest is dispersed over various types of protected areas, such as wildlife reserves. The USA protects its trees by way of various legislations. The National Forest Management Act of 1976 modifies the Forest and Rangeland Resources Planning Act of 1975 to acknowledge that managing the

nation's renewable resources is complex, and that the uses, demand, and availability of those resources change over time.

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