

FSC National Risk Assessment

For Japan

DEVELOPED ACCORDING TO PROCEDURE FSC-PRO-60-002 V 3-0

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International contact	Name: Chisato Mishiba Email address: ctomimura@forsta.or.jp
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Body responsible for NRA maintenance	FSC Japan

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Risk designations in finalized risk assessments for Japan

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Low risk
1.2	N/A
1.3	Low risk
1.4	Low risk
1.5	Low risk
1.6	Low risk
1.7	Low risk
1.8	Low risk
1.9	Low risk
1.10	Low risk
1.11	Low risk
1.12	Low risk
1.13	Low risk
1.14	Low risk
1.15	Specified risk: Hokkaido Low risk: Other areas
1.16	Low risk
1.17	Low risk
1.18	Low risk
1.19	Low risk
1.20	Low risk
1.21	Low risk
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Low risk
2.3	Specified risk: Hokkaido Low risk: Other areas
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low risk
3.1	Low risk
3.2	Low risk
3.3	Low risk
3.4	Low risk
3.5	Low risk
3.6	Low risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Specified risk

Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low risk

Background information

Timeline Overview

Main activities	Time (Month, Year)
Approval of CNRA Category 1, 2 & 5	Jan 2016
Development of draft CNRA category 4 by CNRA consultants	Apr 2016
Development of draft CNRA category 3	Mar - Jun 2016
NRA 1 st draft development	Jul 2016 - May 2017
Approval by FSC Japan Board of Directors	Jun 2017
First draft submission to FSC International	Jun 2017
Review of the first draft by the PSU	Jul 2017
Public consultation on 1 st draft	Sep - Nov 2017 (Expected)
NRA final draft development	Dec 2017 - Feb 2018 (Expected)
Final draft approval by WG and FSC Japan Board	Early Mar 2018 (Expected)
Final draft submission to FSC	Early Mar 2018 (Expected)
Review by PSU	Mid-Mar-Apr 2018 (Expected)
Implementation of required amendments	May 2018 (Expected)
Approval of the NRA by FSC International Board	June 2018 (Expected)

In August 2014, the NRA for Japan developed according to the procedure FSC-PRO-60-002 V2-0 was approved. The NRA had unspecified risk for Hokkaido with regards to the rights of Ainu Peoples for Category 2, and unspecified risk for Nansei Islands south of Amami Islands. Except for these areas and categories, the risk was considered low.

Prior to the development of this new NRA according to FSC-PRO-60-002 V3-0, a Centralized National Risk Assessment was developed in collaboration with international consultants appointed by the FSC International and national technical experts. For Category 1 and 5, two Japanese consultants recommended by FSC Japan developed the first draft together with the international consultant from NEPCo appointed by the FSC International in 2014. For Category 2, an international consultant, Leo van der Vlist, made the initial draft in fall 2014, and FSC Japan provided feedback, which was later incorporated into the draft 1. The CNRA Categories 1, 2, 5 were then published for public consultation from March 3, 2015 to April 2, 2015. The CNRA category 1, 2, and 5 were approved without change from the original draft in January 2016. For Category 3, the CNRA was developed by Japanese consultants recommended by FSC Japan, together with a CNRA consultant, NEPCo in June 2016. For category 4, a simple review of legal framework was conducted by a CNRA consultant in 2016.

The NRA working group was organized in the summer of 2016, consisting of three members in the three chambers: environmental, economic, and social, chaired by Shuhei Tomimura. Since August 2016, the NRA working group gathered several times to discuss the NRA, using the CNRAs as a starting point of the discussion. Due to health problems, the chairperson of the NRA working group was later replaced by Toru Katsura, who had been a member of the NRA working group in the economic chamber. A member

in the environmental chamber was also replaced due to his availability. The members of the working group and their qualification are provided in the table below.

Based on the CNRA and discussion in the NRA working group, the new NRA draft 1 was developed. The draft was approved by the working group in May 2017 with the support from all three chambers, and then by the Board of FSC Japan in June 2017. In June 2017, the first NRA draft was completed and was submitted to the FSC International. After the review and approval from the FSC International Policy and Standards Unit, the consultation for the NRA is expected to start in September 2017. The comments received during the consultation will be discussed in the working group, and reflected in the draft as appropriate. After the revision and approval from the working group, FSC Japan Board and FSC International Board, the NRA is expected to be finalized and published in the second quarter of 2018.

NRA working group members

Name	Membership chamber	Qualifications	Contact details
Mr. Shuhei Tomimura	Chair (resigned)	Mr. Tomimura is the CEO Director at Tomimura Environment Research Office. He has been a consultant specializing in forest ecosystem and management for over 40 years, and has been involved in promotion of FSC since its first introduction into Japan. He has been also serving as a forest auditor for FSC FM certification, and has evaluated a number of forests in Japan. He played a central role in developing the draft national forest stewardship standard up to 2007. He currently serves as a director of FSC Japan and a member of National Forest Stewardship Standard Development Group, as well as local expert for CNRA.	toshu@kt.rim.or.jp
Dr. Toru Katsura	Chair (current) Economic (previous)	CSR advisor to Mitsubishi Paper Mills Ltd, an FSC certificate holder. Ph.D in agriculture. He has been involved in number of research about paper, and planned the implemented the first production of FSC certified paper in 2001, since when he has been promoting FSC certification. He was also involved in company verification of Controlled Wood of wood suppliers in Tasmania, Australia in 2008. He has been an FSC member (economic chamber) and a member of FSC Japan board.	tkatsura@mvg.biglobe.ne.jp

Dr. Yukito Nakamura	Environment	Professor of forest ecology at Tokyo University of Agriculture, Tokyo University of Agriculture, Faculty of Environment Science, Department of Forest Science. He received Ph.D from Tohoku University, Japan in 1985. He has extensive knowledge and experience on vegetation throughout Japan, and has published a number of books and academic papers on forest ecology and plant taxonomy.	yunaka@nodai.ac.jp
Mr. Seiichi Dejima	Environment	Mr. Seiichi Dejima is the Biodiversity Conservation Manager of the Nature Conservation Society of Japan, an environmental NGO that manages IUCN Japan Committee. He has been involved in a number of conservation projects in Japan, including conservation of endangered raptors and Asian Black Bears, and UNESCO Man and Biosphere Reserve support project. He was a member of the previous NRA working group that developed the approved NRA based on <i>FSC-PRO-60-002 v2-0</i> .	buteo@nacsj.or.jp
Ms. Chiaki Furusawa	Environment	After working for a financial corporation, she joined the Forest Programme of WWF Japan in 2008. In the Forest Programme of WWF Japan, she has been engaged in projects on sustainable use of forest resources, especially production and use of pulp and paper. She works for raising consumer awareness of sustainable use of forest resources, especially in the paper sector. She engages with private and public sector for their CSR and responsible procurement.	chiaki@wwf.or.jp
Mr. Masaki Yoshida	Economic	CEO of Yoshida Honke, a family-owned forest management enterprise, an FSC FM certificate holder, and Hinokiya Co. Ltd. He is a qualified national instructor of LEAF (Learning about Forests) and serves as an Auditor of Japan Forest Managers Association as well as vice-president of the Association's Youth Division. He was nominated by the Japan Forest Managers Association to represent the group in this working group. He is a member of a number of committees on forestry and forest legislation.	masaki.yoshida@forest@gmail.com

Mr. Koji Kajikawa	Economic	Manager of Domestic Sales Department of Oji Holdings, the biggest paper company group as well as the biggest private forest owner in Japan. His department is responsible for procurement of wood chips from Japan as well as overseas. He is nominated by the Oji Holdings to represent the company in this CW Working Group.	Kajikawa4562k@oji-gr.com
Mr. Daisuke Kondo	Economic (replaced Mr. Katsura after he became the chair)	Manager of Corporate Forest and Environmental Fund Office, CSR Department at Mitsui & Co., Ltd., an FM and CoC certificate holder. Mitsui & Co., Ltd. is the 4 th largest corporate forest owner in Japan. Mr. Kondo has been supervising the management of the company's FSC certified forest scattered throughout Japan.	d.Kondo@mitsui.com
Dr. Mitsuru Kikuma	Social	Professor emeritus of Yamagata University with specialty in forest economics and labor issues. His research topics included roles of forestry associations in local resources management and promoting small-scale forest management by diversifying forest products. He has many publications including translation of "ILO Guidelines for Labour Inspection in Forestry", "Forest Workers Talk About Themselves: A Global Account of Working and Living Conditions in the Forestry Sector", and "Russian, English and Japanese Dictionary of Forestry".	chrysanthos@nifty.com
Mr. Kusuo Akahori	Social	Independent forest journalist and writer. He was a journalist for Forestry and Wood Industry Newspaper for 10 years before he became a freelance writer on forestry and wood industry. Currently he himself owns and manages forest. His books include "Practical Guide for Advantageous Wood Harvest and Sorting", "Changing Residential Construction and Domestic Wood Distribution", "Forestry Changes with Forest and Forestry Revitalization Plan!", "Introduction to the Basics of Wood and Its Use". He is a regular writer for many forest journals.	kus48b@nifty.com
Mr. Yukio Sato	Social	Representative of Hokkaido Ainu Association, the biggest organization of Ainu indigenous peoples. As a head of the Association, he has led campaigns to promote awareness for Ainu peoples and their traditional rights as indigenous peoples.	iknowsato@ainu-assn.or.jp

List of experts involved in the risk assessment and their contact details

Names, qualification and contact details of the experts involved in the NRA development associated with information about Controlled Wood category expertise.

Name	Contact	Qualification	Expertise
Mr. Takashi Shiomi	shiomi@forsta.or.jp	He has Master's degree in forestry from the University of Tokyo. He audited a number of FM and CoC certificate holders as a lead auditor while he worked for a certification body, Amita Holdings, Co., Ltd. He has been working for FSC Japan as a consultant and helps many technical issues.	Category 1-5
Mr. Yasunori Iwase	iwase@forsta.or.jp	After graduating from Kagawa University, Faculty of Agriculture, he worked as an environmental consultant for 16 years, during which he engaged in many administrative projects concerning environmental policy. He then opened "Administrative Scrivener Iwase Environment Office" as an environmental consultant and administrative scrivener. He mainly supports environmental NPOs with their establishment and business. He works for FSC Japan Office since 2008. He played the central role in developing the old NRA, which was approved in 2014.	Category 1-5
Ms. Chisato Mishiba	ctomimura@forsta.or.jp	Chisato Tomimura has graduated from Yale University School of Forestry and Environmental Studies with Master of Forest Science degree in 2008. In February 2010, she joined Rainforest Alliance Asia Pacific Regional Office in Bali, Indonesia and since then has been involved in FSC certification. Through her work in Rainforest Alliance, she has participated in a number of FM assessments and audits in Asia Pacific Region. She has been working for FSC Japan as Policy and Standard Coordinator since July 2014.	Category 1-5

Following is the FSC Japan board members, who have reviewed the NRA and given approval. There are some overlaps with the NRA members.

Name	Contact	Qualification	Expertise
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Dr. Takehiko Ota	tk_ohta@xg8.so-net.ne.jp Tel: +81 3 3707 3438	A professor emeritus at the University of Tokyo, he has been engaged in research and education in the field of forest hydrology, forest environment and erosion control studies. He has served as chairperson of the Society of Erosion Control, Japan Society of Forest, Society of Greening Engineering, member of Japan Academic Council and has been engaged with a number of national and local governments.	Category 3, 4
Mr. Shuhei Tomimura	toshu@kt.rim.or.jp	Mr. Tomimura is a CEO at Tomimura Environment Research Office. He has been a consultant specializing in forest ecosystem and management for over 40 years, and has been involved in promotion of FSC since its first introduction into Japan. He has been also serving as a forest auditor for FSC FM certification, and has evaluated a number of forests in Japan. He played a central role in developing the draft national forest stewardship standard up to 2007.	Category 1-5
Mr. Junichi Mishiba	mishiba@foejapan.org	A staff of forest programme of Friends of Earth (FoE) Japan, a leading environmental NGO in Japan. Since 2005, he has been leading many campaigns against illegal timber and associated human rights abuse in Southeast Asia, especially in Sarawak, Malaysia. Together with other NGOs, his campaigns and lobbying activities has led to establishment of Clean Wood Act, which is a legislation against illegal timber newly established in Japan.	Category 1, 2
Mr. Toru Hayami	T-hayami@ztv.ne.jp	President of Hayami Forest, the first FSC certified forest management enterprise in Japan. He has held many public positions in the field of forestry, including president of a forest cooperative, the Ministry of Agriculture, Forestry and Fisheries (MAFF) Forestry Policy Council expert committee, Mie Prefectural Forestry Promotion Measures Council committee; Forest, forestry and timber industry basic Policy Review Committee member, and the chairman of the Japan Forestry Management Association. He is an FSC member (economic chamber).	Category 1, 2, 4
Dr. Toru Katsura	tkatsura@mvg.biglobe.ne.jp	CSR advisor to Mitsubishi Paper Mills Ltd, an FSC certificate holder. He has Ph.D in agriculture. He has been involved in number of research about paper, and planned the implemented the first production of FSC certified paper in 2001, since when he has been promoting FSC certification. He was also involved in company verification of Controlled Wood	Category 1-5

		of wood suppliers in Tasmania, Australia in 2008. He has been an FSC member (economic chamber) and a member of CW NRA working group.	
Mr. Daisuke Kondo	d.kondo@mitsui.com	Manager of Corporate Forest and Environmental Fund Office, CSR Department at Mitsui Bussan Corporation, an FM and CoC certificate holder. He has been supervising the management of the company's FSC certified forest.	Category 1-5
Dr. Masami Shiba	mshiba@agr.u-ryukyu.ac.jp	Professor at Ryukyu University in Okinawa. His research topic covers forest science, forest resources management, and forest use. He is a member of various academic societies, including Japan Society of Forest, Japan Society of Forest Planning, International Union of Forest Research Organizations (IUFRO). He currently serves as the Chairman of the Okinawa Prefecture Forestry Council, a member of the Amami-Ryukyus World Natural Heritage Candidate Site Scientific Committee, Chairman of Iriomote Island Forest Ecosystem Protected Area Conservation Management Committee, and Chairman of the Subtropical Forest and Forestry Research Group etc.	Category 3, 4, 5
Dr. Norihiko Shiraishi	siraishi@fr.a.u-tokyo.ac.jp	Professor at the University of Tokyo Department of Agriculture with specialization in forest metrology and forest finance. He has been involved in FSC FM certification since 1999, when he first joined an assessment as an assessor. Since then, he has evaluated many forest management enterprises for FSC FM certification. He has published many research papers and made many presentations about forest certification. He has held many public positions such as board member of the Society of Forest Planning, board member of Japan Forest Society.	Category 1, 3, 4, 5
Dr. Daisuke Naito	dnaito@gmail.com	Special Assistant Professor at Research Institute for Humanity and Nature with specialty in Southeast Asia Regional Study and Political Ecology. His specialty is indigenous people's rights and social issues of forest management. He is a member of Japan Forest Society and Society of Tropical Ecology.	Category 2, 3

National Risk Assessment maintenance

The responsible body for maintenance of the NRA (in accordance with section 2 of FSC-PRO-60-002 V3-0):

FSC Japan
Musashi Bldg. 5F 7-4-4 Nishi-shinjuku
Shinjuku-ku, Tokyo, 160-0023, Japan
Phone: +81 3 3707 3438
Fax: +81 3 6701 7646
Contact person: Chisato Mishiba (Email: ctomimura@forsta.or.jp)

This NRA will be reviewed every 5 years, by a working group organized for the purpose of the revision. Each updated or revised version will be sent to FSC for approval (with relevant justifications). The revision process will be conducted in accordance with the requirements captured in section 10 of FSC-PRO-60-002 V3-0 (or updated version of that document valid by the time of the review).

Complaints and disputes regarding the approved National Risk Assessment

Any formal complaints about NRA should be sent in writing to the following contact together with the identity of the complainant:

Chisato Mishiba
Policy and Standards Coordinator
FSC Japan
Address: Musashi Bldg. 5F 7-4-4 Nishi-shinjuku, Shinjuku-ku, Tokyo 160-0023 Japan
Email: ctomimura@forsta.or.jp
Fax: +81 (0) 6701 7646

Received complaints will be handled in accordance to FSC-PRO-01-008. After receiving a complaint, the contact person acknowledges the receipt within 2 weeks in writing. Unless the complaint is very simple and can be answered directly, the complaint is submitted to the subsequent Board meeting of FSC Japan, which should be held within 3 months. The board will discuss and determine how the complaint should be dealt with, whether the NRA should be revised to incorporate the point, or a complaint panel should be organized for further discussion or investigation. Following the procedure FSC-PRO-01-008, FSC Japan and the board will strive to resolve the dispute at the lowest level possible. After the evaluation of the complaint and actions towards its resolution is taken, the complainant will be informed of its results in writing. All the complaints, together with actions taken and results of complaint evaluation will be recorded by the contact person above and kept at least for at least seven years.

List of key stakeholders for consultation

To be completed after the first consultation

Risk assessments

Controlled wood category 1: Illegally harvested wood

Overview

Forestry in Japan consists mostly of conifer plantation forest containing primarily *Cryptomeria japonica*, *Chamaecyparis obtusa* and *Larix kaempferi*. Forestry Operations in broadleaf forest (hardwood forest) is not as active except for limited production of pulp wood and nursery logs for cultivating mushrooms in areas such as Hokkaido and Tohoku Region. Forests cover 66% of Japan's land and 40% of the forest is conifer plantation. Broadleaf forest with high conservation values exist in remote mountains. Remote forests are mainly owned by the national government and experienced large scale clear felling in the past during and after the World War II until high economic growth period of Japan. In the present days, these forests are protected under legal control such as Natural Parks Act, Nature Conservation Act and Forestry Agency Forest Reserve System. Of the Japanese forest: 30% is state owned forest, 10% is owned by local government, 60% is owned privately by enterprises and individuals. The average size of a private forest is a few hectares.

Management plans based on Forest Act are made on voluntary basis, but are required if a forest owner wants to receive government supports such as subsidies. It is made for five years as one period. Forest Management Plans are normally approved by municipal mayors or by prefectural mayors if the forest lies across more than one city, or approved by the Minister of Forestry Agency if the forest lies across more than one prefecture. In order to fell standing trees in private or municipal owned forest subject to regional forest planning, forest owners etc. must submit a written notice of harvesting and post-logging silviculture to the head of municipalities in advance. The harvesting notice shows, amongst other things: the location of the forest; area to be logged; harvesting method; harvesting age; method of reforestation after the logging; operation period; tree species. This provision is kept throughout Japan, and a notice of forest harvesting is required for any harvesting operations, whether it is commercial use or not.

According to the forest development permit system, development of a forests other than state forest of 1 ha or more involving conversion to other land uses can be permitted by prefectural governors only when the project enhances stability of people's lives or promotes the healthy development of the region, including aspects such as environmental preservation or prevention of landslides. Forestland Development Permit Request form is permitted by prefectural mayors. After harvesting operation, an administrative officer of prefectural office inspects the forest to check if the operation was in line with the approved forest management plan such as checking the forest borders, thinning percentages and whether the forest is regenerated as planned. In case of any breach, an order for improvement or administrative instruction are issued.

Sources of legal timber in Japan

Forest classification type	Permit/license type	Main license requirements (forest management plan, harvest plan or similar?)	Clarification
All types	Notice of Harvest	Harvesting notice, Forestland Development Permit Request form, Forest Management Plan	Harvesting notice is regulated in Article 10 of the Forest Act and one needs to obtain permission from municipal mayors. Forestland

			Development Permit Request form is permitted by prefectural mayors. Forest Management Plan is approved by normally municipal mayors or by prefectural mayors in case the forest lies across more than one city or approved by the Minister of Forestry Agency in case the forest lies across more than one prefecture.
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Risk assessment

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Legal rights to harvest			
1.1 Land tenure and management rights	<p>Applicable laws and regulations</p> <p>Civil Code (Established on April 27, 1896, last amended on December 11, 2013), Article 92, 206, 207, 263 to 269.</p> <p>Real Property Registration Act Established in 1899. Last amended on June 26, 2013), Article 1 and 27.</p> <p>Commercial Registration Act (Act No. 125 of 1963)</p> <p>Forestry Cooperative Act (Act No. 36 of 1978)</p> <p>Local Autonomy Act (Act No. 67 of 1947) Article 238</p> <p>Act Concerning Revision of Rights for Common-Forest Use (Act No. 126 of 1966)</p> <p>Act Concerning Utilization of National Forest Land (Act No. 246 of 1951)</p>	<p>Civil Code http://law.e-gov.go.jp/htmldata/M29/M29HO089.html</p> <p>Real Property Registration Act http://law.e-gov.go.jp/htmldata/H16/H16HO123.html</p> <p>Commercial Registration Act : http://law.e-gov.go.jp/htmldata/S38/S38HO125.html</p> <p>Forestry Cooperative Act : http://law.e-gov.go.jp/htmldata/S53/S53HO036.html</p> <p>Local Autonomy Act : http://law.e-gov.go.jp/htmldata/S22/S22HO067.html</p> <p>Act Concerning Revision of Rights for Common-Forest Use : http://law.e-gov.go.jp/htmldata/S22/S22HO067.html</p>	<p>Low risk</p> <p>Accuracy of land registration is gradually increasing with the progress of the national land survey that delineates ownership, but it has not been completed for small owners of mountains or forests. National land survey had been completed for 44% of the forested area by the end of fiscal year 2014. However, for places where forest management operations are carried out, the boundaries with adjacent land are confirmed and there are rarely mistakes, such as harvesting from other people's land. There are few complaints and boundary disputes, and the issues are not at the level to cause social problems, thus the risk can be considered low.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Act on Utilization of National Forests (Act No. 108 of 1971)</p> <p>Act on Special Measures concerning Shared Forest (Act No. 57 of 1958)</p> <p>Compulsory Purchase of Land Act (Act No. 219 of 1951)</p> <p>Legal Authority</p> <p>Ministry of Justice</p> <p>Ministry of Agriculture, Forestry and Fisheries</p> <p>Ministry of Internal Affairs and Communications</p> <p>Ministry of Land, Infrastructure, Transport and Tourism</p> <p>Legally required documents or records</p> <p>Register of Preservation of Ownership</p>	<p>gov.go.jp/htmldata/S41/S41HO126.html</p> <p>Act Concerning Utilization of National Forest Land : http://law.e-gov.go.jp/htmldata/S26/S26HO246.html</p> <p>Act on Utilization of National Forests : http://law.e-gov.go.jp/htmldata/S46/S46HO108.html</p> <p>Act on Special Measures concerning Shared Forest : http://law.e-gov.go.jp/htmldata/S33/S33HO057.html</p> <p>Compulsory Purchase of Land Act : http://law.e-gov.go.jp/htmldata/S26/S26HO219.html</p>	
1.2 Concession licenses	<p>Applicable laws and regulations</p> <p>N/A. There is no Forest concession licensing system in Japan.</p> <p>Legal Authority</p> <p>N/A</p>	N/A	N/A

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legally required documents or records N/A		
1.3 Management and harvesting planning	<p>Applicable laws and regulations</p> <p>Forest Act (Established on June 26, 1951. Last amended on June 14 2013) Article 11</p> <p>Forestry Cooperative Act (Established on May 1, 1973. Last amended on April 16, 2014)</p> <p>Forest and Forestry Basic Act (Act No. 161 of 1964)</p> <p>Legal Authority</p> <p>Ministry of Agriculture, Forestry and Fisheries</p> <p>Legally required documents or records</p> <p>Forest Management Plan, Forest Management Outsourcing Contract, Harvesting Notice.</p>	<p>Forest Act http://law.e-gov.go.jp/htmldata/S26/S26HO249.html</p> <p>Forestry Cooperative Act http://law.e-gov.go.jp/htmldata/S53/S53HO036.html</p> <p>Forest and Forestry Basic Act : http://law.e-gov.go.jp/htmldata/S39/S39HO161.html</p>	<p>Low risk</p> <p>A forest management plan is made in accordance with the application and procedure provided in the Article 11 of the Forest Act, and is implemented by forest owners, forestry cooperative or private harvesting enterprises that have contractual relationship with forest owners.</p> <p>The management plan is made for five years as one period, and includes silvicultural planning as well as harvesting planning.</p> <p>The economic situation of Japanese forestry is so severe that one cannot stay commercially viable without receiving subsidies. The approved forest management plan is very often a condition for receiving subsidies so that a lot of entities are developing and implementing the forest management plan.</p> <p>There are two types of forest management plan. One is “Personal Plan” and the other is “Territory Plan (consists of Forest compartment plan and Designated regional plan)”. Former is only allowed for forest managers whose forest size is 100 ha or more. The manager can make a plan specifically for his/her own forest. Latter is based on more than a half of a (or series of adjacent) forest compartment(s) (Forest compartment plan) or more than 30 ha of area designated by municipal mayor (Designated regional plan). More than a half of Japanese private forest owners who owns more than 1 ha of forest owns less than 3 ha of forest. As the average size of forest owned by Japanese private forest owners are so small, they cannot make the Personal plan. Therefore Forest Owner’s Cooperatives develops a common forest management plan (territory plan) collectively for numbers of small forest owners.</p> <p>If a harvesting plan has not been conducted, a harvesting notice must be submitted within 90-30 days prior to felling. This notice of harvest will have to include the specifications for the particular harvest, such as felling age, volume, etc.</p> <p>The authorities are conducting very rigorous monitoring after the thinning/harvesting operation and subsidies will not be received without the</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			approval and control of the local government. According to Transparency International, Japan ranks 18th out of 168 countries in Corruption Perceptions Index with a score of 75 in 2015 and 4th out of 28 countries in Bribe Payers Index with a score of 8.6 in 2011, demonstrating political cleanness. Thus, risk of not following the plan is kept low.
1.4 Harvesting permits	<p>Applicable laws and regulations</p> <p>Forest Act (Established on June 26, 1951. Last amended on June 14 2013) - Article 11, Forest Management Plan.</p> <p>Forestland Development Permission System established as Article 10-2 of Forest Act in 1951.</p> <p>Environmental Impact Assessment Act (Established on June 13, 1997. Last amended on May 21, 2014)</p> <p>Act on Special Measures concerning Assurance of Stable Supply of Timber (Act No. 47 of 1996)</p> <p>Act on Special Measures concerning Advancement of Implementation of Forest Thinning, etc. (Act No. 32 of 2008)</p> <p>Legal Authority</p> <p>Ministry of Agriculture, Forestry and Fisheries Ministry of the Environment</p> <p>Legally required documents or records</p>	<p>Forest Act http://law.e-gov.go.jp/htmldata/S26/S26HO249.html</p> <p>Forestland Development Permission System http://www.rinya.maff.go.jp/j/tisan/tisan/con_4.html</p> <p>Environmental Impact Assessment Act http://law.e-gov.go.jp/htmldata/H09/H09HO081.html</p> <p>Prosecution statistics 2015 >Processing status and acceptance of criminal cases> Crime category http://www.e-stat.go.jp/SG1/estat/List.do?lid=00001157683</p> <p>Act on Special Measures concerning Assurance of Stable Supply of Timber : http://law.e-gov.go.jp/htmldata/H08/H08HO047.html Act on Special Measures concerning Advancement of Implementation of Forest</p>	<p>Low risk</p> <p>Article 10-8 of the Forest Act stipulates that "In order to fell standing trees in private- or municipal- owned forest subject to regional forest planning, forest owners etc. must submit to the head of municipalities in advance a written notice of logging and post-logging silviculture which shows the location of the forest, area to be logged, harvesting method, harvesting age, method of reforestation after the logging, operation period, tree species and other matters prescribed by Ordinance of the Ministry of Agriculture, Forestry and Fisheries, based on the procedure specified by the Ministry. This provision applies throughout Japan, and notice of forest harvesting is required for any harvesting operations, whether it is commercial use or not.</p> <p>When a forest manager has an approved management plan, the notice of harvest must be submitted within 30 days of the date of final harvesting operation mentioned in the management plan. As the management plan has already been approved this allows for the notice of harvest to be submitted after the harvest. Monitoring will take place after harvesting. If no management plan exist a harvesting notice has to be submitted 90-30 days prior to harvesting. This allows for the local authority to approve harvesting prior to harvesting. Monitoring of whether the logging has been conducted in accordance to the harvesting notice will be conducted after harvesting.</p> <p>According to prosecution statistics, in 2015 there has only been about 33 reported cases of violation of Forest Act. Since there are about 20,000 reported harvestings, the violation only occurs less than in 0.2% of the case. These violations include cases like steeling logs and setting fire, so cases of lack of harvesting notification, or insufficient harvesting notice, or not following the harvesting notice/management plan is considered to be happening even less frequently.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Harvesting notice, Environmental Impact Assessment Report.	Thinning, etc. : http://law.e-gov.go.jp/htmldata/H20/H20HO032.html	According to Transparency International, Japan ranks 18th out of 168 countries in Corruption Perceptions Index with a score of 75 in 2015 and 4th out of 28 countries in Bribe Payers Index with a score of 8.6 in 2011, demonstrating political cleanness. The control of the Japanese authorities is considered well implemented. Hence, this indicator is considered low risk.
Taxes and fees			
1.5 Payment of royalties and harvesting fees	<p>Applicable laws and regulations</p> <p>Commercial code Established March 9, 1899</p> <p>Act Concerning Utilization of National Forest Land, (Established on June 23, 1951), Article 1-3.</p> <p>Legal Authority</p> <p>Commercial Code is managed by Ministry of Internal Affairs and Communications</p> <p>Act Concerning Utilization of National Forest Land is managed by Ministry of Agriculture, Forestry and Fisheries</p> <p>Legally required documents or records</p> <p>Sales contract, financial statements.</p> <p>Eligible criteria of bidders in case bidding is limited to specific bidders.</p>	<p>Commercial Code http://law.e-gov.go.jp/htmldata/M32/M32HO048.html</p> <p>Act Concerning Utilization of National Forest Land http://law.e-gov.go.jp/htmldata/S26/S26HO246.html</p>	<p>Low risk</p> <p>The right to harvest standing trees on public lands are allocated through public bidding. Before the bidding, a yield survey is conducted by the state officer or by an organization designated by the Minister of Agriculture, Forestry and Fisheries. Harvesting method can be decided by the outsourcer (land owner) based on operation regulations in the Forest Act or prefectural regulations. The bidding process takes place with all interested parties attending a physical meeting and bids are delivered into boxes. The bids are disclosed at the meeting, securing transparency within the attendances of the meeting. These processes are strictly monitored by the authorities and reviews are made of single documents. The bids are based on species, age, quality, elevation and amount of volume.</p> <p>The monitoring in the forest sector has been strengthened due to a collusive bidding taking place in 2007 related to forest road construction with the involvement of government agencies. This was followed by closing down the implicated agency (Green Resources Agency) and stricter monitoring.</p> <p>According to Transparency International, Japan ranks 18th out of 168 countries in Corruption Perceptions Index with a score of 75 in 2015 and 4th out of 28 countries in Bribe Payers Index with a score of 8.6 in 2011, demonstrating political cleanness. It is deemed that the legislation system is well functioning and the risk for this indicator is considered low.</p>
1.6 Value added taxes and other sales taxes	<p>Applicable laws and regulations</p> <p>Consumption Tax Act (Established on December 30, 1988. Last amended</p>	<p>Consumption Tax Act http://law.e-gov.go.jp/htmldata/S63/S63HO108.html</p>	<p>Low risk</p> <p>There is a tax imposed on consumption. In Japan, it is the general term for "consumption tax prescribed in the Consumption Tax Law" and "local</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>on May 21, 2014), Article 1, 5 and 28.</p> <p>Corporation Tax Act (Established on March 31, 1968. Last amended on May 21, 2014), Article 159.</p> <p>Legal Authority</p> <p>Ministry of Finance National Tax Agency</p> <p>Legally required documents or records</p> <p>Sales contract, Estimate (Quote), Delivery note, Invoice</p>		<p>consumption tax prescribed in the Local Tax Law" combined. The consumption tax is imposed on virtually all tangible (which has physical entity) and intangible (which has no physical entity such as fee) goods and services. While legally manufacturers and merchants are specified as the direct tax payer, but in fact the cost is passed on to the final consumer. As such, the consumption tax is imposed and tax shall be paid for sales of wood product as well as commission of forestry work, etc. In Japan, it is almost impossible to evade the consumption tax on commerce as it is collected automatically as system a digital system, thus stating the risk to be low.</p>
1.7 Income and profit taxes	<p>Applicable laws and regulations</p> <p>Income Tax Act (Established on March 31, 1965. Last amended on May 21, 2014), Article 238</p> <p>Corporation Tax Act (Established on March 31, 1968. Last amended on May 21, 2014), Article 159.</p> <p>Legal Authority</p> <p>Ministry of Finance National Tax Agency</p> <p>Legally required documents or records</p> <p>Tax return form</p>	<p>Income Tax Act http://law.e-gov.go.jp/htmldata/S40/S40HO033.html</p> <p>Corporation Tax Act http://law.e-gov.go.jp/htmldata/S40/S40HO034.html</p>	<p>Low risk</p> <p>The Article 5 of the Income Tax Act states that "a resident (including resident foreigners) shall be liable to pay income tax pursuant to this Act." The Article 22 states "The tax base for the income tax imposed on a resident shall be the amount of gross income, retirement income and timber income." As such, the tax is imposed on all the income coming from the forestry operations. In addition, according to Article 4, 21 and 22 of the Corporate Tax Act, "If the resident is a corporation, the tax is imposed on operating income of each business year in accordance with the rules." Similar to the Consumption Tax, it is difficult to evade the corporate tax, and such behavior is punished as anti-societal behavior by law.</p> <p>As Japanese forestry was developing in the 1980s, fraud was commonly found at the log market leading to more rigorous monitoring by regional taxation bureau. Hence forestry became one of the industries difficult to make fraud. Considering this fact, as well as the comments from stakeholders, this indicators is considered low risk.</p>
Timber harvesting activities			

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.8 Timber harvesting regulations	<p>Applicable laws and regulations</p> <p>Forest Act (Established on June 26, 1951. Last amended on June 14 2013) - Article 11, Forest Management Plan.</p> <p>Forestland Development Permission System established as Article 10-2 of Forest Act in 1951.</p> <p>Forest Road provision (Established on April 1, 1975. Last amended on March 31, 2011), Paragraph 1, 2 and 3.</p> <p>Ordinance for Enforcement of Forest Act (Government Ordinance No. 276 of 1946)</p> <p>Forest Act Enforcement Rule (Ordinance of Ministry of Agriculture, Forestry and Fisheries No. 54 of 1946)</p> <p>Natural Parks Act (Act No. 161 of 1957)</p> <p>Act on Special Measures concerning Assurance of Stable Supply of Timber (Act No. 47 of 1996)</p> <p>Act on Special Measures concerning Advancement of Implementation of Forest Thinning, etc. (Act No. 32 of 2008)</p> <p>Legal Authority</p>	<p>Forest Act http://law.e-gov.go.jp/htmlldata/S26/S26HO249.html</p> <p>Forestland Development Permission System http://www.rinya.maff.go.jp/j/tisan/tisan/con_4.html</p> <p>Forest Road provision http://www.rinya.maff.go.jp/j/seibi/sagyoudo/pdf/kitei.pdf#search</p> <p>Ordinance for Enforcement of Forest Act : http://law.e-gov.go.jp/htmlldata/S26/S26SE276.html</p> <p>Forest Act Enforcement Rule : http://law.e-gov.go.jp/htmlldata/S26/S26F00601000054.html</p> <p>Natural Parks Act : http://law.e-gov.go.jp/htmlldata/S32/S32HO161.html</p> <p>Act on Special Measures concerning Assurance of Stable Supply of Timber : http://law.e-gov.go.jp/htmlldata/H08/H08HO047.html</p> <p>Act on Special Measures concerning Advancement of Implementation of Forest</p>	<p>Low risk</p> <p>It is mandatory for forest owners etc. to submit a notification of harvesting and post-harvest replanting before conducting harvesting of standing trees in forests. This is regulated in Article 10 of Forest Law. A harvesting plan or harvesting notice will only be approved when in compliance with the legal requirements for harvesting techniques and technology including selective cutting, shelter wood regenerations, clear felling, transport of timber from felling site etc. Any harvesting that harms the environment or may induce disaster is prohibited. Felling age is also regulated by the regional forest plans and the municipal forest management plans. The Act mandates reforestation after clear-cutting and the forest road provisions provides for design standards.</p> <p>There is no law that directly regulates the transportation method or seasonal harvest restriction. The local authority conducts both regular and irregular control of the harvesting sites. If the legal requirements regarding harvesting techniques and technology is not being followed in spite of an approved management plan or harvesting notice operation is instructed to be stopped.</p> <p>Approximately a half of Japanese forests are designated as “Conservation Forest” under Article 25 of the Forest Act. The conservation forests are designated in order to achieve the public benefit by restricting the forestry activities. There are 17 types of conservation forests depending on the main purpose. When the forest is designated as conservation forests, the owner is provided with many tax breaks as well as opportunities for receiving subsidies regarding silviculture. In order to harvest trees in these conservation forests, the manager has to submit notification to (for thinning etc.) or gain approval (for clear fell etc) from the prefectural governor. The Forest Act article 38 specifies supervisory orders in case of any breach.</p> <p>2015 there has only been about 33 reported cases of violation of Forest Act. Since there are about 20,000 reported harvestings, the violation only occurs less than in 0.2% of the case. From the prosecution statistics it is not stipulated to what percentage is directly related to regulations on timber harvesting is not being followed. However, this percentage will be much less than 0.2% of all harvesting being conducted. All harvesting sites are visited by</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Ministry of Agriculture, Forestry and Fisheries Legally required documents or records Forest Management Plan, Forest Management Outsourcing Contract, Harvesting Notice.	Thinning, etc. : http://law.e-gov.go.jp/htmldata/H20/H20HO032.html	forest authorities after harvest. Since the Japanese forest lies in the mountains, any harvested area is easily observed from a distance so that anyone can notice any harvesting operations. This means supervising authorities such as Prefecture, City, Town and Village officers can also easily observe any changes to the surrounding environment. This makes the monitoring more effective. Furthermore, according to Transparency International, Japan ranks 18th out of 168 countries in Corruption Perceptions Index with a score of 75 in 2015 and 4th out of 28 countries in Bribe Payers Index with a score of 8.6 in 2011, demonstrating political cleanness. The monitoring of thinned/harvested sites by the supervising authorities are well implemented. Hence this indicator is considered low risk.
1.9 Protected sites and species	Applicable laws and regulations Natural Parks Act (Established on June 1, 1957. Last amended on June 14, 2014), Article 20 and 21. Nature Conservation Act (Established on June 22, 1972. Last amended on May 30, 2013), Article 12 and 14. Forestry Agency Forest Reserve System Act on Protection of Cultural Properties (Established on May 30, 1950. Last amended on May 2, 2011), Article 109. Wildlife Protection and Proper Hunting Act (Established on July 12, 2002. Last amended on May 30, 2014), Article 29. Act on Conservation of Endangered	Conrad Totman. 1998. The Green Archipelago: Forestry in Pre-industrial Japan. Ohio University Press. Forestry Agency. Forest and Forestry White Paper 2015. http://www.rinya.maff.go.jp/j/kikaku/hakusyo/27hakusyo/index.html Natural Parks Act http://law.e-gov.go.jp/htmldata/S32/S32HO161.html Nature Conservation Act http://law.e-gov.go.jp/htmldata/S47/S47HO085.html Forestry Agency Forest Reserve System http://www.rinya.maff.go.jp/j/kokuyu_rinya/sizen_kankyo/hogorin.htm	Low risk Historically there has been a great pressure on the forest resources of Japan, but initiatives to prevent forest deterioration were established during the edo era (1603 to 1868) - the "Tomeyama" system, which prohibited local people from using the forest resources in the designated forest area. As a result, many remote forests had been conserved. In Meiji Era (from 1868), these remote forests were managed by the national government as state forests. As safeguards, Forest Reserve System (1915), National Park Act (1931) and Act on Preservation of Historical Landmark, Scenic Spot and Natural Memorial (1919) were established to implement protection policy of precious nature. On the other hand, during the World War II, both private and public forests were heavily exploited to meet the timber demand of the state. After the World War II, Japanese Government rolled out "Productivity Enhancement Plan", and "Timber Production Increase Plan" for the state forests and established conifer plantation in the disturbed cutover areas to restore disturbed land and to meet the increasing timber demands. During the high economic growth period of Japan (1960 to 1970s), large scale harvesting of natural forests took place to meet the demand of wood and growing needs for development. Even in state forests, harvesting 2 to 3 times of the growth and conversion into plantation in remote areas with poor productivity and forestry efficiency took place. Considering such history, it cannot be said that valuable nature has been effectively protected in the modern Japanese history.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Species of Wild Fauna and Flora (Established on June 5, 1992. Last amended on June 12, 2013), Article 1 and 10.</p> <p>Landscapes Act (Established on June 18, 2004. Last amended on June 27, 2014), Article 28 to 35.</p> <p>Red Data Book</p> <p>Landscapes Act (Act 110 of 2004) Article 28-35</p> <p>Convention for the Protection of Migratory Birds (Japan-US, Japan-Russian Federation, Japan-Australia, Japan-China)</p> <p>Legal Authority</p> <p>Ministry of the Environment Ministry of Agriculture, Forestry and Fisheries</p> <p>Ministry of Land, Infrastructure, Transport and Tourism</p> <p>Ministry of Foreign Affairs of Japan</p> <p>Legally required documents or records</p> <p>-</p>	<p>I</p> <p>Act on Protection of Cultural Properties http://law.e-gov.go.jp/htmldata/S25/S25HO214.html</p> <p>Wildlife Protection and Proper Hunting Act http://law.e-gov.go.jp/htmldata/H14/H14HO088.html</p> <p>Act on Conservation of Endangered Species and Wild Fauna and Flora http://law.e-gov.go.jp/htmldata/H04/H04HO075.html</p> <p>Landscapes Act http://law.e-gov.go.jp/htmldata/H16/H16HO110.html</p> <p>Red Data Book http://www.biodic.go.jp/rdb/rdb_f.html</p> <p>Controlled Wood National Risk Assessment of Japan.</p> <p>Annual Report on the Environment, the Sound Material-Cycle Society and the Biodiversity in Japan</p>	<p>However, after these period, as import of timber was liberalized, cheap import wood started to flow into Japan rapidly with great volume, decreasing the domestic wood share in the market. In 1950s, the self-sufficiency rate of wood in Japan was 90% whereas in 2002, it dropped to 18.8%. Subsequently, plantation with low profitability were left unmanaged. At the same time, environmental awareness started to rise due to serious environmental problems and severe natural disaster which made forest's ecosystem service a hot topic. People also shifted their energy use away from fuel woods, significantly reducing the pressure on forest resources. As a result, forest management in Japan started focus on the ecosystem services.</p> <p>Sharp decline of fuel woods use dramatically changed lives of people in forested areas. Population in rural areas decreased significantly and so as the number of people involved in forestry. Insufficient number of workers in forestry industry has made it hard to maintain plantation up to now. On the other hand, as the re-orientation of policy towards ecosystem services has led to smaller harvesting area size, expansion of protected areas expanded, designation of areas under protective regulation proceeded to strengthen the overall aspect of forest conservation.</p> <p>Many of forests with high level of naturalness are protected by Natural Park Law, Natural Conservation Law, Wildlife Protection and Hunting Law, Protected forest System of the National Forest, Law for the Protection of Cultural Properties. Altogether, 72,057.40km² of land (19.33% of the national land) are protected by these laws. Other administrative safeguards include Act on Conservation of Endangered Species of Wild Fauna and Flora, The Forest Act, and Landscapes Act as well as local laws designating prefectural natural conservation zones, which altogether provides protection and conservation measures for the value of the forests including its cultural property, biodiversity, disaster prevention, and landscape. For large scale development, environmental impact assessment is required according to Environmental Impact Assessment Act to restrict or control the development.</p> <p>In these areas, forest activities are controlled according to their designation classes. In order to monitor, state government officers with police authority and local officers of Ministry of the Environment called "rangers" have the role to patrol frequently in his/her responsible are to check presence of any illegal</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>http://www.env.go.jp/en/wpaper/2013/index.html</p> <p>Present vegetation map created by the Ministry of the Environment (http://www.biodic.go.jp/vg_map/vg_html/jp/html/vg_map_frm.html)</p> <p>Maps of protected areas under Natural Park Law and other laws.</p> <p>The Nature Conservation Society of Japan. 2013. "Protected Area Atlas of Japan".</p> <p>Landscapes Act: http://law.e-gov.go.jp/htmldata/H16/H16HO110.html</p> <p>Convention for the Protection of Migratory Birds: https://www.env.go.jp/nature/kisho/global/migratory.html</p>	<p>activities. While there are criticisms that there are not enough rangers, their monitoring activities contribute to detection of trespassing and waste dumping etc.</p> <p>Areas with restrictions are delineated on various maps so that anyone who is considering to conduct forestry activities can easily see the boundaries of the protected areas and there has been no major reporting on illegal harvesting taking place within the protected areas. In recent years, harvesting costs have been quite high compared with the revenue gained from selling timber. Many forest owners have gave up managing their forests. Therefore the incentive for felling trees illegally in restricted areas is considered low.</p>
1.10 Environmental requirements	<p>Applicable laws and regulations</p> <p>Environmental Impact Assessment Act (Established on June 13, 1997. Last amended on May 21, 2014), Article 1.</p> <p>Forest Act (Established on June 26, 1951. Last amended on June 14 2013), Article 10-2 and 25.</p> <p>Forest Act enforcement ordinance annex 3 about EIA of forest road</p>	<p>Environmental Impact Assessment Act http://www.env.go.jp/policy/asses/s/</p> <p>Forest Act http://law.e-gov.go.jp/htmldata/S26/S26HO249.html</p> <p>Forest Act enforcement ordinance annex 3 about EIA of forest road</p>	<p>Low risk</p> <p>The superior law on environmental protection is the Environmental Impact Assessment Act, but it is only applicable to relatively large projects. The act is not applied in many cases of forest harvesting (less than 5 ha on average in Japan) or logging road construction, which can affect the environment. With regards to environmental impact from forestry operation, the Forest Act provides for a harvesting regulations that "harvesting area shall be in the area where there is no risk of inducing disaster to the downstream with consideration of slope degree, soil characteristics and the water drainage etc., so there will not be an impact on surrounding houses and roads. Clear-cutting shall not be conducted in the area of steep slope or unstable soil to prevent</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>(Established on March 31, 2008. Last amended on April 1, 2013)</p> <p>Basic Act on Biodiversity (Act No. 58 of 2008)</p> <p>Invasive Alien Species Act (Act No. 78 of 2004)</p> <p>Agricultural Chemicals Control Act (Act No. 82 of 1948)</p> <p>River Act (Act No. 167 of 1964)</p> <p>Act on Special Measures concerning Improvement of Public Health Function of Forests (Act No. 71 of 1989)</p> <p>Forest Pest Control Act (Act No. 53 of 1950)</p> <p>Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms (Act No. 97 of 2003)</p> <p>Forestry Seeds and Seedlings Act (Act No. 89 of 1970)</p> <p>Basic Environment Act (Act No. 91 of 1993)</p>	<p>http://law.e-gov.go.jp/htmldata/H20/H20F17001000024.html</p> <p>Basic Act on Biodiversity: http://law.e-gov.go.jp/htmldata/H20/H20HO058.html</p> <p>Invasive Alien Species Act: http://law.e-gov.go.jp/htmldata/H16/H16HO078.html</p> <p>Agricultural Chemicals Control Act : http://law.e-gov.go.jp/htmldata/S23/S23HO082.html</p> <p>River Act: http://law.e-gov.go.jp/htmldata/S39/S39HO167.html</p> <p>Act on Special Measures concerning Improvement of Public Health Function of Forests: http://law.e-gov.go.jp/cgi-bin/idxselect.cgi?IDX_OPT=3&H_NAME=&H_NAME_YOMI=%82%A0&H_RYAKU=1&H_CTG=1&H_YOMI_GUN=1&H_CTG_GUN=1&H_NO_GENGO=H&H_NO_YEAR=01&H_NO_TYPE=2&H_FILE_NAME=H01HO071</p> <p>Forest Pest Control Act: http://law.e-gov.go.jp/htmldata/S39/S39HO167.html</p>	<p>soil erosion. After harvesting, efforts shall be made to restore the forest by planned reforestation etc."</p> <p>There is no law providing for the establishment of buffer zones and restriction of the machinery use.</p> <p>With regards to environmental impact in forestry, these days commercial thinning is prioritized to minimize the cost of forest management and there is very little clear-cutting. The concentration of road in mountainous area with the slope exceeding 35 degree is low; 15m/ha on average. There has not been any report of severe environmental impact from harvesting or road construction.</p> <p>Localized heavy rain due to recent climate change has been causing landslides, such as deep-seated landslide in increasing frequency, threatening the lives and property of residents. This is not a problem caused by forestry, but is brought by unprecedented rainfall due to the climate change. Japan has experienced environmental pollutions in the past and is hit by various natural disasters such as volcanic action, earthquake, Tsunami and typhoon frequently. Therefore, the people's environmental awareness is high and it is reflected in the legal framework to protect the environment as a measure to prevent natural disasters.</p> <p>Environmental requirements are also included in the forest management plan or harvesting permit, which are required for every forest manager. The environmental requirements are well monitored and there has been no major issues reported on environmental infringements, thus the risk is considered to be low.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Forest Road Rules (Notification of Forestry Agency No. 107, April 1, 1973)</p> <p>Convention on Biological Diversity (including Cartagena Protocol and Nagoya Protocol)</p> <p>Legal Authority</p> <p>Ministry of the Environment Ministry of Agriculture, Forestry and Fisheries</p> <p>Ministry of Land, Infrastructure, Transport and Tourism</p> <p>Legally required documents or records</p> <p>Environmental Impact Assessment Report, Forest Management Plan, Harvesting Notice</p>	<p>gov.go.jp/htmldata/S25/S25HO053.html</p> <p>Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms: http://law.e-gov.go.jp/htmldata/H15/H15HO097.html</p> <p>Forestry Seeds and Seedlings Act : http://law.e-gov.go.jp/htmldata/S45/S45HO089.html</p> <p>Basic Environment Act: http://law.e-gov.go.jp/htmldata/H05/H05HO091.html</p> <p>Forest Road Rules (Notification of Forestry Agency No. 107, April 1, 1973): http://www.rinya.maff.go.jp/j/seibi/sagyoudo/pdf/kitei.pdf#search=%27%E6%9E%97%E9%81%93%E8%A6%8F%E7%A8%8B%27</p>	
1.11 Health and safety	<p>Applicable laws and regulations</p> <p>Industrial Safety and Health Act (established on June 8. 1972. Last amended on June 24, 2011), Article 1, 10, 14, 24 and 59.</p> <p>Labor Standards Act (Established on</p>	<p>The International Labour Organization. Health and Safety in Forestry Work. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---</p>	<p>Low risk</p> <p>Out of 10 ILO conventions related to the ILO's "Safety and health in forestry work" (ILO No. 81, 119, 127, 129, 135, 138, 148, 155, 161,170), the Japanese government has ratified three conventions. This is the same as United Kingdom and more than United States, which have ratified none.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>April 7, 1947. Last amended on May 30, 2014), Article 11, 75.</p> <p>Workers' Accident Compensation Insurance Act (Established on April 7, 1947. Last amended on May 30, 2014), Article 1.</p> <p>Revised Regulation about Forestry Machinery (Dated June 1, 2014)</p> <p>Agricultural Chemicals Control Act (Established on July 1, 1948. Last amended on March 30, 2007), Article 1, 11 and 12.</p> <p>Ministerial Ordinance to Provide for Standards to be Complied by Agricultural Chemical Users (Established on March 7, 2003. Last amended on May 20, 2005), Article 1 and 2.</p> <p>Ordinance on Industrial Safety and Health (Last amended on June 1, 2014), Article 24-14 and 24-15.</p> <p>Ordinance for Enforcement of Agricultural Chemicals Control Act (Ordinance of the Ministry of Agriculture and Forestry No. 21 of 1951)</p> <p>Ordinance on Prevention of Ionizing Radiation in relaing to works etc. to demontaminate the soil etc. contaminated by radioactive materials</p>	<p>safework/documents/normativeinstrument/wcms_107793.pdf</p> <p>Information System on International Labour Standards. Ratification by Country. http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:::NO::</p> <p>Industrial Safety and Health Act http://law.e-gov.go.jp/htmlldata/S47/S47HO057.html</p> <p>Labor Standards Act http://law.e-gov.go.jp/htmlldata/S22/S22HO049.html</p> <p>Workers' Accident Compensation Insurance Act http://law.e-gov.go.jp/htmlldata/S22/S22HO050.html</p> <p>Revised Ordinance on Industrial Safety and Health about Forestry Machinery http://miyagi-roudoukyoku.jsite.mhlw.go.jp/news_topics/topics/_115291/_119840.html</p> <p>Agricultural Chemicals Control Act http://law.e-gov.go.jp/htmlldata/S23/S23HO082.html</p>	<p>Regarding the laws and regulations concerning the safety standards in forestry work, Industrial Safety and Health Act prescribes the nature of management system and training method to prevent industrial accidents, while the Labor Standards Act provides for obligation for victims of industrial accident to rest. Workers' Accident Compensation Insurance Act requires providing insurance benefits to victims of industrial accidents. Organizations that operates forestry business are required to comply with the above three laws. Unless they implement measures from prevention of industrial accidents to assistance for victims to return to work, organizations will receive penalties including increased amount of worker's accident insurance and disapproval of forestry business from the authority. In addition, the Forestry Agency implements "Green Employment" system to train new employees and implements safety training of 8-10 months a year in the first three years from the recruitment. The agency also aims to prevent accidents by establishing "Revised Ordinance on Industrial Safety and Health relating to wood transport machinery, etc." to adapt to aging of forestry workers and increasing performance of forestry machinery and to reduce the number of industrial accidents.</p> <p>In addition, special trainings on safety and high-performance machinery from the prefectural government have been increasing in the field of forestry. Efforts have been made in the form of self risk assessment (using safety checklist), risk prediction meeting, getting qualification for operating machinery based on regulations, safety equipment provision, and investigation of the cause and implementing prevention measures in case of accident. Despite such regulations and efforts, the number of accidents in forestry has shifted from decreasing to flat or slightly increasing trend. It is characterized by increase of accidents related to elderly workers, high-performance machines, harvesting or summer heat stroke and bees. The administration and organizations are focusing on such accidents to strengthen the accident prevention system. Between 2008 and 2012, the fatality in forestry was 37-59 with annual average of 44, which accounts for 2.5-3.0% of the whole industry. In 2010, when the labor population in forestry was approximately 50,000, the rate was about 88 fatalities per 100,000 workers. It is at the same level or</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>generated by the Great East Japan Earthquake (Ministry of Health, Labour and Welfare Ordinance No. 152 of 2011)</p> <p>Legal Authority</p> <p>Ministry of Health, Labour and Welfare Ministry of Agriculture, Forestry and Fisheries</p> <p>Legally required documents or records</p> <p>Workers' Accident Compensation Insurance subscription form, Claims form for medical compensation benefit, Claims form for medical compensation expense, Claims form for compensation benefits for absence from work</p>	<p>Ministerial Ordinance to Provide for Standards to be Complied by Agricultural Chemical Users http://law.e-gov.go.jp/htmlldata/H15/H15F17002003005.html</p> <p>Ordinance on Industrial Safety and Health http://www.jaish.gr.jp/anzen/hor/hombun/hor1-2/hor1-2-220-1-0.htm</p> <p>Japan International Center of Occupational Health and Safety. http://www.jniosh.go.jp/icpro/jicos-h-old/japanese/country/japan/index.html</p> <p>Website of Ministry of Agriculture, Forestry and Fisheries (http://www.maff.go.jp/j/nouyaku/n_sizai/houritu_ihan.html). This site provides all cases of violation of Agricultural Chemicals Control Act.</p> <p>Ordinance for Enforcement of Agricultural Chemicals Control Act: http://law.e-gov.go.jp/htmlldata/S26/S26F00601000021.html</p> <p>Ordinance on Prevention of Ionizing Radiation in relating to works etc. to decontaminate the</p>	<p>relatively lower level compared with 92 per 100,000 workers in the US (US Department of Labor Bureau of Labor Statistics, 2011).</p> <p>On the other hand, it is still true that accidents are happening more frequently in forestry industry than most other industries. Therefore continuous improvements are needed.</p> <p>“Agricultural Chemicals Control Act”, “Ministerial Ordinance to Provide for Standards to be Complied by Agricultural Chemical Users” and “Ordinance on Industrial Safety and Health” provides for the safe handling of chemicals used in forestry, such as herbicides and rodenticides. In Japan, the use of chemical is limited in the field of forestry to begin with. Examples of chemical use include pesticide for withered red pine and use of rodenticides in larch plantations in Hokkaido. Repellents for deer and hares are in limited use. As use of pesticide against Red Pine withering and use of rodenticide in Hokkaido are both limited to specific areas at present, use of chemicals in the forestry section is minimal. There were four cases of violations of Agricultural Chemicals Control Act in 2008, of which none was in the forestry sector.</p> <p>The Labor Standard Inspection Office under the Ministry of Health, Labour and Welfare visits companies. Some experts claim that the Labor Standard Inspection Office lacks expertise on forestry operations and they do not necessarily understand the uniqueness of the industry. However, there is at least a system to conduct announced and unannounced inspection in order to check the condition of H&S for workers.</p> <p>The control by the authorities are considered efficiently implemented. The government support through the Green Employment programme as referred to above and the forest sector experiences a low level of accidents.</p> <p>Until recently, Japanese forestry never needed to care about measures against nuclear radiation. However, due to the radiation leakage from Fukushima Daiichi Nuclear Power Plant's incident caused by Great East Japan Earthquake on March 11, 2016, areas around the power plant were affected by radiation. In order for to evacuated people to return their home as soon as possible, prompt reduction of impact of radiation in these affected area became an important task and so decontamination has</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>soil etc. contaminated by radioactive materials generated by the Great East Japan Earthquake (known as : Ordinance on Ionizing Radiation Decontamination) http://law.e-gov.go.jp/htmldata/H23/H23F19001000152.html</p> <p>Fukushima Prefecture Forest Maintenance Division. Guideline on discharge of logged trees from private forests in Fukushima Prefecture, December 17, 2014.</p> <p>Fukushima Prefecture Timber Cooperative Association. "Lumber from Fukushima Prefecture Undergo Voluntary Inspection on Radiation Dose." Letter to the Press.</p>	<p>been promoted by the government. Ordinance on Ionizing Radiation Decontamination, developed to promoted decontamination, was revised in July 2012 to add target activities to include specific non-decontaminating operations (including forest management such as harvesting evergreen trees) carried out in an environment with average spatial radiation dose rate of 2.5µSv/h or more in "Special area for decontamination" and "Important area for monitoring radiation". Hence forestry workers working in these areas in such environment are now mandated to have safety management and training against radiation exposure. In response to the revision of the ordinance, Forestry Agency developed "Points to consider as measures to prevent radiation exposure during operations in forests (Q&A)". Additionally the Forestry Agency provides entities operating in these affected areas with training and radiation dosimetry devices.</p> <p>In Fukushima Prefecture, the core area for this issue, "Policy on extraction of harvested wood from private forests in Fukushima" has been developed to call for avoiding any activities in areas with spacial radiation dose rate of more than 2.5 µ Sv/h. It also calls for limiting harvesting activities to areas with 0.5µ Sv/h at maximum. In areas exceeding 0.5µSv/h, radiation level of barks must be measured on sampling basis and harvesting and extraction is only permitted when the radiation level is 6,400Bq/Kg or lower. It has been 6 years since the Earthquake and subsequent nuclear accidentand the spacial radiation dose rate has been decreasing. Many organizations are said to use more strict criteria voluntarily than the aforementioned policy. Thus it is highly likely that no operation is taking place in areas with 2.5 µ Sv/h, which is the threshold set by the national government.</p> <p>Forestry in these areas is still in its recovery phase. Ministry of the Environment in cooperation with Forestry Agency are carrying out various monitoring and demonstration experiment in order to recover forest and forestry there.</p> <p>As the area has global attention and high national interest in terms of radiation issues, government (including Health, Labour and Welfare Ministry, Ministry of the Environment, Forestry Agency) is committed to monitor and supervise the area. The forestry is still in its recovery phase. Hence the risk of wood</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			harvesting in these areas violating the Ordinance on Ionizing Radiation Decontamination is considered low.
1.12 Legal employment	<p>Applicable laws and regulations</p> <p>Industrial Safety and Health Act (established on June 8, 1972. Last amended on June 24, 2011)</p> <p>Labor Standards Act (Established on April 7, 1947. Last amended on May 30, 2014)</p> <p>Labor Union Act (Established on June 1, 1949. Last amended on June 27, 2012)</p> <p>Labor Contract Act (Act No. 128 of 2007)</p> <p>Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972)</p> <p>Act on Employment Promotion etc. of Persons with Disabilities (Act No. 123 of 1960)</p> <p>Health Insurance Act (Act No. 70 of 1922)</p> <p>Industrial Accident Compensation Insurance Act (Act No. 50 of 1947)</p>	<p>Industrial Safety and Health Act http://law.e-gov.go.jp/htmldata/S47/S47HO057.html</p> <p>Labor Standards Act http://law.e-gov.go.jp/htmldata/S22/S22HO049.html</p> <p>Labor Union Act http://law.e-gov.go.jp/htmldata/S24/S24HO174.html</p> <p>Labor Contract Act: http://law.e-gov.go.jp/htmldata/H19/H19HO128.html</p> <p>Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment: http://law.e-gov.go.jp/htmldata/S47/S47HO113.html</p> <p>Act on Employment Promotion etc. of Persons with Disabilities : http://law.e-gov.go.jp/htmldata/S35/S35HO123.html</p>	<p>Low risk</p> <p>Article 59 of the Industrial Safety and Health Act provides for safety training as “the employer shall, when a new worker is employed, give the said worker education for safety and/or health concerning work operations in which the worker is to be engaged, as provided for by the Ordinance of the Ministry of Health, Labor and Welfare.” The Labor Standards Act stipulates establishing the minimum standard of working conditions and providing treatment exceeding the standard. Article 3 (equal treatment without discrimination), Article 4 (principle of equal wages for men and women), Article 5 (prohibition of forced labor), Article 14 (contract period), Article 56 (minimum age), Article 75 (medical compensation), Article 76 (compensation for absence from work) corresponds to this. In addition, the Labor Union aims to improve the status of workers by promoting that the workers stand in equal footing in negotiations with the employers, and recognize the right of workers to voluntarily organize labor unions, to associate, and to collectively negotiate. Although it is not directly affecting the risk of legality, it is worth noting that percentage of employees belonging to a labor union varies largely among different industries. According to the Labor Union Basic Survey 2015 of Health, Labour and Welfare Ministry, agriculture, forestry and fisheries industry showed the lowest percentage of 2.0%.</p> <p>The Labor Standards Act require all the worker's, and forestry organizations be adhering to these laws and is found to be well implemented.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969)</p> <p>Employees' Pension Insurance Act (Act No. 115 of 1954)</p> <p>Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors (Act No. 120 of 1956)</p> <p>Legal Authority</p> <p>Ministry of Health, Labour and Welfare</p> <p>Legally required documents or records</p> <p>Employment contract</p>	<p>Health Insurance Act: http://law.e-gov.go.jp/htmldata/T11/T11HO070.html</p> <p>Industrial Accident Compensation Insurance Act : http://law.e-gov.go.jp/htmldata/S22/S22HO050.html</p> <p>Employment Insurance Act: http://law.e-gov.go.jp/htmldata/S49/S49HO116.html</p> <p>Act on the Collection, etc. of Insurance Premiums of Labor Insurance : http://law.e-gov.go.jp/htmldata/S44/S44HO084.html</p> <p>Employees' Pension Insurance Act: http://law.e-gov.go.jp/htmldata/S29/S29HO115.html</p> <p>Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors: http://law.e-gov.go.jp/htmldata/S31/S31HO120.html</p> <p>Labor Union Basic Survey 2015: http://www.mhlw.go.jp/toukei/itiran/roudou/roushi/kiso/15/</p>	
Third parties' rights			

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.13 Customary rights	<p>Applicable laws and regulations</p> <p>Act on Advancement of Modernization of Rights in Relation to Forests Subject to Rights of Common (Established on July 9, 1966. Last amended on May 2, 2011), Article 1-4, 19.</p> <p>Article 1-4 states that the Japanese customary rights are removed.</p> <p>Private forests: Civil Code (Act No. 89 of 1896) Article 92, 263, 294</p> <p>State forests: Act Concerning Utilization of National Forest Land (Act No. 246 of 1951) Article 18-24</p> <p>Public forests: Local Autonomy Act (Act No. 67 of 1947) Article 238-6</p> <p>Legal Authority</p> <p>-</p> <p>Legally required documents or records</p> <p>-</p>	<p>Act on Advancement of Modernization of Rights in Relation to Forests Subject to Rights of Common http://law.e-gov.go.jp/htmldata/S41/S41HO126.html</p> <p>Nakatsugawa City's website http://www.city.nakatsugawa.gifu.jp/</p> <p>Civil Code:</p> <p>Act Concerning Utilization of National Forest Land:</p> <p>Local Autonomy Act :</p>	<p>Low risk</p> <p>Traditionally in Japan, there have been "common land" or "common forest". The common land is the customary area where forest, field or fishing ground are managed jointly and residents of a specified area jointly hold the use right (called commonage).</p> <p>Under the modern "ownership" concept, ownership of forests were gradually made clear and specific. These common lands were recognized as commonage under Civil Code for private forests, customary use right of common property under Local Autonomy Act for public forests and common forests under Act Concerning Utilization of National Forest Land for state forests.</p> <p>However, the government recognized commonage as a feudalistic law system which is a barrier to improving productivity of agriculture and forestry. As such Act on Advancement of Modernization of Rights in Relation to Forests Subject to Rights of Common was established in 1966 to improve productivity of agriculture and forestry.. By applying this law, commonage is lost and ownership of a forest becomes clear. In 1960, there were approximately 200 million ha of common forests. As the application of law gradually takes place, the area of common forests decreased to 90 million ha in 1980.</p> <p>Today there are still common lands in many places in Japan. However, there importance has been declining due to modernized life style of people. In the past these forests were important sources of thatching materials, fuel woods and construction materials, but the use of these materials from common land is very limited today. Today court cases in respect to commonage is almost always regarding the development of common land such as building a industrial waste disposal facilities, nuclear power plant or resort facilities. In these cases, the point of issue is caused by disagreement among commonage owners¹.</p>

¹ Hidetoshi Nakao and Takehiko Ebuchi, 2015, Commons court cases and environmental conservation – at the court case in respect to commonage (Horitsu Bunka Corporation).

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			Consultation to a researcher on commonage also revealed that issues regarding commonage in recent years only happen when external pressure such as development is put on the common land and cases regarding forest resource use is very rare. According to the Forestry Agency, there is no court case in respect to customary use of resources in the state forests in recent years. Since the economic value and utility value of common forest have declined due to modernized life-style of people, awareness of commonage has also declined. Generally this clause is considered low risk.
1.14 Free prior and informed consent	<p>Applicable laws and regulations</p> <p>N/A. Rights of community is limited to those specified in 1.13. Official forest management rights are only held by forest owners and outsourced enterprises.</p> <p>There is no legislation in Japan covering “free prior and informed consent” in connection with transfer of forest management rights and customary rights to the organization in charge of the harvesting operation.</p> <p>Legal Authority</p> <p>N/A</p> <p>Legally required documents or records</p> <p>N/A</p>	N/A	N/A
1.15 Indigenous peoples rights	<p>Applicable laws and regulations</p> <p>Act on the Promotion of Ainu Culture, and Dissemination and Enlightenment of Knowledge about Ainu Tradition,</p>	Act on the Promotion of Ainu Culture, and Dissemination and Enlightenment of Knowledge about Ainu Tradition, etc. http://law.e-	<p>Specified risk: Hokkaido Low risk: Other areas</p> <p>Act on the Promotion of Ainu Culture stipulates that it was enacted “to realize a society in which the pride of Ainu people as an ethnic group is respected by</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>etc. (Established on May 14, 1997. Last amended on June 24, 2011), Article 1 to 5.</p> <p>Act on Protection of Cultural Properties (Act 214 of 1950) Chapter 1 General Provisions, Article 109, 134</p> <p>Legal Authority</p> <p>Ministry of Land, Infrastructure, Transport and Tourism Ministry of Education, Culture, Sports, Science and Technology</p> <p>The article 5 of the Act mentions that the responsibility lies both in the Minister of Land, Infrastructure, Transport and Tourism and Minister of Education, Culture, Sports, Science and Technology.</p> <p>Legally required documents or records</p> <p>N/A</p>	<p>gov.go.jp/htlmldata/H09/H09HO052.html J</p> <p>CW NRA of Japan</p> <p>Court precedents of Nibudani Dam case: http://www.geocities.co.jp/HeartLand-Suzuran/5596/</p> <p>Court precedents of Ainu peoples' common property. http://www.dogyousei.gr.jp/ainu/kousaihanketu.doc</p> <p>Act on Protection of Cultural Properties: http://law.e-gov.go.jp/htlmldata/S25/S25HO214.html</p>	<p>promoting the measures for the Ainu culture and dissemination and enlightenment of knowledge of the people about Ainu tradition, etc.” The content of this act is limited to promotion of Ainu Culture and does not cover the contents of the UN declaration, including provision about tenure and right to self-determination of indigenous peoples. However, from the cultural standpoint, the wood use for Ainu’s traditional sacred land and festivals is considered to be covered by this act. Based on this act, state forests and public forests of local governments are providing forest resources upon request from Ainu people. Areas with special importance for Ainu people are designated as “Pirikanoka” (Meaning beautiful shape) which is a national scenic beauty and protected under the framework of Act on Protection of Cultural Properties. The government of Hokkaido, where the Ainu people live, is managing a database of repository and ruins of Ainu people to call for protection.</p> <p>Regarding a court case related to the rights of Ainu Peoples, there was a case called “Nibutani Dam Trial” which was about Ainu Peoples claiming unacceptable development and destruction of Ainu Peoples’ sacred land. At the time of the trial, Ainu Peoples was not recognized officially as indigenous people by Japanese government, however, the decision of Sapporo High Court supported the claims of Ainu Peoples. The court cases involving Ainu peoples after the establishment of the Act on the Promotion of Ainu Culture include the cases in relation to common properties and returning of remains of Ainu peoples collected for research purpose.</p> <p>While neither of them involves infringement of rights by forestry, but the forest land in Hokkaido utilized for forestry were originally the land that Ainu peoples historically used for livelihood. The lands were once all nationalized and later some of them have been sold off to the private sector. Such change of ownership was done without the consent of the indigenous Ainu Peoples. As represented by the aforementioned Nibutani Dam Tribunal, it cannot be said that the problem has been solved.</p> <p>Following risk control measures should be taken in Hokkaido:</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>FPIC from indigenous peoples is obtained. When it is difficult for some reasons*1, it is confirmed by the local indigenous peoples and their groups*2 that the wood is not harvested in violation of their rights.</p> <p>* 1 In cases where the indigenous peoples cannot be identified.</p> <p>* 2 When indigenous peoples cannot be identified, inquire the Ainu Association of Hokkaido.</p>
Trade and transport			
1.16 Classification of species, quantities, qualities	<p>Applicable laws and regulations</p> <p>Commercial Code (Established on March 9, 1899. Last amended on May 30, 2014), Article 526.</p> <p>Act on Standardization and Proper Labeling of Agricultural and Forest Products (Established on May 11, 1950. Last amended on December 13, 2012)</p> <p>Legal Authority</p> <p>Commercial code is managed by Ministry of Internal Affairs and Communications</p> <p>Act on Standardization and Proper Labeling of Agricultural and Forest Products is managed by Ministry of Agriculture, Forestry and Fisheries</p> <p>Legally required documents or records</p> <p>Sales contract, financial statements.</p>	<p>Commercial Code http://law.e-gov.go.jp/htmldata/M32/M32HO048.html</p> <p>Act on Standardization and Proper Labeling of Agricultural and Forest Products http://law.e-gov.go.jp/htmldata/S25/S25HO175.html</p> <p>http://www.rinya.maff.go.jp/j/kikaku/hakusyo/23hakusyo_h/all/a55.html</p>	<p>Low risk</p> <p>The Commercial Code provides for sales and trading business practices in general (Article 1 Section 1). Also transaction of products such as logs from forestry is covered by the Commercial Code. The Code provides for control of fraud in commercial trade. The primary producers including the Forestry Cooperatives submit a felling notice based on the forest management plan and make plot survey before felling. Harvested volume is verified by the prefectural government after harvest prior to payment of subsidy provision to the forest owner. Internal audits of organizations, external audits by the authority and the National Tax Agency altogether has been functioning well to control illegal transaction with severe penalty for fraud. All companies are subjected to the audit by national tax agency or tax offices. National tax agency audits large companies and tax offices audit smaller companies. Through samples of transaction documents including information on classification and species are controlled to see if there is any fraud. This is checked against the tax. I.e. income tax, VAT, accession tax etc. On average large companies are audited every 3 to 4 years. Small companies are audited every 10 years on average.</p> <p>It has been common practice to use the log market when selling logs. Information such as harvested forest, species, volume, size, quantity, grade and so on are recorded so that the log market can be considered to provide monitoring on harvesting operations.</p> <p>Recently, there are more and more log producers which do not use the log market but directly sell to sawmills in order to reduce cost or promote its local branding. In these cases, log producers and sawmills are directly trading so that the traceability is higher than when log market is used.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Japanese Agricultural Standard (JAS) certificate		<p>As Japanese forestry was developing in the 1980s fraud was commonly found at the log market leading to more rigorous monitoring by regional taxation bureau. Hence the forestry became one of the industries difficult to make fraud.</p> <p>As a voluntary system to enhance the accuracy of information regarding species, quantity and quality, there is a standard prescribed by the Act on Standardization and Proper Labeling of Agricultural and Forest Products is generally called the JAS standard and it aims to improve product identification as well as value of products by labeling species, size and grading on wood products (Article 2). It provides the standard of quality (including forms, size, weight or conditions of packaging) of logs and wood product as well as standards of labeling (including names and origin) of quality. Therefore, organizations holding JAS certification needs to be audited regularly by an accredited organization. This system functions as an additional control system to avoid fraud in wood or wood products (Article 23-2). A report by Forestry Agency from 2011, shows that the percentage of JAS certified sawmills are about 10% and JAS certified plywood factories are about 80%. A slight increase in 10 years but there is still a challenge for expanding JAS certification among sawmills.</p> <p>The corruption level in Japan is considered low, with Japan having a CPI of 75 (higher than the threshold of 50). There are no indications or evidence that infringements are occurring frequently. Generally in Japan, this indicator is considered low.</p>
1.17 Trade and transport	<p>Applicable laws and regulations</p> <p>Customs Act (Established on April 2, 1954. Last amended on March 31, 2014), Article 1, 29, 30 and 67-2.</p> <p>Motor Truck Transportation Business Act (Established on December 19, 1989. Last amended on June 13, 2014), Article 3 and 4.</p>	<p>Customs Act http://law.e-gov.go.jp/htmldata/S29/S29HO061.html</p> <p>Motor Truck Transportation Business Act http://www.houko.com/00/01/H01/083.HTM</p>	<p>Low risk</p> <p>Import/export: The Customs Act defines the necessary matters to ensure proper processing of the customs procedures about tariff setting, payment, collection, refund as well as export and import of goods and refund. Cargo exporters or importers shall declare the necessary information such as product name, quantity and price of the applicable products to the Customs director in the bonded area in pursuant to the provisions of a Cabinet Order. Outline for Quarantine of Imported Wood provides for quarantine of plants and</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Motor Truck Transportation Business Safety Regulation (Established on July 30, 1990. Last amended on January 22, 2014), Article 3, 4, and 5.</p> <p>Consigned Freight Forwarding Business Act (Established on June 1, 1949. Last amended on September 12, 2012), Article 30, 31 and 32.</p> <p>Outline for Quarantine of Imported Wood (Established on November 22, 1951. Last amended on May 11, 2001), Article 1 and 2.</p> <p>Road Transportation Act (Act No. 183 of 1951)</p> <p>Legal Authority</p> <p>Ministry of Finance Ministry of Land, Infrastructure, Transport and Tourism</p> <p>Legally required documents or records</p> <p>Bill of entry Customs declaration Quarantine certificate Cargo transportation plan</p>	<p>Motor Truck Transportation Business Safety Regulation http://hourei.hounavi.jp/hourei/H02/H02F03901000022.php</p> <p>Consigned Freight Forwarding Business Act http://law.e-gov.go.jp/htmldata/S24/S24HO187.html</p> <p>Outline for Quarantine of Imported Wood www.pps.go.jp/law_active/Notification/basis/8/55/html/55.html</p> <p>Road Transportation Act: http://law.e-gov.go.jp/htmldata/S26/S26HO183.html</p>	<p>microorganisms that are brought together with imported wood and it monitors the introduction of invasive organisms from abroad. Based on these laws, proper trade of wood and wood products has been promoted and legal compliance of wood transport and safety has been enforced. The monitoring system for international trade is being strengthened to control illegal trade.</p> <p>Japan: Internally in Japan only delivery slip is following the timber from the forest operation.</p>
1.18 Offshore trading and transfer pricing	<p>Applicable laws and regulations</p> <p>Customs Act (Established on April 2, 1954. Last amended on March 31, 2014), Article 1, 29, 30, 67 and 108.</p>	<p>Customs Act http://law.e-gov.go.jp/htmldata/S29/S29HO061.html</p> <p>Foreign Exchange and Foreign</p>	<p>Low risk</p> <p>The international tax standard, developed by OECD and supported by the UN and the G20, provides for full exchange of information on request in all tax matters without regard to a domestic tax interest requirement or bank secrecy</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Foreign Exchange and Foreign Trade Act (Established on December 1, 1949. Last amended on June 24, 2009), Article 1, 5, 17 and 18.</p> <p><i>Japan enacted formal transfer pricing legislation in April 1986 with the Act on Special Measures Concerning Taxation (ASMT) Article 66-4, and since 2005, Article 68-88 for consolidated companies (collectively, Articles 66-4 and 68-88 of the ASMT). In support of Articles 66-4 and 68-88 of the ASMT, related cabinet and ministerial orders were issued through the Order for Enforcement of the Act on Special Measures Concerning Taxation Article 39-12 (since 2005 Article 39-112 for consolidated companies; collectively Articles 39-12 and 39-112 of the Cabinet Order of the ASMT) and the Ordinance for Enforcement of the Act on Special Measures Concerning Taxation Article 22-10 (Article 22-10 of the ASMT Ministerial Order).</i></p> <p><i>The National Tax Agency's (NTA) interpretation and guidance for the application of the transfer pricing rules are set out in the related ASMT Basic Circulars, dated 8 September 2000 (the 8 September 2000 Circular), 1 June 2001 (the 1 June 2001 Circular), and 25 June 2001 (the 25 June 2001 Circular).</i></p>	<p>Trade Act http://law.e-gov.go.jp/htmldata/S24/S24HO228.html</p> <p>5-year Summary of violation of the Foreign Exchange Act in export and import http://www.sigma-support.com/category/1278178.html#TOPICS1</p> <p>Original news of violation of the Foreign Exchange Act in export and import http://www.meti.go.jp/press/index.html</p> <p>http://www.eoi-tax.org/jurisdictions/JP#agreements</p> <p>PricewaterhouseCoopers LLP 2012: http://download.pwc.com/ie/pubs/2012_international_transfer_pricing.pdf</p> <p>http://www.eoi-tax.org/jurisdictions/JP#agreements</p>	<p>for tax purposes. Currently all 30 OECD member countries, including Japan have endorsed and agreed to implement the international tax standard. Furthermore, all offshore financial centres accept the standard. Japan has been actively part of developing the OECD Guidelines for multinational enterprises and the revision hereof. In practice the OECD Guidelines are interpreted and implemented within the framework of Japan's own transfer pricing legislation. Foreign Exchange and Foreign Trade Act provides for international trade and transfer pricing.</p> <p>Companies operating in Japan are required to complete and return an annual corporation tax return. As part of this details of the taxpayer's foreign affiliated parties and any transactions with those parties, including disclosure of the transfer pricing methodology adopted for each transaction. A review of this form, in conjunction with the company's financial statements and a review of the company's results, may lead the tax authorities to select a company for audit.</p> <p>Japan has signed 8 Tax Information Exchange Agreements (TIEAs) with jurisdictions of offshore financial centres and are signatories to 1 multilateral mechanism, Convention on Mutual Administrative Assistance in Tax Matters (http://www.eoi-tax.org/jurisdictions/JP#agreements).</p> <p>Japan is considered to be progressive on the practice of transfer pricing, and the Japanese tax authorities have excessive experience and focus on the policing transfer pricing regime. Several significant tax assessments based on transfer pricing adjustments have gotten public attention. (PricewaterhouseCoopers LLP 2012).</p> <p>According to Transparency International, Japan ranks 18th out of 168 countries in Corruption Perceptions Index with a score of 75 in 2015 and 4th out of 28 countries in Bribe Payers Index with a score of 8.6 in 2011, demonstrating political cleanness. The control of the Japanese authorities is considered well implemented.</p> <p>No indications of any significant violations are present regarding offshore</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legal Authority Ministry of Finance Legally required documents or records Bill of entry Customs declaration Remittance detail		trading and transfer pricing in Japan and this the indicator is considered low.
1.19 Custom regulations	Applicable laws and regulations Customs Act (Established on April 2, 1954. Last amended on March 31, 2014), Article 1, 29, 30, 67 and 108. Legal Authority Ministry of Finance Legally required documents or records Bill of entry Customs declaration	Customs Act http://law.e-gov.go.jp/htmldata/S29/S29HO061.html	Low risk The Customs Act defines the necessary matters to ensure proper processing of the customs procedures about tariff setting, payment, collection, refund as well as export and import of goods and refund. Cargo exporters shall declare the necessary information such as product name, quantity and price of the applicable products to the Customs director in the bonded area in pursuant to the provisions of a Cabinet Order. A permit must be obtained for cargo to be exported through necessary inspection. After such processes the permit of export can be issued. Export of wood and wood products is also subject to the inspection in the bonded area in a public harbor. If there is a self-owned wharf, it is possible to establish a bonded facilities there. There are mirror requirements for the import of timber and timber products to Japan. With regard to customs inspections, there has been increasing cases leading to serious incident such as illegal drugs and infectious diseases. As such, the rigor of inspection has been increasing and false declaration is not passed easily.
1.20 CITES	Applicable laws and regulations Convention on International Trade in Endangered Species of Wild Fauna and Flora About Export Permission of Endangered Species of Wild Fauna and Flora (Japan has signed on November 4, 1980)	CITES http://www.meti.go.jp/policy/external_economy/trade_control/boekikanri/cites/	Low risk No woody species, both conifer and hardwood species, produced in Japan are listed in the CITES lists and the risk is therefore considered low.

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	Legal Authority Ministry of Economy, Trade and Industry Legally required documents or records Export permit		
Diligence/due care procedures			
1.21 Legislation requiring due diligence/due care procedures	Applicable laws and regulations N/A. "Act on promotion of trading and use of legally harvested wood (provisional translation)" was published on May 20, 2016. However, this act only recommends companies to carry out due diligence (DD is not mandated). Enforcement of the act starts after a year from the publication date. So at the time of this NRA development, the act has not been enforced yet. Legal Authority N/A Legally required documents or records N/A	N/A	N/A

Control measures

Indicator	Control measures (M – mandatory / R – recommended)
1.1 Land tenure and management rights	N/A
1.2 Concession licenses	N/A
1.3 Management and harvesting planning	N/A
1.4 Harvesting permits	N/A
1.5 Payment of royalties and harvesting fees	N/A
1.6 Value added taxes and other sales taxes	N/A
1.7 Income and profit taxes	N/A
1.8 Timber harvesting regulations	N/A
1.9 Protected sites and species	N/A
1.10 Environmental requirements	N/A
1.11 Health and safety	N/A
1.12 Legal employment	N/A
1.13 Customary rights	N/A
1.14 Free prior and informed consent	N/A
1.15 Indigenous peoples rights	<p>Mandatory control measures in Hokkaido: FPIC from indigenous peoples is obtained. When it is difficult for some reasons*1, it is confirmed by the local indigenous peoples and their groups*2 that the wood is not harvested in violation of their rights.</p> <p>* 1 In cases where the indigenous peoples cannot be identified. * 2 When indigenous peoples cannot be identified, inquire the Ainu Association of Hokkaido.</p>
1.16 Classification of species, quantities, qualities	N/A
1.17 Trade and transport	N/A
1.18 Offshore trading and transfer pricing	N/A
1.19 Custom regulations	N/A
1.20 CITES	N/A
1.21 Legislation requiring due diligence/due care procedures	N/A

Controlled wood category 2: Wood harvested in violation of traditional and human rights

Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	<p>Risk determination: Low risk</p> <p>Justification: All 'low risk thresholds' (1, 2, 3, 4 and 5) are met. None of the 'specified risk thresholds' are met.</p>
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	<p>Risk determination: Low risk</p> <p>Justification: The 'low risk thresholds' No. 11 and 12 are met. None of the 'specified risk thresholds' are met.</p>
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Hokkaido	<p>Risk determination: Specified risk</p> <p>Justification: The specified risk thresholds No. 23, 24 and 26 apply.</p>
		Other areas	<p>Risk determination: Low risk</p> <p>Justification: The 'low risk thresholds' No. 16 and 19 are met. None of the 'specified risk threshold' are met.</p>

Recommended control measures

Indicator	Recommended control measures
2.1	N/A
2.2	N/A
2.3	<p>Recommended control measures: FPIC from indigenous peoples is obtained. When it is difficult for some reasons*1, it is confirmed by the local indigenous peoples and their groups*2 that the wood is not harvested in violation of their rights.</p> <p>* 1 In cases where the indigenous peoples cannot be identified. * 2 When indigenous peoples cannot be identified, inquire the Ainu Association of Hokkaido.</p>

Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication ²
Context (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc. 			
World Bank: Worldwide Governance Indicators - the WGI report aggregate and individual governance indicators for 215 countries (most recently for 1996–2012), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home	http://info.worldbank.org/governance/wgi/index.aspx#reports (click on table view tab and select Country) In 2015 (latest available year) Japan scores between 79.31 (for Voice and Accountability) and 95.67 (for Government Effectiveness) on the percentile rank among all countries for all six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	Country	
World Bank Harmonized List of Fragile Situations: http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/harmonized-list-of-fragile-situations	http://pubdocs.worldbank.org/en/154851467143896227/FY17HLFS-Final-6272016.pdf Japan ranks 185 th among 198 countries on country fragility in 2016 report (meaning that the country is stable).	Country	
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's	https://www.cpj.org/reports/2016/10/impunity-index-getting-away-with-murder-killed-justice.php Japan does not feature in this list for 2016.	Country	

² A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

population. For this index, CPJ examined journalist murders that occurred between January 1, 2006, and August 31, 2016, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index. https://www.cpj.org/reports/2016/10/impunity-index-getting-away-with-murder-killed-justice.php			
Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring http://www4.carleton.ca/cifp/ffs.htm	http://www4.carleton.ca/cifp/app/serve.php/1530.pdf Japan scores low on State fragility map 2016.	Country	
Human Rights Watch: http://www.hrw.org	https://www.hrw.org/publications?keyword=&date%5Bvalue%5D%5Byear%5D=2016&country%5B%5D=9552 The only report about Japan in the 2016 report is about the bullying against sexual minority at schools.	Country	
US AID: www.usaid.gov Search on website for [country] + 'human rights' 'conflicts' 'conflict timber' For Africa and Asia also use: http://pdf.usaid.gov/pdf_docs/pnact462.pdf	No information found that indicates specified risk after searching Japan + 'human rights' 'conflicts' 'timber conflicts'.	Country	
Global Witness: www.globalwitness.org Search on website for [country] + 'human rights' 'conflicts' 'conflict timber'	http://www.globalwitness.org/japanmalaysia "A new report by Global Witness titled "An Industry Unchecked: Japan's extensive business with companies involved in illegal and destructive logging in the last rainforests of Malaysia" [September 2013 – LV] examines the extensive timber trade between Japan and Sarawak, the widespread corruption, illegal logging, and human rights violations in Sarawak's forestry sector, and weaknesses in Japan's approach to preventing the import of illegal timber from Sarawak. Japan has been the largest buyer of timber products from Sarawak, Malaysia, for more than twenty years. This trade is dominated by some of the largest trading companies in Japan. This report presents two case studies based on Global Witness research and investigation showing how Japanese companies are purchasing timber products linked to widespread illegal and unsustainable logging by two of Sarawak's largest logging companies. Global Witness' analysis concludes that Japan's current approach to preventing the import of illegal timber, the so-called Goho-wood system, is inadequate to ensure that its timber imports from Sarawak are legal and sustainable." https://www.globalwitness.org/olympics/ "Two Worlds Collide: How construction in Japan is driving destruction in Malaysia's last rainforests"	Country	

	<p>Anticipating the 202 Tokyo Olympics, the article reports that the Japanese construction industry are using large amount of illegal wood from Sarawak, Malaysia.</p> <p>https://www.globalwitness.org/en/reports/wilful-ignorance/ “Wilful Ignorance: How Japan’s voluntary approach is failing to stop the trade in illegal timber” April 2016 –Anticipating G7 summit held in Japan, The report criticizes that Japan continues to import illegal wood from Sarawak, Malaysia on contrary to the global tide.</p>		
http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/	Japan not mentioned in article	Country	
Transparency International Corruption Perceptions Index http://www.transparency.org/	https://www.transparency.org/news/feature/corruption_perceptions_index_2016 Japan scores 72 points on the Corruption Perceptions Index 2016 on a scale from 0 (highly corrupt) to 100 (very clean). Japan ranks 20 out of 176 with rank nr. 1 being the cleanest country.	Country	
Chattam House Illegal Logging Portal http://www.illegal-logging.info	http://www.illegal-logging.info/regions/japan “• Japan is one of the world’s largest importers of tropical timber, sourcing this timber largely from neighbouring countries in Asia. It also imports a significant volume of illegal timber, although this is estimated to have fallen since the turn of the century. • The government has been engaged on the issue of illegal logging and related trade, but its approach has been focused on voluntary measures rather than establishing legally binding requirements. It has been actively promoting the country’s legality verification system, known as the goho-wood system. (...) but because the system is voluntary and has design weaknesses, its ability to exclude illegal products from Japan’s market is limited (Chatham House, 2014).”	Country	
Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights	https://www.amnesty.org/en/countries/asia-and-the-pacific/japan/report-japan/ https://www.amnesty.org/en/countries/asia-and-the-pacific/japan/report-japan/ “Freedom of expression The Act on the Protection of Specially Designated Secrets, which came into effect in December 2014, contained provisions that could violate the right to access information held by public authorities. Critics of the Act stressed that the government could withhold information without clear designation criteria, that parliamentary committees overseeing the designation of secrets were too weak, and that journalists risked imprisonment for soliciting and reporting information designated as secrets. At the end of the year the government had yet to set up an independent oversight mechanism that would include whistleblower provisions and could effectively prevent abuse of the Act.”	Country	
Freedom House http://www.freedomhouse.org/	https://freedomhouse.org/report/freedom-world/freedom-world-2016 The status of Japan on the Freedom in the World index 2016 is ‘free’. https://freedomhouse.org/report/freedom-net/freedom-net-2016	Country	

	The status of Japan on the Freedom of the Net 2016 is 'free'. https://freedomhouse.org/report/freedom-press/freedom-press-2016 The status of Japan on the Freedom on the Press 2016 is 'free'.		
Reporters without Borders: Press Freedom Index	https://rsf.org/en/ranking Japan ranks nr. 72 out of 180 with a score of 28.67 on the 2016 World Press Freedom Index. https://rsf.org/en/japan "Don't mess with "state secrets" The Japanese media, which are among the most powerful in the world, are free to cover what they want except "state secrets." This rather vague category is protected by a very harsh law that deters journalists from embarking on investigations. The Fukushima nuclear disaster, the imperial family's personal lives and the defence of Japan are all "state secrets.""	Country	
Fund for Peace - Failed States Index of Highest Alert - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Failed States Index is an annual ranking, first published in 2005, of 177 nations based on their levels of stability and capacity In 2014 the FFP changed the name of the Failed State Index to the Fragile State Index: http://fsi.fundforpeace.org/	http://fsi.fundforpeace.org/rankings-2016 Japan is ranked 157 out of 178 countries on the failed states index. (nr 1 being the most failed state). This ranks Japan in the category ' very stable '.	Country	
The Global Peace Index. Published by the Institute for Economics & Peace, This index is the world's leading measure of national peacefulness. It ranks 163 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights. Source: The Guardian: http://economicsandpeace.org/research/iep-indices-data/global-peace-index	http://static.visionofhumanity.org/sites/default/files/GPI%202016%20Report_2.pdf The state of Peace in Japan is labelled 'Very high' with Japan ranking number 9 out of 163 countries with a score of 1.395 (p. 5)	Country	
Human Rights Risk Index 2016 Q4 produced by Maplecroft. https://maplecroft.com/map-of-the-week/	Japan scores ' medium risk ' on the Human Rights Risk Index 2016 Q4.	Country	
Additional sources of information (These sources were partly found by Googling the terms '[country]', 'timber', 'conflict', 'illegal logging')	Evidence	Scale of risk assessment	Risk indication
No additional sources found			
From national CW RA: FSC-CW-RA-017-JP V1.0 (Info on illegal logging)	"Any harvesting of forest is regulated by the Forest Law. Forest Law applies throughout Japan. Forest owners and standing tree buyers must submit application of harvest including information about harvesting area,	Country	Low risk

	<p>harvesting method, harvesting species, harvesting tree ages and regeneration plans after the harvest 30 to 90 days prior to harvesting. The application is examined by municipality mayor to check if it complies with the Forest Law. When it complies with the Forest Law, harvest permit is given. In case of any suspect of harvest which is different from what it says in the application, the municipality investigates on the ground. If the harvest was found to be not following the application, municipality then instructs the forest owner or standing tree buyer to correct the operation.</p> <p>After harvest, legal certificate is needed to trade the harvested logs.</p> <p>Harvesting in special protection zone of natural park needs permission from state minister for the environment or prefectural mayor.</p> <p>Breach of the Forest Law rarely happens. According to the Prosecutorial statistics in 2010, there were 40 suspected cases. Number of applications of harvest submitted per year is estimated to be approximately 20,000. Therefore only about 0.2% were suspected to be breaching the Forest Law and so the risk of breach is very low."</p>		
Conclusion on country context: Japan scores good or very good on all indicators reviewed in this section on the country context, such as in relation to press freedom, peace, governance and absence of corruption. Some human rights issues are reported mainly in relation to criminal justice and justice for the survivors of Japan's military sexual slavery system. Japan is also reported as a significant importer of illegally harvested timber, although some regulations and policies are in place to combat illegal logging.			
Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.			
Guidance <ul style="list-style-type: none">Is the country covered by a UN security ban on exporting timber?Is the country covered by any other international ban on timber export?Are there individuals or entities involved in the forest sector that are facing UN sanctions?			
Compendium of United Nations Security Council Sanctions Lists http://www.un.org/sc/committees/list_compend.shtml	There is no UN Security Council ban on timber exports from Japan.	Country	Low risk
US AID: www.usaid.gov	Japan is not covered by any other international ban on timber export.		
Global Witness: www.globalwitness.org	There are no individuals or entities involved in the forest sector in Japan that are facing UN sanctions.		
From national CW RA	Japan is not included in UN Security Council Ban on timber.	Country	Low risk
Guidance <ul style="list-style-type: none">Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions?Is the conflict timber related to specific entities? If so, which entities or types of entities?			
www.usaid.gov	No information on conflict timber related to Japan found.	Country	Low risk

http://pdf.usaid.gov/pdf_docs/pnact462.pdf Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3			
www.globalwitness.org/campaigns/environment/forests	https://www.globalwitness.org/olympics/ “Two Worlds Collide: How construction in Japan is driving destruction in Malaysia’s last rainforests” Anticipating the 202 Tokyo Olympics, the article reports that the Japanese construction industry are using large amount of illegal wood from Sarawak, Malaysia. No information on conflict timber originating from Japan found.	Country	Low risk
Human Rights Watch: http://www.hrw.org/	No information on conflict timber related to Japan found.	Country	Low risk
World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf http://www.wri.org/our-work/project/governance-forests-initiative Now: PROFOR http://www.profor.info/node/1998	http://www.wri.org/our-work/project/governance-forests-initiative This tool has not yet been applied to Japan.	Country	Low risk
Global Forest Watch	http://www.globalforestwatch.org/country/JPN No information on conflict timber in Japan found.	Country	Low risk
Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights https://www.amnesty.org/en/countries/asia-and-the-pacific/japan/report-japan/	No information on conflict timber related to Japan found.	Country	Low risk
World Bank: Worldwide Governance Indicators - the WGI report aggregate and individual governance indicators for 213 economies, for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home	http://info.worldbank.org/governance/wgi/index.aspx#reports In 2015 (latest available year) Japan scores on the indicator political stability and absence of violence 82.38 on the percentile rank among all countries (ranges from 0 (lowest) to 100 (highest rank) with higher values corresponding to better outcomes.	Country	Low risk

Use indicator 'Political stability and Absence of violence' specific for indicator 2.1			
Greenpeace: www.greenpeace.org Search for 'conflict timber [country]'	No information on conflict timber in Japan found.	Country	Low risk
CIFOR: http://www.cifor.org/ ; http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm	http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm “Forests and conflict Illegal forestry activities and poor governance in tropical forested regions are two factors which can encourage violent conflict. Widespread violence in turn makes forestry and conservation policies in forested areas less effective. The scope of the problem There are currently violent conflicts in forested regions in Colombia, Côte D'Ivoire, Democratic Republic of the Congo, India, Indonesia, Liberia, Mexico, Myanmar, Nepal, Philippines, Sierra Leone, Solomon Islands, Sudan, and Uganda. In the past twenty years there have also been violent conflicts in the forested regions of Angola, Burundi, Cambodia, Central African Republic, Guatemala, Mozambique, Nicaragua, Peru, Republic of Congo, Rwanda, and Surinam. Together these countries account for about 40 percent of the world's tropical forest and over half of all tropical forest outside Brazil. Timber incomes have financed violent conflict in Cambodia, Democratic Republic of Congo, Indonesia, Liberia, Myanmar, Sierre Leone, and other countries. While Illicit drugs are widespread in the forested regions of Bolivia, Colombia, Laos, Myanmar, and Peru.” Japan not mentioned	Country	Low risk
Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'	http://www.illegal-logging.info/regions/japan “ Japan is a heavily forested country, with nearly 70% of its land covered by forests. Primary forests account for about 20% of the total forest cover, naturally regenerated forest areas for 40%, and plantations for the remaining 40%. Between 1990 and 2015, Japan experienced little change in forest cover (FAO, 2015). https://indicators.chathamhouse.org/explore-the-data/japan “Japan’s imports of timber-sector products at high risk of illegality are estimated to have declined in recent years. However, levels of high-risk	Country	Low risk

	<p>imports remain significantly above those of the other consumer countries reviewed, and are currently estimated to comprise 15 per cent of the total. This is considered to be due in part to the government's limited response to the problem of illegal logging and related trade. Its approach to date has focused on 'soft', voluntary measures rather than establishing legally binding requirements.</p> <p>The government has been actively promoting the country's legality verification system, known as the goho-wood system, and this is helping to raise awareness of the issue of illegal logging in Japan. However, the system is not only voluntary but has serious design weaknesses which limit its ability to eliminate illegal products from Japan's market."</p> <p>http://www.illegal-logging.info/content/japan%E2%80%99s-links-rainforest-destruction-malaysia-risks-sustainable-2020-tokyo-olympics "As Japan prepares to break ground for the new Olympic Stadium in Tokyo, evidence gathered by Global Witness shows that timber linked to rainforest destruction, illegal logging, and human rights abuses can be found on construction sites across Tokyo. The findings call into question Japan's ability to make good on its commitment to host a sustainable 2020 Olympic Games.</p> <p>Japan is the world's second largest direct importer of tropical wood, largely in the form of plywood. Nearly half of Japan's imported plywood is sourced from Sarawak, Malaysia, where intensive logging is destroying some of the last tropical rainforests and threatening the livelihoods of tens of thousands of indigenous peoples who claim the forest as their own and depend on it for their livelihoods.</p> <p>This briefing explains the risks in Japan's timber supply chain and why Japan must urgently adopt new and effective measures to ensure the timber used for construction projects, including new Olympic venues, is legal, sustainable, and free of human rights abuses."</p> <p>http://www.geneva-academy.ch/RULAC/current_conflict.php?id_state=116 Japan is not currently engaged in an armed conflict.</p>		
From national CW RA FSC-CW-RA-017-JP V1.0	"Japan is not designated as supply region of conflict timber by USAID. In Japan, there is no civil conflict or military conflict therefore there is no evidence that domestic wood is supplying money to parties involved in those conflicts."	Country	Low risk
Conclusion on indicator 2.1: Although information was found on Japan's involvement in importing illegally harvested timber, no information on conflict timber in Japan was found. The following low risk thresholds apply:		Country	Low risk

(1) The area under assessment is not a source of conflict timber ³ ; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND (5) Other available evidence does not challenge 'low risk' designation.			
Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work. Guidance <ul style="list-style-type: none"> • Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1) • Are rights like freedom of association and collective bargaining upheld? • Is there evidence confirming absence of compulsory and/or forced labour? • Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender? • Is there evidence confirming absence of child labour? • Is the country signatory to the relevant ILO Conventions? • Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above? • Are any violations of labour rights limited to specific sectors? 			
general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO:: or use: ILO Core Conventions Database: http://www.ilo.org/ilolex/english/docs/declworld.htm C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C100 Equal Remuneration Convention, 1951 C105 Abolition of Forced Labour Convention, 1957 C111 Discrimination (Employment and Occupation) Convention, 1958 C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999 Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.	http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102729 Japan has ratified six of the eight ILO Core Conventions. Japan did not ratify: C105 Abolition of Forced Labour Convention, 1957 and C111 Discrimination (Employment and Occupation) Convention, 1958	Country	Specified risk for forced labour and discrimination
ILO Declaration on Fundamental Principles and Rights at Work. Country reports.	http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_178415.pdf		

³ "Conflict timber" limited to include "timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal (see FSC-PRO-60-002a).

<p>http://www.ilo.org/declaration/lang--en/index.htm Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'</p>	<p><i>Equality and non-discrimination at work in East and South-East Asia – Guide (2011)</i></p> <p>“Evidence of the gender wage gap in Asia According to an OECD study published in 2010 the gender wage gap in the Republic of Korea was almost 40 per cent and in Japan over 30 per cent – both much higher than the average 17.6 per cent across OECD membership.” (p. 19)</p> <p>“Available data also point to continuing vertical segregation in Asian labour markets. In China, including Hong Kong, Japan, the Republic of Korea, Malaysia, Singapore, Thailand and Viet Nam women represent less than 30 per cent of legislators, senior officials and managers. [...] In Japan and Republic of Korea, the figure is particularly low (under 10 per cent).” (p. 25)</p> <p>“Discrimination against women remains pervasive throughout the labour markets in Asia as they continue to be concentrated in the most vulnerable categories of atypical and informal employment. For example, in Japan and the Republic of Korea women continue to be overrepresented in part-time and nonregular employment, earning much lower wages than full-time and regular workers, most of whom are men.” (p. 26)</p> <p>“Box 14. Discrimination the basis of social origin – Asia Burakumin, Japan: The situation of the Burakumin, a Japanese social minority group, ethnically and linguistically indistinguishable from other Japanese people, represents an example of discrimination on the basis of socio-occupational category. The Burakumin face discrimination in Japan because of an association with work once considered impure, such as butchering animals or tanning leather. In particular, they often have trouble finding marriage partners or employment.” (p. 29)</p> <p>“The UN Committee on Economic, Social and Cultural Rights (CESCR) has noted that persons with disabilities continue to face discrimination in employment, among others, in Cambodia, China and Japan. The underlying reason leading to difficulties in finding skilled employment is the deep-rooted inaccurate stereotype that persons with disabilities cannot be productive members of the society.” (p. 38)</p> <p>http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_154779.pdf <i>Equality at work: The continuing challenge (2011)</i></p> <p>“In Japan, for example, the number of dismissed workers with disabilities increased on a quarter-to-quarter basis for five consecutive months from November 2008 to March 2009.” (p. 8)</p>	<p>Country</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for gender discrimination</p> <p>Specified risk discrimination of Burakumin</p> <p>Specified risk discrimination of persons with disabilities</p> <p>Specified risk discrimination of persons with disabilities</p>
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	<p>http://www.ilo.org/gb/GBSessions/GB325/ins/WCMS_420196/lang--en/index.htm</p> <p>“(p.xxii) While women make up less than 40 per cent of total wage employment, they represent 57 per cent of part-time employees. Many women work part time as it allows them to combine paid work with domestic and care responsibilities. In countries such as Argentina, Germany, India, Japan, the Netherlands, Niger and Switzerland, there is more than a 25 percentage point difference in women’s participation as part time employees when compared to men.</p> <p>(p.66) In Japan, recourse to temporary employment and other forms of NSE began even earlier than in other Asian countries, as firms sought to offset rising personnel costs for senior employees, following the collapse of the asset bubble in the 1980s. ... By 2015, 37 percent of employees were “non-regular”, 56 with women being disproportionately represented in this employment form.</p> <p>(p.143) Part-time employment is the most widespread type of NSE found among women. In 2014, over 60 per cent of women were in part-time jobs in the Netherlands and India; over 50 per cent in Zimbabwe and Mozambique; and over 40 per cent in a number of countries including Argentina, Australia, Austria, Belgium, Canada, Germany, Ireland, Italy, Japan, Mali, Malta, New Zealand, Niger, Switzerland and the United Kingdom.</p> <p>In nearly all countries of the world, women are also more likely to be found in part-time work than men. While women make up less than 40 per cent of total employment, their share of all those working part time is 57 per cent. Gender differences with respect to part-time work are over 30 percentage points in the Netherlands and Argentina. There is at least a 25 percentage points difference in Austria, Belgium, Germany, India, Italy, Japan, Niger, Pakistan and Switzerland</p> <p>(p.141) In the majority of countries, young women are more likely to be underemployed than young men, with particularly striking differences in Egypt, Madagascar and, to some extent, Japan and Paraguay.</p> <p>(p.284) Japan has a highly dualistic labour market with a large proportion of workers, particularly women, employed in non-standard jobs.</p> <p>(p.289) In Japan, the United Kingdom and the United States, the erosion of bargaining coverage has continued over a number of decades, in tandem with falls in trade union membership.</p>	Country	Specified risk for gender discrimination in labour market
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ILO Child Labour Country Dashboard: http://www.ilo.org/ipecc/Regionsandcountries/lang--en/index.htm	Japan does not feature in the Child Labour Country Dashboard. (As of November 20, 2016)	Country	Low risk
Global March Against Child Labour: http://www.globalmarch.org/	No specific information found on child labour in Japan (As of November 20, 2016)	Country	Low risk
Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx	http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJPN%2fCO%2f3&Lang=en <i>Committee on the Rights of the Child, Concluding observations: Japan 20 June 2010 (latest available report as of November 20, 2016)</i> No mentioning of child labour in Japan.	Country	Low risk
ILO Helpdesk for Business on International Labour Standards: http://www.ilo.org/empent/areas/business-helpdesk/lang--en/index.htm	http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3076050:NO <i>Observation (CEACR) - adopted 2012, published 102nd ILC session (2013) Equal Remuneration Convention, 1951 (No. 100) - Japan (Ratification: 1967)</i> “Assessment of the gender pay gap . The Committee notes the statistical information provided by the Government concerning the evolution between 2008 and 2010 of the disparity in hourly scheduled cash earnings between male and female workers , and concerning the same disparity by industry and by occupational group. The results of the Basic Survey on Wage Structure of 2011 show that, as of 2011, the average scheduled cash earnings (regular salary) of female “general workers” were 70.6 per cent of that of male workers (a pay gap of 29.4 per cent), and that considerable differences remain between industries and occupational groups (a pay gap of 45.5 per cent in the finance and insurance sector, and a pay gap of 36.3 per cent in the manufacturing sector).” “Part-time work. The Committee notes from the Labour Force Survey in 2010 of the Ministry of Internal Affairs and Communication that the rate of part-time workers (those who work less than 35 hours per week) among all the workers was 26.6 per cent. The rate of male part-time workers was 14.6 per cent among male workers, while it was 43 per cent for female workers. Female workers constituted 68.3 per cent of all the part-time workers. ” http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:P11110_COUNTRY_ID:P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3174112,102729,Japan,2014 <i>Observation (CEACR) - adopted 2014, published 104th ILC session (2015) Equal Remuneration Convention, 1951 (No. 100) - Japan (Ratification: 1967)</i> ...as of 1 April 2012, there was a total of 603,582 temporary and part-time officials in local governments, of whom 74.2 per cent were women and that job categories are highly segregated by gender.	Country	Specified risk gender discrimination in labour market
Committee on the Elimination of Discrimination against Women	http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fJPN%2fCO%2f7-8&Lang=en <i>Concluding observations of</i>		

<p>http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx (Use the link to 'Key documents' on the left hand side. Go to "observations' and search for country.) (Refer to CW Cat. 1) Or: Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations</p>	<p><i>the Committee on the Elimination of Discrimination against Women – Japan 10 March 2016</i> (latest available report) “(p.11) Employment 34. The Committee welcomes the adoption of the Act on the Promotion of Women's Participation and Advancement in the Workplace in 2015, which seeks to empower women in employment, including non-regular workers, ethnic and other minorities. However, the Committee remains concerned at: (a) The widening gender pay gap, which is partly attributable to the inadequate enforcement of the principle of equal pay for work of equal value; (b) Continued horizontal and vertical segregation in the labour market and the concentration of women in low-paid sectors of employment, which is partly attributable to the track-based system of employment; (c) The continued concentration of women in part-time work owing to family responsibilities, which affects their pension benefits and is partly responsible for post-retirement poverty as well as the persistent reports of maternity and child-birth related harassment; (d) The lack of an adequate prohibition and appropriate sanctions for sexual harassment as well as the fact that the State party has not ratified the core Discrimination (Employment and Occupation) Convention, 1958 (No. 111), of the International Labour Organization (ILO); (e) The persistence of multiple/intersectional forms of discrimination in the employment sector with regard to indigenous women, minority and other women (Buraku, Korean, Okinawa), women with disabilities and migrant women workers; (f) The lack of information on the status of women domestic workers in the State party.</p> <p>“Reconciliation of family and work life 47. While welcoming the State party's legislative and policy efforts, such as the Charter for Work-Life Balance, the Action Policy for Promoting Work-Life Balance and the Strategy to Support Children and Family, as well as other measures to improve the reconciliation of family and work life, the Committee is concerned that domestic and family responsibilities are still primarily borne by women, and that this is reflected in the extremely low rate of men who take parental leave and by the fact that women interrupt their careers or engage in part-time jobs to meet family responsibilities.” (p. 10)</p>	Country	Specified risk on discrimination of women in labour market.
Human Rights Watch: http://www.hrw.org/	No information found that indicates specified risk regarding labour rights in Japan. (As of November 21, 2016)	Country	Low risk
Child Labour Index 2014 produced by Maplecroft. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/	http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/	Country	Low risk

	Japan scores 'medium risk' on the Child Labour Index 2014. Update data of this index was not available. (November 2016)		
http://www.verite.org/Commodities/Timber (useful, specific on timber)	<p>"According to the U.S. Department of Labor (2010), timber is produced with forced labor in Peru, Brazil and Myanmar (Burma)."</p> <p>Japan not mentioned. (Checked on November 20, 2016. Updating of the information could not be confirmed as the date is not provided. The information provided remains the same.)</p>	Country	Low risk
<p>The ITUC Global Rights Index depicts the world's worst countries for workers by rating 139 countries on a scale from 1-5 based on the degree of respect for workers' rights. Workers' rights are absent in countries with the rating 5 and violations occur on an irregular basis in countries with the rating 1.</p> <p>http://survey.ituc-csi.org/ITUC-Global-Rights-Index.html?lang=en</p>	<p>https://www.ituc-csi.org/ituc-global-rights-index-2016 Japan is classified in the score 2 – Repeated violation of rights</p> <p>Countries with a rating 2 have slightly weaker collective labour rights than those with the rating 1. Score varies from 1 to 5 from least to most violation of rights. Certain rights have come under the repeated attack by governments and/or companies and have undermined the struggle for better working conditions.</p>	Country	Low risk
<p>Amnesty International</p> <p>https://www.amnesty.org/en/</p>	<p>https://www.amnesty.org/en/countries/asia-and-the-pacific/japan/report-japan/Annual-Report-Japan-2015/2016</p> <p>Migrant workers' rights</p> <p>The government maintained tight restrictions on immigration and announced plans to expand further the existing Technical Intern Training Program to bring in more foreign workers. The Program was subject to abuse by employers, resulting in forced labour, lack of effective oversight or protection for workers, and other human rights abuses. As of June, some 180,000 foreigners worked under the Program.</p>	Country	Specified risk on migrant worker's rights
<p>Google the terms '[country]' and one of following terms 'violation of labour rights', 'child labour', 'forced labour', 'slave labour', 'discrimination', 'gender gap labour', 'violation of labour union rights' 'violation of freedom of association and collective bargaining'</p>	<p>http://www.ituc-csi.org/japan-public-workers-rights-still,8548</p> <p>"The report finds that the right to organise, collective bargaining and strike are still not recognised for civil servants and employees in state-run enterprises. Organising and collective bargaining are further undermined due to the increase in the number of non-regular workers and fixed-term contract holders – according to the most recent survey, the number of non-regular workers has now increased to 34.5 per cent of Japanese employees.</p> <p>The report also finds a considerable gender wage gap. Women's average monthly wage in 2009 was 226,100 yen (2,005 euros), while men earned 333,700 yen (2,960 euros).</p> <p>Although forced labour is not a widespread problem, there are cases of debt bondage in Japan's foreign trainee programme that need to be urgently investigated. Such debts are run up under contracts between trainees and sending agencies in their home countries. In Japan the trainees have been subject to exploitation under extremely poor working conditions that can entail very low wages and long hours."</p>	Country	Specified risk on discrimination of women in labour market

	http://www.japantoday.com/category/national/view/gender-gap-still-exists-in-japan-in-pay-working-conditions-oecd-report [...]"Even for younger workers in Japan, the gender pay gap is 15%, and it increases to around 40% for those over 40. Japanese women have great difficulty to rise to the top and less than 5% of listed company board members in Japan are women , one of the lowest proportions among OECD countries, the report says. Difficulties with reconciling work and family commitments help explain the relatively poor female labor market outcomes in Japan. " https://news.vice.com/video/the-worst-internship-ever-japans-labor-pains [...] VICE News recently traveled to Japan to investigate the internship program. We found that many interns are underpaid, saddled with insurmountable debt, and forced into a form of indentured servitude. Many are illegally placed as oyster shuckers, construction workers, and other unskilled positions. And, despite international condemnation, Japan plans to use thousands of new foreign interns to build the infrastructure for the 2020 Olympics in Tokyo.	Country	Specified risk on migrant workers' rights
World Economic Forum: The Global Gender Gap Index The Global Gender Gap Index 2015 ranks 145 economies according to how well they are leveraging their female talent pool, based on economic, educational, health-based and political indicators.	http://www3.weforum.org/docs/GGGR16/WEF_Global_Gender_Gap_Report_2016.pdf Japan ranks 111 st among 144 countries with the score 0.660, where 0.00 means inequality and 1.00 means equality. Rank nr. 1 means most equality. On the indicator Economic Participation and Opportunity Japan ranks 118 among 144 countries with a score of 0.569. On the more specific indicator wage equality for similar work Japan ranks nr. 58 out of 144 countries with a score of 0.662 (p. 210) "Japan records a significant widening of the gender gap for professional and technical workers, adversely affecting its ranking despite further progress in reducing the gender gap in tertiary education enrolment and women's representation among legislators, senior officials and managers, and in improving wage equality for similar work."	Country	Specified risk on discrimination of women in labour market
Additional general sources	Additional specific sources		
Feedback from FSC Japan on discrimination of women in labour market	The social and economic status of the Japanese women are improving, but it is still low compared with many Western countries, as various statistics and reports from international organizations suggest. However, the data and information is limited when it comes to forestry. Globally, forestry is a male-dominated industry with intense physical labor and considerable danger. Thus it is not appropriate to conclude there is gender discrimination just by looking at the number of women working in the industry. It may be also due to occupational preferences of women. Statistics are not available to show how many women wish to work in the forestry industry.	Country	low risk for discrimination of women in forestry sector

	<p>In addition to the physical rigor required, the Japanese forestry also has economic problem. Forestry is a dangerous industry with the rate of labor related accident 13 times as much as other industries. On the other hand, the average income is lower 1.5 million yen (15,000 USD) than the mean income in all industries combined⁴. 80% of the forest cooperatives pay the wage daily, not as monthly salary. When the workers are paid by daily wage, female workers cannot earn for months at the time of pregnancy, childbirth and child-rearing. While laws provide that employers need to take necessary actions for pregnant and nursing mothers in terms of work time and content of work, it may be difficult in reality for small forestry contractors that undertake physical work, or for non-regular workers that are paid daily. There are also problems of work environment such as lack of proper toilet in the field. All things combined, it is not a work environment favorable to women.</p> <p>According to the 2014 Forestry White Paper published by the Forestry Agency, there were 48,728 women working in the forestry industry in 1965, comprising of 17% of total forestry labor (282,432 workers). However, forestry labor kept decreasing with time, and by 2005, the figure has shrunk to 48,618 workers, of which 7,015 were women (14%). The number of workers in forestry has increased to 68,563 in 2010, though the proportion of female worker kept decreasing to 13.2%. In the past, women often took light silvicultural work such as planting, raising seedlings, weeding. However, as the population declined in rural villages and large area of plantations that were established after the World War II gets mature, the demand for such light silvicultural work has declined. At the same time, as different types of works became available in the rural area, the job opportunity for women became no longer limited to agriculture and forestry. Either case, the reasons are not related to gender discrimination.</p> <p>Still, with the tide of gender equality, women are encouraged to advance to every aspects of the society, and more and more women enter the forestry industry. Many of such stories are available in forestry related journals and online articles in the internet. "The Society of Forestry Girls", a nation-wide network of women who are interested in forestry has been established, and its branches are active all over Japan. It is said that introduction of high performance forestry machineries has removed the barrier of gender from physical strength⁵⁶.</p>		
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⁴ Forestry Agency. "Forestry work at a glance"<http://www.rinya.maff.go.jp/j/routai/koyou/pdf/hitome.pdf>

⁵ "'Forestry Girls' change the forests?". Construction Knowledge Builders no.19 winter 2014. P. 114-115

⁶ "Mechanization and female operators". Mechanization Forestry. 1996. 516: 15-16

	<p>As the data and statistics on gender issues in forestry is limited, we needed to depend on interviews and direct consultations to investigate this issue. We have interviewed members of the Society of Forestry Girls, forestry journalists, and forestry professors who often provide recruitment support to students. In general, most of the times, people stated that they do not feel gender discrimination. In fact, discrimination rarely become apparent as specifying gender for recruitment is prohibited by the law. Still, there were some stories indicating that there still may be preference for women in the forestry labor market. We did not hear any information related to discrimination of treatment once employed.</p> <p>We did not hear any specific story suggesting gender discrimination in treatment. However, it is difficult to compare wages as the amount often depends on the form of employment and payment. In the case of field workers, most of them are paid daily, often by the volume system. As a result, it is possible that women get lower wage due to inferior physical strength. Yet by far the majority of women in the forestry industry take clerical positions, and their earning cannot be simply compared with that of men who more frequently engage in the field work. One study that compared earning of male and female workers in forest owners cooperatives in Kyushu concluded that there is still disparity of wage between men and women, though it was shrinking⁷.</p> <p>Regarding sexual harassment, we cannot deny its existence, but the interviewed women tended to consider sexual jokes as part of communication in the warm, easygoing atmosphere of the rural area. Most women replied that they did not know anyone who take it seriously. Some women told that their male colleagues are very mindful about their use of bathroom and shower, and with regards to their relative physical weakness.</p> <p>In investigating this issue, we could not find concrete evidence to support that there is no gender discrimination in Japanese forestry workplace. On the other hand, the number of female workers are still limited in most forest management enterprises, and there were some stories suggesting opportunities for women is rather limited compared with men at the time of recruitment. At the same time, however, the general opinion of women engaged in forestry were that they had not really felt discrimination at workplace. If the gender equality can be only proven by equal participation in any work in of the forestry industry, it is clearly not met. However, it cannot be concluded so easily, considering women's occupational preferences and suitability to work type. Prejudice against women are steadily disappearing, and it is premature to conclude that</p>		
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⁷ Shigeru Iida. 2005. Gender disparity in forestry wage. Journal of Kyushu University.86:121-132

	there is specified risk about gender equality simply by looking at the statistics of the entire labor market in Japan.”		
Additional information from FSC Japan on discrimination of Burakumin in labor market	<p>“It is written that the Burakumin (people of Buraku) face discrimination in Japan because of an association with work once considered impure, such as butchering animals or tanning leather. This is not exactly correct from historical perspective. There are various theories on origin of Burakumin, but they are descendants of people who belonged to the bottom class called “Eta” and “Hinin” in the rigid feudalistic social hierarchy during Edo era (1603-1868). The social hierarchical system was enforced throughout Edo Era, and people inherited the social class from one generation to the next, though it was possible that people in the higher class drop to the bottom due to crime committed. Because of their caste, Eta and Hinin were only given such jobs as processing of dead animals and tanning leather, which people considered impure and avoided. Even after this caste system was officially abolished with Meiji Restoration in late 19th century, the discrimination against the group remained, and many Burakumins earned their living by leather processing with the skills passed down from their ancestors.</p> <p>However, this issue has been weathering, and today many people are barely aware of the issue. Many Burakumins have moved to urban cities and live among people of various backgrounds. In cities, origin of people rarely becomes an issue. Burakumins do not look any different from other people, therefore once they move to other areas, it becomes almost impossible to tell their origin.</p> <p>During the consultation to people in the forestry to investigate the issue, there was a comment that the culture of discrimination is also fading away as it has become difficult to maintain even the existence of rural villages as depopulation continues in rural areas. For example, there was once a festival which only the people in the upper class from the old caste system could participate. But it was made open to everyone as the population of this village has fallen down as to make it difficult even to keep the tradition.</p> <p>Not many people in younger generation would be aware that this problem is still existent. While it may vary with schools, the opportunity to learn discrimination against Burakumin at school is limited. In particular, a few young people in urban cities would be aware of this issue as an ongoing issue even if they know history of the issue.</p>	Country	Low risk for discrimination of Burakumin in forestry sector

	<p>According to the results of the public opinion survey published by Tokyo Metropolitan Government Bureau of Citizens and Cultural Affairs in April 2014⁸, the most common answer to a question about discrimination against Burakumin was “I don’t know about the issue”, 19.2%. 18.4% of people answered that they have heard it from TV, radio, newspaper and books; 17.7% answered that they have learned it in schools; 15.4 % answered that they have heard about it from their parent. This result showed that discrimination is not necessarily passed down from parents to children.</p> <p>To the question “Do you think the rights of Burakumin are respected?” in the same survey, the most common answer was they do not know (41%), suggesting that not many people are familiar with the issue. 32.3 % answered that the rights are respected or respected to a certain degree. 26.2% answered that the rights are not respected or not very much respected. The survey also listed 20 different human right issues and asked about peoples’ interest on them. Among different human rights issues, Burakumin issue showed the third lowest interest, after Ainu issue and discrimination against Hansen's disease sufferers.</p> <p>It is said that Burakumin issue comes to the surface at the time of marriage. To the question “how they would react when their child wants to marry to a person from discriminated Buraku” in the survey. 46.5% answered that they would leave the decision to the child; it is not the business of parents, while only 4.3% said that they would not allow the marriage. To the question “What would you do if your parents are against your marriage to a person from discriminated Buraku?”, 56.5% answered that they would not listen to their parents and marry him/her, or they would try their best to persuade their parents and then realize the marriage; while 15.4% answered that they would give up the marriage or they would give up if their parents object. We cannot say that discrimination against Burakumin has disappeared completely, but the survey results clearly show that the majority of people do not care or object the discrimination. While it is not easy to compare the degree of discrimination occurring in other countries, we do not consider the issue is as serious as many discriminations due to origin or social class in many countries.</p> <p>According to the statistics of Legal Affairs Bureau⁹, amongst all human rights issues consulted in 2013, 386 were about Burakumin issue. This number is lower than those for discrimination against women, elders, people with disabilities and foreigners. The data show that there was almost no such case</p>		
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⁸ <http://www.metro.tokyo.jp/INET/CHOUSA/2014/04/DATA/60o48100.pdf>

⁹ <http://www.e-stat.go.jp/SG1/estat/Xlsdl.do?sinfid=000024991720>

	<p>in Hokkaido and Tohoku (Northeast) area whereas people still consult the authority regarding the issue in Kinki, Chugoku and Shikoku area.</p> <p>In terms of legislative measures, in 1969, Unity Measure Operations Special Act was established with active period of 10 years to implement projects to improve the infrastructure of discriminated Buraku area and to eliminate the discrimination. After numbers of extension and revision to the law, it was not renewed after expiration in 2002, with perceived disappearance of the discrimination. With the expiration of the law, the measures for Burakumin by the national government have officially ended.</p> <p>We have carried out consultation to various people from different background to find out how this issue relates to forestry. In short, the general reaction was that they have not even considered or heard of the issue in forestry, though the issue may remain in some parts of the society. Even a forestry journalist who had been in the forestry industry for 30 years did not know any case where Burakumin issue was brought up.</p> <p>Article 3 of the Labor Standards Act prohibits discrimination based on nationality, belief and social class. Our consultation confirmed high awareness among people involved in employment that they should not do anything which may lead to discrimination such as specifying gender at the time of recruitment or investigating the origin of applicants. Certification bodies also replied that they have never heard of anything related to Burakumin discrimination in the forestry industry. In general, people showed high awareness that there should not be any discrimination, not limited to the issue of Burakumin.</p> <p>Some people seemed to consider that Burakumin issue should not be even mentioned. Thus they would not reveal the place of discriminated Buraku even if they know, and they would not tell it to people from outside. With such tendency, it is possible that the knowledge about discriminated Buraku area is limited to older generation, and younger generation often do not know about it. However, as the issue is fading away, there are no objective data to support disappearance of the discrimination.</p> <p>Although it is not possible to say that the issue has disappeared completely in rural areas, we consider the risk is low throughout Japan."</p>		
Additional information from FSC Japan on discrimination of persons with disabilities in the labour market	<p>Definition of people with disability varies among countries, and their employment rate cannot be easily compared for this reason. According to the study of Kudo (2008)¹⁰, average percentage of people with disabilities in the</p>	Country	Low risk for discrimination against

¹⁰ 工藤正(2008) 障害者の雇用の現状と課題. 日本労働研究雑誌 No.578. p.1-13. 2008.09

	<p>whole working population (20-64 years old) among 20 member countries of OECD was 14%. When only 15 EU countries are considered, the occurrence rate was 16.4% among the population of working age (16-64 years old). Japan applies rather narrower definition for people with disabilities; the population of people with disabilities is about 3.6 million, comprising 4% of the total population at working age (18-64 years old), 80.27 million. As such, Kudo proposed that when comparing the data about people with disabilities of Japan with that of other countries, it is more reasonable to compare it with the data about people with severe disabilities.</p> <p>In 2006, employment rate of people with disabilities in Japan was 40.3%¹¹. This is similar to the average employment rate of people with disabilities among 19 member countries of OECD in late 1990s, 40.8%. On the other hand, in late 1990s, the average employment rate of people with severe disabilities among 14 member countries of OECD (that had available data) was 24.5%¹². This shows Japan had much higher employment rate of people with severe disabilities.</p> <p>As a legislative measure, the Japanese government enacted Act on Employment Promotion etc. of Persons with Disabilities in 1960. With this law, companies were mandated to employ people with disabilities at a certain rate. Currently the rate is 2.0%. When a company does not meet the rate, the company has to pay 50,000 yen (about 500 USD) per one person with disabilities in short as a penalty.</p> <p>However, the law specifies exclusion rate for industries that would be difficult to employ people with disabilities. The exclusion rate is applied to the calculation of required number of people with disabilities to be recruited to lighten the requirement. The exclusion rate for forestry was lowered from 45% to 35% in 2010¹³. With the regular rate of 2.0%, a company with 50 or more employees need to employ at least one person with disabilities. In the case of forestry, however, with the exclusion rate of 35%, companies with 77 or more employees will need to hire at least one person with disabilities.</p>		persons with disabilities in the forestry sector
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<http://www.jil.go.jp/institute/zassi/backnumber/2008/09/pdf/004-016.pdf>

¹¹ OECD (2003) Transforming Disability into Ability: Policies to Promote Work and Income Security for Disabled People

¹² OECD (2003) Transforming Disability into Ability: Policies to Promote Work and Income Security for Disabled People

¹³ Ministry of Health, Labor and Welfare. <http://www.mhlw.go.jp/bunya/koyou/shougaisha/04.html>

	<p>Now let's look at the typical size of organizations in the forestry industry in Japan. According to Census of Agriculture and Forestry 2015¹⁴, out of 87,284 forestry organizations in Japan, 78,080(89.55%) are family managed. Average size of such organizations are quite small; only 8,524 organizations, which constitute 9.8% of the all organizations in the industry employ workers. In 2015, the number of forestry workers in employment were 63,824, of which permanent workers were 32,726 and 31,108 were in part-time. This means that organizations that employ workers employ 7.49 works on average, while the average of workers per organization in the whole industry is 0.73.</p> <p>Forestry Cooperatives play the central role in Japanese forestry; they carry out more than 50% of all Japanese plantation, weeding and thinning work in terms of area size¹⁵. Yet the average number of permanent staff of a forestry cooperative paid by monthly salary is 11.9¹⁶. When the number of workers paid by daily wage or performance based wages is added, the average becomes 31.2. This shows that very few forestry organization have 77 or more employees.</p> <p>However, this should not be interpreted that people with disabilities are not employed in forestry. According to the press release of the Ministry of Health, Labour and Welfare published in November 2015, the actual employment rate of people with disabilities among all private companies in Japan has been increasing for 13 years consecutively, and reached 1.88%, with 47.2% of the company achieving the legally required rate. The employment rate of people with disabilities in the industry of Agriculture, Forestry and Fisheries combined was 2.19%, which was the highest among all industries. While we could not find data specific to forestry industry, there was no evidence that employment rate of people with disabilities in forestry industry is lower than other industries.</p> <p>According to the report from the Section of Employment Measures for Persons with Disabilities, Employment Security Bureau, Ministry of Labor and Welfare published in November 2015¹⁷, the number of people with disabilities employed has been increasing for the 13 consecutive years since 2002 and the actual employment rate has reached 1.88%, though it has still not reached the</p>		
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¹⁴ Ministry of Agriculture, Forestry, and Fisheries. Agriculture and Forestry Census 2010. World Census of Agriculture and Forestry Definite Report vol.2. Agriculture, Forestry and Fishery Management Survey Report - Summary Edition -

¹⁵ 2013 Forest and Forestry White Paper Part I Chapter IV

¹⁶ 2012 Forestry Association Statistics. Summary Table (Fiscal year 2011 and 2012) Employed worker relations. 4-2 Number of employees by wage payment system. <http://www.e-stat.go.jp/SG1/estat/Xlsdl.do?sinfid=000027248656>

¹⁷ Result of employment statistics of the disabled in 2016.

<http://www.mhlw.go.jp/file/04-Houdouhappyou-11704000-Shokugyouanteikyokukoureishougaiikoyoutaisakubu-shougaisakoyoutaisakuka/0000106111.pdf>

	<p>mandatory rate. 47.2% of companies has achieved the mandatory employment rate of people with disabilities. It has been reported that the situation around people with mental disabilities has improved significantly and on the whole the employment situation of people with disabilities has been improving.</p> <p>During the consultation conducted by FSC Japan, there were some opinions that it would be difficult to accept people with disabilities for dangerous field work of forestry. On the other hand, some people commented stated that they have seen people with disabilities working for a forestry company.</p> <p>Considering all the information mentioned above, the risk of discrimination against people with disabilities is considered low throughout Japan.</p>		
Additional information on the rights of foreign workers in the labour market	<p>http://www.jitco.or.jp/system/shokushu-hanni.html</p> <p>Japan's Internship Training Program for Foreign Workers, which has been exploited to supplement the labour shortage in Japan, is open for 74 professions and 133 kind of works, which do not include forestry as of April 2016. As such, the risk concerning the rights of foreign workers is low in forestry.</p>	Country	Low risk
From national CW RA FSC-CW-RA-017-JP V1.0	<p>"About the infringement of the ILO fundamental principles for labors (except for Clause 105 and Clause 111 which are unratified by Japan), we did not find the fact through ILO online database that violations of the right in forest areas in Japan had occurred.</p> <p>Especially about the Child Labor, the child labor for "Business of cultivation of land, planting, growing, harvesting or cutting of plants, or other agro forestry business." is prohibited by the Labor Standards Act.</p> <p>Clause 105 (Abolition of Forced Labor Convention) is not ratified because public workers are not allowed to have rights of dispute including strike by National Civil Service Law and Local Public Service Law. This is because any breach to these laws will end up imprisonment where they need to render a service which can be seen as forced labor. However, in the public forests, Forestry operation is outsourced to private contractors. These private contractors' rights of dispute is ensured by Labor Standards Act. Hence there is practical no forced labor in forestry industry.</p> <p>Clause 111 (Discrimination (Employment and Occupation Convention) is another one which is not ratified. However, according to the Labor Standards Act, not discriminations of gender, nationality, faith and social status are allowed. Especially for gender equality, Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment is in place to strengthen the gender equality. For Persons with Disabilities, Act on Employment Promotion etc. of Persons with Disabilities is in place.</p>	Country	Low risk

	<p>Nikkei telecom service was used to search for any articles about breach against ILO non-ratified clauses in forest management and forestry. Articles were searched from 5 major national newspapers, 48 local newspapers and 5 industrial newspapers for the period of Jan 1, 2010 to Dec 31, 2012. No article about the breach was found.</p> <p>For these reasons, there is no fact that ILO fundamental conventions are entrenched in domestic forest practice. However we continue to keep an eye on the situations regarding non ratified conventions.”</p>		
<p>Conclusion on Indicator 2.2:</p> <ul style="list-style-type: none">Not all social rights are covered by the relevant legislation and enforced in Japan. The right to organise, collective bargaining and strike are still not recognised for civil servants and employees in state-run enterprises. However, in the public forests, Forestry operation is outsourced to private contractors. These private contractors’ rights of dispute is ensured by Labor Standards Act. Hence there is practical no forced labor in forestry industry. According to the Labor Standards Act, not discriminations of gender, nationality, faith and social status are allowed. Especially for gender equality, Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment is in place to strengthen the gender equality. For Persons with Disabilities, Act on Employment Promotion etc. of Persons with Disabilities is in place. Nevertheless, several international sources indicate that Japan has a very high gender wage gap, that persons with disabilities continue to face discrimination in employment and that the Burakumin face discrimination in general in Japan, but in particular, they often have trouble finding employment. However, the additional information provided by FSC Japan indicates strongly that these risks can be considered low in the forestry sector in Japan. <p>(refer to category 1)</p> <ul style="list-style-type: none">Rights to freedom of association and collective bargaining are not upheld in the public sector, but this does not affect the forestry sector. (see also previous point)There is no evidence confirming compulsory and/or forced labour in the agricultural sector (which includes forestry).There is evidence confirming discrimination in respect of employment and/or occupation, and/or gender, but this is considered a low risk in the forestry sector based on additional information provided by FSC Japan. (see also first point).There is no evidence confirming child labour in the agricultural sector (which includes forestry). There have been reports about violation of foreign workers’ rights from the Japan’s Internship Training Program for Foreign Workers, but the program is not open for forestry yet.The country is signatory to 6 fundamental ILO Conventions. Japan did not ratify: C105 Abolition of Forced Labour Convention, 1957 because public workers are not allowed to have rights of dispute including strike by National Civil Service Law and Local Public Service Law. This does not affect the forestry sector(See also first point). Japan did also not ratify C111 Discrimination (Employment and Occupation) Convention, 1958. Although there is legislation to prevent discrimination in reality women, persons with disabilities and Burakumin face discrimination in the labour market, but this is considered a low risk in the forestry sector based on additional information provided by FSC Japan.There is some evidence that any groups (in particular women, persons with disabilities and Burakumin) do not feel adequately protected related to the right to equal opportunity and payment in the labour market, but this is considered a low risk in the forestry sector based on additional information provided by FSC Japan..Violations of labour rights are not limited to specific sectors, but are most widely reported in the public sector. No incidents of violations were found in the forestry sector. <p>The following low risk thresholds apply, based on the evidence:</p> <p>(11) Applicable legislation for the area under assessment does not cover all key provisions of ILO Fundamental Principles and Rights at work but other regulations and/or evidence of their implementation exist. Reports do not lead to conclusions of systematic violations of rights. When labour laws are broken, cases are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>AND</p>		Country	Low risk

(12) Other available evidence do not challenge 'low risk' designation.			
Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld. Guidance: <ul style="list-style-type: none"> • Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment? • Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1) • Is there evidence of violations of legal and customary rights of IP/TP? • Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights? • Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights? • What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1) • Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable? 			
general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
ILO Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm - ILO Convention 169	http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102729 Japan did not ratify Convention 169. Therefore this source does not provide information on its implementation by Japan.	Country	Specified risk on ILO 169
Survival International: http://www.survivalinternational.org/	No information found that indicates specified risk.	Country	Low risk
Human Rights Watch: http://www.hrw.org/	No information found that indicates specified risk.	Country	Low risk
Amnesty International http://amnesty.org	http://amnesty.org/en/library/asset/ASA22/007/2012/en/5eb739de-6137-4026-8604-8fbc9932dfe7/asa220072012en.pdf <i>Human rights concerns in Japan</i> (2012) "Ethnic and other minority groups in Japanese society, including Ainu, urakumin and Okinawans, continue to face discrimination." (p. 6) No new information is found as of November 2016	Hokkaido and Okinawan	Specified risk on discrimination of IPs
Minority Rights http://minorityrights.org	http://minorityrights.org/publications/state-of-the-worlds-minorities-and-indigenous-peoples-2016/ <i>State of the Worlds Minorities and Indigenous Peoples 2016</i> Challenging exclusion through cultural traditions: the struggle of Ainu feminists to end multiple discrimination in Japan (2016) (p.159-160) For centuries Japan's marginalized Ainu population, historically based in the north of the country and in particular the island of Hokkaido, have suffered forced assimilation and the repression of their unique way of life. Only recently have there been signs of a more positive attitude from authorities, including the formal recognition in 2008 of the community as indigenous. [...]. At a national level, too, understanding of Ainu's history of discrimination	Hokkaido	Specified risk on discrimination against Ainu women

	<p>and their situation today remains limited. In a series of textbooks approved in 2015, for example, references to the violent expropriation of Ainu land during the Meiji Period (1868–1912) were revised to imply the government had actually made efforts to protect Ainu.</p> <p>Some Ainu rights defenders and scholars have also noted with concern that the localization of Ainu culture creates an inaccurate and essentialist notion of Ainu identity inextricably connected to Hokkaido, although the territory of Ainu Mosir, the Ainu name for their homeland, has never been clearly delineated. This has resulted in the alienation of Ainu living outside of Hokkaido [...] [...] One area where Ainu efforts to achieve emancipation have challenged traditional prejudices and inspired cultural revival most starkly is through indigenous feminism, which has developed in distinct ways to mainstream Japanese feminism. Ainu feminists have accused Japanese feminists of disregarding the intersectional dimensions of race, class or ethnicity in their campaigning, while also challenging mainstream Ainu rights activism for privileging Ainu ethnic rights defence more broadly over gender empowerment issues. [...] In Ainu culture, gendered spheres of labour have not necessarily been considered 'gender discrimination' because they were treated as part of a unique spiritual engagement between women and the natural world, which constituted an integral component of Ainu culture and feminine identity. Unlike mainstream Japanese feminism, which seeks to liberate Japanese women from traditional gendered spheres of production, Ainu feminism has embraced gendered cultural performances as empowerment.</p>		
The Indigenous World http://www.iwgia.org/regions	<p>http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2014/JapanIW2014.pdf</p> <p><i>IWGIA – THE INDIGENOUS WORLD – 2014 JAPAN</i></p> <p>“The two indigenous peoples of Japan, the Ainu and the Okinawans, live on the northernmost and southernmost islands of the country’s archipelago.</p> <p>AINU</p> <p>The Ainu territory stretches from Sakhalin and the Kurile Islands (now both Russian territories) to the northern part of present-day Japan, including the entire island of Hokkaido. Hokkaido was unilaterally incorporated into the Japanese state in 1869. Although most Ainu still live in Hokkaido, over the second half of the 20th century, tens of thousands migrated to Japan’s urban centers for work and to escape the more prevalent discrimination on Hokkaido. Since June 2008, the Ainu have been officially recognized as an indigenous people of Japan. As of 2006, the Ainu population was 23,782 in Hokkaido and roughly 5,000 in the greater Kanto region.</p> <p>Ryukyu</p> <p>Okinawans, or Ryūkyūans, live in the Ryūkyūs Islands, which make up Japan’s present-day Okinawa prefecture. They comprise several indigenous language</p>	<p>Hokkaido and Okinawan</p> <p>Okinawa</p>	<p>Low risk for presence of Indigenous peoples.</p>

	<p>groups with distinct cultural traits. Although there has been some migration of ethnic Japanese to the islands, the population is largely indigenous Ryūkyūans. Japan forcibly annexed the Ryūkyūs in 1879 but later relinquished the islands to the US in exchange for its own independence after World War Two. In 1972, the islands were reincorporated into the Japanese state and Okinawans became Japanese citizens although the US military remained. Today 75% of US forces in Japan are in Okinawa prefecture, which constitutes only 0.6% of Japan's territory. 50,000 US military personnel, their dependents and civilian contractors occupy 34 military installations on Okinawa Island, the largest and most populated of the archipelago. The island is home to 1.1 million of the 1.4 million people living throughout the Ryūkyūs. Socio-economically, Okinawa remains Japan's poorest prefecture, with income levels roughly 70% of the national average and unemployment at double the national average.</p> <p>The Japanese government has adopted the UNDRIP (although it does not recognize the unconditional right to self-determination). It has ratified CERD, CEDAW and the CRC. It has not ratified ILO Convention 169." (p. 232)</p> <p>"Indeed, one of the main issues of contention for many Ainu continues to be the slow progress and resistance on the part of universities to the return of ancestral remains stolen from burial sites under the guise of research, despite repeated efforts by Ainu representatives stating the matter's urgency and high priority." (p. 235)</p> <p>"The presence of US military forces remains the central source of Okinawans most pressing problems." (p. 235)</p> <p>http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2016/Japan2016.pdf</p> <p>The Ainu and Japan's hate speech problem</p> <p>Although hate speech continues to be an issue of concern for the Ainu, 2015 saw some positive developments. In response to the Twitter post in September 2014 by a member of the Sapporo City Assembly in Hokkaido claiming that "Ainu no longer exist", scholars and activists published an anthology in February 2015 challenging the growth of Ainu minzoku hitei-ron (the "discourse of Ainu people's non-existence"). With the mobilization of greater awareness and opposition to hate speech, the Sapporo City Assembly member in question was unable to win re-election to his seat in the April 2015 municipal elections. Meanwhile, a member of the Hokkaido Prefectural Assembly who had also made controversial statements regarding the Ainu declined to run for re-election. The fact that these two politicians who had attacked the Ainu were no longer in political office was seen as a major victory by many activists. (p.233-234)</p>	Hokkaido	Specified risk for lack of recognition of Okinawans as IP
		Okinawa	Specified risk militarization Okinawans
		Hokkaido	Specified risk on hate speech against Ainu

	<p>Historical revisionism</p> <p>Not only did the government fail to take a step forward on the hate speech issue, it took a step backward in terms of recognizing historical wrongs committed against the Ainu. In April 2015, the Ministry of Education, Culture, Sports, Science and Technology announced the results of its screening process of middle school textbooks approved for use in 2016. One of these history textbooks revised a passage on the Hokkaido Former Aborigines Protection Act, a discriminatory law enacted in 1899 to force the Ainu to assimilate.</p> <p>Responding to government comments during the screening process, the publisher revised the passage from “the government... confiscated land from the Ainu” to “the government... gave land to the Ainu.” This revision was criticized by Ainu activists, as well as by academics and the media, as a distortion and whitewashing of history. The Hokkaido Ainu Association has requested that the publisher and the ministry ensure that proper Ainu history is taught, and has contacted the local educational boards to urge them to select a textbook publisher that has “fair and just” passages on the Ainu and human rights. Thus far, the government’s position is that, with the revision “defects in the passage have been resolved” (p.234-235)</p>		
<p>United Nations Special Rapporteur on the rights of indigenous peoples</p> <p>http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx</p>	<p>http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-41-Add3_en.pdf</p> <p><i>Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya Addendum Consultation on the situation of indigenous peoples in Asia, 2013 (Latest as of November 2016)</i></p> <p>“The groups in Asia that fall within the international rubric of “indigenous peoples” include groups such as those referred to as “tribal peoples”, “hill tribes”, “scheduled tribes” or “adivasis”. The international concern for indigenous peoples, as manifested most prominently by the United Nations Declaration on the Rights of Indigenous Peoples extends to those groups that are indigenous to the countries in which they live and have distinct identities and ways of life, and that face very particularized human rights issues related to histories of various forms of oppression, such as dispossession of their lands and natural resources and denial of cultural expression. Within the Asian region, the distribution and diversity of such groups varies by country, as does the terminology used to identify them and legal recognition accorded to them. These groups, some of which span State borders, include, among others, the: [...] (e) Ainu of Japan, officially referred to as indigenous peoples, and the Ryukyans or Okinawans, who have sought similar recognition as indigenous peoples;” (p. 5)</p>	Hokkaido and Okinawan	- Specified risk for recognition of Okinawans as IPs-
<p>UN Human Rights Council Universal Periodic Review</p> <p>http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</p>	<p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/155/80/PDF/G1215580.pdf?OpenElement</p> <p><i>summary of 30 stakeholders’ submissions to the universal periodic review</i></p>	Hokkaido	Specified risk

	<p>"79. JS11 indicated that the living standards of Ainu people were far below than those of the general population. Ainu women were subject to multiple forms of discrimination and there was no legal means or recourse to improve their situation." (p. 10)</p> <p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/187/52/PDF/G1218752.pdf?OpenElement</p> <p>No conclusions or recommendations on indigenous peoples. (December 2012)</p>		discrimination of Ainu women
<p>UN Human Rights Committee</p> <p>http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx</p> <p>search for country</p> <p>Also check: UN Committee on the Elimination of All Forms of Racial Discrimination</p> <p>http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx</p>	<p>http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_CSS_JPN_17358_E.pdf</p> <p><i>Rights of Persons Belonging to Minorities The Issue of Ryukyu and Okinawa Civil Society Report on the Implementation of the ICCPR (2014)</i></p> <p>"The Ryukyu Kingdom, an independent state of the indigenous peoples of the Ryukyus, was forcibly annexed by the government of Japan in 1879 as one of its prefectures named "Okinawa", in contravention of Article 51 of the Vienna Convention on the Law of Treaties. Since then various policies and practices of colonisation, discrimination and assimilation have been imposed upon the indigenous peoples of the Ryukyus by the government of Japan, while peoples of the Ryukyus were excluded from participating in Japanese policy making process through election until 1919. A series of land reform were also carried out by Japan, denying the traditional form of communal land ownership of the indigenous peoples in the Ryukyus, known as <i>Somayama</i>, and converting their land into state owned property. It disintegrated the traditional economies, which were based upon the traditional land ownership system. To assimilate indigenous peoples of the Ryukyus into Japanese cultural norms, government of Japan prohibited the use of their indigenous languages in schools and many traditional cultural practices such as washing bones of the dead (<i>senkotsu</i>), tattoo for women (<i>hajichi</i>), Ryukyuan hairstyle for men (<i>katacashira</i>).</p> <p>During World War II and the subsequent US military occupation, large tracts of the land of indigenous peoples in the Ryukyus were seized by the government of the United States, in contravention of the 1907 Hague Convention and the Hague Regulations Relative to the Laws and Customs of War on Land (widely known as the 1907 Hague Regulations). This land was used to construct the US military bases and facilities. The government of Japan neglected the illegal expropriation of land and construction of bases without any protest. Furthermore after the 1972 reversion, the government of Japan constructed its own military facilities as well. The presence of the US military in the Ryukyus / Okinawa, including the land occupied by the military bases and facilities, their military activities as well as behavior of military personnel, are creating various human rights issues and risks in the life of the peoples in the Ryukyus / Okinawa. Those human rights problems affecting the indigenous peoples in the Ryukyus e.g. emerging from colonization and militarisation,</p>	Okinawa	Specified risk on land rights Okinawan

	<p>crimes of UN military personnel and lack of justice and remedies to the victims, sexual assaults, land issues, violation of the right to education, environmental and health issues are also documented in different NGO reports submitted to relevant UN bodies.</p> <p>Today, Okinawa is the southernmost prefecture of Japan, consisting of 160 islands with Okinawa Island being the largest. The population of Okinawa prefecture is 1.4 million and the vast majority of the population are the indigenous peoples of the Ryukyus, while there are also a certain number of Japanese (Yamato Japanese), who have migrated to Okinawa. There are more than 50 communities of the indigenous peoples in the Ryukyus i.e. Okinawa prefecture 3 having various and strong communal identity and own local languages/dialects. Despite these uniqueness and distinctness of the indigenous peoples in the Ryukyus, the government of Japan has been failing to give due recognition to their existence, while concerns were expressed by several UN Treaty Bodies over the lack of proper recognition of the indigenous peoples of the Ryukyus and protection of their rights.” (p. 2-3)</p> <p>http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_CSS_JPN_17361_E.pdf</p> <p><i>Civil Society Report on the Implementation of the ICCPR (2014)</i></p> <p>“1. The government does not recognize the rights of the Ainu people as an indigenous people. Consequently Ainu people have faced very difficult situations.</p> <p>2. There are no governmental policies or measures in Japan to guarantee the rights of indigenous peoples as prescribed in the international law system.</p> <p>3. Schools do not teach the Japan’s unjust and unlawful historical control over the Ainu people. Consequently, the government has made no apology and reparation and has not even recognized the right to land of the Ainu people.</p> <p>1. Japanese Government argues that the UNDRIP has no clause on the definition of indigenous peoples nor is there a definition within the Japanese legal system, and has not recognized any individual or collective rights of the Ainu people. Only the development and promotion of Ainu culture is legally recognized under the 1997 Law for the Promotion of Ainu Culture, that largely conflicts with the framework of the “Measures Relating to the Improvement of Living of the Hokkaido Ainu” of the Hokkaido Prefectural Government. At least, these measures of Hokkaido recognize the support/aid to individual Ainu in the fields of education, health and economy, albeit insufficiently. Naturally, these measures are local welfare programs for the socially vulnerable and are limited in its geographical scope to the Hokkaido region, despite the fact that Ainu people live in many other regions in the country. These measures are not measures specifically for the Ainu as an ethnic group, and do not recognize the rights of the Ainu as an indigenous people. [...]</p>	<p>Okinawa</p> <p>Hokkaido</p>	<p>Specified risk recognition of Okinawan as IPs</p> <p>Specified risk for rights of Ainu</p>
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	<p>2. In 2009, the government has set up the “Ainu Policy Promotion Council” which functions to promote a comprehensive and effective Ainu policy chaired by the Chief Cabinet Secretary. Nevertheless, it has not implemented any “comprehensive and effective” measure. For instance, the Council consists of 14 members, of which only four are Ainu. It is only convened once a year, and it has so far met only four times for the past five years since its formation. Also, it has not taken any measures to address the problems in the fields of education, employment, housing, daily living, health and economy, which the Ainu people have kept calling for. In addition, the Council has never made any discussion regarding the guarantee of their rights. What it has discussed and decided on in its working groups are; the designing and construction of the so - called “Symbolic Space for Ethnic Harmony” where visitors will learn the Ainu culture, and the proposal to include a scholarship program for the Ainu children into the scheme of the Japan Student Services Organization. The Ainu Culture Promotion Act is exclusively for the promotion of Ainu culture, and not for the Ainu people themselves. Subsidies provided to the implementing body of the Act, namely “Foundation for Research and Promotion of Ainu Culture”, have been reduced from 360 million yen per annum in 1997 to 250 million in 2013. Furthermore, the subsidies that the national government has given to the Hokkaido autonomous government under the title of “measures concerning the improvement of living of the Hokkaido Ainu” have been cut to 1.4 billion yen in 2013 from about 3.4 billion in 1998. These setbacks indeed contradict the fact that in 2008 the Diet adopted the resolution on “Request to recognize the Ainu as indigenous peoples” which clearly stated that “the government shall continuously help the Hokkaido local government implement its measures for the Ainu, and make efforts to secure related budgets necessary for its smooth promotion.” It is also due to the fact that the Ainu people do not have the right to build their own financial basis.</p> <p>3. Today, the existence of the Ainu people is mentioned in the school education of Japan. Nevertheless, it has never taught the colonial domination over the Ainu people that the government of modern state Japan has done since 1869 when it started the “Hokkaido development.” Among others, the Japanese population do not learn that the one fourth of the Japanese territory is from the arbitrary confiscation of the Ainu's traditional land (Ainu mosiri) by Japan claiming it as state-owned land; that the Ainu people were forcibly assimilated as Japanese while being deprived of their language, religious, culture and livelihood; and that the strong discriminatory structure has been built on these historical events. While the Diet has recognized the historical fact in its resolution to a certain extent, it has not been reflected in the revision of the discriminatory policy toward the Ainu people and destitution that they have had to live with, nor it has made any apology and reparation. Thus, their rights to land and natural resources are totally denied. (p. 13-14)</p>	Hokkaido	Specified risk for land rights Ainu
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	<p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/142/49/PDF/G1414249.pdf?OpenElement <i>Concluding observations on the sixth periodic report of Japan (2014)</i> “Rights of indigenous peoples 26. While welcoming the recognition of the Ainu as an indigenous group, the Committee reiterates its concern regarding the lack of recognition of the Ryukyu and Okinawa, as well as of the rights of those groups to their traditional land and resources and the right of their children to be educated in their language (art. 27). The State party should take further steps to revise its legislation and fully guarantee the rights of Ainu, Ryukyu and Okinawa communities to their traditional land and natural resources, ensuring respect for their right to engage in free, prior and informed participation in policies that affect them and facilitating, to the extent possible, education for their children in their own language.[...]” (p. 9)</p> <p>http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/JPN/INT_CE RD_NGO_JPN_17538_E.pdf <i>Civil Society Report on the Implementation of the ICERD (2014)</i> Rights of the Ainu People “2. Problems a) Insufficient guarantee of the participation of the Ainu in relevant bodies including the Council for Ainu Policy Promotion of the government. b) Survey on the protection and promotion of the rights of the indigenous peoples of Ainu and the improvement of their social status has not yet been conducted at the national level. c) Limited progress in the governmental measures for the implementation of “the UN Declaration on the Rights of Indigenous Peoples”. d) Non-implementation of the recommendations issued by UN Treaty Bodies such as CERD, CCPR and CESCR, in regard to the rights of the Ainu people.” (p. 20)</p> <p>“In 2008, following the adoption of “the resolution to recognize the Ainu as indigenous peoples” by both the House of Representatives and the House of Councillors, the government of Japan recognized the Ainu as an indigenous people and set up the Experts Advisory Panel. In 2009, with the report of the Experts Advisory Panel, the Council for Ainu Policy Promotion was set up within the Cabinet Secretariat. The Council, however, has only worked for the measures in a very narrow and limited scope leaving the restoration of the rights of the Ainu in an insufficient state.” (p. 20)</p> <p>“The Symbolic Space for Ethnic Harmony focuses on the historical and cultural exhibit (museum), research and study on history and culture, and the</p>	<p>Okinawa Hokkaido and Okinawa</p> <p>Hokkaido</p> <p>Hokkaido</p>	<p>Specified risk recognition Okinawans</p> <p>Specified risk land rights and FPIC of Ainu and Okinawans</p> <p>Specified risk participation in decision making Ainu</p> <p>Specified risk rights of Ainu</p>
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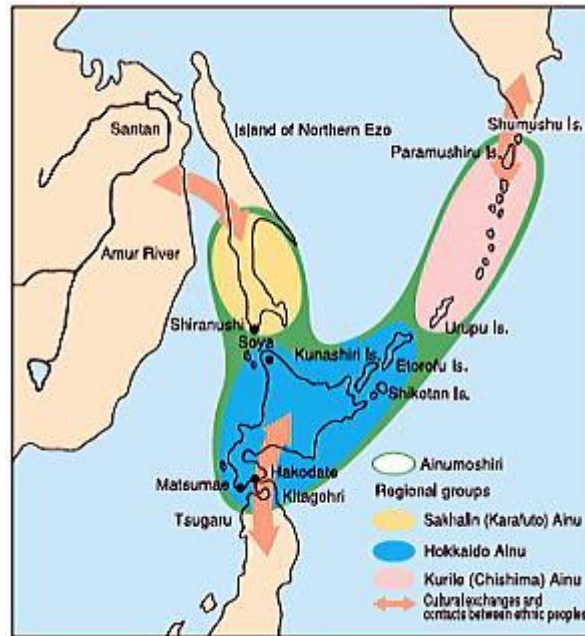
	<p>development of memory keepers. Obviously, these functions alone cannot achieve the restoration of the rights of the Ainu as indigenous peoples. Instead, much more comprehensive policy is required in full accordance with the UN Declaration on the Rights of Indigenous Peoples including measures for the protection and promotion of the right to land and natural resources of the Ainu, for the improvement of the situation in education, employment and welfare services as well as for the realisation of the right to own unique culture and language.” (p. 21)</p> <p>d) The government has ignored and failed to implement the recommendations of the UN Treaty Bodies relevant to the issues mentioned above. These recommendations were made for example for the implementation of the UN Declaration and creation of a new working group for it (as per the CERD Concluding Observations CERD/C/JPN/CO/3-6), recognition of the right to land and indemnification thereto, and the ratification of the ILO Convention 169 (as per the CERD Concluding Observations CERD/C/58/ CRP).” (p. 21-22)</p> <p>Indigenous Peoples of the Ryukyus “i) Problems Denial of the existence and rejection of the due recognition of the Indigenous Peoples of the Ryukyus by the government of Japan. [...] The Ryukyu kingdom was an independent state with own territory, citizens and social system, which also had ratified treaties with the US, France and the Netherlands. However, it was annexed to Japan by force and in a one-sided way to Japan by then government of Japan in 1879, which can be regarded as violation of the Article 51 of the Vienna Convention on the Law of Treaties. These are objective and historical facts that cannot be interpreted otherwise. One of the clear evidences of the discrimination against the Indigenous Peoples of the Ryukyus and its colonisation by Japan is the fact that 74 % of the US military bases in Japan are concentrated in the islands of the Ryukyus which consists of only 0.6 % of the land area of Japan. Despite the concerns expressed and recommendations issued by several UN bodies including the ones by the Human Rights Committee (para 32, CCPR/C/JPN/CO/5), by the Committee on Economic, Social and Cultural Rights (paras 13 and 40, E/C.12/1/Add.67) and by CERD (most recently, para 21, CERD/C/JPN/CO/3-6), the government of Japan has never responded sincerely, nor taken substantial action for the solution of the issues.” (p. 23)</p> <p>“At the same time, the government of Japan has been insisting that the equality is protected under the Constitution of Japan. However, the Constitution does not stipulate or anticipate the specific rights of the indigenous peoples and equality under such constitution cannot protect the rights of the Indigenous Peoples of the Ryukyus.” (p. 24)</p>	Okinawa	Specified risk rights of Okinawans
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	<p>“i) Problems Increasing Yamato (mainland Japanese) to the Ryukyu islands and consultation with the government of Japan. [...] CERD has previously encouraged the government of Japan to “engage in wide consultations with Okinawan representatives...” in 2010. Although there is no detailed statistics, it is estimated that about 30,000 people, most of them Yamato people (mainland Japanese), are immigrating to the Ryukyus, which has about 1.4 million population. In some of the islands of the Ryukyus, the number of immigrants has become even higher than that of the indigenous peoples there. While “wide consultations with Okinawan representatives” were recommended by CERD (para 21, CERD/C/JPN/CO/3-6), it is becoming more and more difficult and complicated to identify the will of the indigenous peoples of the Ryukyus under the current election system of Japan.” (p. 24)</p> <p>Construction of military bases and facilities in Henoko and Takae which will cause significant environmental destruction” (p. 25)</p> <p>“While, the government of Japan is forcing the construction of new base in Henoko with the argument to lighten the US military burden on Okinawa, it is also discussed that the new military base to be built in Henoko can be jointly used by the Self Defence Force of Japan, which will further accelerate the militarisation of the Ryukyus also concerning the fact that the government of Japan has been increasing the deployment of the Self Defence Force in the Ryukyus in recent years. Such on-going and increasing militarisation of the Ryukyus is increasing the risk to the physical safety and life of the Indigenous Peoples of the Ryukyus.” (p. 25)</p> <p>“Restriction on the freedom of peaceful assembly. [...] The government of Japan has decided on the application of the Special Penal Code to the opposition movements of the Indigenous Peoples of the Ryukyus against the construction of the new military base in Henoko or helipads in Takae being forced by the government against the will of the Ryukyu peoples. This decision i.e. application of the said law will significantly restrict the rights of the Indigenous Peoples of the Ryukyus especially to the freedom of peaceful assembly and to life.” (p. 26)</p> <p>“Denial of the rights to language and education of their own history and culture. [...] Despite the recommendations by UNESCO in 2009 to protect the languages of the Ryukyu islands, the government of Japan has not taken any measures and no opportunities was provided for learning their own languages within the framework of public education in the Ryukyus.” (p. 26)</p> <p>http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/JPN/CERD_C_JPN_CO_7-9_18106_E.pdf</p>	Okinawa	Specified risk participation in decision making Okinawans
		Henoko and Takae	
		Okinawa	Specified risk militarisation Okinawans
		Okinawa	Specified risk participation in decision making of Okinawans
		Hokkaido	Specified risk cultural rights Okinawans

	<p><i>Concluding observations on the combined seventh to ninth periodic reports of Japan</i></p> <p>“Situation of Ainu people 20. While noting efforts by the State party to promote and protect the rights of the Ainu people, the Committee is concerned at shortcomings in measures developed by the State party, including; (a) the low/insufficient number of Ainu representatives in the Council of the Ainu Promotion Policy and in other consultative bodies; (b) persistent gaps between Ainu people, including those living outside Hokkaido, and the rest of the population in many areas of life, in particular in education, employment and living conditions; and (c) insufficient measures taken to protect the rights of Ainu people to land and natural resources and the slow progress made towards the realization of their right to their own culture and language (art. 5). [...]</p> <p>Situation of Ryukyu/Okinawa 21. The Committee regrets the position of the State party not to recognise the Ryukyu/Okinawa as indigenous peoples, despite recognition by UNESCO of their unique ethnicity, history, culture and traditions. While noting measures taken and implemented by the State party concerning Ryukyu based on the Act on Special Measures for the Promotion and Development of Okinawa and Okinawa Promotion Plan, the Committee is concerned that sufficient measures have not been taken to consult Ryukyu representatives regarding the protection of their rights. The Committee is also concerned by information that not enough has been done to promote and protect Ryukyu languages, which are at risk of disappearance, and that education textbooks do not adequately reflect the history and culture of Ryukyu people (art. 5).[...]” (p. 7-8)</p>	Okinawa	<p>Specified risk participation in decision making of Ainu</p> <p>Specified risk participation in decision making of Okinawans</p>
Intercontinental Cry http://intercontinentalcry.org/	<p>http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013 No information found that indicates specified risk.</p> <p>http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf No information found that indicates specified risk.</p>	Country	low risk
Forest Peoples Programme: www.forestpeoples.org FPP's focus is on Africa, Asia/Pacific and South and Central America.	No information found that indicates specified risk.	Country	low risk
Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english	No information found that indicates specified risk.	Country	low risk
Regional human rights courts and commissions: - Inter-American Court of Human Rights http://www.corteidh.or.cr/index.php/en - Inter-American Commission on Human Rights http://www.oas.org/en/iachr/	There is no regional Asian human rights commission or court.	-	-

http://www.oas.org/en/iachr/indigenous/ - African Commission on Human and Peoples' Rights - African Court on Human and Peoples' Rights - European Court of Human Rights			
Data provided by National Indigenous Peoples', Traditional Peoples organizations;	<p>The Ainu Association of Hokkaido http://www.ainu-assn.or.jp/english/eabout01.html "The Ainu Association of Hokkaido (incorporated) (hereafter "the Association") is an organization made up of Ainu who live in Hokkaido, which aims to "work to improve the social status of Ainu people and to develop, transmit and preserve Ainu culture in order to establish the dignity of the Ainu people" . the figure below shows traditional Ainu settlement areas from approximately the 17th to the 19th centuries. The figure shows the confirmed settlement areas of the Ainu people. Needless to say, it is recognized that the Ainu people moved to neighboring areas and came into contact with people there. Furthermore, it is recognized that the distribution of place-names stemming from Ainu words covers an area a little larger than the traditional settlement area. However, the figure below omits some of these places because of</p>	Hokkaido	-

inconsistencies, including the existence of place-names whose origins cannot be proven.”



Association of Indigenous Peoples in the Ryukyus (AIPR)

Map of Ainumoshir (traditional Ainu settlement areas)

http://imadr.org/wordpress/wp-content/uploads/2013/12/Written-Statement_HRC-21st-session_Militarization-in-Okinawa-2012.pdf

Joint written statement* submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), the Association of the Indigenous Peoples in the Ryukyus (AIPR), non-governmental organizations in special consultative status (2012)

Land rights

During WWII, the Japanese government was confiscating lands from the civilians for military usage, while in Ryukyu / Okinawa such land confiscation by the government significantly increased since 1943. No proper compensation was offered or provided by the government, even after the WWII. The forcibly confiscated lands of the Ryukyu people were resold to third parties or given to the U.S. military. US military has been also grabbing the land of the peoples of Ryukyus during the WWII as well as its occupation of Ryukyu / Okinawa

Okinawa

Specified risk land rights Okinawans

Okinawa

Specified risk environmental and human rights Okinawans

	<p>thereafter for constructing its bases, violating Article 46 of the Hague Convention.¹</p> <p>In 1972, US military government returned Okinawa (Ryukyu Islands) to Japan. However, under the Okinawa Reversion Agreement between Japanese and US government, US military bases have remained unchanged and even more military bases and facilities, including those of Japanese Self-Defense Forces, were brought to Okinawa from mainland Japan.² Today 74% of U.S. military bases in Japan are concentrated in Okinawa which consists of only 0.6% of Japanese territory. It is not only the violation of their land rights, but also such disproportionate concentration of military facilities in Ryukyu / Okinawa must be regarded as clear discrimination by Japanese government which violates various human rights of the peoples of Ryukyus. (p. 2)</p> <p>[...] Environmental issues and related human rights violation</p> <p>Several instances listed below highlight various environmental issues and related human rights violations emerging from or caused by the presence and action of US military in Ryukyu / Okinawa.</p> <ul style="list-style-type: none"> • Sea pollution, forest and bush fires as well as noise pollution caused by various military training conducted at the Camp Schwab are frequently reported. (p. 3) 		
Data provided by Governmental institutions in charge of Indigenous Peoples affairs;	<p>Council for Ainu Policy Promotion</p> <p>http://www.kantei.go.jp/jp/singi/ainusuishin/index_e.html</p> <p>“The Council was set up in December 2009, based on the Report of the Advisory Council for Future Ainu Policy in July 2009, and is hosted by the Chief Cabinet Secretary. [...] the Council is comprised of 14 members in total, among which five are Ainu representatives, five from scholars and experts on Ainu culture and human rights, and the remaining four from the leaders of the national and local governments.</p> <p>[...] The population of Ainu people living in Hokkaido is estimated at about 17,000, or 0.4% of the region's total, according to the 2013 survey by the Hokkaido prefectural government.</p>	Hokkaido	Specified risk participation in decision making Ainu
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);	<p>International Movement against All Forms of Discrimination and Racism (IMADR)</p> <p>http://imadr.org/wordpress/wp-content/uploads/2013/12/Written-Statement_HRC-20th-session_Indigenous-Peoples-in-Okinawa-2012.pdf</p> <p>Okinawa, which was Former Ryukyu Kingdom, is the southernmost prefecture of Japan with the population of about 1,400,000, most of them Ryukyuans, the indigenous peoples in Ryukyu Islands. Ryukyu Kingdom, which Ryukyuans had founded, was colonized by Japan in 1872, and renamed as “Okinawa prefecture” in 1879, in violation of Vienna Convention on the Law of Treaties, Article 51. While Japanese government has enforced assimilation policy on Ryukyuans, Ryukyuans have been facing discrimination as another ethnic group. However, the Japanese government has never accepted Ryukyuans as indigenous peoples, but been holding the view that they are Japanese in</p>	Okinawa	Specified risk recognition

	<p>contradiction to the opinions of the UN Committee on the Elimination of Racial Discrimination (CERD) and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.</p> <p>[...]Currently 74% of U.S. military bases in Japan are concentrated in Okinawa which consists of only 0.6% of Japanese territory. [...] Large number of crimes and accidents by US military personnel are reported in Okinawa, but not all of them can be properly dealt with due to the extraterritoriality. [...] (p. 3) Against the will of Ryukyuans and despite the variety of problems caused by the presence of US military, the government of Japan is now forcing the construction of a huge military base in Henoko-Oura Bay and 6 helipads in Takae, both in Okinawa. [...]Moreover, Japanese and US governments are forcing deployment of V-22 military planes called Osprey in the bases in Okinawa, again against the will of Ryukyuans.” (p. 4)</p> <p>http://imadr.org/wordpress/wp-content/uploads/2016/09/IMADR-AOCHR-FI-HRN-Joint-Oral-Statement_HRC-33rd_item-4-General-Debate_19SEP2016.pdf</p> <p>The large presence of the foreign military has caused a countless number of human rights violations for decades, including sexual violence against women and girls, environmental destruction, land grabbing and forced displacement. Yet, victims’ access to justice remains limited. Despite the persistent opposition from the people of Ryukyu/ Okinawa, the Government of Japan has been advancing the plans to construct new U.S. military facilities in Henoko and Takae.</p>	Okinawa	<p>Okinawans as IPs</p> <p>Specified risk militarisation Okinawans</p>
National land bureau tenure records, maps, titles and registration (Google)	No maps, titles or registration of indigenous peoples’ territories found on Japanese governmental websites.	Hokkaido and Okinawan	Specified risk on land rights of Ainu and Okinawans
Relevant census data	<p>http://en.wikipedia.org/wiki/Demographics_of_Japan#Minorities</p> <p>“The Japanese Census asks respondents their nationality rather than identify people by ethnic groups as do other countries. For example, the United Kingdom Census asks ethnic or racial background which composites the population of the United Kingdom, regardless of their nationalities. Naturalized Japanese citizens and native-born Japanese nationals with multi-ethnic background are considered to be ethnically Japanese in the population census of Japan”</p> <p>http://www.refworld.org/docid/49749cfe23.html</p>	Hokkaido	-

	<p>"There may be between 30,000 and 50,000 Ainu in Japan (there are no official census figures; one of the few such surveys conducted was by the Hokkaido Government in 1984, which gave the Ainu population of Hokkaido then as 24,381). Only a very small number remain fluent in their traditional language."</p> <p>http://www.tofugu.com/2013/11/08/the-ainu-reviving-the-indigenous-spirit-of-japan/</p> <p>"According to the government, there are currently 25,000 Ainu living in Japan, but other sources claim there are up to 200,000."</p> <p>http://www.ainu-museum.or.jp/en/study/eng01.html</p> <p>Ainu who lived in Hokkaido, the Kurile Islands and Sakhalin were called "Hokkaido Ainu", "Kurile Ainu" and "Sakhalin Ainu" respectively. Most Ainu now live in Hokkaido. It has been confirmed that a few Ainu people now live in Sakhalin. The census of the Ainu was started by the Japanese in the 1800 s for various purposes, e.g. for putting them to work. The Ainu population from 1807 to 1931 varied as follows :</p> <p>1807 : 26,256 1822 : 23,563 1854 : 17,810 1873 : 16,272 1903 : 17,783 1931 : 15,969</p> <p>According to a current survey conducted by the Hokkaido Government in 1984, the Ainu population of Hokkaido then was 24,381.</p>		
- Evidence of participation in decision making; - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.);	See information in boxes above.	Hokkaido and Okinawan	-
National/regional records of claims on lands, negotiations in progress or concluded etc.	See information in boxes above with regard to claims on land of Ainu and Okinawans	Hokkaido and Okinawan	-
Cases of IP and TP conflicts (historic or ongoing).) Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)	See information in boxes above with regard to claims on land of Ainu and Okinawans	Hokkaido and Okinawan	-
Social Responsibility Contracts (<i>Cahier des Charges</i>) established according to FPIC (Free Prior Informed Consent) principles where available	not applicable in Japan	-	-
Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'	<p>http://www.minorityrights.org/5363/japan/ryukyuans-okinawans.html</p> <p>"The Ryūkyūan are an indigenous group of peoples living in the Ryūkyū archipelago, which stretches southwest of the main Japanese island of Kyūshū towards Taiwan. The largest and most populated island of the archipelago, Okinawa Island, is actually closer to Manila, Taipei, Shanghai and Seoul than it is to Tokyo. Though considered by the Japanese as speaking a dialect, the</p>		

	<p>Ryūkyūans speak separate languages such as Okinawan, also known as Uchinaguchi and has less than a million speakers (Source: World Christian Database, 2000), as well as Amami, Miyako, Yaeyama and Yonaguni with a much smaller number of speakers. All are part of the Japonic language family, to which the Japanese language also belongs.</p> <p>[...] While there have been some private initiatives in revitalising Ryūkyūan languages and a greater appreciation of traditional culture and traditions, there has been no positive movement from Japanese authorities. Japan's reports to various UN treaty bodies dealing with human rights, minorities or indigenous peoples do not acknowledge the existence of the Ryūkyūans as distinct linguistic or cultural minorities. Despite some demands in the 1980s and 1990s for greater use of Ryūkyūan languages in government, no use of these languages is legally guaranteed in the judicial system, in public education or for access to public services. Educational materials for use in public schools continue to be largely silent on the topic of the Ryūkyūans as separate minorities with their own languages, cultures and traditions as indigenous peoples.</p> <p>[...] The Japanese government has begun in recent years to recognise the Ainu and Koreans, but there remains an almost complete refusal to consider the Ryūkyūans as minorities or indigenous peoples. While the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance referred to the 'people of Okinawa' as a national minority and as having an indigenous culture in his 2006 report on his mission to Japan, no such recognition is forthcoming from the side of the country's authorities.</p> <p>The only response from the government to the Special Rapporteur's comments has been to mention the formulation of an 'Okinawa Promotion and Development Plan' and the creation of an Okinawa Policy Council, none of which refer in any way to the Ryūkyūans as minorities or indigenous peoples. Representations were made in 2005 to the Special Rapporteur by Ryūkyūan representatives as to their perceived discriminatory treatment because of the continued presence and negative impact of the US military bases, but there were few attempts for the greater recognition of their indigenous traditions or language rights.</p> <p>At present, the United States' military presence and the discriminatory policies of the Japanese government that facilitate the US military occupation of the islands dominate the time and energy of most politically active groups in Okinawa."</p> <p>http://www.academia.edu/3299428/A_Shift_in_Japans_Stance_on_Indigenous_Rights_and_its_Implications</p>	Okinawa Country	Specified risk recognition of Okinawans as IPs
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	<p><i>A Shift in Japan's Stance on Indigenous Rights, and its Implications – article by David McGrogan (International Journal on Minority and Group Rights 17 (2010) 355-373)</i></p> <p>"The fact that currently only 23,782 people identify themselves as Ainu according to the most recent survey,' while figures of up to 200,000 are regularly cited as estimates of the total population,'" indicates that this hidden group are in the large majority, and ironically, it is these Ainu - urban, working class and of mixed descent - who have suffered most from the assimilationist policies of the past, not to mention the most discrimination.'" (p. 358)</p> <p>"Ryukyuans are concentrated in a small geographical area, where they constitute the great majority of the population. And Okinawan identity is very strong: in a 2006 poll of the prefecture 40.6 per cent of responders categorised themselves as exclusively 'Okinawan', 36.5 per cent classified themselves as 'Okinawan Japanese', and only 21.3 per cent called themselves 'Japanese' "(p. 366)</p> <p>"Most importantly, however, where at least a high percentage of the Ainu self identify as an explicitly indigenous group, the Okinawan populace largely does not. Though Ryukyuans have been included in documents brought to the Economic, Social and Cultural Rights Committee by a Tokyo-based indigenous rights NGO and in its most recent dialogue with Japan the HRC has explicitly expressed the view that the Ryukyuans are an indigenous group, there is little indication of any widespread movement among Ryukyuan people themselves towards 'claiming' indigenous status. In fact, activism among the Okinawan populace has tended towards advocating outright independence rather than taking on the nomenclature of indigenous rights - or even rights as a national minority." (p. 368)</p> <p>http://www.japantimes.co.jp/news/2014/09/23/national/ainu-okinawans-join-first-u-n-indigenous-peoples-conference/#.VE0RrSLF_vY <i>Ainu, Okinawans join first U.N. indigenous peoples' conference</i></p> <p>"Delegates for indigenous peoples from around the world, including Ainu and Okinawans, gathered this week at the United Nations to discuss measures to ensure their political representation and freedom from discrimination in the first U.N.-backed conference of its kind.</p> <p>Kazushi Abe, vice president of the Ainu Association of Hokkaido, and Shisei Toma, of the Association of the Indigenous Peoples in the Ryukyus, an Okinawa civic association, were among those invited to speak at the two-day World Conference on Indigenous Peoples through Tuesday."</p>		
Additional general sources for 2.3	Additional specific sources	scale of risk assessment	risk indication

<p>Source found during research on indicator 2.2.</p>	<p>http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_178417.pdf <i>Equality and non-discrimination at work in East and South-East Asia - Exercise and tool book for trainers (2011)</i></p> <p>“Case B. Protection of traditional livelihoods of the Ainu in Japan: Case Discussion In 1971 the Japanese Government announced plans to construct a massive industrial park and a large dam on the Saru River to supply water and electricity. The dam would be built in Nibutani, on land sacred to the Ainu people. Although the industrial park never materialized, appropriation of Ainu land and construction continued, and the dam was completed in 1997. The government did not consult the Ainu before or during the construction process, nor did it conduct environmental impact or cultural studies.</p> <p>However, Kayano Shigeru and another Ainu activist, resisting both the government and some of their neighbours, refused to sell their land to the Government. Instead they filed a lawsuit in the Sapporo District Court against the Japanese Government on the basis of violation of their indigenous rights. In a landmark decision in 1997, the court recognized the indigenous rights of the Ainu and declared the land appropriation unconstitutional. However, by the time of this decision, the dam was completed and the reservoir filled, drowning sites sacred to the Ainu. A second dam is now being proposed.</p> <p>The dam construction caused a wide range of problems for the Ainu. First of all, it caused considerable social and political conflict among the local Ainu community, especially among those who sold their land and the two who refused to sell. Many of the Ainu agreed to sell their land to the Government because they were poor and they could no longer make a living as farmers. Fish no longer filled the Saru River because of changes in water temperature; the places where the Ainu used to gather wild plants had disappeared; and the sacred sites that were central to Ainu ceremonies in Nibutani were now under water.</p> <p>Still, the 1997 Nibutani case was a breakthrough in the recognition of the ethnic identity of the Ainu. Although the Ainu plaintiffs failed to stop construction, the court ruled that the Ainu people were indigenous as defined by the United Nations (UN) protocols. The court also criticized the Hokkaido Prefecture Government for its management of other Ainu properties. On 29 March 1997, the day after the decision was announced, Prime Minister Hashimoto Ryutaro for the first time referred to the Ainu as an indigenous people. A decade earlier the Government had conceded in a UN-ordered report that it recognized the Ainu as a minority, but they had not been officially considered as Japan's original inhabitants. On 6 June 2008, a "Resolution on</p>	<p>Hokkaido</p>	<p>-</p>
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	Demand to Classify Ainu as Indigenous Peoples” was adopted unanimously at a plenary session of both houses of the Japanese Parliament.” (p. 190-191)		
Additional information provided by FSC Japan on discrimination of Ryukyu people	<p>Ethnicity and independence movement of Okinawan</p> <p>There are various arguments around whether or not Ryūkyūans should be considered as indigenous people. However, it is difficult to conclude that they are distinct indigenous people considering the FSC definition of indigenous people, when there are not many Okinawan people who consider themselves belonging to distinct ethnic group different from other Japanese..</p> <p>FSC definition of indigenous peoples includes ” self-identification as indigenous peoples at the individual level and acceptance by the community as their member” as “the key characteristic or criterion” . People in Okinawa may have a sense of identity stronger than those in other prefectures that they are different from the rest of Japan, but do not necessarily regard themselves as indigenous peoples..</p> <p>During 1950s and 1960s, after the World War II, when Okinawa was put under the occupation of the US military force, Okinawa Teachers Union promoted return movement to Japan under the slogan of “independence of nation”. In this movement the Okinawa return movement, the idea of Okinawa as a part of Japan has been well established in Okinawa and fervently supported by the people in Okinawa¹⁸. After the return in 1972, this momentum of the nationalism stopped, and people in Okinawa started to accumulate discontent against Japanese government for the presence of US military bases in Okinawa. It is doubtful that the people in Okinawa today would currently use the term “nation” with the same sentiment and meaning. However, in the interview conducted by FSC Japan, some comments were heard from people in Okinawa that they do not feel comfortable with the term Ryūkyū ethnic group.</p> <p>After October 2008, the United Nations repeated urge the Japanese government to recognize the people in Okinawa as indigenous people. Regarding this issue, opinions of Okinawan people are also divided. On 22nd September 2014, Association of Indigenous Peoples in the Ryukyus advocated their rights as an indigenous people in the UN World Conference on</p>	Okinawa	low risk

¹⁸小熊英二.1998. <日本人>の境界 (Boundaries of the Japanese) 沖縄・アイヌ・台湾・朝鮮植民地支配から復帰運動まで」新曜社 p.540

	<p>Indigenous Peoples¹⁹. A local newspaper in Okinawa posted an opposing opinion from an Okinawan reader. In the article, a 78-year-old resident of Naha city (in the main Okinawa island) criticized the Association of Indigenous Peoples in the Ryukyus for the participation of the conference as a representative of indigenous people in Okinawa.</p> <p>On April 27, 2016, the Deputy Minister of Foreign Affairs Seiji Kihara declared that the government will not accept the UN recommendation. Regarding this news, local Okinawa newspaper carried various perspectives of the local people. On June 24th, 2016, a councilor of Tomigusuku City, Okinawa Prefecture contacted the Ministry of Foreign Affairs with a perspective that “people of Okinawa have never requested the government to recognize us as indigenous people, and the US recommendation is faulty.” “We, the people having lived in Okinawa for many generations, are Japanese and we have no self recognition as indigenous people”. Tomigusuku City has passed the “statement to request UN committees to change the understanding that “Okinawans are Japanese indigenous peoples” and to cancel the recommendation”. This statement has been sent to the Ministry of Foreign Affairs, the Prime Minister, and the Governor of Okinawa Prefecture. Furthermore, the Research Society for Ryukyu Nationals Independence, which actively campaigns for the rights of indigenous peoples, protested against the chairperson of Tomigusuku City council. In Okinawa, many people are discontent with the problems repeatedly caused by the presence of US military bases and with government response, and opposition movement against the US military base and the government’s decision to relocate the base has been ongoing. On the other hand, the movement for Okinawa’s independence is hardly the mainstream of public opinion.</p> <p>Until recently, there was only one political party, “Kariyushi Club”, advocating independence of Okinawa”, and only one candidate from this party named Mr. Chousuke Yara has been running elections. He ran for a series of elections including the election for the governor of Okinawa in November 2006, election for mayor of Naha city in November 2008, election for Naha city council member in July 2013, and Naha city council by-election in November 2014 and lost in all of them. He did not get many votes in any of the elections; the</p>		
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	<p>highest vote he got was 6.8% in the recent Naha city council by-election in November 2014. Most of his shares of votes in the past were less than 1%. However, the Association of Comprehensive Studies for Independence of the Lew Chewans²⁰ has become another group advocating the independence of Ryūkyūans. The association has just been established on 15th May 2013 and actively makes campaigns such as holding symposiums .</p> <p>According to the 2007 study by LIM, John Chuan-tiong, associate professor of Ryukyu University targeting more than 1,000 Okinawan of 18 years old or above, 20.6% answered that Okinawa should become independent²¹. On the other hand, a survey carried out by Ryukyu Shinpo (local newspaper) in November 2011 regarding the future position of Okinawa, 61.8% answered that Okinawa should stay as it is (as one prefecture of Japan); 15.3% answered Okinawa should become a special administrative region; and only 4.7% answered Okinawa should become independent. Another survey was conducted in December 2012 by Masaki Tomochi, who is a professor of Okinawa International University and a joint president of The Association of Comprehensive Studies for Independence of the Lew Chewans. The survey collected response from 140 university students, of which 6% supported independence. In the survey conducted by NHK (Japan Broadcasting Corporation, a public enterprise) to 1,800 people in Okinawa in 2012, 78% expressed positive view about return of Okinawa to Japan from the US occupation 40 years ago²².</p> <p>While there are various arguments about whether or not Okinawan people should be regarded as indigenous peoples, Okinawan people who consider themselves as indigenous peoples hardly constitute the majority. According to the FSC definition of indigenous peoples, the key characteristic is "self-identification as Indigenous Peoples at the individual level and acceptance by the community as their member", and it is doubtful that Okinawan people satisfy this criterion at present.</p> <p>We refrain from clearly positioning Okinawan people as indigenous peoples. But by applying the precautional approach, we will examine the description and</p>		
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²¹ http://ja.wikipedia.org/wiki/%E7%90%89%E7%90%83%E7%8B%AC%E7%AB%8B%E9%81%8B%E5%8B%95#cite_note-10

²² 復帰40年の沖縄と安全保障～「沖縄県民調査」と「全国意識調査」から～ https://www.nhk.or.jp/bunken/summary/research/report/2012_07/20120701.pdf

	<p>the information above to evaluate the risk that the rights of Okinawan people are threatened by forest management activities.Land issues and US Military Bases in Okinawa</p> <p>Regarding the history of land use as well as possibilities of violation of Okinawan people's rights, most forests were public land called Somayama during Rykyu Dynasty Era (1429-1879). Each community managed their designated area of Somayama, which supported wood production for construction of castles and ships. Residents held commonage as use right for the land, and they were allowed to extract resources under certain rules. In other words, the responsibility of the forest management was shared and held by communities. The community set control measures on forest resource use to sustain the forest, such as limitation on equipment to be brought, limitation on harvesting level, prohibition of outsiders from entering the forest. According to the survey and border delineation of Somayama completed in the mid-18th century, the area and location of forests has not changed much since then.</p> <p>After Okinawa was integrated into Japan in 1872 and became Okinawa prefecture in 1879, a modern land registration system was introduced to clarify the land tenure, just as other parts of Japan. While many forests became privately owned, resource use was restricted in the forest lands that belonged to the national government, where people lost the commonage. Acquisition of concessions and development policy promoted abuse of the forest resources and farmers were pushed out of the forest. However, appropriation of common lands by the government was not a process specific to Okinawa; it was implemented throughout Japan. For example, in 1892, 97% of forest was designated as public land in Aomori Prefecture²³.</p> <p>In Okinawa, land sorting was carried out from 1899 to 1903. Some people gained ownership of Somayama by clearing the land, but most of Somayama was categorized as public forest. In 1905, 72% of forests are categorized as state-owned. In 1906, with "Okinawa Prefecture Special Regulation on Somayama", those state owned forests were disposed to municipal governments and private owners. This led to deprivation of commonage from the local people and heavy debt from the payment for the forest. After the</p>		
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²³ 仲間勇栄 2011. 「増補改訂沖縄林野制度利用史研究」メディア・エクスプレス p.108

	<p>series of land reformation, the composition of forests in Okinawa became 28% state-owned, 45% by the local government, and 27% privately owned, which is similar to the present figure.</p> <p>During WWII, Okinawa became the only area in Japan which experienced ground battle. In the late stage of the war, Japanese troops appropriated lands in many places in the Okinawa main island to build military facilities such as airport. However, all of such lands forcibly appropriated by the Japanese Army have been either returned to the rightful owner or the cases have been settled in the court²⁴.</p> <p>After the end of the World War II in 1945, Okinawa was put under control of the US military until 1972. During this period, large area of forests were occupied by the US military bases without change of land tenure. Even after Okinawa was returned to Japan in 1972, large area of the military bases remained as before. Today, the Japanese government pays over 90 billion JPY of rental fee annually to the roughly 39,000 landowners of the US military bases in Okinawa.</p> <p>The concentration of US military bases in Okinawa has been criticized as discrimination against people in Okinawa and has causes violation of rights and various conflicts in Okinawa. However, as described above, it has a deep root in the history, and it also concerns diplomacy and national defense. Geographical factors also play a major role. Due to the nature of the military base, relocation is not easy, and indeed, despite the urgency to relocate Futenma Military Base, which is very dangerous due to proximity to the city, 20 years have passed since the relocation was decided in 1996 while reviewing many ideas. The Futenma Base is to be relocated to Henoko in Okinawa, but there is strong local opposition, partly because the local people hoped relocation of the base to outside the prefecture but it was not realized.</p> <p>Regarding the issue of Military Base and forests in Okinawa, in particular, the largest military base, Jungle Warfare Training Center was established in the Northern part of Okinawa main island, occupying 78,330 ha. The forests in the northern part of Okinawa main island is called Yambaru, and the area has</p>		
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²⁴ Except for Kadena and Yomitan, those lands were returned to original land owners after the war during the reign of the American military. Regarding the state owned land in Kadena base, land owners brought it the court in 1977 to claim ownership of the land, but lost by the Supreme court decision in 1995. Land used for airport in Yomitan was finally returned in 2006.

	<p>been a traditional timber producing area since the age of Ryukyu Dynasty. There have been forest fires caused by the military training in the training center, and concerns have been raised regarding the environmental impact. In 2016, 53% of the Training Center occupying 4,010 ha was returned to Japan. This has reduced the concentration of US military bases in Japan to Okinawa Prefecture from 74.5% to 70.5%. However, exchange condition of this relocation was to relocate a helipad to Takae, which was carried out forcibly despite a fierce opposition by local residents.</p> <p>Regarding forests in Okinawa, forest occupies only 46% of Okinawa, and the proportion is 10th lowest among the 47 prefectures nationwide. For its management, Forest Act of Japan has been applied to Okinawa as a prefecture of Japan after its return to Japan in 1972. The forests in Okinawa are managed within the framework of the Japanese national forest plan. Yet large part of the state-owned forest is still enclosed as military bases and no timber production has been carried out there. In private forest, a local forestry cooperative practices forestry in the northern part of Okinawa main island, but in limited scale. Okinawa is frequently hit by typhoons, and straight trees useful for constructions do not grow well, and hardwood of limited size are harvested for chips. In 2016, Yambaru National Park has been established to protect 13,622 ha of subtropical evergreen forests in North Okinawa.</p> <p>Today, people in Okinawa live a modern life which is no different from other parts of Japan. With the modernization of life throughout Japan, people no longer extract resources such as firewood from forest, and forests' role have been marginalized in peoples' lives. The situation was the same in Okinawa. In a survey conducted in 2001 to 2,000 people in Okinawa, there was no such opinion that they use the forest for spiritual ceremony or for living²⁵.</p> <p>Thus it is unlikely that forest management in Okinawa is disturbing traditional use of forests by the local people. On the other hand, land occupied by the US military bases may be indeed violation of land rights of the original owners, which has a potential to be specified risk for Controlled Wood. However, we could not find any information as to whether timber is harvested in the military bases and distributed in the market. Therefore it is unlikely that timber</p>		
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²⁵ Yuei Nakama. 2012. "Forest and Culture of the Island Society". In the survey, 43% of people answered that they go to forest to enjoy the landscape and scenery, 42% go to forest to relax in nature, and 41% go to forest to refresh their mind.

	<p>originating in Okinawa comes from the US military bases where land tenure rights are violated.</p> <p>Conclusion</p> <p>Okinawa has unique culture and history which indeed differs from main islands of Japan. However, their self-recognition as a separate ethnic group is low, and it does not satisfy one important criterion of the definition of indigenous people: self-identification. Therefore we cannot conclude that they should be regarded as distinct indigenous peoples.</p> <p>To examine the rights of people in Okinawa as a precautionary approach, in the Meiji Era, there is indeed history that local people were deprived of the right to use the previous public forests in the process of introducing the modern land registration system. However, this history is not specific to Okinawa but happened throughout Japan.</p> <p>Regarding the presence of the US military bases, while it is a complex problem concerning diplomacy and national defense, it has a possibility of violating local peoples' rights. However, there is little information that timber is harvested in such lands occupied by the military bases to be distributed in the market, so the risk of timber coming from Okinawa violating the rights of local people is low. Thus we consider the risk designation for category 2 in Okinawa is low."</p>		
Additional information from FSC Japan on discrimination of Ainu	<p>"There are different theories about the area where Ainu people were present, but it is said that their territory once extended from Sakhalin, Kuril Islands (both occupied by Russia at present) to North Japan including the whole Hokkaido Island. For the purpose of this assessment, we limit our discussion to the island of Hokkaido. Measures for Promoting Ainu Culture and Improving Ainu People's Lives</p> <p>In the 19th Century, the Japanese government appropriated the land in the territory the Ainu peoples (Ainu Mushiri) without their consent and sold them off to the private sector. The Japanese government enacted "Hokkaido Former Natives Protection Act" in 1899 to provide the Ainu people with little lands, medical service, economic assistance and education. Yet the purpose of the legislation was to assimilate Ainu people into the Japanese. More recently, Hokkaido Prefecture Ainu Policy Promotion Office implemented "Ainu Welfare Policy" from 1974 to 2001, then "Promotion Policy on Ainu People's Livelihood" in an attempt to improve Ainu people's economic as well as social status. These measures included: subsidy for Ainu children's education at high</p>	Hokkaido	Specified risk for Ainu Peoples' rights

	<p>schools and universities and economic measures; Ainu housing improvement project subsidy; and Ainu small and medium corporation promotion special subsidy, which enabled exhibition for Ainu handicraft marketing, technical training and corporate management training etc²⁶.</p> <p>In 1997, following the international public opinions to improve the status of indigenous people and request of Hokkaido Ainu Association, the Japanese government abolished “Hokkaido Former Natives Protection Act” and established “Act on Ainu Culture Promotion and Promotion and Spread of Knowledge about Ainu Tradition”. In 2007, the government agreed to the United Nations Declaration on the Rights of Indigenous Peoples. Then the both houses of representatives adopted “Resolution to Request Recognition of Ainu people as an Indigenous People” in 2008, formally recognizing the Ainu people as an indigenous people in Japan. In 2009, “Expert Council on Modalities of Ainu Policy” submitted a report to the Chief Cabinet Secretary, and the Council of the Ainu Promotion Policy was organized in 2011.</p> <p>Regarding the composition of the Council of the Ainu Promotion Policy and their activities criticized by Civil Society Report on the Implementation of the ICCPR (2014), the Council is chaired by the cabinet secretary, the vice-chair is the Vice-minister of Land, Infrastructure, Transport and Tourism, and the governor of Hokkaido and Sapporo City Mayors are also members. The members this Council, excluding the chair and the vice chair who are both high-ranking officials of the government, as of November 7, 2016, the council is comprised of 12 members, of which four are representatives of Ainu organizations, three belong to research institutions or museums related to Ainu, two are representative or researcher on human right organizations, two are the heads of the prefectural and municipal governments, and one is a representative of a local tourism company²⁷. We could not confirm how many of them are actually Ainu, but seven members are representatives from Ainu groups and Ainu related institutions, comprising half of the council. Whether or not this conformation is reasonable is a matter of opinion, considering that Ainu is by far the minority even in their residential area (comprising only 0.4% of population in Hokkaido, according to the survey by Hokkaido Prefecture in 2013), and it is necessary to consult non-Ainu experts and leaders of the local governments. Regarding the meeting frequency of the Council, the council is held eight times since its establishment in 2010 till November 2016. However,</p>		
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²⁶ http://www.pref.hokkaido.lg.jp/ks/ass/new_suisin.htm

²⁷ <http://www.kantei.go.jp/jp/singi/ainusuishin/meibo.pdf>

	<p>there are three policy promotion work groups under the Council, and there have been 49 meetings of the work groups since 2010 to date (November 2016). Following activities and measures have been implemented for Ainu people's protection:</p> <ul style="list-style-type: none"> • The 21st Century Ainu Cultural Heritage Forest Restoration Plan - On April 17, 2013, a comprehensive agreement was signed between Biratori Ainu Association, Biratori Town, and Hokkaido Forest Management Bureau to establish "Blakiston's fish owl's Forest" to pass down Ainu Culture²⁸. • Establishment of Sustainable Use Strategies Study Group of Manchurian elm - The authority (Hokkaido Prefectural government) supports procurement of Manchurian elm (<i>Ulmus laciniata</i>), which is an ingredient for the traditional Ainu clothes, Attusi^{29 30}. • Traditional Life Space (loru) Restoration Project - In July 2005, the Ainu Culture Promotion Measures Council compiled "The Basic Concept on Restoring Ainu Traditional Living Space". Based on this plan, specific measures have been taken to implement the plan³¹. It is expected that restored loru (traditional life space) will serve as a holistic living space to conserve and promote Ainu culture for the future of the Ainu People³². • Establishment of Symbolic Space for Ethnic Harmony³³ - On June 13, 2014, the Cabinet decided to establish Ethnic Harmony Park (tentative name) by Poroto Lake of Shiraoi Town, Hokkaido as "the Symbolic Space for Ethnic Harmony" and a base for Ainu Cultural Promotion, including the National Museum of Ainu Culture (tentative name), traditional house complex, Ainu Workshop. It is expected that this museum will function as a national center of Ainu culture promotion. Ainu Ethnic Museum has been open at the same site since 1976. • Designation of "Ainu Tradition and modern development in the cultural landscape of the Saru River basin" as an Important Cultural Landscape 		
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²⁸ <http://www.rinya.maff.go.jp/hokkaido/press/kikaku/130410.html>

²⁹ <http://www.pref.hokkaido.lg.jp/sr/dyr/20140121siryo.pdf>

³⁰ <http://www.pref.hokkaido.lg.jp/sr/dyr/20140319siryo.pdf>

³¹ <http://www.mlit.go.jp/common/000015024.pdf>

³² http://www.pref.hokkaido.lg.jp/ks/ass/new_iorusuisin1.htm

³³ <http://www.town.shiraoi.hokkaido.jp/docs/2013012300233/>

	<p>In July 2007, “Ainu Tradition and modern development in the cultural landscape of the Saru River basin” was selected as the 3rd “important cultural landscape” for its distinct value as cultural property.</p> <ul style="list-style-type: none"> • Consultation of Ainu people and related personnel for development of Forest Management Plan - Hokkaido Forest Bureau consults Ainu stakeholders in advance when developing regional management plan for Hidaka catchment area and Iburi area³⁴. • Hokkaido Ainu Children Education Promotion Subsidy and Hokkaido Ainu Children University Education Loan - Scholarship is provided or lent for tuition and enrollment of Ainu students to high school and or higher education institute. In the case of high school students, subsidy for long distance commuting is also provided. <p>Policies and measures related to Ainu mostly concerns economic support and culture conservation and promotion. In addition, Hokkaido Prefecture Forest Management Bureau, Hokkaido Prefecture Department of Fisheries and Forestry, Hokkaido Prefecture Department of Environment and Life Ainu Measures Promotion Office, the Ainu Culture and Research Promotion Organization conducts various activities of promoting traditional handicraft and technical training. The Hokkaido Ainu living survey conducted for the Ainu peoples in 2013 shows that the number of people who answered that they are involved in the Ainu cultural activity have increased from 1999 and 2006.</p> <p>Regarding Ainu language, the number of speakers have dramatically declined owing to the past assimilation policy. Since the language did not have letters, the language is endangered to extinction³⁵. However, various efforts for preservation are currently made³⁶, and according to the survey, the number of people who are interested in Ainu language or who can speak it is increasing slightly³⁷.. Regarding the lawsuit mentioned in <i>The Indigenous World 2014</i>, twelve Japanese universities collected and stored bones of Ainu people for the purpose of research from about 1880 to 1950, and Ainu people are currently requesting return of the bones. On September 14, 2012, the first lawsuit</p>		
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³⁴ http://www.cais.hokudai.ac.jp/wp-content/uploads/2012/04/ainu_report2L_3-saigo.pdf Survey Report on Ainu Peoples’ Actual Life Condition 2009. p.42

³⁵ According to the UNESCO Red Book of Endangered Languages, **less than ten people can speak Ainu language at present** http://www.helsinki.fi/~tasalmin/nasia_report.html#Ainu

³⁶ As a project of culture preservation, The Ainu Ethnic Museum, established by Shiraoi Ethnic Culture Heritage Foundation in 1976, has developed the **Ainu Language Archive**, which provides an online platform to hear Ainu folktales spoken in Ainu language.

³⁷ The 2013 survey by Hokkaido Prefecture Department of Environment and Life shows that only 7.2 people answered “able to speak the Ainu language” or “able to speak the language a little”

	<p>against Hokkaido University was filed by three Ainu people, followed by two similar cases in January 2014 and May 2014. These cases were merged and for collective evaluation, But in March 2016, the first case has reached settlement that the 11 unidentified remains collected by Hokkaido University would be returned to Ainu Villages (Kotan). The second and third cases are still discussed as of October 2016.</p> <p>In the “Basic principle regarding establishment and management of “Symbolic Space for Ethnic Harmony” to promote restoration of Ainu Culture” decided by the Cabinet on June 13, 2014, one of the roles of the “Symbolic Space” including the national Ainu Cultural Museum is “to manage Ainu people’s bones and burial accessories”. The consolidation and memorial of the remains and the burial items collected by the research institutions in the past are also mentioned in the explanation.</p> <p>History Education</p> <p>Regarding the lack of education of history about Ainu, it is true that Ainu-related materials are limited in the nation-wide history education.</p> <p>Still, Hokkaido Prefecture Education Committee develops teaching guidelines for teachers, homepage for children, and conducts training³⁸. In addition, there are initiatives at municipal level: following the recommendation of the United Nations, Sapporo City has developed teaching guidelines for teachers and conducted trainings for teachers so that Ainu history and culture can be properly taught in public schools in Sapporo City³⁹. As a result of such efforts, in the 2013 Survey by the Cabinet Office, 95.3% of people answered yes to the question “Do you know the existence of the ethnic group Ainu?”, and 43.8% people answered that they learned at school lessons.</p> <p>Discrimination against Ainu people</p> <p>Ainu people have suffered from poverty after their lands necessary for their livelihood were deprived by the Japanese. However, the difference between the Ainu and other Japanese is gradually shrinking with the times. According to</p>		
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³⁸ <http://www.dokyoai.pref.hokkaido.lg.jp/hk/gky/pizara.htm>

³⁹ http://www.city.sapporo.jp/kyoiku/top/education/ainu/ainu_minzoku.html

	<p>the Hokkaido Ainu livelihood survey, which is conducted every 6 to 7 years since 1972, the ratio of the Ainu to other Japanese in corresponding municipalities in the proportion of household receiving welfare payments was 6.6 in 1972, but it has steadily shrunk to 1.4 in 2013. According to the statistics on human rights violations by the Ministry of Justice⁴⁰, there were 4 cases of human rights violations related to Ainu people's discrimination from 2006 to 2015, although several consultations are given every year. Various surveys shows that discrimination is decreasing from the past, and more people recognize their identity as Ainu positively. Still, concern remains regarding the discrimination.</p> <p>According to the Hokkaido Ainu Livelihood Survey conducted by Hokkaido Prefecture in 2013, 23.4% of Ainu people said that they have been discriminated at least to some degree since their childhood. On the other hand, according to the "public opinion survey on the understanding about the Ainu" conducted by the Cabinet Office to 3,000 Japanese citizens of the age of 20 or more, in response to a question whether they think there is still discrimination or prejudice against the Ainu people, 17.9% answered "yes" while 50.7% answered "no (there is no discrimination)". Meanwhile, in a survey conducted by the Cabinet Office to 1,000 Ainu people, 72.1% of the Ainu respondents answered "there is discrimination and prejudice against the Ainu." Among those who responded that prejudices and discrimination exist, 51.4% answered "either family, relatives, friends, or acquaintances are discriminated". The 2009 Ainu Living Survey Report, which provides stories of Ainu of various age groups, revealed that the older generation has experienced severer discrimination. On the other hand, in recent years, discrimination has gradually subsided; Some Ainu in younger generation had never experienced any discrimination, and some feel proud of being Ainu. This survey revealed that 40.2% of Ainu thought positively of their identity as Ainu, while only 6.3% perceived it as negative.</p> <p>Ainu People's Traditional Use of Forests Today</p> <p>Regarding the use of forest resources by Ainu peoples, Hokkaido forest management station answered that when Ainu people request use of forest resources or use of land in the National Forest, they accommodate it as much as possible within the limitation of available budget and regulations, to meet</p>		
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⁴⁰ http://www.moj.go.jp/housei/toukei/toukei_ichiran_jinken.html

	<p>the goal of national forest management to contribute to local industry and improvement of welfare of local citizens. They also answered that they have never heard of any conflicts with Ainu people about such request. Interviewed Ainu people also confirmed that when they request use of forest resource (mostly wood), they are allowed to use it after payment, if it is available. Yet it is also possible to consider that their rights are limited as they cannot exactly choose the place to use, and the resources used to be freely available to them.</p> <p>FSC Japan has been engaged with the representative of the Ainu Association of Hokkaido, which holds that at present it cannot be said that rights of Ainu peoples as the indigenous peoples is necessarily protected in Hokkaido.</p> <p>Land Rights of Ainu</p> <p>Ainu people's traditional livelihood is based on hunting and gathering, without notion of land ownership. They have engaged in trade with neighboring ethnic groups such as Yamato Japanese, and by 16th and 17th century, they have been gradually incorporated into the political and economic system of Yamato Japanese. In 1869, the new Japanese government placed Hokkaido under its direct control, and promoted immigration of the Yamato Japanese to Hokkaido develop the island. When introducing the modern land registration system, the national government nationalized the land, and sold off some lands to individuals including the Ainu, but the large area of forests were given to large companies, and the land given to the Ainu peoples was very limited. As the natural environment that had supported their livelihood was destroyed and their traditional hunting and gathering was denied, they were plunged into poverty.</p> <p>In 1899, with enactment of "Hokkaido Former Native Protection Act", the government provided land, medical service, livelihood assistance, education to Ainu people, while also implementing the cultural assimilation policy. This law was abolished in 1997, and the support for Ainu peoples is continued with the above-mentioned "Act on Ainu Culture Promotion and Promotion and Spread of Knowledge about Ainu Tradition" and policies of Hokkaido Prefecture, although the support mainly focus on education and financial support for livelihood, but not the measures to address the land issue.</p> <p>Hitherto there has been only few cases where the Ainu contested their right to a specific tract of land in the court, and the Nibutani Dam litigation case, where the rights of indigenous peoples was recognized for the first time, was a rare</p>		
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	<p>example. Some Ainu people suggested that it is difficult for them to contest the ownership and use rights of the land they used to have in the history within the framework of modern land registration and ownership system.</p> <p>In November 2014, Hokkaido Ainu Association submitted a formal opinion, which is summarized below:</p> <ul style="list-style-type: none"> • The history of modern land system and forest ownership of Hokkaido was carried out based on the principle that the national government takes ownership of terra nullius (or land without clear ownership), without any consideration for indigenous people's use of land and resources. • Regarding FSC forest certification, the Ainu indigenous people are completely neglected from the origin of the "Controlled Wood from Hokkaido". It also have a big problem that even the state-owned forest and prefecture owned forests do not satisfy the level of FSC forest certification. <p>Still, Ainu Associations did not deny the use of wood from Hokkaido as Controlled Wood completely. They stated that while there are still problems with the current situations of Ainu people, recognizing the challenge, they are willing to engage in the discussions with other stakeholders for possible resources use with focus in the future.</p> <p>Considering the history of land rights and development in Hokkaido, it is undeniable that the rights of Ainu people as indigenous people was neglected and the situation still continues today. While it is difficult to change the political environment and the system concerning land, argument remains as to how the Controlled Wood standard can be met. Yet with the current condition, the risk cannot be said to be low, therefore we conclude that there is specified risk concerning the rights of Ainu Peoples..</p> <p>Conclusion</p> <p>The life of Ainu people has been changing with time. According to the interviews, Forest resources in the state forests can be sold off to Ainu people for their traditional activities upon request, and there has not been a conflict or problem reported regarding it.</p>		
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	<p>On the other hand, Ainu people's traditional rights as indigenous people are indeed limited in some aspects. While there have been many measures of cultural promotion, most of the land that Ainu people used to use freely for the traditional livelihood of hunting and gathering now belong to other individuals or organizations. Ainu people have been relegated to specified area, and they have limited rights to the land that they used to use. Given the situation that the rights of the Ainu people as indigenous peoples are not necessarily respected throughout Hokkaido, we think that there is a specified risk in Hokkaido concerning the rights of Ainu Peoples as indigenous peoples.</p>		
Information regarding the commons (<i>iriai</i> land) from FSC Japan	<p>In many Japanese rural villages, there used to be a system called “<i>iriai</i>”, in which communities jointly use and manage the common forest lands etc. based on customary rule. Individuals in the communities would have the customary right to use the land jointly with other members of the communities. It was pointed out that this customary right may be at risk, thus the risk is evaluated below.</p> <p><i>Iriai</i> land (the commons) played an indispensable role for daily life as a place to supply firewood, green fertilizer and roofing materials. With the reformation of land registration system in Meiji Restoration, the land ownership system was modernized, and the legal ownership of land needed to be clarified. Many commons were not approved as people's land, but was confiscated to the government's ownership. In Northeast Region, where they previously fought against the emerging power that had established the new government, large proportion of the land was appropriated to state ownership; 97% of Aomori Prefecture and 83% of Akita prefecture were declared to become state-owned. In those lands that were confiscated by the state government, the customary use by the local people were denied, and the access to the use was restricted. The local people who would use the <i>iriai</i> land resisted against it, and there were many fights to retrieve the common land in various places.</p> <p>There were some forest land that were given back to the communities later, but the majority of the land stayed state-owned. Some <i>iriai</i> lands that were not confiscated to become state-owned were also made public after the municipal system change in 1889 and modernization of municipal administration. Still, there said to be about 2,200,000 ha of forest land belonging to communities as “<i>iriai</i>-land” in 1955⁴¹. However, with the enactment of the Act Concerning Revision of Rights for Common-Forest Use in 1966, many common forests</p>	Country	Low risk

⁴¹室田武、三俣孝2004.入会林野とコモンズ 日本評論社

	<p>was dissolved. Today, iriai forests are managed in various forms, such as organizational ownership, individual ownership, and common ownership.</p> <p>In the history of iriai, the customary rights have been restricted and violated by the state. However, with modernization of people's lives, the importance of forests to their lives have lessened. Although the land used to be indispensable to extract roofing materials, firewood, and construction wood, such use is very limited at present. Currently, court cases involving the iriai rights are mostly cases regarding development of the common land. For example, there has been cases where iriai rights holders dispute the landownership and legitimacy of the decision of the land disposition in face of a proposed project to develop the land into landfill of industrial waste, nuclear powerplant, or resort arises⁴².</p> <p>Interview with researchers who specialize in iriai rights confirmed that any dispute about iriai rights in recent years exclusively arise from the external pressure such as development, and there is hardly any case where the classic use of forest resources is disputed. The state Forest Agency also answered to the inquiry that there has been no dispute regarding the customary rights to use the resources within the state forest in recent years. With modernization of life, the iriai forest carry less economic value and value for use, and people no longer seem to keep the strong sense of right to the common land. Only when the new value of the land emerges in face of development or sightseeing, is the right disputed.</p> <p>As such, the risk that trees are harvested in violation to the customary right to the common forests, including those in the state forests, is considered low.</p>		
From national CW RA FSC-CW-RA-017-JP V1.0	<p><i>2.4 There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights including use rights, cultural interests or traditional cultural identity in the district concerned.</i></p> <p>"About the right for people under the range of current proprietary right, its ownership right is protected by various laws such as the Constitution, the Civil law and the Real Property Registration Act. To solve disputes regarding the ownership right, the Constitution (Clause 32) guarantees the right for a trial. In addition, to improve the accessibility for conflict resolutions, Civil Conciliation Act would be used.</p> <p>On the other hand, in Japan, as an entity with use rights and traditional rights, Ainu people in Hokkaido are known to be indigenous people. The rights of Ainu people is limited in Hokkaido.</p>	Country	Specified risk

⁴² 中尾英俊、江刺猛彦2015. コモンズ訴訟と環境保全入会裁判の現場から. 法律文化社

	<p>Dialogue and consultation with Ainu people by FSC Japan revealed that there are many different opinions about Ainu peoples' use rights and traditional rights as well as their tenure right of land and resources in Hokkaido. It was found to be difficult to judge if there is a concrete equitable processes in place to resolve conflicts regarding these rights. Therefore the risk in Hokkaido region is determined to unspecified."</p> <p><i>2.5 There is no evidence of violation of the ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas in the district concerned.</i></p> <p>"FSC Japan asked Hokkaido Regional Forest Office, Hokkaido Office, ILO office in Japan and Hokkaido timber industry about the current situation of the Ainu people, and we did not find the fact that the Ainu people are infringing on their right in the forest areas.</p> <p>Meanwhile, Association of Ainu and Ainu participant showed the examples of the issue of land use, which are not directly related to forest practices such as past case of Nibudani Dam and current situation of Biratori Dam as well as Monbetsu industrial waste dumping site.</p> <p>About the issues of the Ainu people, after the colonization of Hokkaido in 1869, land ownership was established without taking care for potential ownership of land and resources of Ainu people.</p> <p>For these reasons, we could not prove there is no evidence for violation of ownership and tenure right of land and resources. We therefore conclude that the risk in Hokkaido is unspecified.</p> <p>Regarding other areas in Japan, there is a view of United Nations Human Rights Committee and the committee on the elimination of racial discrimination about indigenous people in Okinawa and there is also a concern about access rights in US Military bases. However, Japanese government announced its view that they understand that people in Okinawa could not be covered by "racial discrimination" as provided for in the Convention on the Elimination of All Forms of Racial Discrimination. Level of recognition by people in Okinawa about themselves being indigenous people is very low. The prefectural government does not mention anything about indigenous people in its future vision.</p> <p>Considering above situation, FSC Japan decided that Okinawa be not applicable for this indicator.</p> <p>In the future revisions of the NRA, FSC Japan is to check any changes in the situation regarding indigenous issues in Okinawa.</p>		
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	Regarding other regions of Japan, there is no evidence of violation of the ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas.”		
Conclusion on Indicator 2.3: <ul style="list-style-type: none"> • Since June 2008, the Ainu have been officially recognized by the Japanese national government as an indigenous people of Japan. As of 2006, the Ainu population was 23,782 in Hokkaido and roughly 5,000 in the greater Kanto region, while figures of up to 200,000 Ainu are regularly cited as estimates of the total population. Historically, Ainu territory stretches from Sakhalin and the Kurile Islands (now both Russian territories) to the northern part of present-day Japan, including the entire island of Hokkaido. • The Japanese government has never accepted Okinawans/Ryukyuan as indigenous peoples, in contradiction to the opinions of UN Treaty Bodies and Special Rapporteurs and despite recognition by UNESCO of their unique ethnicity, history, culture and traditions. Okinawans, or Ryūkyūans, live in the Ryūkyūs Islands, which make up Japan’s present-day Okinawa prefecture. The island is home to 1.1 million of the 1.4 million people living throughout the Ryūkyūs. The Association of the Indigenous Peoples in the Ryukyus participated in the UN World Conference on Indigenous Peoples in September 2014 and Okinawans are also referred to as an indigenous peoples in IWGIA’s Yearbook The Indigenous World 2014. However, the majority of people in Okinawa do not necessarily identify themselves as indigenous peoples. As self-identification is an important criteria in the FSC definition of indigenous peoples, it is difficult to conclude the Okinawans should be positioned as indigenous peoples within the FSC framework. The greatest threat to the rights of people in Okinawa is the existence of US military bases, but there are not much information on forestry activities within the US military bases. Therefore it is not very likely that wood harvested from the US military bases, where the rights of the people of Okinawa is violated, is distributed in the market. • Regulations included in the ILO Convention 169 and UNDRIP are not enforced in the area concerned, in particular regarding land rights and rights to FPIC. (refer to category 1) • Historically, it can be said that the legal and customary rights of Ainu peoples are not sufficiently respected, in particular in relation to land rights. • There are conflicts of substantial magnitude⁴³ pertaining to the rights of Ainu people, and it cannot be said that their rights are fully protected (see previous point). • There are recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to indigenous peoples’ rights such as the Ainu Policy Promotion Council, and Okinawa Policy Council, but they have not been many cases that they are utilized as a forum to resolve conflicts pertaining to indigenous peoples’ rights. The regular court system has proven to be effective for 		Hokkaido	Specified risk for land rights and right to FPIC of Ainu people

⁴³ For the purpose of the Indicator 2.3, a conflict of substantial magnitude is a conflict which involves one or more of the following:

- Gross violation of the legal or customary rights of indigenous or traditional peoples;
- Significant negative impact that is irreversible or that cannot be mitigated;
- A significant number of instances of physical violence against indigenous or traditional peoples;
- A significant number of instances of destruction of property;
- Presence of military bodies;
- Systematic acts of intimidation against indigenous or traditional peoples.

Guidance:

In the identification of conflicts of substantial magnitude one must also be aware of possible parallel activities of other sectors than the forest sector that also impact the rights of indigenous/traditional peoples and that there can be a cumulative impact. This cumulative impact can lead to a ‘gross violation of indigenous peoples’ rights’ or ‘irreversible consequences’ but the extent of the contribution of forest management operations needs to be assessed.

The substance and magnitude of conflicts shall be determined through NRA development process according to national/regional conditions. NRA shall provide definition of such conflicts.

<p>claiming Ainu rights in the case of the Nibutani Dam lawsuit, but there are some Ainu peoples who consider that for the Ainu people vying for land ownership and land use rights in the court is difficult.</p> <p>The following specified risk thresholds apply, based on the evidence:</p> <p>(23) The presence of IP and/or TP is confirmed or likely within the area. The applicable legislation for the area under assessment contradicts indicator requirement(s) (refer to 2.2.6);</p> <p>AND</p> <p>(24) Substantial evidence of widespread violation of IP/TP rights exists;</p> <p>AND</p> <p>(26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies. (27) Neither the legality framework for the area under assessment covers all key provisions of ILO governing identification and rights of IP and/or TP and UNDRIP nor do other regulations and/or evidence of their implementation exist. Substantial evidence of widespread violation of rights exists.</p>		
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Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

Overview

Overall, 67% of Japan's total land area is classified as forest. Based on 10 natural vegetation classifications (1) developed by the Ministry of the Environment, forests fall under 6 to 9, where 9 indicates natural forest with the highest level of wilderness features and 6 is closer to what is considered a plantation. A total of 18.1% of Japan's total land is classified as 9. These areas are mainly distributed along steep mountainous areas ranging from 1,500 to 3,000 metres (m) and have poor access. A total of 25.2% of Japan's total land is classified as 6 and 17.4% is classified as 7 or 8. Presently, 41% of Japan's forests are classified as plantation forest (2). Another common Japanese forest type is 'Satoyama' which are secondary forests located between natural forest areas and human settlements which formed as a result of human interactions over a long period of history. Approximately 20% of Japan's land area is Satoyama (3) forests. Forest management at various intensity levels can occur within the above classified forest types. Note, in the analysis below the functional unit of forest the areas managed for timber and NFTP values will be referred as production forests.

Japanese forest ownership is as follows: 31% are owned by the state government, 12% owned by local governments and 58% are privately owned (4). A lot of ecologically valuable forests are present within state and local government owned forests and a lot of plantations and secondary hardwood forests are present within privately owned areas.

Hardwood forests with high level of naturalness exist in remote areas of mountains. Some of these remote forests, mainly owned by the national government, once experienced large scale harvesting during and after the World War II and during high economic growth period (1960 and 1970s). Thus most of the existing areas with high level of naturalness are those which escaped from the harvesting during these periods. The cultural values, biodiversity, erosion control function and landscape values of such important areas are protected by regulations under Natural Park Act, Natural Conservation Act, Wildlife Protection Act, Protected forest System of the State Forest, Act on the Protection of Cultural Properties, Conservation of Endangered Species of Wild Fauna and Flora (for the protection of species and habitat of Rare, Threatened and Endangered (RTE) species), Forest Act (via forest management plans, harvesting and silvicultural notices and the Forestland Development Permission System) and Landscapes Act (for the protection of landscape values) etc. For large scale land development, an Environmental Impact Assessment (EIA) is required to be conducted according to Environmental Impact Assessment Act. For more details on these protection measures on HCVs in Japan see the below Table 1.

Forests are important habitats for many animal and plant species in Japan. Approximately, 70% of Japan's mammal species and 170 bird species (approximately 70% of all 251 bird species which breed in Japan (5)) rely on forests for their survival. Japan is one of the Convention on Biodiversity (CBD) leading countries and hosted COP 10 in Nagoya (Aichi Prefecture) in 2010 in which the Aichi Biodiversity Targets were set. Since 2010, the Japanese government has made continuous efforts to expand designated protected areas and to create of green corridors linking protected forests. Figure 3-1-32 of Japan's CBD 5th National Report (March 2014) shows areas of designated protected forest in state forests and green corridors connecting them have increased and consequently, approximately 20.3% of Japan's terrestrial and inland water areas are being conserved as protected areas (where the Aichi target 11 sets a 17% country target area).

Number of endangered species in Japan has increased from 3155 in 2007 to 3597 in 2013. Several organizations employed several different methods to analyze the gap between designated protected areas and important areas for conservation of biodiversity and reported that 20 to 50% of important areas are not designated as protected areas.

On the other hand, among the endangered species in Japan, approximately 70% of amphibian species, fish species (both fresh water and sea) and insects as well as approximately 60% of shellfish and vascular plants exist in secondary nature (where the environment is created by human influence). One of the major causes for extinction of these species is said to be abandonment of Satoyama – woodland near human settlements that had been maintained by humans. Some disturbance by humans, including forestry activities, had contributed to maintenance of the secondary nature environment. Thus, forestry activities do not necessarily threaten HCVs in Satoyama. On the other hand, the secondary natural environment may be under the threat of land development due to its decreased economic value.

The main Non Timber Forest Products (NTFPs) in Japan are mushrooms, bamboo shoot, wild vegetables, bamboo, fruits, wasabi, Japanese lacquer and wood acid. More than 85% of the total production values of NTFP are from mushrooms (6). The production method of mushrooms has been shifting from log cultivation to artificial mushroom bed cultivation in air conditioned facilities as it needs no pest animal control. This shift in production can also be attributed to declining forestry industries. Even the Shiitake mushroom, the mushroom most often cultivated with logs, are now mainly cultivated on artificial beds (7). Therefore, NTFPs that depend on forests as well as impact of NTFPs harvest from forests are very limited. Thus, for the purpose of this CNRA, the focus will be on risk associated with wood rather than NTFPs harvesting.

Regarding the enforcement of laws and regulations, it is clear from the result of CNRA category 1 approved on 17th December 2015 (FSC-CNRA-JPN V1-0) that Japan's legal performance is generally good. According to the Corruption Perception Index of Transparency International, Japan scored 75 (17th out of 168 countries) in 2015 (8).

Judging from the overall situation mentioned above, Table 1 and CNRA HCV analysis below, the threats of forestry on HCVs in Japan is deemed small.

One thing to note is the increasing concern of impact of pest animals (deer in particular which has grown in number rapidly in recent years) on understory vegetation in forests and some alpine flora. They are becoming new threat to HCVs. Ministry of the Environment together with local governments are taking measures to control the pest animals by providing subsidies.

Table 1. Japan's forests under Protection & key HCV safeguards

Protection Forests	HCV Safeguards in Japan	HCV Occurrence description
Ramsar Sites: The Convention on Wetlands, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. There are currently 50 Ramsar sites in Japan (148,002 ha in total). (9)	Ramsar Sites: Japan has set an original criterion for designation which is to make sure the site is protected under regulations of national laws (Natural Parks Act, Wildlife Protection Act, etc.) for many years to come. As a result, most of Japanese Ramsar sites are covered by Special Protection Areas of wildlife sanctuary or Special protection zones/Special zones under Natural Parks Act so that these sites are protected. In Special Protection Areas of wildlife sanctuary, harvesting activities are strictly prohibited. In special zones under the Natural Parks Act, unauthorized harvesting, plant removal, hunting, introduction of plant and animals, extraction of rocks, stone and soil are prohibited. In the Special Protection zones, any damage to trees and use of fire are also prohibited.	HCV 1: Many of the Ramsar sites contain significant numbers of rare and/or threatened bird and plant species in Japan. HCV 3: Rare Wetlands ecosystems as well as important habitat.
The core areas of UNESCO Biosphere Reserves: Biosphere reserves are areas comprising terrestrial, marine and coastal ecosystems. Each reserve promotes solutions reconciling the conservation of biodiversity with its sustainable use. There are currently 7 designated reserves in Japan. Core areas includes protected areas, as they act as reference points on the natural state of the ecosystems represented by the biosphere reserves. (10) (11)	The core areas of UNESCO Biosphere Reserves: 'Biosphere Reserve designation criteria', Japan's original designation criteria, requires long term protection of the sites under laws and regulations. As a result, most of the core areas of the Biosphere Reserves are covered by Special Protection Zones and Class 1 Special Zones of National Parks, Wilderness Areas and Special Zones of Nature Conservation Areas based on Nature Conservation Act, and Forest Ecosystem Protection Areas based on Protected forest System of the State Forest. No unauthorized access is allowed in Wilderness Areas and no activities which impact natural environment is allowed. Any activities in Special Zones of Nature Conservation Areas need permission of the state government. Protected forest System of the State Forest is a system to protect state forests with high ecosystem values. These forests are governed by the state government and monitoring is implemented to check there is	HCV 1: Core areas of the Biosphere Reserves are designated important areas for long term biodiversity conservation at national level. Rare and endangered species are known to exist. HCV 3: Ecosystems which are representative of the ecoregion.

	no negative impact on the forest ecosystem and wildlife. (12) (13) (14) (15)	
UNESCO World Natural Heritage: Natural Heritage is valued for geographical and geological features, ecosystems, magnificent scenery and endangered species. There are currently 4 designated heritages in Japan. (16)	UNESCO World Natural Heritage: In the designated areas, it is required for public authorities in charge of nature protection to cooperate with local organizations and experts to manage the areas appropriately with scientific approach. Therefore establishment and management of Local Liaison Committee and Scientific Committee to develop management plans is needed. There is no specific law for conserving heritage sites, however, the state government is making sure that these sites are covered by systems that they can directly manage such as National Parks, Natural Habitat Protection Areas, Forest Ecosystem Protection Areas and Natural Monuments based on Act on Protection of Cultural Properties. Any changes to Natural Monuments need permission from the state government. These safeguards ensures that no commercial logging happens in the designated sites.(17) (18)	<p>HCV 1: Natural Heritage is valued for geographical and geological features, ecosystems, magnificent scenery and endangered species. There are currently 4 designated heritages in Japan.</p> <p>HCV 2: Smaller (than IFLs) 'intact forests' in Japan including those designated as World Heritage (Yakushima, Shirakami sanchi, Shiretoko and Kasugayama Primeval Forest).</p> <p>HCV 3: UNESCO World Natural Heritage areas are important habitat conservation areas for some of Japan's endangered species.</p>
- Natural Monument Protection Area (for Special Natural Monument): Natural Monument Protection Area is designated based on Act on Protection of Cultural Properties. Areas with rich Natural Monuments are designated. When Natural Monuments have significant value nationally or globally, they are designated as Special Natural Monuments. There are currently 4 designated as Natural Monument Protection Areas with rich Special Natural Monuments in Japan. (19) (20)	Natural Monument Protection Area (for Special Natural Monument): Based on the Act on Protection of Cultural Properties, any changes to Natural Monuments need permission from the state government.	HCV 1: Areas with rich Natural Monuments (including animals and plant species) which have significant value nationally or globally.
Special Protection Zones of National Parks and Quasi- National Parks: Sites of magnificent natural landscapes which are of special importance for Japan are designated as these types of parks. Both are designated by the state government based on Natural Parks Act. National Parks are directly managed by the state government and management of Quasi- National Parks is outsourced to local prefectures. There are currently 32 National Parks and 57 Quasi- National Parks in Japan.(21)	Special Protection Zones of National Parks and Quasi- National Parks: In special zones under Natural Parks Act, unauthorized harvesting, plant removal, hunting, introduction of plant and animals, extraction of rocks, stone and soil are prohibited. In the Special Protection zones, any damage to trees and use of fire are additionally prohibited.(22)	HCV 2: Sites of magnificent natural landscapes which are special importance for Japan are designated. An IFL area is located within the Hidaka-sanmyaku Erimo Quasi-National Park
Wilderness Areas: Nature Conservation Areas are designated based on Nature Conservation Act and prefectural bylaw for the purpose of conserving nature and biodiversity. There are currently 5 designated Wilderness Areas in Japan. (23)	Wilderness Areas: No unauthorized access is allowed in Wilderness Areas and no activities which impact natural environment is allowed here. (23)	<p>HCV 1: Sites which needs special conservation measures to maintain biodiversity are designated.</p> <p>HCV 2: Sites with almost no human influence are designated.</p>

Natural Habitat Protection Areas: Based on Act on Conservation of Endangered Species of Wild Fauna and Flora, when the Minister of the Environment finds it necessary for the conservation of a nationally endangered species of wild fauna or flora, he/she may designate a natural habitat protection area. There are currently 9 designated areas in Japan. (24) (25)	Natural Habitat Protection Areas: Based on Act on Conservation of Endangered Species of Wild Fauna and Flora, any unauthorized land re-formation, mining, extraction of soil and stone, changes to water quantity and quality and wood harvest is prohibited. (26)	HCV 1: These areas host habitat areas of for the conservation of a nationally endangered species of wild fauna or flora. HCV 3: These areas host habitat areas of for the conservation of a nationally endangered species of wild fauna or flora. Some of them are rare and unique habitat that are indispensable for the survival of some species.
Special Protection Areas of wildlife sanctuary: Areas recognized as particularly important for protecting wildlife and their habitat are designated as Special Protection Areas of wildlife sanctuary under Wildlife Protection Act. There are currently 70 sites designated by the state government and 540 sites designated by prefectures in Japan. (27) (28)	Special Protection Areas of wildlife sanctuary: In Special Protection Areas of wildlife sanctuary, harvesting activities are strictly prohibited. (29)	HCV 1: These areas contained significant concentrations of rare and/or threatened species. HCV 2: Areas larger than 10,000 ha and contain wide range of animals including large mammals and Raptors are designated. HCV 3: Areas known to have Large group of migrant birds as well as important breeding sites for large groups of birds and bats are designated.
Protected forest System of the State Forest: Protected forest System of the State Forest is a system to protect state forests with high ecosystem values. Currently there are 855 Protected forests making up 968,000 ha in total. (30)	These forests are governed by the state government and monitoring is implemented to check there is no negative impact on the forest ecosystem and wildlife.	HCV 3: State forests with high ecosystem values are designated.
Designated area for Erosion Control: Areas with significant concerns of slope erosion and accumulation of earth and sand as a consequence, as well as areas of significant concerns of soils entering streams and rivers in the case of natural disaster such as earthquake are designated under Erosion Control Act. (31) (32)	In the designated areas, any unauthorized extraction of wood, rocks, stone, soils, which may negatively impact the erosion control function are prohibited. (33)	HCV 4: Areas with significant concerns of slope erosion and accumulation of earth and sand as a consequence, as well as areas of significant concerns of soils entering streams and rivers in the case of natural disaster such as earthquake are designated.
Steep Slope Area in Danger of Failure: Steep Slope Areas in Danger of Failure which, in case of failure, will pull residents in significant risk and adjacent areas are designated by Prefectural government under Act on Prevention of Disasters Caused by Steep Slope Failure. (34) (35)	Any unauthorized activities which enhances the risk of failure (such as digging, harvesting) are prohibited under Act on Prevention of Disasters Caused by Steep Slope Failure. (36)	HCV 4: Steep Slope Areas in Danger of Failure which, in case of failure, will pull residents in significant risk and adjacent areas are designated.
UNESCO World Cultural Heritage: Designation of monuments, buildings, ruins and cultural landscapes with outstanding universal values. There are currently 15 World Cultural Heritages in Japan. (18)	In Japan, those already designated as cultural properties under Act on Protection of Cultural Properties are recommended UNESCO status if they are considered to have outstanding universal values. Therefore all World Cultural Heritage sites in Japan are subjected to protection under Act on Protection of Cultural Properties. Any changes to cultural properties need permission from the state government. (38)	HCV 6: Monuments, buildings, ruins and cultural landscapes with outstanding universal values are designated.

Special Scenic beauty: Landscapes crucial for Japanese beauty, significantly valuable and those with high artistic and academic values are designated by the state government under Act on Protection of Cultural Properties. There are currently 36 sites in Japan. (39)	Any changes to the Special Scenic beauty need permission from the state government. (19)	HCV 6: Landscapes crucial for Japanese beauty, significantly valuable and those with high artistic and academic values are designated.
Pirikanoka (of Ainu peoples): Aesthetic landscapes derived from Ainu historic culture are designated by the state government under Act on Protection of Cultural Properties. There are currently 9 Pirikanokas in Hokkaido. (40)	Any changes to the Pirikanoka need permission from the state government. (19)	HCV 6: Aesthetic landscapes derived from Ainu historic culture are designated.

Experts consulted

	Name	Organization	Area of expertise (category/sub-category)
1.	Seiichi Dejima	Nature Conservation Society of Japan	HCV 1 to 3 As a staff of the NGO, he has been involved in a number of conservation projects in Japan. He is currently in charge of a project of raptor conservation and an ecological park support project.
2.	Yukito Nakamura	Tokyo University of Agriculture	HCV 1 to 3 He has extensive knowledge and experience on vegetation throughout Japan, and has published a number of books and academic papers on forest ecology and plant taxonomy.
3.	Hirokazu Yamamoto	The Univeresity of Tokyo	HCV 1 to 6.
4.	Itsuro Katano	Kagoshima Prefecture Oshima Office Agriculture, Forest and Fisheries Dept.	General consultation with certain focus on HCV 1 and 3.
5.	Mr. Kajikawa	Oji Paper Co., Ltd	General consultation with certain focus on HCV 1 and 3. (follow up of current NRA)
6.	Masaya Tokuya; Masayuki Teruya; Katsuaki Kinjo; Hideki Irei; Tohru Higa; Kensaku Kanna; Kou Hirata; Akira Kikukawa; Takeshi Uchihara; Asamichi Iguchi	Okinawa Prefecture Environmental Dept, Nature Protection Sect. & Agriculture, Forest and Fisheries Dept.	General consultation with certain focus on HCV 1 and 3.
7.	Yuto Takahashi	Ministry of the Environment Naha Natural Environment Office Natural Park Section	General consultation with certain focus on HCV 1 and 3.
8.	Yasushi Oshiro; Kenji Agarie; Kazunori Kamizato	Kunigami Village Economic Dept & World Heritage Promotion Dept	General consultation with certain focus on HCV 1 and 3.

9.	Susumu Higa; Takeshi Yamashiro; Seikou Nishime	Kunigami Village forest owners' cooperative	General consultation with certain focus on HCV 1 and 3.
10.	Tsuguo Takanishi	Former head of Shinjuku Gyoen Park, Ministry of the Environment (retired)	General consultation with certain focus on HCV 2.
11.	Masami Shiba	University of the Ryukyus	General consultation with certain focus on HCV 1 and 3.
12	Satsuki Matsumoto Tokuki Yamiya	Uken Village	General consultation with certain focus on HCV 1 to 3.
13	Yoshiyuki Suzuki Taku Mizuta Chizuru Iwamoto Takatoshi Makino	Amami Ranger Office, Ministry of the Environment	General consultation with certain focus on HCV 1 to 3.
14	Mariko Suzuki	Amami Branch, Research Center for the Pacific Islands, Kagoshima University	General consultation with certain focus on HCV 1 to 3.
15	Mitsuhiro Tabata	Amami Nature Conservation Society	General consultation with certain focus on HCV 1 to 3.
16	Takehiko Ohta	Emeritus professor of Tokyo University	General consultation with certain focus on HCV 4.

Risk assessment

Indicator	Sources of Information	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
3.0	(Also see Table 1) 9 to 52	<p><u>HCV Occurrence Data Assessment:</u></p> <p>In Japan, there has been almost no report/document that systematically and comprehensively investigated the occurrence of HCVs according to FSC's definition. However, the current CW NRA approved by FSC on 4th August 2014 (FSC-CW-RA-017-JP V1-0) and 'HCV guideline' currently under development by Japanese CW working group are very useful sources.</p> <p>The data on what can be consider HCVs are sufficient for the designated areas under national legislations and/or international conventions which can be considered highly likely to be HCVs (also see Table 1 for more details):</p> <p>[HCV 1 to 3]</p> <ul style="list-style-type: none"> - Ramsar sites in Japan: http://www.ramsar.org/wetland/japan - The core areas of UNESCO Biosphere Reserves 	Country	Low risk Thresholds (1) and (2) are met: (1) Data available are sufficient for determining HCV presence within the area under assessment; AND

		<ul style="list-style-type: none"> - UNESCO World Natural Heritage: 4 designated heritages in Japan. - Natural Monument Protection Area (for Special Natural Monument): There are currently 4 designated Natural Monument Protection Area with rich Special Natural Monuments in Japan. - Special Protection Zones of National Parks and Quasi- National Parks: There are currently 32 National Parks and 57 Quasi- National Parks in Japan. - Wilderness Areas: Nature Conservation Areas are designated based on Nature Conservation Act and prefectural bylaw for the purpose of conserving nature and biodiversity. There are currently 5 designated Wilderness Areas in Japan. - Natural Habitat Protection Areas: There are currently 9 designated areas in Japan. - Special Protection Areas of wildlife sanctuary: There are currently 70 sites designated by the state government and 540 sites designated by prefectures in Japan. - Protected forest System of the State Forest: Currently there are 855 Protected forests making up 968,000 ha in total. <p>Other relevant data sources [HCV 1, 2, 3]: Biodiversity assessment maps Act on Biodiversity Biodiversity Chart database Conservation International also designates areas called Key Biodiversity Area (KBA) which are mapped. The KBA tends to cover fair large areas as a whole. So it is likely that not whole KBA is HCV 1 but there are some HCV 1 areas in each KBA.</p> <p>Information related to invasive species: There is several information sources regarding the threat of human introduction of alien / invasive species and the main safeguard: Invasive Alien Species Act as well as mitigation measures implemented by the Ministry of the Environment:</p> <p>Results of Research to develop a policy on greening plan use: http://www.env.go.jp/press/press.php?serial=7857 Rontai Co., Ltd (a private greening company) website as an example: http://www.rontai.co.jp/combinatio/</p> <p>Therefore the risk of any forestry activities threatening values of designated areas is well understood and documented thus the risk for threats and safeguards data assessment is deemed Low risk.</p>		(2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.
3.1 HCV 1	5, 8,, 46, 50-63, 68-69, 79-81, 83-87	<p><u>HCV Occurrence</u></p> <p>As indicated in Table 1, HCV 1 areas designated as important under national legislations and/or international conventions are subjected to restrictions enforced by the respective legislations. Moreover, as there is no allowance of forest management activities in these areas so no further analysis on these protected forest areas is required in the HCV 1 sections below.</p> <p>According to the Biodiversity Hotspot designated by Conservation International, Japan as a whole is a biodiversity hotspot (53). There are many endemic species and other HCV 1 species that occur including within production forests in Japan.</p>	Country	Low risk Threshold (7) applies: (7) HCV 1 is identified and/or its occurrence is likely in the area under assessment, but it is effectively

	<p>Red listed species: After the publication of the IUCN red list, the Nature Conservation Society of Japan and WWF Japan subsequently published a red data book for plant species for Japan in 1989. Since then relevant authorities are maintaining the publicly available database (54). Red listed species may also be found within production forests of Japan.</p> <p>KBAs: Are based on Important Bird Areas (IBAs) of BirdLife International which has been developed since 1980s. These areas are protected as important wild bird habitat by Wild Bird Society of Japan (62, 63).</p> <p>In order to develop and support policies and strategies to conserve biodiversity and promote sustainable use, the Ministry of the Environment has been developing maps (named 'biodiversity assessment maps') to illustrate current status of biodiversity, areas with risks and prioritized areas where measures should be taken (55, 61). These maps include 'Areas (forest, inland water, coast) with natural ecosystem that characterizes Japanese land', 'Number of endangered species whose habitats are limited', 'Number of endemic species', 'Coastal areas where migrant birds potentially visit' etc. In addition to the maps, a 'Biodiversity Chart' for each municipality was developed which shows basic summary of biodiversity found in each municipality. Based on the Basic Act on Biodiversity, each municipality is to develop biodiversity regional strategy in order to conserve local biodiversity. The Chart is used as input to this strategy. In the 'Guidance for developing biodiversity regional strategy' (55), the 'Municipal Forest Maintenance Plan' is specifically mentioned as very closely related plan. Hence through the Municipal Forest Maintenance Plan, the biodiversity regional strategy is influencing decisions related to forest management to ensure biodiversity is conserved.</p> <p>Conservation International also designates areas called Key Biodiversity Area (KBA) which are mapped. The KBA tends to cover fair large areas as a whole. So it is likely that not whole KBA has HCV 1 values but it is likely there are some HCV 1 species in each KBA.</p> <p><u>Southern part of Nansei Islands (Amami Islands and further south)</u></p> <p>Japan has several islands such as Izu Islands, Ogasawara Islands, Iki Island, Tsushima Island, Goto Islands and the Nansei Islands. The land territory, coast and offshore areas often have unique ecosystem and valuable landscapes and the influence of human activities is generally small on most of these islands.</p> <p>Forests of Nansei Islands are the only land areas of Japan included in WWF's Global 200 which means it contains an ecoregion that hosts HCV 1 values including areas that harbour exceptional biodiversity and are representative of its ecosystems which feature high levels of species richness, endemic species, unusual higher taxa, unusual ecological or evolutionary phenomena, and the global rarity of habitats and species (56, 60). This area has a variety of climates and species of temperate and subtropical zones and shows one of the most valuable natural environment in the world. Faunal boundary line between the Palearctic region and the IndoMalaya region called Watase Line is just north of Amami Islands (57). Thus the Southern part of Nansei Islands (Amami Islands and further south) belongs to a different ecozone from the rest of Japan. The uniqueness in the flora and fauna makes these areas clearly contain HCV 1 species and are considered very symbolic areas for nature conservation. The HCV 1 values do also overlap with production forests in the region.</p>	protected from threats from management activities.
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⁴⁴ In order to protect valuable nature of islands, Izu Islands were designated as Izu Shichito National Park in 1955 (currently incorporated into Fuji-Hakone-Izu National Park), Ogasawara Islands were designated as Ogasawara National Park in 1972, Iki Island and Tsushima Island were designated as Iki-Tsushima Quasi-National Park in 1968, and Goto Islands were designated as Saikai National Park in 1955. Yakushima Island (in northern part of Nansei Islands) was designated as Kirishima Yaku National Park in 1964 (currently as Yakushima National Park). On the other hand, designation of all national parks in the southern part of Nansei Islands were after 1972 which is the year when Ryukyu (present Okinawa prefecture) was returned to Japan from the USA (Iriomote-Ishigaki National Park in 1972, Amami Gunto Quasi-National Park in 1974, Okinawa Kaigan Quasi-National Park in 1972 and Kerama Shotō National Park was once included in Okinawa Kaigan Quasi-National Park in 1978 and then designated independently in 2014).

	<p>section above (Japan overall has a good legal compliance record (also see Category 1) and has a CPI index is 72/100 and is 20th out of 176 countries in 2016. (8)</p> <p>Red Listed Species: As described above, the red data book and the red listed species database are in place and well maintained in Japan (54). While there is no specific legislation for red listed species, this information is taken into consideration when designating areas under the Wildlife Protection and Hunting Management Law and when implementing environmental impact assessment for protecting and conserving wild organisms. Red list species are also protected by proxy through the designation of important areas as Natural Habitat Protection Areas and Special Protection Areas of wildlife sanctuary (also see Table 1) (54). Thus areas with concentrations of biological diversity including endemic species, and rare, threatened or endangered species, forestry management activities are restricted so that the risk of removal of these important RTE species is low.</p> <p>Key Biodiversity Area (KBA), Important Bird Area (IBA): KBA is based on IBA which has been developed and maintained by an international NGO, Birdlife International. KBA includes species other than birds and also criteria of Alliance for Zero Extinction (AZE) and Important Plant Area (IPA) (46). Conservation International Japan, an Environmental NGO, has analyzed GIS data and reported that about a half of KBA is covered by some sort of protected areas.</p> <p>These areas are protected as important wild bird habitat by Wild Bird Society of Japan (62). The protection activities are based on local effort in cooperation with local community. However, at the same time, the Wild Bird Society of Japan is making requests to governmental bodies to designate IBAs as protection sites under legislative regulation (i.e. wildlife sanctuary, National Parks and Quasi- National Parks, Nature Conservation Areas and Natural Monument).</p> <p>Currently about half of the IBAs (or part of IBAs) are designated as protection sites under legislative regulation (63). Wild Bird Society of Japan is a large organisation with 90 branches and more than 50,000 members/supporters. Their proactive activities include protection of IBAs together with local community. Forest owners generally respect their opinions and will not implement any forestry activities which are opposed by the members of the Society. Thus it can be concluded that the risk that forest management activities will threaten the habitat of the IBAs or survival of any RTE species is low.</p> <p>Additionally, Japan is a signatory country to the CBD. In order to achieve Aichi targets, Japan has revised its Biodiversity National Strategy in 2012 and developed a roadmap to achieve targets (5). During COP 12 in 2014, in order to make interim assessment of progress towards achieving Aichi targets, Global Biodiversity Outlook 4 was used. This concludes that although some progress to achieving Aichi targets was demonstrated globally, the progress is insufficient to achieve targets unless immediate effective measures are implemented to mitigate the pressure on biodiversity. As a result, only targets 11, 16 and 17 were assessed likely to be achieved. Japan's national report used as input to the GBO4, demonstrate that targets 11 (regarding land conservation areas) and 17 are already achieved.</p> <p>Gap Map areas: The Ministry of the Environment, following the long term objective of the National Biodiversity Strategy, conducted an investigation to specify important ecosystem areas for the purpose of conserving biodiversity at national level. As a result, 'Information on important areas for biodiversity conservation' was published in 2001. Based on this information, in 2012 the Ministry of the Environment developed a map of 'Areas (forest, inland water, coastal areas) with natural</p>		
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	<p>ecosystems that characterizes Japanese lands' (79). They also developed a map of 'Designated status of protected areas' and overlaid these maps to produce a map of 'Gaps between protected areas and Areas with natural ecosystem that characterizes Japanese land' (81).</p> <p>According to this gap map, most gaps are found along backbone ranges in Hokkaido, central Honshu and Nansei Islands. Percentage of gaps calculated from GIS data are 45.5%, 43.3%, 34.3% in Hokkaido, Honshu and Ogasawara Islands respectively; whereas the percentage of gap in Southern part of Nansei Islands is 69.5%. In Hokkaido and Honshu, most of the natural forest ecosystem core areas were protected and the gaps were found mainly around the buffer zones around the core protected area located mainly in remote steep land with poor access where forestry activities rarely takes place. In Nansei Islands, the main gaps were found in Amami Oshima Island, Tokuno-shima Islands and northern areas of Okinawa main island.</p> <p>In southern part of Nansei Islands, there was a concern of a risk of tree harvesting by private harvesters negatively impacting HCV 1 and/or 3. However, by the designation of a new National Park (Yanbaru National Park) in September 2016 in Okinawa Main Island, one of the main areas with forestry industry, forestry activities in high ecological value areas is now restricted. In Amami Islands, a new national park was established in March 2017, encompassing 42,181 ha of land, including subtropical forests in the center of Amami Oshima Island (81). As the area used to be mostly the "gap" zones, the designation of these two new national parks in Okinawa and Amami islands has reduced the gap map areas in Nansei Islands significantly.</p> <p>The Nature Conservation Society of Japan has also compared plant community red data with the current protected area to identify the gap areas (80). Results show that 2.70% (10,061.44 km²) of national land is habitat for species listed in the red data book, and 73.81% of the habitat is covered in some sort of protected areas. This means 26.19% of the habitat is not included in any of the designated protected areas. The results also showed a trend that areas with high altitude are largely covered by protected areas and more gap areas are found in lower land.</p> <p>Among the endangered species in Japan, approximately 70% of amphibian species, fish species (both fresh water and sea) and insects as well as approximately 60% of shellfish and vascular plants exist in secondary nature (the environment created and maintained by humans) (83). As people stopped using fuel woods, Satoyama, woodland near settlement, which was managed to collect fuel woods started to be abandoned, allowing natural succession to proceed. What is important to ensure these endangered species' survival is continuous use and management of the secondary nature of Satoyama; designation of protected areas by governments is not always the best solution. Instead, for such species which depend on the secondary natural environment, human disturbance such as forestry activities may be necessary. However, because secondary hardwood forest of Satoyama has little economic value, forestry activities do not often take place. At the moment, they are maintained by efforts of volunteers to conserve Satoyama in Japan. Certain amount of human disturbance is considered to be beneficial survival of species in the secondary nature.</p> <p>The risk of the secondary natural environment being converted into plantation is very small. Commercial forestry in Japan mostly takes place in conifer plantation. Forestry in Japan has been stagnant for a long period of time, and the revenue gained from selling harvested woods can hardly pay for the cost of reforestation and following silviculture. It is unlikely that someone wish to pay the cost to expand plantation forest in hardwood secondary forested areas. Some hardwood secondary forests are harvested for pulpwood production. Hardwood naturally regenerate from coppicing very promptly and the secondary natural ecosystem is maintained by such disturbance. Thus it cannot be said that such forestry operation threatens the endangered species in such habitats.</p>		
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	<p><i>Alien / Invasive species:</i></p> <p>Regarding the threat of human introduction of alien / invasive species, alien species which are likely to have negative impact on ecosystem are specified and designated under Invasive Alien Species Act and any activities which lead to expansion of such species are prohibited (50). When there is already a known impact caused by a specified alien species on ecosystems, mitigation measures are implemented by the Ministry of the Environment (per article 11 of the Act). Mitigations currently implemented in Japan are against mongoose and <i>Bufo marinus</i>.</p> <p>Regarding the use of alien commercial tree species, Japan started introducing some as a trial as early as the Meiji Era (1868-1912) (51). In Taisho Era (1912-1926), <i>Picea abies</i> and <i>Pinus sylvestris</i> were introduced widely in Hokkaido as a snowbreak along railways. In the postwar 'plantation expansion' period, <i>Pinus strobus</i> was introduced in Hokkaido due to its fast growth rate. As plantation expansion ceased, introduction of alien commercial trees also ceased and there is almost no commercial introduction of alien trees now.</p> <p>On the other hand, there is a slight concern on biodiversity from the long term habit of use of alien grasses to protect embankment slopes along forest roads. The reasons for the use of alien grasses are because they are relatively cheaper, they have a better initial growth and survival rate. To investigate the potential impacts of using alien grass for protection of slopes the government decided to implement a comprehensive research (named 'Research to develop a policy on greening plan use') in 2006 lead by the Ministry of the Environment, Ministry of Land, Infrastructure, Transport and Tourism, Ministry of Agriculture, Forestry and Fisheries and Forestry Agency (52). Following the research results, the Forestry Agency, in 2011, developed a 'Guideline on application of greening plants in public construction projects which take into account conservation of biodiversity' (84). Since then, public construction projects are following the guideline and the impact of alien grasses on biodiversity is decreasing. Private greening companies (which sell and apply the grass seeds) are also following the guideline so only species which their invasiveness impacts have been assessed are used. Currently there is no reported situation where invasive alien grasses are uncontrollably expanding to threat HCVs with forest management production forests.</p> <p><u>Southern part of Nansei Islands (Amami Islands and further south)</u></p> <p>Nansei Islands are affected by strong wind and wind storms such as typhoon so trees of sizes, shapes and quality suitable for construction timber can hardly be grown here. The main forestry activity is harvesting of trees for woodchip production as well as wood for civil engineering. Overall, the scale of forestry activities is usually relatively small. Amami Oshima Island and Okinawa Main Island, are the two areas where main forestry activities take place in Nansei Islands and produce 24,000m³ and 4,000m³ of woods annually respectively (85, 86). Each island has estimated annual growth rate of approximately at least 300,000m³, forestry industries in these islands, especially Okinawa Main Island, are very minor industries. The main harvesting method is clear felling as most trees cut are mainly hardwoods whose shapes are not suitable for thinning (i.e. not straight). The area of clear felling is small and never exceeds 5 ha.</p> <p>The Okinawa Main Island, one of the main areas with forestry industry, the annual timber production volume is only approximately 1.3% of the annual growth rate (4,000m³ / 300,000m³) thus the potential threats on HCVs caused by forestry activities are quite small. Additionally, the designation of a new national park (Yanbaru National Park) in September 2016 reduced gap areas significantly (69).</p> <p>Following the establishment of Yanbaru National Park, another national park was established in March 2017 in Amami</p>	
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		<p>Islands, with Amami Oshima Island being the core. Amami Oshima Island produces approximately 8% of the growth rate annually (24,000m³ / 300,000m³); which is quite small but relatively large for this region. The island was once heavily exploited by a local company which owns large portion of the land of the island and harvested large amount of timber by destructive practice. Prior to designation of the new national park, this company has agreed to sell 4,200 hectares of its corporate forest to the Ministry of the Environment as this area is likely to be included in the national park (87). The area sold is in the centre of the islands with high likelihood of HCV occurrence. As a result, forestry activities in the centre of Amami Oshima Island is going to be restricted and endemic species as well as their habitat are to be protected.</p> <p>Designation of new national parks in Okinawa and Amami Islands is a necessary measure in order to designate the Ryukyu-Amami region to be UNESCO world heritage site which the Ministry of the Environment is proactively promoting. By having the legal safeguards in place, endemic species as well as their habitats in Okinawa and Amami Islands are to be protected.</p>		
3.2 HCV 2	13, 16-19, 21 – 23 27 – 30 39, 70	<p><u>HCV 2 Occurrence:</u></p> <p>As the IFL maps indicate, it is clear that not many IFLs are left in Japan (70). This is due to an obvious population increase occurring already in Edo era (since 1600) and post-war(s) wood demands. The easiest accessible forests were harvested and intact forests are only left in remote areas under state land.</p> <p>The IFL maps shows two areas of Japan having IFLs. One area overlaps with Fagus crenata forest designated as 'Asahi Sanchi Forest Ecosystem Protection Areas' based within the protected forest system of the State Forest. The other area overlaps with the Hidaka-sanmyaku Erimo Quasi-National Park. There are other smaller forests called 'intact forest' in Japan including those designated as World Heritage (Yakushima, Shirakami sanchi, Shiretoko and Kasugayama Primeval Forest) (16).</p> <p>In Japan, outstanding landscape values are subjected to designation of parks under Natural Parks Act and scenic beauty under Act on Protection of Cultural Properties and Protected forest based on Protected forest System of the State Forest. These designated areas may contain HCV 2 but are adequately safeguarded (see Table 1 for more details).</p> <p><u>Threats Assessment</u></p> <p>According to the IFL Map there are only 2 IFLs remaining in Japan both of which are adequately protected from forest management activities as they both are under protection ('Asahi Sanchi Forest Ecosystem Protection Areas' based within the protected forest system of the State Forest and the other IFL overlaps with the Hidaka-sanmyaku Erimo Quasi-National Park) and forest management activities are prohibited in these areas.</p> <p>Additionally, smaller 'intact' natural forests are very limited in Japan and are adequately protected from any forest management activities under national legislation. According to the IFL definition, IFL refers to at least 500 km² (50,000 ha) and minimal width of 10 km. The scale is much larger than the criteria used for designating natural parks of Japan; the criterion on scale for national parks is at least 30,000 hectares with primeval core landscape area of at least 2,000 hectares; while the criterion for quasi-national park is at least 10,000 hectares with core area of at least 3,000 hectare. Any area that is considered as large landscape-level ecosystems with global, regional, or national significance are designated as world heritage and other protected areas, such as National parks under Natural Parks Act, scenic beauty under Act on Protection of Cultural Properties (17) and Protected forest based on Protected forest System of the State</p>	All protection and production forest areas	Low risk Threshold (10) applies: (10) There is low/negligible threat to HCV 2 caused by management activities in the area under assessment;

		<p>Forest (15). In these designated areas, any activities including forest management to damage the values are not permitted.</p> <p>The law and regulations are generally well enforced and respected in Japan. According to the Worldwide Governance Indicators of the World Bank, Japan scores high in all the indicators. In the percentile rank, Japan scores 95.67 in government effectiveness; 85.10 in regulatory quality; 89.42 in rule of law in 2015 (88). In addition, forestry in Japan takes place mostly in conifer plantation. Secondary hardwood forests used to be used to supply fuelwood, but the need has been lost as people started to use fossil fuels. Forestry in Japan has been stagnant for decades due to low timber price and high cost of forest management including harvesting. When even many mature plantations are abandoned, the pressure from forestry on protected area is extremely low. Probably the biggest threat to the protected areas and forest landscapes in general is the overpopulation of pest animals such as deer and wild boars, which is not caused by forestry activities. Overall, it can be concluded that there is low/negligible threat to HCV 2 caused by forest management activities in Japan.</p>		
3.3 HCV 3	5, 50-53, 55-58, 60-63, 68-69, 79-86	<p><u>HCV 3 Occurrence</u></p> <p>As indicated in Table 1, areas designated as important under national legislations and/or international conventions are subjected to restrictions enforced by respective legislation and there is no allowance of forest management activities in these areas. Thus no further analysis on these HCV 3 areas is required in the section below.</p> <p>According to Biodiversity Hotspot designated by Conservation International, Japan as a whole is a hotspot (53). There are many HCV 3 ecosystems in Japan which potentially overlap with production forest areas of Japan.</p> <p>In order develop and support policies and strategies to conserve biodiversity and promote sustainable use, the Ministry of the Environment have been developing maps (named 'biodiversity assessment maps) to illustrate current status of biodiversity, areas with risks and prioritized areas where measures should be taken (55, 61). These maps include 'Areas (forest, inland water, coast) with natural ecosystem that characterizes Japanese land', 'Number of endangered species whose habitats are limited', 'Number of endemic species', 'Coastal areas where migrant birds potentially visit' etc. In addition to the maps, a 'Biodiversity Chart' for each municipality was developed which shows basic summary of biodiversity found in each municipality. Based on Basic Act on Biodiversity, each municipality is to develop biodiversity regional strategy in order to conserve local biodiversity. The Chart is used as input to this strategy. In the 'Guidance for developing biodiversity regional strategy' (55), the 'Municipal Forest Maintenance Plan' is specifically mentioned as very closely related plan. Hence through the Municipal Forest Maintenance Plan, the biodiversity regional strategy is influencing decisions related to forest management to ensure biodiversity it conserved.</p> <p>Conservation International also designates areas called Key Biodiversity Area (KBA) which are mapped. The KBA tends to cover fairly large areas and may contain many HCV 3 important ecosystem and/or habitat areas.</p> <p><u>Southern part of Nansei Islands (Amami Islands and further south)</u></p> <p>Japan has several islands such as Izu Islands, Ogasawara Islands, Iki Island, Tsushima Island, Goto Islands and the Nansei Islands. The land territory, coast and offshore areas often have unique ecosystem and valuable landscapes and the influence of human activities is generally small on most of these islands.</p>	All protection and production forest areas	Low risk Threshold (15) applies: (15) HCV 3 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities

		<p>Forests of Nansei Islands are the only land areas of Japan included in WWF's Global 200 which means it contains an ecoregion that hosts HCV 3 values including areas that harbour exceptional biodiversity and are representative of its ecosystems which feature high levels of species richness, endemic species, unusual higher taxa, unusual ecological or evolutionary phenomena, and the global rarity of habitats and species (56, 60). This area has a variety of climates and species of temperate and subtropical zones and shows one of the most valuable natural environment in the world. However, there are reported issues about insufficient coverage of protected areas by law. WWF Japan has, hence, been promoting development of 'Nansei Islands biodiversity strategy' via 'WWF Nansei Islands living organisms map' project. Faunal boundary line between the Palearctic region and the IndoMalaya region called Watase Line is just north of Amami Islands (57). Thus the Southern part of Nansei Islands (Amami Islands and further south) belongs to a different ecozone from the rest of Japan. The uniqueness in the flora and fauna makes these areas clearly contain HCV 3 ecosystems/habitats and are considered very symbolic areas for nature conservation. The HCV 3 values may overlap with production forests in the region.</p> <p>Due to historical reasons, post-war reconstruction and industrial promotion were prioritized in Nansei Island and designation of National parks were less prioritized which led to late designation of national parks here.⁴⁵ Until only recently, coverage of legal protection was considered insufficient which made WWF Japan to develop "WWF Nansei Islands living organisms map" to call for protection of biodiversity (57). However, in 2013, the region was included in the tentative World Heritage Site list of UNESCO (58), Iriomote-Ishigaki National Park was expanded on 15th April 2016 and in September 2016 (68), and designation of Yanbaru National Park which cover the forested areas located in north region of Okinawa Island was announced (69). In Amami Islands (Amami Oshima Island being the core of islands), Amami Islands National Park was established in March 2017, covering the central forested area of Amami Oshima Island. The government is planning to recommend Ryukyu-Amami area as UNESCO world heritage site and taking necessary measures to enforce the protection of the area.</p> <p>Finally, another area worth noting for its symbolic valuable nature (which is often spoken together with Nansei Islands) is Ogasawara Islands. Ogasawara Islands have never been connected to any large continent and so have quite unique ecosystem. The value of ecosystem and biodiversity including HCV 3 values is by no means any less than Nansei Islands. However, as the aforementioned gap map showed, a large portion of the islands are covered by Ogasawara National Park and the area is already a designated UNESCO World Heritage so good protection measures are in place. Moreover, as the area does not have much forests, forest management does not pose a real threat to the natural ecosystems identified in the gap analysis.</p> <p><u>Threat Assessment:</u> <u>Key Biodiversity Area (KBA), Important Bird Area (IBA):</u></p>		
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⁴⁵ In order to protect valuable nature of islands, Izu Islands were designated as Izu Shichito National Park in 1955 (currently incorporated into Fuji-Hakone-Izu National Park), Ogasawara Islands were designated as Ogasawara National Park in 1972, Iki Island and Tsushima Island were designated as Iki-Tsushima Quasi-National Park in 1968, and Goto Islands were designated as Saikai National Park in 1955. Yakushima Island (in northern part of Nansei Islands) was designated as Kirishima Yaku National Park in 1964 (currently as Yakushima National Park). On the other hand, designation of all national parks in the southern part of Nansei Islands were after 1972 which is the year when Ryukyu (present Okinawa prefecture) was returned to Japan from the USA (Iriomote-Ishigaki National Park in 1972, Amami Gunto Quasi-National Park in 1974, Okinawa Kaigan Quasi-National Park in 1972 and Kerama Shotō National Park was once included in Okinawa Kaigan Quasi-National Park in 1978 and then designated independently in 2014).

		<p>KBA is based on IBA which has been developed and maintained by an international NGO, Birdlife International. KBA includes species other than birds and also criteria of Alliance for Zero Extinction (AZE) and Important Plant Area (IPA) (46). Conservation International Japan, an Environmental NGO, has analyzed GIS data and reported that about a half of KBA is covered by some sort of protected areas.</p> <p>These areas are protected as important wild bird habitat by Wild Bird Society of Japan (62). The protection activities are based on local effort in cooperation with local communities. However, at the same time, the Wild Bird Society of Japan is making requests to governmental bodies to designate IBAs as protection sites under legislative regulation (i.e. wildlife sanctuary, National Parks and Quasi- National Parks, Nature Conservation Areas and Natural Monument).</p> <p>Currently about half of the IBAs (or part of IBAs) are designated as protection sites under legislative regulation (63). Wild Bird Society of Japan is a large organisation with 90 branches and more than 50,000 members/supporters. Their proactive activities include protection of IBAs together with local communities. Forest owners generally respect their opinions and will not implement any forestry activities which may threatened the HCV 3 values such as habitat removal and are opposed by the members of the Society. Thus it can be concluded that the forest management activities will not threatened the habitat of the IBAs through.</p> <p>Additionally, Japan is a signatory country to the CBD. In order to achieve Aichi targets, Japan has revised its Biodiversity National Strategy in 2012 and developed a roadmap to achieve targets (5). During COP 12 in 2014, in order to make interim assessment of progress towards achieving Aichi targets, Global Biodiversity Outlook 4 was used. This concludes that although some progress to achieving Aichi targets was demonstrated globally, the progress is insufficient to achieve targets unless immediate effective measures are implemented to mitigate the pressure on biodiversity. As a result, only targets 11, 16 and 17 were assessed likely to be achieved. Japan's national report used as input to the GBO4, demonstrate that targets 11 (regarding land conservation areas) and 17 are already achieved.</p> <p>Gap Map areas:</p> <p>The Ministry of the Environment, following the long term objective of the National Biodiversity Strategy, conducted an investigation to specify important ecosystem areas for the purpose of conserving biodiversity at national level. As a result, 'Information on important areas for biodiversity conservation' was published in 2001. Based on this information, in 2012 the Ministry of the Environment developed a map of 'Areas (forest, inland water, coastal areas) with natural ecosystems that characterizes Japanese lands' (79). They also developed a map of 'Designated status of protected areas' and overlaid these maps to produce a map of 'Gaps between protected areas and Areas with natural ecosystem that characterizes Japanese land' (81).</p> <p>According to this gap map, most gaps are found along backbone ranges in Hokkaido, central Honshu and Nansei Islands. Percentage of gaps calculated from GIS data are 45.5%, 43.3%, 34.3% in Hokkaido, Honshu and Ogasawara Islands respectively; whereas the percentage of gap in Southern part of Nansei Islands is 69.5%. In Hokkaido and Honshu, most of the natural forest ecosystem core areas were protected and the gaps were found mainly around the buffer zones around the core protected area located mainly in remote steep land with poor access where forestry activities rarely takes place. In Nansei Islands, the main gaps were found on the Amami Oshima Island and northern areas of Okinawa main island.</p>		
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	<p>In southern part of Nansei Islands, there was a concern of a risk of tree harvesting by private harvesters negatively impacting HCV 1 and/or 3. However, by the designation of a new National Park (Yanbaru National Park) in September 2016 in Okinawa Main Island, one of the main areas with forestry industry, forestry activities in high ecological value areas is now restricted. In Amami Islands, a new national park, Amami Islands National Park was established in March 2017 (82). Designation of these two new national parks in Okinawa and Amami islands has reduced the gap areas in Nansei Islands significantly.</p> <p>The Nature Conservation Society of Japan has also compared plant community red data with the current protected area to identify the gap areas (80). Results show that 2.70% (10,061.44 km²) of national land is habitat for species listed in the red data book, and 73.81% of the habitat is covered in some sort of protected areas. This means 26.19% of the habitat is not included in any of the designated protected areas. The results also showed a trend that areas with high altitude are largely covered by protected areas and more gap areas are found in lower land.</p> <p>Among the endangered species in Japan, approximately 70% of amphibian species, fish species (both fresh water and sea) and insects as well as approximately 60% of shellfish and vascular plants exist in secondary nature (the environment created and maintained by humans) (83). As people stopped using fuel woods, Satoyama, woodland near settlement, which was managed to collect fuel woods, started to be abandoned, allowing natural succession to proceed. What is important to ensure these endangered species' survival is continuous use and management of the secondary nature of Satoyama; designation of protected areas by governments is not always the best solution. Instead, for such species which depend on the secondary natural environment, human disturbance such as forestry activities may be necessary. However, because secondary hardwood forest of Satoyama has little economic value, forestry activities do not often take place. At the moment, they are maintained by efforts of volunteers to conserve Satoyama in Japan. Certain amount of human disturbance is considered to be beneficial for survival of species in the secondary nature.</p> <p>The risk of the secondary natural environment being converted into plantation is very small. Commercial forestry in Japan mostly takes place in conifer plantation. Forestry in Japan has been stagnant for a long period of time, and the revenue gained from selling harvested woods can hardly pay for the cost of reforestation and following silviculture. It is unlikely that someone wish to pay the cost to expand plantation forest in hardwood secondary forested areas. Some hardwood secondary forests are harvested for pulpwood production. Hardwood naturally regenerate from coppicing very promptly and the secondary natural ecosystem is maintained by such disturbance. Thus it cannot be said that such forestry operation threatens the endangered species in such habitats.</p> <p><i>Alien / Invasive species:</i> Regarding the threat of human introduction of alien / invasive species, alien species which are likely to have negative impact on ecosystem are specified and designated under Invasive Alien Species Act and any activities which lead to expansion of such species are prohibited (50). When there is already a known impact caused by a specified alien species on ecosystems, mitigation measures are implemented by the Ministry of the Environment (per article 11 of the Act). Mitigations currently implemented in Japan are against mongoose and <i>Bufo marinus</i>.</p> <p>Regarding the use of alien commercial tree species, Japan started introducing some as a trial as early as the Meiji Era (1868 to 1912) (51). In Taisho Era (1912 to 1926), <i>Picea abies</i> and <i>Pinus sylvestris</i> were introduced widely in Hokkaido as a snowbreak along railways. In the postwar 'plantation expansion' period, <i>Pinus strobus</i> was introduced in Hokkaido</p>		
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	<p>due to its fast growth rate. As plantation expansion ceased, introduction of alien commercial trees also ceased and there is almost no commercial introduction of alien trees now.</p> <p>On the other hand, there is a slight concern on biodiversity from the long term habit of use of alien grasses to protect embankment slopes along forest roads. The reasons for the use of alien grasses are because they are relatively cheaper, they have a better initial growth and survival rate. To investigate the potential impacts of using alien grass for protection of slopes the government decided to implement a comprehensive research (named 'Research to develop a policy on greening plan use') in 2006 lead by the Ministry of the Environment, Ministry of Land, Infrastructure, Transport and Tourism, Ministry of Agriculture, Forestry and Fisheries and Forestry Agency (52, 84). Following the research results, the Forestry Agency, in 2011, developed a 'Guideline on application of greening plants in public construction projects which take into account conservation of biodiversity'. Since then, public construction projects are following the guideline and the impact of alien grasses on biodiversity is decreasing. Private greening companies (which sell and apply the grass seeds) are also following the guideline so only species which their invasiveness impacts have been assessed are used. Currently there is no reported situation where invasive alien grasses are uncontrollably expanding to threat HCVs with forest management production forests.</p> <p><u>Southern part of Nansei Islands (Amami Islands and further south)</u></p> <p>Nansei Islands are affected by strong wind and wind storms such as typhoon so trees of sizes, shapes and quality suitable for construction timber can hardly be grown here. The main forestry activity is harvesting of trees for woodchip production as well as wood for civil engineering. Overall, the scale of forestry activities is usually relatively small. Amami Oshima Island and Okinawa Main Island, are the two areas where main forestry activities take place in Nansei Islands and produce 24,000m³ and 4,000m³ of woods annually respectively (85, 86). Each island has estimated annual growth rate of approximately at least 300,000m³, forestry industries in these islands, especially Okinawa Main Island, are very minor industries. The main harvesting method is clear felling as most trees cut are mainly hardwoods whose shapes are not suitable for thinning (i.e. not straight). The area of clear felling is small and never exceeds 5 ha.</p> <p>The Okinawa Main Island, one of the main areas with forestry industry, the annual timber production volume is only approximately 1.3% of the annual growth rate (4,000m³ / 300,000m³) thus the potential threats on HCVs caused by forestry activities are quite small. Additionally, the designation of a new national park (Yanbaru National Park) in September 2016 reduced gap areas significantly (69).</p> <p>Following the establishment of Yanbaru National Park, another national park was established in March 2017 in Amami Islands, with Amami Oshima Island being the core. Amami Oshima Island produces approximately 8% of the growth rate annually (24,000m³ / 300,000m³); which is quite small but relatively large for this region. The island was once heavily exploited by a company which owns large portion of the island and harvested large amount of timber by destructive practice. Most of the forests of the island is now a naturally regenerated secondary forest. Due to its climate, the recovery of forest from disturbance is very fast, however, they do not have the same value as the primitive natural forests. Thus occurrence of HCV3 may be limited in Amami Islands. Nevertheless, forests left with high ecological values are most likely to be included in the new national park, where forestry activities are restricted.</p> <p>The current CW NRA approved by FSC on 4th August 2014 (FSC-CW-RA-017-JP V1-0) concluded 'unspecified risk' for these areas due to is insufficient coverage by the legal protection and designation such as national parks. Designation of new national parks in Okinawa and Amami Islands is the first step to register the Ryukyu-Amami region as UNESCO</p>		
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		world heritage site, and the Ministry of the Environment is taking necessary measures for the registration. Any sites with significant biodiversity and ecosystem values are protected the legal safeguards newly put in place. Thus it can be concluded that the risk for HCV3 by forest management activities is low.		
3.4 HCV 4	31- 37, 72 - 75	<p><u>HCV 4 Occurrence</u></p> <p>Soils: Japan is greatly affected by natural disasters. The risks of disasters caused by heavy storms such as typhoons, earthquakes and volcanic activities are high. Therefore forests are regarded as critical for preventing and mitigating the impact of disaster are designated as 'Designated area for Erosion Control' and 'Steep Slope Area in Danger of Failure' etc (31, 32, 33, 34, 35, 36, 37). These areas contain HCV 4 values.</p> <p>Water: Other forest areas likely to contain HCV 4 include forest selected top 100 watershed (headwater) forests. The forests which have long been protected and maintained by local communities for obtaining good quality water were selected by Forestry Agency in 1995 which became the 'top 100 headwater forests' (72).</p> <p>Forest Fires: Forest fires are one of the least impactful disasters in Japan as the average precipitation in forested areas is high (more than 2,000 millimetres / year) and most forest fires in Japan do not occur naturally. There are certain areas with high rate of forest fires such as 'Setonai Sea coast areas' and 'Iwate mountain areas' (75). According to the statistics of the Forestry Agency, the frequency of forest fires of more than 10 hectares (ha) in scale was 7 times a year on average over a 5 year period (2011 – 2015) (73). Overall, the long term trend indicates the number of forest fires is decreasing over time. To detect the level of forest fires occurring in Japan there is a yearly updated database published on Forestry Agency's website: http://www.rinya.maff.go.jp/j/hogo/yamakaji/con_1.html (73)</p> <p>Due to the rare occurrence of fire, it is not common to designate specific place as a firebreak. Rural villages commonly try to prevent fires by their self-governing firefighting activities. There is a category of fire prevention in "protected forest", but according to the statistics, the designated area is negligible. (0.0 thousand hectares) (89). Thus it can be considered that HCV4 for prevention of fire is very limited to the extent negligible.</p> <p><u>Threat Assessment</u></p> <p>Soils: As stated, 'Designated area for Erosion Control', 'Steep Slope Area in Danger of Failure' and 'Landslide Prevention Area' are protected under regulation of respective legislations thus forest management activities which may damage erosion control function are not permitted. Overall, the compliance with regulations in Japan is very high (All the indicators of worldwide governance indicators are over 80 percent rank in the year 2015).</p> <p>Water:</p>	Country	Low risk Threshold (21) applies; (21) HCV 4 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities.

		<p>The top 100 watershed (headwater forests) were selected based on criteria which were connected to protection measures implemented by local communities (72). These forests are protected by local communities and not threatened by forest management activities.</p> <p>The most common commercial plantation species in Japan is Sugi (<i>Cryptomeria japonica</i>) which grows faster along valley streams. The concept of buffer zones along watercourses to protect aquatic environments has not been well integrated into Japanese forestry operations. Thus forestry operations (including roads along streams) without sufficient care to watercourses can still be observed in Japan. However, current Japanese forestry has been suffering from economic depression and as a result, the cost of re-planting after clear felling became hard to spare and so the main forestry harvesting method shifted from clear felling to thinning. Therefore the general impact of forestry activities on soil and streams has become smaller and according to the statistics presented just below the risk level from these forest activities is not threatening the water quality of important water catchment areas.</p> <p>Ministry of Land, Infrastructure, Transport and Tourism is conducting annual water quality survey on all first-grade rivers in Japan which they directly manage. The latest report shows that about 99% of all criteria for human health were met on average (74). Water quality survey of other rivers are conducted by each prefectures. In 2014, survey was conducted in total of 5,375 plots in Japan and 99.1% of criteria for human health were met on average.</p> <p>Fires –</p> <p>As written above, the risk of fire is low in Japan, and there is little area of forests considered as significant for its value as a firebreak. The very limited area of forest protected for its value of fire prevention (0.0 thousand hectares) is protected with restriction of forestry activities. Thus the threat is considered negligible.</p> <p>Generally, Japanese government and people are very conscious about importance of erosion control and water conservation and as the analysis above indicates the law is sufficient to ensure there is no negative impact of forest management operations on water quality. Hence the risk of forest management activities threatening HCV 4 is low.</p>		
3.5 HCV 5	90, 91	<p>In present Japan, there are no people who depend on satisfying their fundamental basic necessities (heath, food, water etc.) from forest management areas/production forests.</p> <p>People have traditionally collected wild plants and fuel woods from forests; however, today, people collect wild plants mainly as a hobby or for recreational purposes and in most cases, forest owners acknowledge the customary traditions/hobbies of local people to enter their forest to collect wild plants (90).</p> <p>Regarding fuel wood, there are situations people still use fuel wood for heating houses and water as well as for lighting purposes. However, alternative methods such as propane gas or electricity are dominant and it is a preference to use fuel wood as a source of pleasure/recreation. Use of fuel wood is now becoming a trend among nature conservative people as a leisure activity. Therefore it is unlikely that anyone cannot live without fuelwood.</p> <p>On the other hand, in Hokkaido, the development brought by the Japanese has had huge impact on culture and lives of the indigenous Ainu people, ever since the first establishment of the Japanese settlement in the medieval to early modern age in Oshima and Hiyaama Area, proceeding to establishment of Hokkaido Development Commission (91). Such</p>		Low risk Threshold (23) is met: There is no HCV 5 identified and its occurrence is unlikely in the area under assessment.

		<p>development includes development of harbors in the coastal area, agriculture and fisheries, construction of dam for industrial development and river improvement for water intake for paper production, pollution and environmental change occurred within waterbodies.</p> <p>It is likely that HCV5 of Ainu Peoples had been destroyed in large scale by the exploitation of forest resources, land and water resources in the history of development of Hokkaido. In light of the international human rights norms, in particular the UN Declaration on the rights of indigenous peoples, the relationship between the Ainu people's forests and future policy issues related to HCV 5 is highlighted. Yet today, overall, their life style has been already changed significantly, and it can be no longer said that forests are indispensable to their lives.</p>		
3.6 HCV 6	18,38, 76-78, 92, 93	<p><u>HCV 6 Occurrence</u></p> <p>HCV 6 values are in areas designated as important under national legislations and/or international conventions including: the UNESCO World Cultural Heritage (18), Special Scenic beauty and Pirikanoka and are subjected to management restrictions enforced by relevant and respective legislation. Other areas which may contain HCV 6 are Ruins, Scenic beauty, buried cultural properties not included in former listed designated areas.</p> <p>Ruins and Scenic sites can be searched with Cultural Properties database managed by Agency for Cultural Affairs (38). Known sites (460,000 sites in total) of buried cultural properties are also recognized and recorded in databases of local municipal governments.</p> <p>Regarding the indigenous peoples, valuable properties of Ainu peoples in Hokkaido needs special consideration in Japan. Documents to identify such properties include a list of designated cultural properties as well as buried cultural properties information system developed by Hokkaido education board (77). But these list and information system overlaps with the Cultural Properties database managed by Agency for Cultural Affairs (76).</p> <p>Sites and properties likely to be HCV 6 are covered by above; however, HCV 6 at the forest management unit level, by nature, must be identified through comprehensive consultation with local community and indigenous peoples. The purpose of this NRA is not to identify every single HCV 6 at FMU levels but rather to identify obvious HCV 6 at national level. Therefore, the assessment data used here does not deny the existence of HCV 6 may occur at finer scales.</p> <p><u>Threat Assessment</u></p> <p>All designated areas under national legislations and/or international conventions are subjected to respective regulations as described in under Table 1 so the risk of forest management activities threatening HCV 6 is low. Specifically, Ruins, Scenic beauty and buried cultural properties are protected under regulations of Act on Protection of Cultural Properties so any changes to the properties hosting such sites need permission of state government.</p> <p>According to Prosecutorial Statistics 2014 'Situation of cases received and treated' only 14 cases of suspected breaches of Act on Protection of Cultural Properties is reported (out of total 414,483 cases of suspected breaches of Japanese Acts; 14 were only related to the Act on Protection of Cultural Properties) (78). Thus beaches of Act on Protection of Cultural Properties itself is very rare and those originate from forest management activities it can be logically estimated as even rarer as they would have to be a subset of the total of 14 cases.</p>	Country	<p><i>Low risk Threshold (29) applies; HCV 6 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities.</i></p>

		<p>In addition to the formally recognized cultural properties that are considered HCV6, Japanese foresters have long adored the 'God of Mountain' (mountain means the same as forest in Japan) for their safety and better harvest yield. Even in the present, people who work in forests organize a ceremonies to pray for the safety usually during a period between the end and the beginning of year. Culturally, it is quite normal for, local communities where most often forest workers reside to proactively protect forests which are valuable to them.</p> <p>Regarding the indigenous Ainu Peoples, during 19th century to early 20th century, anthropologists collected remains and burial accessories for research without consent from stakeholders and stored these in facilities such as universities and museums (92). There are remains and burial accessories collected in the ruins based on procedures stipulated in the Act on Protection of Cultural Properties. Some were found during construction and then were donated to universities and museums. Yet majority of them were collected and stored without an agreements. Some even has record of acquisition that is considered to be illegal, although many were collected without any records.</p> <p>In recent years, Ainu Peoples have filed appeals to return the collected remains and burial accessories to them (92). Some cases reached judicial reconciliation by returning the remains and accessories, while other cases are still ongoing. These collection of remains and burial accessories without agreement is considered violation of HCV6. In order to prevent recurrence of the same problem, Hokkaido Ainu Association, The Anthropological Society of Nippon and Japanese Archaeological Association are discussing on how these research should be carried out and challenges they are facing (93).</p> <p>Currently under Article 92 of the Act on Protection of Cultural Properties, a notice needs to be submitted before commencing any archeological research involving excavation. Awareness among people has also improved. Thus any uncontrolled archeological research like those in the past would not be possible anymore. It is also unlikely that any forestry activities will collect any remains and burial accessories. When any site disturbing activities are implemented in areas with buried cultural properties, one needs to follow the procedure stipulated in articles 93 and 94 of the Act on Protection of Cultural Properties so that the risk of forestry activities damaging the grave site or ruins of Ainu Peoples is considered low. Nevertheless a guideline for protecting HCV 6 when conducting any site disturbing operations may be developed to further ensure further protection of HCV 6.</p> <p>In conclusion, the risk of forest management activities threatening HCV 6 is considered generally low.</p>		
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Recommended control measures

Indicator	Recommended control measures
3.0	N/A
3.1 HCV 1	N/A
3.2 HCV 2	N/A
3.3 HCV 3	N/A
3.4 HCV 4	N/A
3.5 HCV 5	N/A
3.6 HCV 6	N/A

Information sources

No.	Source of information	Relevant HCV category and indicator
1	Ministry of the Environment: Natural Environmental Investigation results (http://www.biodic.go.jp/ne_research.html)	Overview
2	Forestry Agency: Forest cover, plantation cover of each prefecture. (http://www.rinya.maff.go.jp/j/keikaku/genkyou/h24/1.html)	Overview
3	Convention on Biological Diversity. Japan – Country Profile. https://www.cbd.int/countries/profile/default.shtml?country=jp	Overview
4	Forestry Agency: Forest and Forestry statistics 2015. (http://www.rinya.maff.go.jp/j/kikaku/toukei/youran_mokuzi.html)	Overview
5	CBD Fifth National Report (https://www.cbd.int/doc/world/jp/jp-nr-05-en.pdf)	Overview, HCV 1, HCV 3
6	Forestry Agency: Trend of NTFPs production (http://www.rinya.maff.go.jp/j/press/tokuyou/pdf/150929-01.pdf)	Overview
7	Forestry Agency: Shiitake production (http://www.rinya.maff.go.jp/j/tokuyou/tokusan/megurujoukyou/pdf/2-2-1shiitake.pdf)	Overview
8	Transparency International's website (https://www.transparency.org/)	Overview
9	Ramsar sites in Japan: http://www.ramsar.org/wetland/japan	Table 1, 3.0, HCV 1, HCV 3
10	THREE FUNCTIONS & THREE ZONES: http://www.watertonbiosphere.com/biosphere-reserves/three-functions-three-zones/	Table 1, 3.0, HCV 1, HCV 3
11	Biosphere Reserves World Map: http://unesdoc.unesco.org/images/0023/002343/234319M.pdf	Table 1, 3.0, HCV 1, HCV 3
12	Biosphere Reserve designation Criteria: http://www.mext.go.jp/component/a_menu/other/micro_detail/_icsFiles/afieldfile/2014/06/03/1341691_05.pdf	Table 1, 3.0, HCV 1, HCV 3
13	Nature Conservation Act: http://law.e-gov.go.jp/htmldata/S47/S47HO085.html	Table 1, 3.0, HCV 1, HCV 3
14	Ministry of the Environment: Nature Conservation Areas: https://www.env.go.jp/nature/hozen/about.html	Table 1, 3.0, HCV 1, HCV 3
15	Forestry Agency: Protected forest System of the State Forest: http://www.rinya.maff.go.jp/j/kokuyu_rinya/sizen_kankyo/hogorin.html	Table 1, 3.0, HCV 1, HCV 3
16	Japanese Properties inscribed on the UNESCO World Heritage List: http://whc.unesco.org/en/statesparties/jp	Table 1, 3.0, HCV 1, HCV 2, HCV 3
17	Act on Protection of Cultural Properties: http://law.e-gov.go.jp/htmldata/S25/S25HO214.html	Table 1, 3.0, HCV 1, HCV 2, HCV 3
18	Ministry of the Environment: World Natural Heritage in Japan (http://www.env.go.jp/nature/isan/worldheritage/info/index.html)	Table 1, 3.0, HCV 1, HCV 2, HCV 3, HCV 6
19	<u>Act on Protection of Cultural Properties: http://law.e-gov.go.jp/htmldata/S25/S25HO214.html</u>	Table 1, 3.0, HCV 1
20	<u>A list of Natural Monument Protection Areas: https://ja.wikipedia.org/wiki/%E5%A4%A9%E7%84%B6%E4%BF%9D%E8%AD%B7%E5%8C%BA%E5%9F%9F%E4%B8%80%E8%A6%A7</u>	Table 1, 3.0, HCV 1
21	List of National and Quasi-national Parks: https://www.env.go.jp/en/nature/nps/parks_list.html	Table 1, 3.0, HCV2
22	Ministry of the Environment: Activities which permission or notification is needed to conduct in National parks: http://www.env.go.jp/park/apply/basic/01.html	Table 1, 3.0, HCV 2
23	Wilderness Areas and Nature Conservation Areas: https://www.env.go.jp/en/nature/nps/wanca.html	Table 1, 3.0, HCV 1, HCV 2
24	Act on Conservation of Endangered Species of Wild Fauna and Flora: http://law.e-gov.go.jp/htmldata/H04/H04HO075.html	Table 1, 3.0, HCV1, HCV 3

25	A list of Natural Habitat Protection Areas: http://www.env.go.jp/nature/kisho/hogoku/list.html	Table 1, 3.0, HCV1, HCV 3
26	Ministry of the Environment: Protection under Natural Habitat Protection Areas	Table 1, 3.0, HCV1, HCV3
27	Wildlife Protection Act: http://law.e-gov.go.jp/htmldata/H14/H14HO088.html	Table 1, 3.0, HCV 1, HCV 2, HCV 3
28	Overview of wildlife sanctuary system: https://www.env.go.jp/nature/choju/area/area1.html	Table 1, 3.0, HCV 1, HCV 2, HCV 3
29	Ministry of the Environment: About wildlife sanctuary: https://www.env.go.jp/nature/choju/area/area1.html	Table 1, 3.0, HCV 1, HCV 2, HCV 3
30	Protected Forest: http://www.rinya.maff.go.jp/j/kokuyu_rinya/sizen_kankyo/hogorin.html	Table 1, 3.0, HCV 3
31	Erosion Control Act: http://law.e-gov.go.jp/htmldata/M30/M30HO029.html	Table 1, 3.0, HCV 4
32	Map of designated areas (one example of Kagoshima Prefecture): http://www.kago-kengi-cals.jp/sabomap/map.html	Table 1, 3.0, HCV 4
33	Ministry of Land, Infrastructure, Transport and Tourism: About Designated area for Erosion Control	Table 1, 3.0, HCV 4
34	Act on Prevention of Disasters Caused by Steep Slope Failure: http://law.e-gov.go.jp/htmldata/S44/S44HO057.html	Table 1, 3.0, HCV 4
35	Map of designated areas (one example of Kagoshima Prefecture): http://www.kago-kengi-cals.jp/sabomap/map.html	Table 1, 3.0, HCV 4
36	Act on Prevention of Disasters Caused by Steep Slope Failure: http://law.e-gov.go.jp/htmldata/S44/S44HO057.html	Table 1, 3.0, HCV 4
37	Landslide Prevention Act: http://law.e-gov.go.jp/htmldata/S33/S33HO030.html	Table 1, 3.0, HCV 4
38	Agency for Cultural Affairs: Cultural Properties: http://www.bunka.go.jp/seisaku/bunkazai/	Table 1, 3.0, HCV 6
39	Cultural Properties database: http://kunishitei.bunka.go.jp/bsys/index_pc.html	Table 1, 3.0
40	Cultural heritage online: http://bunka.nii.ac.jp/heritages/detail/163318	Table 1, 3.0
41	CW NRA approved by FSC on 4th August 2014 (FSC-CW-RA-017-JP V1-0)	3.0, HCV 1, HCV 3
42	Prosecutorial Statistics 2010> Situation of cases received and treated> Sorted by violation name: http://www.estat.go.jp/SG1/estat/List.do?lid=000001078043	3.0, HCV 1, HCV 3
43	Biodiversity assessment maps http://www.biodic.go.jp/biodiversity/activity/policy/map/list.html	3.0, HCV 1, HCV 3
44	Basic Act on Biodiversity: http://www.japaneselawtranslation.go.jp/law/detail/?id=1950&vm=04&re=01	3.0, HCV 1, HCV 3
45	Biodiversity Chart database	3.0, HCV 1, HCV 3
46	KBA map of Japan: http://kba.conservation.or.jp/map.html	3.0, HCV 1, HCV 3
47	Forestry Agency: Forest Management Plan (s). http://www.rinya.maff.go.jp/j/keikaku/sinrin_keikaku/con_6.html	3.0, HCV 1, HCV 3
48	Mitigation measures implemented by the Ministry of the Environment: http://www.env.go.jp/nature/intro/4control/bojokankyo.html	3.0, HCV 1, HCV 3
49	Municipal Forest Maintenance Plan: http://www.rinya.maff.go.jp/j/ken_sidou/forester/pdf/05_3.pdf	3.0, HCV 1, HCV 3
50	Invasive Alien Species Act: http://www.env.go.jp/en/nature/as/040427.pdf & A list of specified problematic alien species: http://www.env.go.jp/nature/intro/2outline/files/siteisyu_list_e.pdf	3.0, HCV 1, HCV 3
51	Consideration on alien trees: http://www.rinya.maff.go.jp/j/kensyuu/pdf/satou.pdf	3.0, HCV 1, HCV 3

52	Results of Research to develop a policy on greening plan use: http://www.env.go.jp/press/press.php?serial=7857	3.0, HCV 1, HCV 3
53	Japan overview on CI website: http://www.cepf.net/resources/hotspots/Asia-Pacific/Pages/Japan.aspx	HCV 1, HCV 3
54	Red list database in Japan: http://www.jpnrd.com/	HCV 1, HCV 3
55	Guidance for developing biodiversity regional strategy: http://www.biodic.go.jp/biodiversity/activity/local_gov/local/files/biodiversity_local_guide_2014.pdf	HCV 1, HCV 3
56	Nansei Shoto Archipelago Forests from WWF global 200 website: http://www.panda.org/about_our_earth/ecoregions/nanseishoto_archipelago_forests.cfm	HCV 1, HCV 3
57	WWF Nansei Islands living organisms map' project: http://www.wwf.or.jp/activities/nature/cat1153/cat1187/wwf/	HCV 1, HCV 3
58	Values of Amami-Ryukyu World Natural Heritage: https://kyushu.env.go.jp/naha/nature/mat/data/m_5/1st/131217bg.pdf	HCV 1, HCV 3
59	Amami-Ryukyu recommendation framework: http://kyushu.env.go.jp/naha/nature/mat/data/m_5/h26-1/210.pdf	HCV 1, HCV 3
60	Nansei Shoto Archipelago Forests from WWF global 200 website: http://www.panda.org/about_our_earth/ecoregions/nanseishoto_archipelago_forests.cfm	Overview, HCV 1, HCV 3
61	Ministry of the Environment: White paper on environment. (https://www.env.go.jp/policy/hakusyo/honbun.php3?kid=212&serial=12127&bflg=1)	HCV 1, HCV 3
62	Important Bird Areas in Japan: http://www.wbsj.org/nature/hogo/others/iba/about/index.html About the Wild Bird Society of Japan: http://www.wbsj.org/about-us/summary/about/	HCV 1, HCV 3
63	Coverage of IBAs by protection sites under legislative regulation: http://www.wbsj.org/nature/hogo/others/iba/hogo/hogo01.html	HCV 1, HCV 3
64	Sources: Biodiversity National Strategy 2012 – 2020: http://www.biodic.go.jp/biodiversity/about/ Global Biodiversity Outlook 4: https://www.cbd.int/gbo4/	HCV 1, HCV 3
65	Ministry of the Environment. Press Release. October 11, 2011. On important area Information by land category for biodiversity conservation. http://www.env.go.jp/press/press.php?serial=2908	HCV 1, HCV 3
66	Ministry of the Environment. List of biodiversity assessment maps. http://www.biodic.go.jp/biodiversity/activity/policy/map/list.html	HCV 1, HCV 3
67	Naha Nature Environmental Office's website. (http://kyushu.env.go.jp/naha/nature/mat/m_5.html)	HCV 1, HCV 3
68	Ministry of the Environment: Press release. About expansion of Iriomote-Ishigaki National Park. (https://www.env.go.jp/press/102401-print.html)	HCV 1, HCV 3
69	Ministry of the Environment: "Yanbaru National Park was born!" http://www.env.go.jp/nature/np/yambaru.html	HCV 1, HCV 3
70	IFL Map: http://intactforests.org/world.webmap.html GFW IFL Maps: http://www.globalforestwatch.org/map/7/42.80/145.93/JPN/grayscale/loss,forestgain/607?tab=countries-tab&begin=2001-01-01&end=2015-01-01&threshold=30&dont_analyze=true	HCV 2
71	Ministry of the Environment: White paper on environment. (https://www.env.go.jp/policy/hakusyo/honbun.php3?kid=212&serial=12127&bflg=1)	HCV 1, HCV 3
72	Selected top 100 headwater forests: http://www.rinya.maff.go.jp/j/suigen/hyakusen/index.html	HCV 4
73	Forest fire occurrence: http://www.rinya.maff.go.jp/j/hogo/yamakaji/con_5.html	HCV 4
74	Water quality survey results of first grade rivers in Japan: http://www.mlit.go.jp/river/toukei_chousa/kankyo/kankyousuisitu/h26_suisitu.html Public water quality survey results 2014: http://www.env.go.jp/water/suiiki/h26/h26-1.pdf	HCV 4
75	Overview of reported fires in 2015 published by FDMA: http://www.fdma.go.jp/neuter/topics/houdou/h28/02/280218_houdou_1.pdf	HCV 4

	White paper on fire prevention 2015: http://www.fdma.go.jp/html/hakusho/h27/h27/index2.html#part1	
76	Sources: Cultural Properties database: http://bunka.nii.ac.jp/db/ Buried cultural properties: http://www.bunka.go.jp/seisaku/bunkazai/shokai/maizo.html	HCV 6
77	List of designated cultural properties: http://www.dokyoj.pref.hokkaido.lg.jp/hk/bnh/bun-hogo-bunkagaiyo.htm	HCV 6
78	Prosecutorial Statistics 2014> Situation of cases received and treated> Sorted by violation name: http://www.e-stat.go.jp/SG1/estat/List.do?lid=000001137864	HCV 6
79	A Map and GIS data of 'Areas with natural ecosystems that characterizes Japanese lands' developed by the Ministry of the Environment: http://www.biodic.go.jp/biodiversity/activity/policy/map/map01/index.html	HCV 1, HCV 3
80	Nature Conservation Society of Japan. 2013. Nature Conservation Society of Japan Collection of Documents No.51. Japan Atlas of Conservation Areas	HCV1, 3
81	Ministry of the Environment. The Gap between protected areas and areas with natural ecosystem that characterizes Japanese land https://www.biodic.go.jp/biodiversity/activity/policy/map/map21/index.html	HCV1, 3
82	Ministry of the Environment. "Amami Guntō National Park was Established". http://www.env.go.jp/nature/np/amamigunto.html	HCV1, 3
83	Survey and Analysis of Japanese woodland (Satoyama) https://www.env.go.jp/nature/satoyama/chukan.html	HCV1, 3
84	Ministry of the Environment. Result of Survey by the Ministry of the Environment on plants for greening. https://www.env.go.jp/nature/intro/6document/files/h22_IAS_Act/mat03-6.pdf	HCV1, 3
85	Okinawa Prefecture. Forest and Forestry of Okinawa 2015.	HCV1, 3
86	Kagoshima Prefecture Forest and Forestry Statistics 2016. https://www.pref.kagoshima.jp/ad01/sangyo-rodo/rinsui/tokei/shinrin/27toukei_151201.html	HCV1, 3
87	Nankai Nichinichi Shimbun (Newspaper article). October 4, 2016.	HCV1, 3
88	World Bank Worldwide Governance Indicators; http://info.worldbank.org/governance/wgi/#home	HCV 2
89	The Forestry Agency. Area of Protected Forests by Category. http://www.rinya.maff.go.jp/j/tisan/tisan/con_2_2_1.html	HCV4
90	The Forestry Agency. White Paper on Forest and Forestry 2016. http://www.rinya.maff.go.jp/j/kikaku/hakusyo/28hakusyo/zenbun.html	HCV4
91	Ainu Museum. History and Culture of Ainu. http://www.ainu-museum.or.jp/nyumon/rekishibunka/	HCV6
92	Hokkaido University Disclosed Documents Research Group. On Litigation for Returning Remains. http://hmjk.world.coocan.jp/trial/trial.html	HCV6
93	Ainu Association of Hokkaido, Japan Society of Anthropology, Japan Association of Archeology. 2016. Roundtable on studies and research on Ainu peoples' bones and burial accessories. https://www.ainu-assn.or.jp/news/files/44d43ebe6e83af8cf4f9f0c3e4b71cdbc641bc3c.pdf	HCV6

Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
4.1	<p>Natural Parks Act (Act no.161 of 1957) http://law.e-gov.go.jp/htmldata/S32/S32HO161.html</p> <p>Nature Conservation Act (Act No. 85 of 1972) http://law.e-gov.go.jp/htmldata/S47/S47HO085.html</p> <p>Forestry Agency Forest Reserve System http://www.rinya.maff.go.jp/j/kokuyu_rinya/sizen_kankyo/hogorin.html</p> <p>Act on Protection of Cultural Properties (Act No. 214 of 1950) http://law.e-gov.go.jp/htmldata/S25/S25HO214.html</p> <p>Wildlife Protection and Proper Hunting Act (Act No. 88 of 2002) http://law.e-gov.go.jp/htmldata/H14/H14HO088.html</p> <p>Environmental Impact Assessment Act (Act No.81 of 1997)</p>	Country	<p><u>Assessment based on legality</u></p> <p>Content of the law The laws related to conversion aim to restrict conversion under the Forest Act. In general, turning forest into other land-uses is only permitted under the 'Forestland Development Permission System' and can only be allowed when no negative impact is anticipated to the surrounding environment. . In this system, quarrying, digging out tree roots, cultivation or any activity that changes the land characteristics of land that is more than one hectare needs to get permission from the prefectural governor. When a request is filed, the governor needs to approve it as long as the development activity will not pose a serious risk of causing 1) soil erosion, collapse or any other hazard; 2) flood in the area dependent on the flood prevention function of the forest; 3) water deficiency in areas dependent on the watershed function of the forest; or 4) deteriorating the surrounding environment.</p> <p>Conversion of protected forests, natural forest and protected area to other land-uses is prohibited. Conversion of protected areas are regulated under various laws and regulation on protection, such as Natural Parks Act, Nature Conservation Act, Forest Reserve System of the Forestry Agency, Forestland Development Permission System, Environmental Impact Assessment Act, Act on Conservation of Endangered Species of Wild Fauna and Flora and Forest Act. The special protected areas prescribed by the Natural Parks Act, natural environment preservation zone designated by prefectures prescribed by the Nature Conservation Act, nationally protected species prescribed by Act on Protection of Cultural Properties, special protection zone prescribed by Wildlife Protection and Proper Hunting Act.</p> <p>For construction projects such as road building above certain scale, an environmental impact assessment needs to be conducted, and it is necessary to notify the stakeholders of conservation methods such as impact mitigation measures and get agreement from stakeholders, including the local residents. According to the forest development permit system, development and conversion of a forest of 1 ha can be permitted by prefectural governors only when the project enhances stability of people's lives or promotes the healthy development of the region, including aspects such as environmental preservation or prevention of landslides.</p> <p>Conversion to specific land uses that do not require permit: 1. Facilities needed for railway building and train running operation;</p>

<p>Environmental Impact Assessment Network http://www.env.go.jp/policy/assess/</p> <p>Forestland Development Permission System http://www.rinya.maff.go.jp/j/tisan/tisan/con_4.html</p> <p>Act on Conservation of Endangered Species and Wild Fauna and Flora (Act No.75 of 1992) http://law.e-gov.go.jp/htmldata/H04/H04HO075.html</p> <p>Forest Act (Act No. 249 of 1951) http://law.e-gov.go.jp/htmldata/S26/S26HO249.html</p> <p>Statistics of Forestry Agency http://www.rinya.maff.go.jp/j/kikaku/toukei/pdf/yoran1401.pdf</p> <p>World Bank World Wide Governance Indicators. 2015. http://databank.worldbank.org/data/reports.aspx?source=worldwide-governance-indicators</p> <p>Vegetation Survey under the 4th and 5th National Survey on the Natural Environment Conservation http://www.biodic.go.jp/reports2/5th/vgtmesh/vgtmesh.html</p>	<ol style="list-style-type: none"> 2. Facilities needed for trolleybus; 3. Schools; 4. Areas designated to land quality improvement under Land quality improvement Act.; 5. Broadcasting facilities for basic station; 6. Fishery harbors; 7. Harbor facilities; 8. Facilities managed by harbor board except those included in 7 above; 9. Roads for vehicles; 10. Museums; 11. Facilities needed for airport; 12. Facilities needed for gas operators; 13. Land readjustment projects; 14. Industrial water facilities; 15. Car terminals; 16. Facilities needed for electricity operators; 17. Municipal engineering projects; 18. Heat supply facilities; 19. Facilities needed for oil operators (The Forest Ordinance, Paragraph 1, art. 5). <p>This is applicable for all commercial forestry, including plantations. A private forest owner can convert a forest into other land use if permitted by local government according to procedures specified in Forestland Development Permission System. The conversion by a private land owner cannot exceed 1 ha. The conversion is not limited to only construction purpose, but when forest is turned into other land use, some sort of construction is likely to take place.</p> <p>In the period between 2003-2011 forest development projects have been conducted within the areas of Creating industrial land, creating residential land, creating resort property, establishing golf courses, leisure facilities, creating agricultural land, Quarrying, road construction and others. Quarrying, road construction, creation of agricultural land and industrial land being the main reasons for forest development projects.</p> <p>Development in forestland can thus be permitted if the restrictive conditions are met, but environmental assessment is required for large-scale development. The laws do not require any compensation for the permitted development of forestland.</p> <p>Legal authority is the Ministry of the Environment and Ministry of Agriculture, Forestry and Fisheries</p> <p>Is the law enforced? Yes. The legislation is highly respected and well enforced. There are no known major issues with the conversion of forest. Since the forestry has been stagnant for decades due to low timber price</p>
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			<p>and high cost of forest management, it is more common that many forest owners rather abandon their forests. Under such circumstances, the incentive to convert natural forest to plantation or other use is extremely low.</p> <p>According to Transparency International, Japan ranks 18th out of 177 countries in Corruption Perceptions Index, and according to the World Bank World Governance Indicators in 2015, Japan has a Control of corruption of 1.6 (91.3 in percentile rank) ; government effectiveness of 1.8 (95.7 in percentile rank), and rule of law of 1.5 (89.4 in percentile rank). Thus in general, it can be said that the legislation in Japan is well implemented.</p> <p>Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met by assessing the enforcement of legislation?</p> <p>No. The law does not prohibit conversion to the outcomes in the indicator.</p> <p><u>Assessment based on spatial data</u></p> <p>According to the Forestry Agency's statistics, the area of forest land of Japan was 25,097,000ha in 2007 and 25,081,000ha in 2012. Therefore the forest conversion area during this 5 year period was 3,200ha/year throughout the area of Japan which is about 0.01% of the forest area per year.</p> <p>On the other hand, the data on Japanese forest from FAO shows gradual increase of primary forest in Japan (2005 to 2010), because the primary forest is defined as natural forest of 81 years old or above.</p> <p>According to the results of Vegetation Survey under the 5th National Survey on the Natural Environment (1994 - 1999) commissioned by the Ministry of the Environment, those classified as class 9 (natural forest) decreased by 88,228 ha from the results of 4th survey. Total area classified as class 9 under 4th survey was 6,639,400 ha. Hence 1.33% of decrease during the five years from 4th survey to the 5th survey. Therefore annual decrease is calculated as 0.27%.</p> <p>The calculation will be reviewed once the ongoing 6th and 7th National Survey on the Natural Environment is finished.</p> <p>The survey does not mention the cause of this decrease. However, judging from the content of law reviewed in this category, decrease is most likely to be caused by public construction projects such as road or infrastructure development, rather than rampant forest conversion by the private sector. It is likely that the impact to surrounding environment have been assessed as small for such conversions under Environmental Impact Assessment Act.</p> <p>.</p>
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			Risk designation: Specified riskThreshold (4) is met; There is more than 5000 ha net average annual loss or there is more than 0.02% net average annual loss of natural forest in the assessment area in the past 5 years;
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Control measures

Indicator	Control measures (M – mandatory / R – recommended)
4.1	Recommended Control Measures: 1) There is a document (e.g. delivery note, invoice) to support that the transaction was real; and 2) Harvesting permit, such as harvesting notice and conformity notice, is in place and relevant document clarifies harvesting location (Management Unit), harvesting area size, species, plan after harvesting (for regeneration); and 3) One of the following criteria is met: a) It is clear from species etc. that the wood come from plantation. b) Regeneration method is natural regeneration. c) Management Unit does not overlap with areas classified as class 9 in vegetation naturalness under the National Basic Survey on the Natural Environment Conservation. d) Harvesting produces clear, substantial, secure long-term conservation benefits.

Controlled wood category 5: Wood from forests in which genetically modified trees are planted

Risk assessment

Indicator	Sources of information	Functional scale	Risk designation and determination
5.1	<p>Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms (Established on June 18, 2005) http://law.e-gov.go.jp/htmldata/H15/H15HO097.html</p> <p>Forestry Seeds and Seedlings Act (Established on May 22, 1970.) http://hourei.hounavi.jp/hourei/S45/S45HO089.php</p> <p>Ministry of Agriculture, Forestry and Fisheries of Japan Web page on “Approval and confirmation of genetically modified organisms”. http://www.maff.go.jp/j/syouan/nouan/carta/torikumi/</p> <p>Forestry and Forest Products Research Institute Press Release “Technology to suppress cedar pollen formation developed by genetic engineering: https://www.ffpri.affrc.go.jp/press/2013/20130321.html</p> <p>Forestry and Forest Products Research Institute “On the isolated field test of genetically modified Sugi (sterile male sugi)” https://www.ffpri.affrc.go.jp/ftbc/business/sinhijnnsyu/idennsikumikaesugikakurihojyo.html</p>	Country	<p>LOW RISK Low risk threshold (2) and (3) are met:</p> <p><i>(2) There is no commercial use of GMO (tree) species in the area under assessment,</i></p> <p>AND <i>(3) Other available evidence does not challenge ‘low risk’ designation.</i></p>

GMO Context Question		Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).
1	Is there any legislation covering GMO (trees)?	Yes	<p>Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms (Act no. 97, Established on June 18, 2005. Also called Cartagena Act) http://law.e-gov.go.jp/htmldata/H15/H15HO097.html</p> <p>This is the national law established based on Cartagena Protocol, a bio-safety regarding conventions on bio-diversity. It regulates conditions and procedures for using genetically modified organisms.</p>

			<p>Forestry Seeds and Seedlings Act (Act no. 89, Established on May 22, 1970.) http://hourei.hounavi.jp/hourei/S45/S45HO089.php</p> <p>This does not specifically mention about GMOs, however, it regulates obligations and restrictions for seed producers about tree species to use, places of collecting seeds, nursing places as well as distribution areas.</p>
2	Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?	No. In order to use a GMO commercially, an approval of the competent minister is required with evidences to prove that the GMO does not affect biological diversity. There are researches on genetically modified forestry trees (such as low level pollen or no pollen trees), however, these researches have not reached to the stage of practical application yet.	Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms Article 4 stipulates that a person who wish to use GMOs must follow the regulation and obtain an approval of the competent minister.
3	Is there evidence of unauthorized use of GM trees?	No	<p>List of GMOs approved is available from the following webpage of the Ministry of Agriculture, Forestry and Fisheries of Japan: http://www.maff.go.jp/j/syouan/nouan/carta/torikumi/</p> <p>As of October 14, 2016, a list of approved genetically modified trees shows only one species, <i>Populus alba</i>, as under Type 1 use, which means that it can be used without specific measures to prevent spread. But the approval was given specifically for the use in an isolated nursery.</p>
4	Is there any commercial use of GM trees in the country or region?	No	See above
5	Are there any trials of GM trees in the country or region?	Yes. Forestry and Forest Products Research Institute is investigating using <i>Cryptomeria japonica</i> . It is expected to take at least another 10 years before it can be used commercially.	<p>As of October 14, 2016, a list of approved genetically modified trees shows only one species <i>Populus alba</i> as under Type 1 research. This is done in an isolated nursery. In terms of forestry species, Forestry and Forest Products Research Institute is investigating using <i>Cryptomeria japonica</i>. On March 21, 2013, they announced that they have successfully created a pollen-free <i>Cryptomeria japonica</i> using GM techniques. They installed into a cell in culture a gene which breaks the cell layer that is important for pollen development. They going to check the effectiveness and safety for at least 10 more years before they make it commercially available. https://www.ffpri.affrc.go.jp/press/2013/documents/20130321sugi.pdf</p> <p>According to the website of Forestry and Forest Products Research Institute, 81 genetically modified male sterile <i>Cryptomeria japonica</i> is grown in an isolated nursery as of April 2015.</p>

			https://www.ffpri.affrc.go.jp/ftbc/business/sinhijnnsyu/idennsikumikaesugikakurihojyo.html A person in charge in the Forestry and Forest Products Research Institute was consulted in August 2016. In addition to the announced genetically modified <i>Cryptomeria japonica</i> , the institute is trying to create another genetically modified tree with new genome modification techniques. However, it is likely to take at least 10 years .,mnbbefore it can be commercially available.
6	Are licenses required for commercial use of GM trees?	Yes. An approval of the competent minister is required based on Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms (Act no. 97, Established on June 18, 2005.)	Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms Article 4 stipulates that a person who wish to use GMOs must follow the regulation and obtain an approval of the competent minister.
7	Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	No	
8	What GM 'species' are used?	N/A	
9	Can it be clearly determined in which MUs the GM trees are used?	N/A	

Control measures

Indicator	Control measures (M – mandatory / R – recommended)
5.1	N/A

Annex C1 List of information sources

Sources of information used for Controlled Wood is provided within each category.

Annex C2 Identification of applicable legislation

1. Legal rights to harvest	
1.1 Land tenure and management rights	<ul style="list-style-type: none"> • Civil Code (Act No. 89 of 1896) Article 92, 206, 207, 263, 265-269, 294 • Real Property Registration Act (Act No. 123 of 2004) • Commercial Registration Act (Act No. 125 of 1963) • Forestry Cooperative Act (Act No. 36 of 1978) • Local Autonomy Act (Act No. 67 of 1947) Article 238 • Act Concerning Revision of Rights for Common-Forest Use (Act No. 126 of 1966) • Act Concerning Utilization of National Forest Land (Act No. 246 of 1951) • Act on Utilization of National Forests (Act No. 108 of 1971) • Act on Special Measures concerning Shared Forest (Act No. 57 of 1958) • Compulsory Purchase of Land Act (Act No. 219 of 1951)
1.2 Concession licenses	Not applicable. No concession license is issued in Japan.
1.3 Management and harvesting planning	<ul style="list-style-type: none"> • Forest Act (Act No. 249 of 1951) • Forest and Forestry Basic Act (Act No. 161 of 1964) • Act Concerning Utilization of National Forest Land (Act No. 246 of 1951)
1.4 Harvesting permits	<ul style="list-style-type: none"> • Forest Act (Act No. 249 of 1951) • Environmental Impact Assessment Act (Act No. 81 of 1997) • Act on Special Measures concerning Assurance of Stable Supply of Timber (Act No. 47 of 1996) • Act on Special Measures concerning Advancement of Implementation of Forest Thinning, etc. (Act No. 32 of 2008)
2. Taxes and fees	
2.1 Payment of royalties and harvesting fees	Not applicable. There is no tax or fee specifically levied on forest operation.
2.2 Value added taxes and other sales taxes	<ul style="list-style-type: none"> • Consumption Tax Act (Act No. 108 of 1988)
2.3 Income and profit taxes	Not applicable. Income Tax Act, Corporation Tax Act, and Consumption Tax Act are generally applicable to Japanese organizations, but they do not have provisions specific to forest products and forest* management.
3. Timber harvesting activities	

3.1 Timber harvesting regulations	<ul style="list-style-type: none"> • Forest Act (Act No. 249 of 1951) • Ordinance for Enforcement of Forest Act (Government Ordinance No. 276 of 1946) • Forest Act Enforcement Rule (Ordinance of Ministry of Agriculture, Forestry and Fisheries No. 54 of 1946) • Natural Parks Act (Act No. 161 of 1957) • Act on Special Measures concerning Assurance of Stable Supply of Timber (Act No. 47 of 1996) • Act on Special Measures concerning Advancement of Implementation of Forest Thinning, etc. (Act No. 32 of 2008)
3.2 Protected sites and species	<ul style="list-style-type: none"> • Natural Parks Act (Act No. 161 of 1957) Article 20, 21 • Nature Conservation Act (Act No. 85 of 1972) • Wildlife Protection and Proper Hunting Act (Act No. 88 of 2002) Article 29 • Act on Conservation of Endangered Species and Wild Fauna and Flora (Act 75 of 1992) Article 1 and 10 • Act on Protection of Cultural Properties (Act 214 of 1950) Article 109 • Landscapes Act (Act 110 of 2004) Article 28-35 • Convention Concerning the Protection of the World Cultural and Natural Heritage (The World Heritage Convention) • Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention) • Convention for the Protection of Migratory Birds (Japan-US, Japan-Russian Federation, Japan-Australia, Japan-China)
3.3 Environmental requirements	<ul style="list-style-type: none"> • Forest Act (Act No. 249 of 1951) Article 10-2, Article 25 • Ordinance for Enforcement of Forest Act Annex 3 about EIA of forest road (Ordinance of Ministry of Agriculture, Forestry and Fisheries No. 24 of 2008) • Basic Act on Biodiversity (Act No. 58 of 2008) • Invasive Alien Species Act (Act No. 78 of 2004) • Environmental Impact Assessment Act (Act No. 81 of 1997) • Agricultural Chemicals Control Act (Act No. 82 of 1948) • River Act (Act No. 167 of 1964) • Act on Special Measures concerning Improvement of Public Health Function of Forests (Act No. 71 of 1989) • Forest Pest Control Act (Act No. 53 of 1950) • Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms (Act No. 97 of 2003) • Forestry Seeds and Seedlings Act (Act No. 89 of 1970) • Basic Environment Act (Act No. 91 of 1993) • Forest Road Rules (Notification of Forestry Agency No. 107, April 1,

	<p>1973)</p> <ul style="list-style-type: none"> • Convention on Biological Diversity (including Cartagena Protocol and Nagoya Protocol)
3.4 Health and safety	<ul style="list-style-type: none"> • Labor Standards Act (Act No. 49 of 1947) Article 75 • Workers' Accident Compensation Insurance Act (Act No. 50 of 1947) Article 1 • Industrial Safety and Health Act (Act No. 57 of 1972) Article 1, 10, 14, 24, 59 • Ordinance on Industrial Safety and Health (Ordinance of the Ministry of Labour No. 32 of September 30, 1972) • Agricultural Chemicals Control Act (Act 82 of 1948) • Ordinance for Enforcement of Agricultural Chemicals Control Act (Ordinance of the Ministry of Agriculture and Forestry No. 21 of 1951) • Act on Prevention of Radiation Disease Due to Radioisotopes, etc. (Act No. 167 of 1957) • Ordinance on Prevention of Ionizing Radiation Hazards (Ministry of Labour Ordinance No. 41 of 1972) • Ordinance on Prevention of Ionizing Radiation in relaing to works etc. to demontaminate the soil etc. contaminated by radioactive materials generated by the Great East Japan Earthquake (Ministry of Health, Labour and Welfare Ordinance No. 152 of 2011) • ILO C115 - Radiation Protection Convention, 1960 (No.115)
3.5 Legal employment	<ul style="list-style-type: none"> • Labor Standards Act (Act No. 49 of 1947) • Labor Union Act (Act No. 174 of 1949) • Labor Contracts Act (Act No. 128 of 2007) • Industrial Safety and Health Act (Act No. 57 of 1972) • Minimum Wage Act (Act No. 137 of 1959) • Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) • Act on Employment Promotion etc. of Persons with Disabilities (Act No. 123 of 1960) • Health Insurance Act (Act No. 70 of 1922) • Industrial Accident Compensation Insurance Act (Act No. 50 of 1947) • Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969) • Employees' Pension Insurance Act (Act No. 115 of 1954) • Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors (Act No. 120 of 1956) • Act on Promoting the Resolution of Individual Labor-Related

	<p>Disputes (Act No. 112 of 2001)</p> <ul style="list-style-type: none"> • Act on Special Measures for Improvement of Working Hours Arrangements (Act No. 90 of 1992) • Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991) • Act on the Succession to Labor Contracts upon Company Split (Act No. 103 of 2000) • Act on Ensuring Wage Payment (Act No. 34 of 1976) • Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985) • Act on Improvement, etc. of Employment Management for Part-Time Workers (Act No. 76 of June 18, 1993) • Act of Promotion of Women's Participation and Advancement in Workplace (Act No.64 of 2015) <ul style="list-style-type: none"> • ILO C029 - Forced Labour Convention, 1930 (No. 29) • ILO C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) • ILO C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) • ILO C100 - Equal Remuneration Convention, 1951 (No. 100) • ILO C105 - Abolition of Forced Labour Convention, 1957 (No. 105) (Not ratified* by Japan) • ILO C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (Not ratified* by Japan) • ILO C138 - Minimum Age Convention, 1973 (No. 138) • ILO C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)
4. Third parties' rights	
4.1 Customary rights	<ul style="list-style-type: none"> • Act on General Rules for Application of Laws (Act No. 78 of 2006) Article 3 • Act on Advancement of Modernization of Rights in Relation to Forests Subject to Rights of Common (Act No. 246 of 1951) Article 19 • Civil Code (Act No. 89 of 1896) Article 92, 263, 294 • Act Concerning Utilization of National Forest Land (Act No. 246 of 1951) Article 18-24 • Local Autonomy Act (Act No. 67 of 1947) Article 238-6
4.2 Free Prior and Informed Consent	<ul style="list-style-type: none"> • ILO C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Not ratified* by Japan)

	<ul style="list-style-type: none"> • United Nations Declarations on the Rights of Indigenous Peoples (2007) • Convention on Biological Diversity COP10 Nagoya Protocol(2010)
4.3 Indigenous Peoples' rights	<ul style="list-style-type: none"> • International Covenants on Human Rights • Act on Protection of Cultural Properties (Act 214 of 1950) Chapter 1 General Provisions, Article 109, 134 • Act on the Promotion of Ainu Culture, and Dissemination and Enlightenment of Knowledge about Ainu Tradition, etc. (Act No. 52 of 1997) • The Nibutani Dam Judgement (Sapporo District Court, March 1997) • International Bill of Human Rights (1966) Article 1, International Covenant on Civil and Political Rights Article 26, 27 • International Convention on the Elimination of All Forms of Racial Discrimination (1969) General Recommendation No. 23: Indigenous Peoples (1997, CERD) • Indigenous and Tribal Peoples Convention, 1989 (ILO No. 169) (Not ratified* by Japan) • The United Nations Declaration on the Rights of Indigenous Peoples (2007)
5. Trade and transport NOTE: This section covers requirements for forest* management operations as well as processing and trade.	
5.1 Classification of species, quantities, qualities	<ul style="list-style-type: none"> • Commercial Code (Act No. 48 of 1899) Article 526 • Act on Standardization and Proper Labeling of Agricultural and Forest Products (Act No. 175 of 1950)
5.2 Trade and transport	<ul style="list-style-type: none"> • Road Transportation Act (Act No. 183 of 1951) • Customs Act (Act No. 61 of 1954) • Motor Truck Transportation Business Act (Act No. 83 of 1989) • Motor Truck Transportation Business Safety Regulation (Ministry of Transport Ordinance No. 22 of 1990) • Consigned Freight Forwarding Business Act • Outline for Quarantine of Imported Wood • Convention on International Trade of Endangered Flora and Fauna
5.3 Offshore trading and transfer pricing	<ul style="list-style-type: none"> • Customs Act (Act No. 61 of 1954) • Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949) • Act on Special Measures Concerning Taxation (Act No. 26 of 1957)
5.4 Custom regulations	<ul style="list-style-type: none"> • Customs Act (Act No. 61 of 1954)

5.5 CITES	<ul style="list-style-type: none"> • Convention on International Trade in Endangered Species of Wild Fauna and Flora • Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949) • Export Trade Control Order (Cabinet Order No. 378 of 1949) Article 2
6. Due diligence/ due care	
6.1 Due diligence/ due care procedures	<p>For international guideline on due diligence, see “Guiding Principles on Business and Human Rights (2011)”.</p> <ul style="list-style-type: none"> • Act on Promotion of Distribution and Use of Legally Harvested Wood etc. (Act No. 48 of 2016)
7. Ecosystem services	
	<ul style="list-style-type: none"> • Forest Act (Act No. 249 of 1951) • Natural Parks Act (Act No. 161 of 1957) • Erosion Control Act (Act No. 29 of 1897) • Landslide Prevention Act (Act No. 30 of 1958) • Act on Prevention of Disasters Caused by Steep Slope Failure (Act No. 57 of 1969) • Civil Code (Act No. 89 of 1896) Article 92, 263, 294 • Act Concerning Utilization of National Forest Land (Act No. 246 of 1951) Article 18-24 • Local Autonomy Act (Act No. 67 of 1947) Article 238-6 • Act Concerning Revision of Rights for Common-Forest Use (Act No. 126 of 1966) • Mountain Villages Development Act (Act No. 64 of 1965) • Act on Special Measures concerning Improvement of Public Health Function of Forests (Act No. 71 of 1989) • Act on the Promotion of Nature Restoration (Act No. 148 of 2002) • Basic Act on Water Cycle (Act No.16 of 2014) • Act on Special Measures concerning Water Quality Conservation at Water Resources Area in Order to Prevent the Specified Difficulties in Water Utilization (Act No. 9 of 1994) • Fishery Act (Act No. 267 of 1949) • United Nations Framework Convention on Climate Change