

Comments received from Malaysian Nature Society (MNS) Kuching Branch and World Conservation Society (WCS) Malaysia

MNS Kuching

We have one over-arching comment which is as follows:

The mere existence of laws and other legislative and regulatory documents can not serve as indicators of compliance vis-à-vis forest *compliance*. Policies are not legally-binding, merely a statement of intent, and in this regard can not serve as indicators of compliance vis-à-vis *compliance*. The same goes for international treaties and agreements which Malaysia is signatory to, most of which are not legally-binding.

Example of suitable indicators are:

- The landowner shall demonstrate that they have effective procedures in place to ensure that contractors and others responsible for forestry operations on the property comply with applicable legal requirements.
- All personnel, including contractors, shall demonstrate a working knowledge of relevant codes of practice, operational guidelines and other accepted norms or agreements relevant to their responsibilities.
- There shall be a procedure for familiarizing staff with applicable laws and other regulatory requirements, and updating staff when there are changes.

In fact, it is the Forest Management Plan, which should included a detailed description of measures taken to comply with all the principles and criteria, and the written policies and plans of the forest manager coupled with observed practices (by certification bodies) that should be used as the main indicator of compliance.

For the record, this was MNS's stated, and oft-repeated, position throughout its participation in the development of the MC&I, but which was never taken up, for obvious reasons. Our position remains unchanged.

WCS Malaysia

Please refer to our detailed conservation comments given during the Hamburg Project. To avoid duplicating them, we are not resending the comments as we were told that the comments are already taken up.