

PUBLIC SUMMARY OF SECOND SURVEILLANCE VISIT OF SELA'AN-LINAU FMU FOR FOREST MANAGEMENT CERTIFICATION

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Assessment Team

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Date of Surveillance Visit

18-24 March 2007 (Surveillance Visit)
2-4 May 2007 (Verification 1)
28-30 November 2007 (Verification 2)

Result of Surveillance Visit

The scope of the surveillance visit focused mainly on the verification of the corrective actions taken by the Sela’an-Linau FMU in addressing the outstanding Minor Corrective Action Request (CAR). In addition, the surveillance visit also assessed the overall forest management practices within the FMU to ensure that these practices are conducted in compliance with the requirements of the *MC&I(2001)*.

Based on the *Report of Second Surveillance Visit of Sela’an-Linau Forest Management Unit for Forest Management Certification* [Ref: MF 03002 dated 22 June 2007], Minor CAR SEL-04 relating to the establishment of ecological plots in the FMU was closed-out. However, the other remaining Minor CAR (SEL-07) relating to an unresolved dispute with the Penan community in Long Benalih, resulting in a blockade, was raised to a Major CAR. In addition, a new Minor CAR (SEL-08) relating to the construction of feeder road was also raised. The verification visit to address the Major CAR was subsequently conducted on 2-4 May 2007. The verification visit concluded that as the matter now stands, Major CAR (SEL-07) cannot be closed.

In view that the Major CAR was not closed-out, the Thirty-Sixth Meeting of the MTCC Certification Committee held on 6 July 2007 had concurred with the recommendation of the Assessor to raise the

Minor CAR to a Major CAR, resulting in the subsequent recommendation that the Certificate awarded to the FMU be suspended until the Major CAR has been closed out.

Upon notification by MTCC on 13 July 2007 of the impending suspension of the *Certificate* issued to the company with effect from 1 August 2007, the FMU appealed on 18 July 2007 for an extension of six months (with a specific plan of actions) to address the Major CAR. The MTCC management considered the appeal and agreed to grant the FMU a four-month extension instead i.e. until the end of November 2007 to address the Major CAR and stipulated that a verification visit would be conducted by the Assessor to assess the actions taken to address the Major CAR towards the end of November 2007.

The said verification visit was conducted by a two-member auditor team from SIRIM QAS on 28-30 November 2007.

As a result of the verification assessment, the Assessor made the following recommendation:

“The community consultations during the verification suggest the major CAR would have to stand as there appears to have been little progress since the verification of early May. However, there is also the signed agreement of 22 October 2007. As there is no evidence or claim of compulsion or threat, the agreement, the installation of the gravity-feed supply, the formalisation of the no-logging commitment in the Long Benalih area, and the other commitments pledged by the FMU Management and stated in the agreement has to be taken as clearing the major CAR arising from the surveillance of 18-24 March 2007.”

However, the Assessor noted that *“the preceding recitation of events, the dialogues of the Task Force and Long Benalih, the consultations during the verification of 28-30 November, as well as the new blockade of 4 November 2007 indicate that (i) the agreement is not the final word, and (ii) a number of issues remain to be settled”*. Hence the Assessor has recommended the close-out of the Major CAR with seven conditions to be observed by the FMU management prior to the next surveillance visit.

The outcome and recommendation of the verification visit was considered by the Forty-Fourth Meeting of the MTCC Certification Committee held on 29 January 2008. The Certification Committee concurred with the recommendation of the Assessor to close the Major CAR (with seven conditions to be observed) as well as to maintain the *Certificate for Forest Management* issued to Sela'an-Linau FMU.

A summary of the CARs and their closed-out details is as shown in **Table 1**.

Note: For general information on the FMU and the assessment process under the MTCC scheme, please refer to the “Public Summary of Assessment of Sela'an-Linau FMU for Forest Management Certification”.

Table 1: Summary of Corrective Action Requests (CARs) and Closed-out Details

No.	Criterion	Indicator	Status of CAR	Nature of CAR	Status/Close-Out Details
SEL-04	4: Biological Diversity	4.3: Existence and implementation of procedures for assessing changes of biological diversity of the production forests, compared with areas in the same forest type kept free from human intervention	Minor	No ecological plots in harvesting areas that are kept undisturbed for comparative study with logged-over forests. The FMU has permanent and temporary sample plots established in harvested areas. There is a need to establish ecological research plots as required by this Indicator.	<p>An inventory had been conducted in Blocks 3 and 7 in September 2006 to assess the wildlife present in these two blocks, which have been proposed as Long-term Ecological Research Plots. These research plots covered an area of 41 ha in Block 7 and 87 ha in Block 3 totalling 128 ha. Arrangement would also be made with the Applied Forest Science and Industrial Development Business Unit of Sarawak Forestry Corporation to carry out work in these plots in 2007.</p> <p>Minor CAR SEL-04 was closed-out on 24 March 2007</p>
SEL-07	6: Economic, Social and Cultural Aspects	6.8 Extent to which forest planning and management practices and processes consider and recognise legal or customary rights with respect to indigenous people and local communities, forest dwellers and other forest-dependent communities.	Minor	<p>There needs to be a resolution of existing grievances and a harmonisation of the rights and claims of the indigenous communities in question and the needs of the FMU management. The continued existence of the blockade and the absence of a clear plan to resolve these issues merit a minor CAR.</p> <p>The Liaison Committee, currently includes only the communities within the FMU with the exception of the Ba' Pengaran communities. It should be extended to include the communities in the periphery as they are clearly stakeholders within the FMU. Specifically, the communities of Lg Sepigen, Lg Kerong, Lg Sait and Lg Sabai are to be included.</p>	<p>In view of the numerous attempts made by the FMU through meetings and discussion with the local Penan community had yet to reach an amicable and mutually acceptable solution, this minor CAR SEL-07 was raised to a Major CAR on 24 March 2007.</p> <p>During the Verification Visit on 28-30 November 2007, it was observed that there was a signed agreement dated 22 October 2007 between the four principal leaders of Long Benalih and Samling, affirming Samling's commitment not to log the Long Benalih area and the Long Benalih community's agreement not to obstruct the construction of the road to Long Lellang and to engage in negotiations on any disputes that may arise.</p> <p>The Assessor concurred that as there is no evidence or claim of compulsion or threat, the agreement, the installation of the gravity-feed supply, the formalisation of the no-logging commitment in the Long Benalih area, and the other commitments pledged by the FMU</p>

					<p>Management and stated in the agreement has to be taken as clearing the Major CAR arising from the surveillance of 18-24 March 2007.</p> <p>Major CAR SEL-07 is closed (with conditions).</p>
SEL-08	5: Soil and Water	5.5 Availability and implementation of guidelines for forest road lay-out, including drainage requirements and conservation of buffer strips along streams and rivers	Minor	There is a need to implement drainage requirement that include silt traps in erosion prone areas along feeder roads. There is inadequate provision of these facilities along the feeder road in Block 16 following the completion of harvesting in May 2006.	New Minor CAR raised during Second Surveillance Visit.