

Comments Mr. P



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Date: 14th March 2013

Our Ref: zi/2852/mtcc/py13

Mr Yong Teng Koon
Chief Executive Officer
Malaysian Timber Certification Council
C-08-05, Block C, Megan Avenue II
No. 12, Jalan Yap Kwan Seng
50450 Kuala Lumpur

Dear Sir,

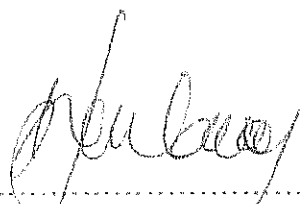
RE: PUBLIC COMMENT ON MC&I(FOREST PLANTATIONS)

We refer to the MTCC News V.7, Issue 1 and your article on the Review of MC&I(Forest Plantations).

We hereby submit our personal opinion on the MC&I(Forest Plantations) for your kind perusal and we hope that your review would make the standards more usable for the LPFs in Sarawak.

Thank you.

Yours faithfully,
for ZEDTEE SDN. BHD.


WONG ING YUNG
Director

encl.

cik siti / a. chad

It would be good if you could respond to all stakeholders who have submitted their comment.

Thank them and let them know

MALAYSIAN TIMBER CERTIFICATION COUNCIL		
Date Received :	15/3/13	
Circulation	Signature	Date
Chew Lye Teng		
Harnarinder Singh		
Yong Teng Koon	<i>YTK</i>	15/3
Noor Eshah Yat		
Siti Syaliza Mustapha		
Sabrina Wu		
Sabrina Mawasi		
Premalatha Mogan		
Cheah Chi Ern	<i>CC</i>	15/3
Aznira Kasim		

15/3

Public Comment on MC&I(Forest Plantations)

A personal opinion submitted by Wong Ing Yung

15 March 2013

1. Nomenclature

Proposal for consideration to name the standard as MC&I(Planted Forest) instead of MC&I(Forest Plantations)

- 1.1 To be consistent with sister standard MC&I(Natural Forest) nomenclature
- 1.2 To provide clear and unequivocal description of land use and mission of intended certification
- 1.3 To contribute to the rationalization of the greater forest certification framework, regional differences, and stages of forest plantation development (particularly for Sarawak) in Malaysia.

2. Need for Rationalization

- 2.1 Hierarchy of land use planning and management

There should be a logical hierarchy of land use planning and management between the nation, state, FMU, LPF, PL etc. The peninsular FMUs covering all the PFE in the state would logically occupy a higher level of planning and management over a "forest plantation" which constitutes only a fraction of its area.

- 2.2 MC&I(Forest Plantations) is pre-occupied with the conversion of natural forest into planted forests. By attaching Principle 10 as an appendage to the largely unabridged MC&I(2002), it surreptitiously compelled the plantation forest manager to manage/certify the whole FMU!

As is, MC&I(Forest Plantations) is tailored to suit peninsular FMUs for the certification of their PFEs including existing and planned forest plantations whereby MC&I(Natural Forest) would become superfluous.

On the other hand, it is noteworthy that a Sabah FMU consisting mainly of severely degraded forests and managed primarily for planting rubber could be certified against MC&I(2002) instead of MC&I(Forest Plantation)!

With so much overlapping commonality and interchangeability between the standards, the obvious solution based on a logical framework approach would be the unification into only one standard, for example, MC&I(Forest management) to cover both land uses and development, and nesting Planted forest management plan as a sub-section of the forest management plan.

- 2.3 Relative importance and relevance of the same set of Principles and Criteria between the two standards over space and time.

Criterion 6.10 "Forest conversion to plantations..." in MC&I(Natural Forest) may be reasonable. Its replication in MC&I(Forest Plantations) for "planted" forest is illogical.

This peculiar situation would not arise in an "unified" standard for the assessment of a holistically planned and managed FMU or its equivalent.

- 2.4 Need for a standard dedicated to "PLANTED" forest which is not part of FMU certified under MC&I(Natural Forest)

There are 45 LPFs in Sarawak under various stages of development and readiness for harvest. All principal stakeholders and key industry players are now ready to concede that certification of the planted forests may be an insurance to safeguard the investments against potential trade barriers imposed on tropical timber by consuming countries.

There is thus a pressing need to formulate a standard dedicated to "Planted Forest" which is not part of FMU certified under MC&I(Natural Forest) as in peninsular Malaysia.

The present review of MC&I(Forest Plantations) should therefore cater for what had been PLANTED and planned for now, and prepare the foundation for an eventual unified standard that could be used for the whole spectrum of land uses within a specific landscape.

3. Standard Review Procedure/Process

Unfortunately, there is a strong perception among the industry, particularly from Sarawak, that the present standard review procedure had not been able to adequately cater for industry participation and input for the review of the standard.

The review of MC&I(Forest Plantations) would therefore also be an opportunity to refine the state of art of the review procedure/process for it to be more inclusive and democratic.

At the meantime, review of the standard should strive to produce a MC&I(Planted Forest) that could be used by planted forest managers with imminent needs to placed planted timber onto the markets. The review should also consider the merit of a unified standard and devise a plan for their integration.

4. General comments/suggestions on the proposed MC&I(Planted Forest)

- 4.1 Precise and un-ambiguous definition of management area vis-a-vis FMU for natural forest

4.1.1 The status and objective of the area for management should be declared as soon as possible (say, "Plantation Forest Management Area") to distinguish it from FMU.

4.1.2 PFMA necessarily delineates a multiple -use landscape subject of legal frameworks of different regions of Malaysia.

In Sarawak, the LPF area most aptly represent this model whereby land uses may include Protection Areas, natural forests unsuitable for conversion, conversion areas(industrial timber trees), non-tree(oil palm) areas, and community use areas.

In Sabah, the FMUs may be considered as the equivalent of LPF in Sarawak.

In Peninsular Malaysia, the forest plantation is a subset of land use (by conversion of the PFE?) within the FMU. We are unaware of any guideline for the identification of conversion areas, and extent of responsibility required of the plantation manager over the surrounding landscape beyond the demarcated plantation boundary.

- 4.2 Provision for assessment based on the stage of development ranging from natural forest, planned plantation, and planted forest and a combination of all three stages over space and time

The demarcation and maintenance of Protection Areas like HCVEs and SBRs may be the only constant within a PFMA.

There would be rapid changes in land use and requirement for adaptive responses to changed circumstances during the development phase of PFM.

There may be a gap between the Protection Areas and Conversion Areas. In Sarawak, the LPF licensee carried out silvicultural treatment of trees from areas not suitable for conversion pending approval from the authority for "enrichment" planting.

- 4.3 Provision for clear differentiation of responsibility between forest manager and plantation manager. This may be achieved by manifesting plantation management as a subset of the forest management plan.
- 4.4 Remove repetitious and cross-referenced PC&Is resulting from the hegemony of a certain special interest group.

5. Comment on specific PC&I

5.1 Principles 1-3

There should be no issues with compliance with laws and principles, tenure and use rights and responsibilities, and Indigenous Peoples Rights in so far as they are stipulated in the relevant legal frameworks.

The LPF license issued by FDS specifically excludes land under NCR. There are still unresolved controversies on unsubstantiated claims and rights to land post 1958.

5.2 Principle 4

The assumption that workers must predominantly derived from local communities is no longer valid or at best tenuous. The legal frameworks, laws, regulations etc affecting local community and Workers are not synonymous, related or relevant.

It would be reasonable to split the Principle into two parts: Community Relations under Principle 3(Indigenous People's Rights) and Principle 4 dedicated to Workers Rights only.

5.3 Principles 5-8

Collectively these principles consider and incorporate relevant parameters for management of the overall landscape to provide the context and foundations for the "Plantation Forest Management Plan".

5.4 Principle 9

All the considerations under this principle had been addressed in the preceding principles particularly under Environmental Impact. For example:

Indicators 9.1.1 /6.1.2

Indicators 9.2.1/6.1.1/6.2.2

Indicators 9.3.1/6.4.1/6.4.2

It is superfluous and the review should strive to make the standard more even and "consumer friendly" by removing some of the repetitions and cross-references.

5.5 Principle 10

A Principle to distinguish the standard from the Natural Forest?

All its elements would had been addressed by the preceding principles particularly P4-8.

It could easily be a section of the FMP or in Sarawak context, a Schedule under the LPF license.

6. Logical Framework for Principles and Criteria

This proposal is made with the assumption that the Ps & Cs are not sacrosanct and immutable in view of the repetitions and cross references. In fact, the apparent complexity of the standard could easily be resolved if there is no hegemony of principles by a particular stakeholder group, and that the criteria and indicators so identified could be organized under a logical framework for practical application.

A simplified model for a structural framework is proposed for discussion based on:

P1 (Compliance with laws..) and P2s* (Tenure and use rights..) roles and positions are not contestable as they provide the legal frameworks for the relevant land use in the first instance.

P3 should be "Environmental Impact" which is the essential/prescribed procedure to establish baseline and pre-requisite for subsequent management. HCVFs and Protection Areas should be identified at this stage. (Sarawak LPFs require EIA to be carried out before FMP and commencement of work)

P4 "Indigenous Peoples Rights" as ascertained by the EIA would be relevant for the management of "Community Relations".

P5 "Benefits from the forests" consider the contribution of environmental services and forest's multiple products for economic and social benefits. The "Workers Rights" engaged with the

production of these benefits may be more appropriately considered under this principle instead of community relation.

P6 "Forest Management Plan" founded on EIA plan and implement action to achieve goals to meet community relation and benefits from forests expectations. Plantation Development is an extension of the FMP.

P7 "Monitoring and assessment" of the results and performance of the forest management.

The organization and relationship of the Principles is shown on Appendix 1.

Appendix 1: Structural framework for Principles and Criteria

