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WWF-Malaysia
49, Jalan SS23/15, Taman SEA,
47400 Petaling Jaya, Selangor,
Malaysia
Tel: +60 3 7803 3772
Fax: +60 3 7803 5157
Email: contactus@wwf.org.my
Website: wwf.org.my

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Chief Executive Officer
Malaysian Timber Certification Council (MTCC)
C-08-05, Block C, Megan Avenue II
12, Jalan Yap Kwan Seng
50450 Kuala Lumpur

Dear Sir/ Madam,

Please find attached our comments for the review of the **Malaysian Criteria and Indicators for Forest Management Certification (Forest Plantations) [MC&I (Forest Plantations)]**.

While we have reviewed and provided comments on these standards, we would like to state that we have reservations on the conversion of natural forest to forest plantations especially within Permanent Reserved Forests or Permanent Forest Estates as well as the use of the MC&I (Forest Plantations) to certify such forest plantations.

We hope that our comments and recommendations will be incorporated in the revised MC&I (Forest Plantations) and we thank you in advance.

Kind regards,

Dr. Sundari Ramakrishna
Conservation Director
WWF-Malaysia

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Principle 1: Compliance with Laws and Principles			
Criterion	Indicator	Verifier	Comments
1.1 Forest management shall respect all federal and state laws and administrative requirements	1.1.1 Records and availability of up-to-date relevant federal and state laws, regulations and policies, in particular those related to forest plantation management	<ul style="list-style-type: none"> • Protection of Wildlife Act, 1972 	<ul style="list-style-type: none"> • The Protection of Wildlife Act, 1972 has already been updated into Wildlife Conservation Act, 2010. • Include also International Trade of Endangered Species Act 2008 and the Malaysian Quarantine Inspection Services 2011 as verifiers
			<ul style="list-style-type: none"> • Include the National Physical Plan 2 and Central Forest Spine-1 and Central Forest Spine-2 Masterplans under the policies for Peninsular Malaysia as verifiers. • Suggest include the Timber Legality Assurance Scheme (TLAS) for Peninsular Malaysia as verifier.
		<ul style="list-style-type: none"> • National Forestry Policy, 1978 • National Agricultural Policy, 1992-2010 • National Policy on Biological Diversity, 1998 • National Policy on Environment, 2002 	All these policies are currently undergoing review and may not be applicable in the near future. As such it is recommended that “or the latest version of these policies” is added as a clause in the verifier section.

		<u>Sabah</u> State Forest Policy, 1954	Verifier: <u>Sabah</u> <ul style="list-style-type: none"> • Include “Environment Protection (Prescribed Activities) (Environmental Impact Assessment) Order, 2012” (new order and soon to be gazetted) • Include “Interpretation (definition of native) Ordinance Cap. 64” • Sabah State Forest Policy has been updated and adopted in 2005
1.2 All applicable and legally prescribed fees, royalties, taxes, and other charges shall be paid	1.2.1 Availability of current list of all legally prescribed fees, royalties, taxes and other charges	List of rent and fees payable, royalty structure and rates	Verifiers should include financial reports on prescribed fees, royalties, taxes and other charges being paid. Data base for such payment should be developed.
	1.2.2 Records are kept of all payments made	Records of payment made	
1.3 The provisions of all binding international agreements such as CITES, ILO Conventions, ITTA and Convention on Biological Diversity, shall be respected	1.3.1 Forest plantation managers are aware of international agreements binding to Malaysia relevant to forest plantation management	Where relevant, provisions related to forest plantation management of the following binding international agreements are reflected in forest plantation management plan and respected in forest plantation management: List of agreements	Indicator/ verifier: essence of international agreement must be incorporated in the forest management plan.

<p>1.6 Forest managers shall demonstrate a long-term commitment to adhere to these Principles and Criteria</p>			<p>Indicator and Verifier must be spelled out clearly-- the policies or statements of commitment must be developed, documented and distributed. Documents must be made available to public in the website, and hard copy is available when requested.</p>
<p>Principle 5: Benefits from the forest</p>			
<p>5.5 Forest management operations shall recognize, maintain, and, where appropriate, enhance the value of forest services and resources such as watersheds and fisheries.</p>			<p>Verifier: <u>Sabah</u> To include Environmental Impact Assessment (EIA) Guidelines for Logging and Forest Clearance Activities (to be finalized soon)</p>
<p>Principle 6: Environmental Impact</p>			
<p>6.1 Assessment of environmental impacts shall be completed – appropriate to the scale, intensity of forest management and the uniqueness of the affected resources – and adequately integrated into management systems. Assessments shall include landscape level consideration as well as the impacts of on-site processing facilities. Environmental impacts shall be assessed prior to</p>	<p>6.1.1 Assessment of environmental impacts are carried out, including landscape level considerations, as well as the impacts of on-site processing facilities, appropriate to the scale and intensity of forest plantation management, prior to commencement of site-disturbing operations in forest plantation areas.</p>		<p>For Sabah (Verifier):</p> <ul style="list-style-type: none"> • Include Agreement of Environmental Conditions (AEC) and the “Environment Protection (Prescribed Activities) (Environmental Impact Assessment) Order, 2012” (new order and soon to be gazetted)

<p>commencement of site-disturbing operations.</p>	<p>6.1.2 Assessment of environmental impacts are carried out, including the potential impacts on endangered, rare and threatened species of flora and fauna, and the need for biological corridors in forest plantation areas, appropriate to the scale and intensity of forest plantation management.</p>		<p>As verifiers:</p> <ul style="list-style-type: none"> • The IUCN Red List/ Wildlife Conservation Act (Peninsular)/ Wildlife Conservation Enactment (Sabah)/ Wild Life Protection Ordinance (1998) should be referred to in terms of fauna. • The IUCN Red List/ Malaysian Plants Red List/ Wildlife Conservation Enactment (Sabah)/Wild Life Protection Ordinance (1998) [Sarawak] should be referred to in terms of flora • Recommend to include “Managing Biodiversity in the Landscape” and “Managing Biodiversity in the Riparian Zone” (both are Ministry of Natural Resource and Environment publications) as verifiers as both these documents mention the need for biological corridor at the planning stage and provide examples for corridor width.
	<p>6.1.3 Forest plantation management plans shall</p>		<p>Verifier: <u>Sabah</u></p>

	incorporate measures to mitigate the environmental impacts identified in the assessments.		Include Plantation Development Plan
6.2 Safeguards shall exist which protect rare, threatened and endangered species and their habitats (e.g. nesting and feeding areas). Conservation zones and protection areas shall be established, appropriate to the scale and intensity of forest management and the uniqueness of the affected resources. Inappropriate hunting, fishing trapping and collecting shall be controlled.	6.2.1 Availability and implementation of guidelines to identify and protect endangered, rare and threatened species of forest flora and fauna, including features of special biological interest, such as seed trees, nesting and feeding areas, in forest plantation areas.	<ul style="list-style-type: none"> Guidelines for the identification and protection of rare, threatened and endangered species 	<p>Criterion:</p> <ul style="list-style-type: none"> “salt licks” should be included as an example in the sentence “Safeguards shall exist which protect rare, threatened and endangered species and their habitats (e.g. nesting and feeding areas). Suggest rewording of the word “inappropriate” in the sentence “inappropriate hunting, fishing...” to “illegal” Suggest rewording of the word “controlled” in the sentence “inappropriate hunting, fishing, trapping and collecting shall be controlled” to “prohibited and prevented”. <p>Indicators:</p> <ul style="list-style-type: none"> Indicator: in the sentence “...including features of special biological interest, such as seed trees.....”—suggest changing “seed trees” to “seed/fruit/ fig

			<p>trees”</p> <ul style="list-style-type: none"> • Where official national/local guidelines are lacking, international guidelines is followed and experts should be referred to. • To include “Clear on the ground demarcation of the conservation areas” as a verifier. This is extremely important for auditors when the conduct the field audit. • The IUCN Red List or Malaysian Red List can be referred to in order to identify which species are rare/endangered/threatened
	<p>6.2.2 Availability and implementation of management guidelines to establish representative conservation and protection areas, in accordance with existing forest ecosystems, appropriate to the scale and intensity of forest planation management</p>	<ul style="list-style-type: none"> • Guidelines for the establishment of representative conservation 	<ul style="list-style-type: none"> • The guidelines should be listed out, at least a few as examples. • To include “Clear on the ground demarcation of the conservation and protection areas” as a verifier. This is extremely important for auditors when they conduct the field audits.
	<p>6.2.4 Hunting, fishing and collecting activities shall be controlled and unauthorized</p>		<p>Indicator:</p> <ul style="list-style-type: none"> • Existing indicator (6.2.4) should be reworted to “Illegal hunting

	and/ or inappropriate activities prevented in forest plantation areas.		<p>(e.g. including using firearms, snares, traps etc), fishing and other unauthorized activities should be prohibited within the plantation and also the surrounding forest reserves.</p> <ul style="list-style-type: none"> • Unauthorized persons should be denied access into the plantation area • Suggest adding “Efforts should be carried out to prevent encroachment or illegal activities in plantation areas. E.g., these efforts can include setting up guard points and patrolling around the plantation border”.
6.3 Ecological functions and values shall be maintained intact, enhanced or restored, including.....	6.3.2 Availability and implementation of guidelines for the conservation of genetic, species and ecosystem diversity in the forest plantation areas.	Guidelines for the conservation of genetic, species and ecosystem diversity	Specific guidelines should be listed out, at least a few as examples.
	6.3.3 Harvesting of forest plantation is designed taking into consideration the need for biological corridors and buffer zones for wildlife.		Recommend to include “Managing Biodiversity in the Landscape” and “Managing Biodiversity in the Riparian Zone” (both are Ministry of Natural Resource and Environment publications) as verifiers as both these documents mention the need

			for biological corridor at the planning stage and provide examples for corridor width.
6.5 Guidelines shall be prepared and implemented to: control erosion; minimize forest damage during harvesting, road construction, and all other mechanical disturbances; and protect water resources	6.5.4 Availability and implementation of guidelines for conservation of buffer strips along streams and rivers	Guidelines for conservation of buffer strips along streams and rivers	Specific guidelines should be listed out. For e.g. DID Guidelines, “Managing Biodiversity in the Landscape” and “Managing Biodiversity in the Riparian Zone” (both are Ministry of Natural Resource and Environment publications) as verifiers.
6.6 Management systems shall promote the development and adoption of environmentally friendly non-chemical methods of pest management and strive to avoid the use of chemical pesticides. World Health Organisation Type 1A and 1B and chlorinated hydrocarbon pesticides; pesticides that are persistent, toxic or whose derivatives remain biologically active and accumulate in the food chain beyond their intended use; as well as any pesticides banned by international agreement, shall be prohibited. If chemicals are used, proper equipment and	6.6.1 Availability and implementation of guidelines and/ or procedures on the use of chemicals in forest plantation areas approved by relevant regulatory authorities.		<ul style="list-style-type: none"> • As an indicator: suggest adding “monitoring measures must be in place to ensure that pesticides used are not polluting the water bodies” • Apart from the verifiers listed, the highlighted section in the criterion should be listed as verifier.

<p>training shall be provided to minimize health and environmental risks.</p>			
<p>6.10 Forest conversion to plantations or non-forest land uses shall not occur, except in circumstances where conversion:- a) does not occur on high conservation value forest areas; and b) will enable clear, substantial, additional, secure, long-term benefits across the forest management unit.</p>	<p>6.10.1 Conversion of forest area to forest plantations, consistent with the provisions of relevant federal and state legal frameworks and policies, does not occur on high conservation value forest areas, and shall provide substantial, additional, secure and long term benefits across the forest plantation management unit. (This Indicator shall be complied with by plantations established in areas converted from natural forests after 1 January 2010)</p>		<p>WWF-Malaysia has reservations about this criterion as this criterion allows for conversion of natural forests to forest plantations</p>
			<p>Recommend that a new criterion is added for establishment of buffer zones from the boundary of the forest plantations and Environmentally Sensitive Areas (ESAs)/HCVA. This criterion is extremely important to ensure</p>

			<p>adverse impacts from forest plantations such as spread of exotic species and diseases from forest plantations to these ESAs/HCVAs is limited. By ensuring an adequate buffer zone is established, the access into ESAs such as Protected Areas can be limited to a certain extent and this is one of the important measures to control poaching.</p> <p>Suggest wording of Criterion: “Where the forest plantation is located adjacent to an Environmentally Sensitive Area (ESA) or HCVA, adequate buffer zone shall be established and maintained from the boundary of the forest plantation and Environmentally Sensitive Areas/HCVA.”</p> <p>Indicator – The National Physical Plan 2 for Peninsular Malaysia.</p> <p>Verifier –</p> <ul style="list-style-type: none"> a) Maps showing the forest plantation boundary, buffer zone and distance from ESA/HCVA. b) Clear on the ground
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			demarcation of the forest plantation boundary and the buffer zone.
Comments: This Principle should be referred to in concurrent with Principle 9			
Principle 7: Management Plan			
The management plan and supporting documents shall provide:- (a) Management objectives (b)			Criterion should include identification of places where it provides critical ecosystem services
Principle 9: Maintenance of High Conservation Value Forests			
9.1 Assessment to determine the presence of the attributes consistent with High Conservation Value Forests will be completed, appropriate to scale and intensity of forest management	9.1.1 Forest plantation managers shall conduct an assessment to identify High Conservation Value Forests (HCVFs) in accordance with relevant guidelines, appropriate to scale and intensity of management for forest plantation areas, and in consultation with relevant stakeholders and experts.		There is currently no other guidelines apart from the one WWF produced. WWF strongly recommend listing it here as reference (as verifier).
Principle 10: Plantation Development			
10.1 The management objectives of the plantation, including natural forest conservation and restoration objectives, shall be explicitly stated in the	10.1.1 Implementation of forest plantation management plan with clear management objectives, including natural forest conservation and	<ul style="list-style-type: none"> • Forest Plantation management Plan • Annual Work Plan 	Verifiers: Implementation can also be measured and verified through the monitoring plan and work report other than the documents listed.

management plan, and clearly demonstrated in the implementation of the plan	restoration objectives		
10.2 The design and layout of plantations shall promote the protection, restoration and conservation of natural forests, and not increase pressures on natural forests. Wildlife corridors, streamside zones and a mosaic of stands of different ages and rotation periods, shall be used in the layout of the plantation, consistent with the scale of the operation. The scale and layout of plantation blocks shall be consistent with the patterns of forest stands found within the natural landscape.	10.2.1 Forest plantation design and layout shall promote the protection, restoration and conservation of natural forests for forest plantation areas.		For both the indicators, recommend to include clear on the ground demarcation of the areas for protection, restoration and conservation areas, wildlife corridors and buffer strip as verifiers.
	10.2.2 Forest plantation establishment shall, appropriate to the scale of the operation, follow natural landscape and take into account the need for wildlife corridors, buffer strips for permanent streams and rivers, as well as a mosaic of stands of different age classes.		
10.8 Appropriate to the scale and diversity of the operations, monitoring of plantations shall include regular assessment of potential on-site and off-site ecological and social impacts (e.g. natural regeneration, effects on water resources and soil fertility,	10.8.3 Availability of documentation of land acquisition within relevant federal and state legal frameworks for forest plantation areas that respect and protect rights of ownership, use or access	<u>Peninsular Malaysia</u> <ul style="list-style-type: none"> • National Land Code, 1965 • State Forest Enactments • State Forest Rules • Records of alienation and use rights • Concessionaire and/ or lease agreements 	Verifier: Sabah-- Land Acquisition Ordinance to be added Suggest referring to the IUCN SSC Invasive Species Specialist Group

<p>and impacts on local welfare and social well-being), in addition to those elements addressed in Principles 8,6 and 4. No species shall be planted on a large scale until local trials and/or experience have shown that they are ecologically well-adapted to the site, are not invasive, and do not have significant negative ecological impacts on other ecosystems. Special attention will be paid to social issues of land acquisition for plantations, especially the protection of local rights of ownership, use or access.</p>		<ul style="list-style-type: none"> • Forest harvesting license • Land title <p><u>Sabah</u></p> <ul style="list-style-type: none"> • Forest enactment, 1968 • Forest Rules, 1969 • Land Ordinance, 1930 (Sabah Cap. 68) • Land Title • Sustainable Forest Management License Agreement/ Long Term Timber License Agreement <p><u>Sarawak</u></p> <ul style="list-style-type: none"> • Forests Ordinance, 1954 (Cap. 126) • Land Code, 1958 (Cap. 81) • License for Planted Forests • All customary laws/ adat laws codified under the Native Customs (Declaration) Ordinance, 1996, and any other established customs of the communities recognized and enforceable by the Native Courts under the Native Courts Ordinance, 1992 and the Native Court Rules, 1993. • Decisions of the Civil Courts pertaining to legal 	
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		or customary tenure or use rights <ul style="list-style-type: none">• Land title	
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