

## Comments Received from WWF-Malaysia

<b>Principle 1: Compliance with Laws and Principles</b>				
<b>Criterion</b>	<b>Indicator</b>	<b>Verifier</b>	<b>Comments (submitted in 1<sup>st</sup> April 2013)</b>	<b>New Remarks/Suggestions from WWF-MY [with reference to Draft Enquiry 1 of the MC&amp;I (forest plantations)] 31<sup>st</sup> Dec 2013</b>
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 developed.	The suggestions (from 1 <sup>st</sup> April) were not accepted as they were not in line with the requirement of Indicator 1.2.1. However, can this suggestion be used as the verifier for 1.2.2?
	1.2.2 Records are kept of all payments made	Records of payment made		
<b>Principle 5: Benefits from the forest</b>				
5.6 The rate of harvest of forest products shall not exceed levels which can be permanently sustained.	5.6.1 Rate of harvest shall be in accordance with the Forest Plantation Management Plan.	Peninsular Malaysia / Sabah / Sarawak • Forest Plantation Management Plan • Area harvested according to the approved Annual Work Plan • Harvesting Plan		To include as verifier:  Permit to Harvest Coupe (PHC) issued by Sarawak Forestry Department
<b>Principle 6: Environmental Impact</b>				
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.	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.			In the Indicator, it is unclear as to what “site-disturbing operations” are. Suggest rephrasing to make it clearer:  To redefine the phrase to include examples such as this: .....prior to commencement of site-disturbing operations such as operations prior to planting activities and subsequently, operations prior to harvesting of trees in forest plantation areas.

<p>Environmental impacts shall be assessed prior to 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"> <li>• 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.</li> <li>• 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</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• There was nothing minuted down that the 3<sup>rd</sup> point in the “comments” column –to include “managing biodiversity in the landscape” and “managing Biodiversity in the Riparian Zone” –has been discussed. Was this left out by accident?</li> </ul>
<p>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</p>	<p>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.</p>	<ul style="list-style-type: none"> <li>• Guidelines for the identification and protection of rare, threatened and endangered species</li> </ul>	<p>Criterion:</p> <ul style="list-style-type: none"> <li>• “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).</li> <li>• Suggest rewording of the word “inappropriate” in the sentence “inappropriate hunting, fishing....” To “illegal”</li> <li>• Suggest rewording of the word “controlled” in the sentence</li> </ul>	<p>Our 2 suggestions does not seem to have been minuted (if deliberated) --</p> <p>Indicator 1): in the sentence “...including features of special biological interest, such as seed trees.....”—suggest changing “seed trees” to “seed/fruit/ fig trees”;</p> <p>Indicator 2) The IUCN Red List or Malaysian Red List can be referred to in order to identify which species are rare/endangered/threatened</p>

<p>and collecting shall be controlled.</p>			<p>“inappropriate hunting, fishing, trapping and collecting shall be controlled” to “prohibited and prevented”.</p> <p>Indicators:</p> <ul style="list-style-type: none"> <li>• Indicator: in the sentence “...including features of special biological interest, such as seed trees.....”—suggest changing “seed trees” to “seed/fruit/ fig trees”</li> <li>• Where official national/local guidelines are lacking, international guidelines is followed and experts should be referred to.</li> <li>• 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.</li> <li>• The IUCN Red List or Malaysian Red List can be referred to in order to identify which species are rare/endangered/threatened</li> </ul>	
	<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"> <li>• Guidelines for the establishment of representative conservation</li> </ul>	<ul style="list-style-type: none"> <li>• The guidelines should be listed out, at least a few as examples.</li> <li>• 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.</li> </ul>	<p>It seems that the suggestion about listing out examples of guidelines was not deliberated</p>
	<p>6.3.3 Harvesting of forest plantation is designed</p>		<p>Recommend to include “Managing Biodiversity in the Landscape” and</p>	<ul style="list-style-type: none"> <li>• The SRC meeting noted that the spirit of the proposal is addressed</li> </ul>

	taking into consideration the need for biological corridors and buffer zones for wildlife.		“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>under Principle 9. However, this Indicator specifically touches on biological corridors and buffer zones for wildlife which Principle 9 does not explicitly addresses and on top of that, would need guidelines as well. Therefore, suggest the SRC to re-consider this.</p> <ul style="list-style-type: none"> <li>• WWF would like to enquire if the Forest Plantation Management Plan and Harvesting Plan have biological corridors and buffer zones in consideration?</li> </ul>
6.3 Ecological functions and values shall be maintained intact, enhanced or restored, including.....	<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.</p> <p>(This Indicator shall be complied with by plantations established in areas converted from natural forests after 1 January 2010)</p>		WWF-Malaysia has reservations about this criterion as this criterion allows for conversion of natural forests to forest plantations	
			Recommend that a new criterion is added for establishment of buffer zones from the boundary of the forest plantations and Environmentally Sensitive Areas	During the SRC meeting, it was agreed that these suggestions and concerns could be considered during the deliberation on related matters under Principles 6 and 9.

			<p>(ESAs)/HCVA. This criterion is extremely important to ensure 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"> <li>a) Maps showing the forest plantation boundary, buffer zone and distance from ESA/HCVA.</li> <li>b) Clear on the ground demarcation of the forest plantation boundary and the buffer zone.</li> </ul>	<p>It was noted that aspects related to ESA was included under C6.10 and buffer zones for HCVF under I9.3.1 However, upon cross-referencing again, we think that this suggestion has been somewhat diluted. We have sought clarification as below.</p>
<p>6.10 Forest conversion to plantations or non-forest land uses shall not occur, except in</p>				<p>In page 36, on the discussion for 7.1.1 (Verifier) – it was minuted down that Mr. Gan proposed to include “<i>Wildlife Management Plan, Natural Flora</i></p>

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.				<i>Management Plan and Environmental Management Plan”</i> under I6.10.1 and 6.10.2. What was the outcome?
<b>Principle 7: Management Plan</b>				
The management plan and supporting documents shall provide:- (a) Management objectives (b) .....			Criterion should include identification of places where it provides critical ecosystem services	Suggestion is covered under 7.1 (b) <i>Description of the forest resources to be managed, environmental limitations, land use.....</i> and also (f) <i>Environmental safeguards based on environmental assessment.”</i>  However, WWF would like to seek clarification on the definition of “environmental limitations” and “environmental safeguards”
<b>Principle 9: Maintenance of High Conservation Value Forests</b>				
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).	WWF-MY is delighted that Sabah and Sarawak have taken up the initiative to use the HCVF toolkit to conduct HCV assessment, management and monitoring. WWF-MY would like to suggest strongly again that it be included in the verifiers for Peninsular Malaysia, as some sort of guidelines need to be present as to how HCV is assessed, managed and monitored to be compliant with C6.10
9.3 The management plan	9.3.1 Measures to	<u>Peninsular Malaysia / Sabah /</u>		In the discussion minuted (regarding

<p>shall include and implement specific measures that ensure the maintenance and/or enhancement of the applicable conservation attributes consistent with the precautionary approach. These measures shall be specifically included in the publicly available management plan summary.</p>	<p>demarcate, maintain and/or enhance the HCVF attributes are documented in the forest plantation management plan and effectively implemented.</p>	<p><u>Sarawak</u></p> <ul style="list-style-type: none"> <li>• HCVF areas are mapped and incorporated into the Forest Plantation Management Plan and demarcated on the ground, where appropriate</li> <li>• Management prescriptions to maintain and/or enhance HCVF attributes, and reports on measures taken</li> </ul>		<p>I6.10.1, pg 35), it was agreed that the verifier for indicator 9.3.1 would be amended to "<i>HCVF areas <u>including buffer zones</u> are mapped and incorporated into the Forest Plantation Management Plan and <u>demarcated on the ground, where appropriate</u>". However, it seems like it has not been reflected in the 1<sup>st</sup> draft. Was there a mistake? WWF would also like to seek clarification on if these buffer zones include both buffer zones for HCVFs and ESAs?</i></p>
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**Principle 10: Plantation Development**

<p>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, 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</p>	<p>10.8.3 Availability of documentation of land acquisition within relevant federal and state legal frameworks for forest planation areas that respect and protect rights of ownership, use or access</p>	<p><u>Peninsular Malaysia</u></p> <ul style="list-style-type: none"> <li>• National Land Code, 1965</li> <li>• State Forest Enactments</li> <li>• State Forest Rules</li> <li>• Records of alienation and use rights</li> <li>• Concessionaire and/ or lease agreements</li> <li>• Forest harvesting license</li> <li>• Land title</li> </ul> <p><u>Sabah</u></p> <ul style="list-style-type: none"> <li>• Forest enactment, 1968</li> <li>• Forest Rules, 1969</li> <li>• Land Ordinance, 1930 (Sabah Cap. 68)</li> <li>• Land Title</li> <li>• Sustainable Forest Management License Agreement/ Long Term Timber License Agreement</li> </ul> <p><u>Sarawak</u></p> <ul style="list-style-type: none"> <li>• Forests Ordinance, 1954 (Cap. 126)</li> <li>• Land Code, 1958 (Cap. 81)</li> <li>• License for Planted Forests</li> <li>• All customary laws/ adat laws</li> </ul>	<p>Verifier:</p> <p>Sabah-- Land Acquisition Ordinance to be added Suggest referring to the IUCN SSC Invasive Species Specialist Group</p>	<p>WWF would like to seek clarification if there was any minuted discussion on the referring to IUCN SSC Invasive Species Specialist Group as verifier.</p>
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<p>acquisition for plantations, especially the protection of local rights of ownership, use or access.</p>		<p>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.</p> <ul style="list-style-type: none"><li>• Decisions of the Civil Courts pertaining to legal or customary tenure or use rights</li><li>• Land title</li></ul>		
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