CHATHAM WORKSHOP
on
“CITES AND THE EUTR”
LONDON
DECEMBER 12-13, 2013

FOREST MANAGEMENT AND ENFORCEMENT
FOR EUTR AND CITES REGIMES IN PENINSULAR MALAYSIA

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   - SOP- MS ISO/MC&I

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INTRODUCTION

Issues on Forest Crimes such as illegal logging and forest encroachment, and other forest offences have been a national concern due to its serious impact on biodiversity, forest quality, environment and to the timber industries. The Ministry of Natural Resource and Environment (NRE), through the Forestry Department Peninsular Malaysia (FDPM) is serious in combating forest crimes in Peninsular Malaysia.
FDPM VISION AND MISSION

VISION: TO BE THE AGENCY OF EXCELLENCE IN THE SUSTAINABLE MANAGEMENT OF TROPICAL FORESTS

MISSION: TO SUSTAINABLY MANAGE AND DEVELOP THE FOREST RESOURCES AND OPTIMISE THEIR CONTRIBUTIONS TO NATIONAL SOCIO-ECONOMIC DEVELOPMENT
MALAYSIA FORESTRY SECTOR

GLOBAL

FEDERAL GOVERNMENT (NRE/FDPM)

STATES (SFD)

PRF

AGENCIES (MPIC, MTIB)

SLF

ECONOMY

ECONOMY

SOSIAL

ENVIRONMENT

ALF
FORESTED AREA
Forest Resources in Peninsular Malaysia

5.89 million ha (44.7% Land Area)

2010

Production

Production (Development)

State/Alienated Land (6.6%)

0.39 mil ha

PRF (83.5%)

4.92 mil ha

Production (SFM)

2.83

Totally protected

2.09

National Park/Wildlife & Bird Sanctuary (9.8%)

0.58 mil ha

Totally Protected

0.58

Protection

Production

54.7%

3.22 mil ha

45.3%

2.67 mil ha
Cross-section of Forest Types

- Mangrove Forest
- Coastal Vegetations
- Freshwater/peatswamp
- Lowland dipterocarp
- Hill dipterocarp
- Upper dipterocarp
- Dry Inland Forest
- Peat Swamp Forest
- Montane
Objectives: To conserve and manage the nation’s forest on the principles of SFM. To protect environment, conserve bio-d, gen. resources, enhanced research and education.

Statement: Dedicated PRF for Protection, Production, Amenity, Research and Education.

Implementation:
- PRF Constitution
- Forest Legislation
- SFM
- Forest Regeneration & Rehabilitation
- Forest Harvesting
- Forest Products & Industries
- Forest Plantation & Bio-D
- Community & Agro-forestry
- Forestry Research, Education & Extension
- Manpower Development & Training
- International Co-operation
FORESTRY LEGISLATIONS AND OTHER RELATED LAND USE LEGISLATIONS

**Peninsular Malaysia**

- Wood-based Industries Act, 1984
- Water Enactment, 1935
- Land Conservation Act, 1960
- Environmental Quality Act, 1974
- Protection of Wildlife Act, 1972
- National Parks Act, 1980
National Forestry Act, 1984 (Amended 1993)

Maximum fine of RM 500,000.00 and/or imprisonment not exceeding 20 years with a mandatory imprisonment of not less than 1 year

Section 15 - Taking of any forest produce from Permanent Reserved Forest or State land Forest without license.

Section 40 - Removal of forest produce without Removal License from alienated land, TOL, mining land and reserved land.

Section 86 - Counterfeiting or defacing, or possessing implements for counterfeiting, marks on trees and timber and altering boundary marks.
SUSTAINABLE FOREST MANAGEMENT (SFM)

- ECONOMY
- FOREST
- SOCIAL
- ENVIRONMENT
SELECTIVE MANAGEMENT SYSTEM (SMS)

1. **Regenerated Forest (After 25-60 years)**

2. **Annual Coupe:**
   - Based on detailed forest inventory for sustainable forest management

3. **Pre-felling inventory**

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**Post-felling inventory:**
- Silvicultural treatment where necessary

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**Selective harvesting:**
- 7 to 12 trees per hectare taken out
- 32 residual trees ≥ 30cm dbh to form the next crop
- Minimum cutting limit:
  - Dipterocarps: 55cm dbh
  - Non-dipterocarps: 45cm dbh
- Directional felling
  - to reduce impact

- (dbh - diameter at breast height)

**Subject to:**
- Forest management plan
- Standard road specification
- Forest harvesting procedures
A) CATEGORY 1:
Logging that includes without permit/license, logging outside licensed area and construction/erection of infrastructure including forest road without permission.

B) CATEGORY 2:
Illegal encroachment in PRF areas without permission.

C) CATEGORY 3:
Other offences inside and outside PRF that include felling of trees below the prescribe cutting limit, no sub-license for workers and no registration of logging machinery with the Forestry Department.
ILLEGAL LOGGING IN PENINSULAR MALAYSIA

Probe into illegal logging

By Neville Spurgeon

TENGGANG KAWASAN Merok and Rompin forests have been ravaged by illegal logging despite the efforts of the Malaysian government to conserve the area. The logging has been reported to have caused significant damage to the environment and led to the extinction of several species of fauna. The authorities have been ineffective in controlling the illegal activities.

IMAY ENDIN YOTT (right) and Ipo Endin Pron with one of the trees which was left behind by the loggers.

Logging activities puzzle villagers

ALOR STAR: Farmer Chatree Ai Ping has been anxiously waiting to have a rubber smallholding on state land about 50km from here. However, he and his fellow villagers’ applications have yet to be approved. Last Saturday, however, the 29-year-old farmer from a small Malaysian Siamese village here, was surprised to find trees being felled at the four-hectare site in the Padang Temang district.

A check with the state Forestry Department revealed that approval had been given for some trees felling to be carried out in the area.

However, a department spokesman was unsure which part of the jungle had been earmarked for smallholdings.

Malaysia woos Arab tourists with eco-tourism

KUALA LUMPUR: Malaysia is pushing out a special package at the four-star Arabian-themed hotel, to woo Arab tourists to the country. A joint venture between the Malaysian Tourism Board (MBT) and the Kuala Lumpur Tourism Board, the package offers a special tour to Arab countries in the Middle East. The package includes visits to major tourist attractions in the region.

Arab tourists will also be able to enjoy water sports, dive or fish off the coast of Malaysia. The package is available for a limited time.

Malaysia’s tourism ministry is working on a new campaign to attract Arab tourists to the country. The campaign will focus on promoting Malaysia’s rich culture and natural beauty.
## ENFORCEMENT ACTIVITIES
(January – July 2013)

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renj Detection</td>
<td>154</td>
</tr>
<tr>
<td>Inspection Licensed Area</td>
<td>3225</td>
</tr>
<tr>
<td>Forest Checking Station</td>
<td>777</td>
</tr>
<tr>
<td>Monitoring &amp; Patrolling</td>
<td>5794</td>
</tr>
<tr>
<td>Road Blocks</td>
<td>241</td>
</tr>
<tr>
<td>Inspection Forest Industries</td>
<td>1856</td>
</tr>
<tr>
<td>Detained</td>
<td>55</td>
</tr>
<tr>
<td>Awareness Program</td>
<td>210</td>
</tr>
<tr>
<td>Integrated Enforcement</td>
<td>16</td>
</tr>
<tr>
<td>Media</td>
<td>7</td>
</tr>
<tr>
<td>Complaints</td>
<td>243</td>
</tr>
</tbody>
</table>
Issues and Challenges in Forest Enforcement

- Inadequate number of enforcement staffs
- Limited skills to conduct investigation
- Limited equipment, transportation, firearms and technology
- Illegal logging activities by organized syndicates
- High demand for timber products
- Illegal mill and wood processing mills
PRIORITY TASK

1. Strengthening Organization/Financial Support
2. Procedures/ Management Practices
3. Local Community/ Other Agencies Involvement
4. Logistics and Infrastructures
5. Manpower/ Capacity Building
6. Policy and Legislation
7. Wood Based Industry
8. Technology and Equipments
Concept: Data Storage and FMRS Plus Operating System

**ARSM**
- Spot-5
- Resolution image
- 2.5m -10m

**SYSTEM BASED ON WEBGIS**

**DATA CENTRE**
- Basic Data
- Administrative Boundary
- Roads
- Rivers
- Places Name

**SYSTEM FMRS Plus**

**JPSM**
- Compartment Data
- PRF Boundary
- Licensed Area
- Hot Spot Data

**Basic Layer**
- Federal HQ
- State
- District

**Users**
FMRS Plus Operating System

FMRS Plus 7 layers dan 22 sub-layers for Selangor
LEGISLATIVE LOOPHOLES

Legislative Loopholes in Implementing NFA 1984:

1. Low penalty for forest crimes
2. Burden of proof lies with the prosecuting department
3. Poor procedures in arresting, seizure and investigation - SOPs
4. Need adequate tools to detect forged documents
5. No provision for minimal penalties
6. No special funds for “whistle blowers”
7. Low forensic knowledge to compliment investigation
8. Low intelligence knowledge capacity
ENFORCEMENT STRATEGIC PLAN

The National Forestry Act (NFA), 1984 (Amended 1993) to incorporate new provision to deter the occurrence of forest offences

Identifying hotspot areas with potential incidence of illegal logging activities throughout Peninsular Malaysia


Using remote sensing technology and geographic information systems (GIS) to track and monitor the activities of forest encroachment – FMRS Plus

Promoting a Timber Licensing Assurance System (TLAS) under the Malaysian-European Commission Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA)

Enforcement Division and 1NRE in the Forestry Department Peninsular Malaysia and Ministry of NRE

Regular monitoring and reporting activities are also undertaken through frequent patrolling – UAV & RFID
Our Forests are more than just about trees - “Looking Beyond Trees”

Forest is very crucial and critical for community livelihoods

- Wood and Other Non-Wood Products
- Source of Foods, Shelter and Income for Local Community
- Source of Quality Water
- Source of Fuel and Energy
- Forest-Based and Eco-Tourism
- Conservation of Genetic Resources
- Coastal Protection
- Habitat for Forest Biodiversity (Flora and Fauna)
- Climate Change Adaptation and Mitigation
- Conservation of Genetic Resources
- Climate Change Adaptation and Mitigation
- Forest-Based and Eco-Tourism
- Source of Quality Water
- Source of Fuel and Energy
- Forest-Based and Eco-Tourism
- Conservation of Genetic Resources
- Climate Change Adaptation and Mitigation
- Forest-Based and Eco-Tourism

CHALLENGES
POLICY & LAWS
EUTR and CITES

CITES, REDD++, CC, CBD, FSC(Sustainability) & EUTR( Legality)

NRE, MPIC, PTG, JAKOA, JAS(EIA & EMP), MTIB, FRIM

NFP
APN 1978
EIBK 2010

SFM- LCC, Mining, Agriculture, Land-use, NFP-CFS

NFP- Plantation, TLC, Species, Bio-D, Watershed, Carbon
TIMBER SUPPLY CHAIN

EUTR REGIME

ON ISSUANCE OF PERMIT, FORESTRY DEPARTMENT PREPARES BOUNDARY, DOES SITEMARKING, INVENTORY, TREE LABELLING, ETC.

FELLED TREES ARE CUT INTO LOGS AT THE MALTSA (FOREST LOG YARD).

LOGS ARE TAGGED WITH SUPPLEMENTARY LABELS TO INDICATE ORIGIN.

LOGGERS MEASURE LOGS TO BE REMOVED FOR SALE AND MAINTAINS A REGISTER FOR THEM, FOR FOREST DEPARTMENT RECORDS.

LOGS ARE TRANSPORTED TO MILLS VIA FOREST CHECKING STATIONS.

FOREST CHECKING STATION VERIFIES EACH LORRY LOAD FOR ROYALTY PAYMENT, ISSUES REMOVAL PASS, AND ALLOWS LORRIES TO PROCEED TO MARKET.

MILL RECEIVES AND REGISTERS THE LOGS, KEEPS THE REMOVAL PASS, AND PROCESSES LOGS.

FORESTRY DEPARTMENT MAKES SURPRISE MILL YARD INSPECTIONS ON LOGS AND CHECKS LOG ENTRY RECORDS FOR LEGALITY VERIFICATION.

MITB VERIFIES BILL OF LADING AT EXPORT POINT WITH MINIMUM 10% RANDOM CHECKS, FOR CUSTOMS EXPORT CLEARANCE.

MITB CHECKS VALIDITY OF TIMBER PROCESSORS, SUPPLIERS AND EXPORTERS, AND ISSUES FLEGTEXPORT LICENCE.
EU-TRADE 2010 (RM Million)

- plywood: 229.75
- S/Timber: 399.5
- Veneer: 7.36
- Mlding: 215.63
- Plywood: 0.67
- Plywood: 0
ROLES & FUNCTIONS OF RESPONSIBLE/IMPLEMENTING AGENCIES UNDER FLEGT-VPA

1. Forestry Department
2. Royal Malaysian Customs
3. Department of Occupational Safety and Health
4. Department of Environment
5. Department of Agriculture
6. Department of Labour
7. SOCSO
8. MTIB- Licensing Authority
CITES REGIME

COP 16\textsuperscript{th} Meeting to CITES (March 2013)

To resolve:
- the right to allow/not to allow the sale of confiscated dead specimens.
- guideline in making non-detrimental findings (NDF).
- control agarwood trade for personal and household effects.
- planting of Ramin spp. in mono or mixed production system.
- export quotas.
The distribution of *Gonystylus* trees by forest classes. *G. bancanus* is only found in the peat swamp forest. In the NFI, this forest type is represented by forest classes’ no. 7, 8 and 10.

Table: Summary of *Gonystylus* species Stocking in Peninsular Malaysia by Forest Classes

<table>
<thead>
<tr>
<th>Forest Classes</th>
<th>Diameter Class 15-30 cm</th>
<th>Diameter Class 30-45 cm</th>
<th>Diameter Class &gt; 45 cm</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Stem</td>
<td>Volume (M$^3$)</td>
<td>Stem</td>
<td>Volume (M$^3$)</td>
</tr>
<tr>
<td>1</td>
<td>12,837</td>
<td>9,024</td>
<td>121,678</td>
<td>90,567</td>
</tr>
<tr>
<td>2</td>
<td>773,629</td>
<td>339,883</td>
<td>163,242</td>
<td>166,285</td>
</tr>
<tr>
<td>3</td>
<td>320,314</td>
<td>130,019</td>
<td>58,971</td>
<td>54,708</td>
</tr>
<tr>
<td>4</td>
<td>0.0</td>
<td>0.0</td>
<td>101,823</td>
<td>135,842</td>
</tr>
<tr>
<td>5</td>
<td>789,552</td>
<td>269,804</td>
<td>77,280</td>
<td>72,431</td>
</tr>
<tr>
<td>6</td>
<td>284,527</td>
<td>124,279</td>
<td>24,461</td>
<td>26,070</td>
</tr>
<tr>
<td>7</td>
<td>211,029</td>
<td>111,994</td>
<td>284,893</td>
<td>330,692</td>
</tr>
<tr>
<td>8</td>
<td>405,205</td>
<td>136,849</td>
<td>178,921</td>
<td>150,079</td>
</tr>
<tr>
<td>9</td>
<td>433,891</td>
<td>168,912</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>10</td>
<td>5,699</td>
<td>3,487</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>11</td>
<td>814,154</td>
<td>447,351</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>4,050,837</td>
<td>1,741,602</td>
<td>1,011,269</td>
<td>1,033,211</td>
</tr>
</tbody>
</table>

FDPM
The content of *G. bancanus* trees in the peat swamp forest of Peninsular Malaysia is shown in Table.

### Table : Summary of *Gonystylus bancanus* Stocking in Peninsular Malaysia

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<tr>
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<td>Stem (m$^3$)</td>
<td>Volume (m$^3$)</td>
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</tr>
<tr>
<td>10</td>
<td>5,699</td>
<td>3,487</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>621,933</td>
<td>252,330</td>
<td>463,814</td>
<td>480,771</td>
</tr>
</tbody>
</table>

FDPM
THE WAY FORWARD

- Engaging into more collaborate works with other interested parties (e.g. IRIM & TI-M).
- Committed to “Forest Management Certification”.
- Strengthening forest law and enforcement.
- More forest/forestry related R&D work and innovations.
- Integrity pack.
CONCLUSION

- Continue to strengthen co-operation in activities and promote collaboration with important existing alliances to increase capability in Forest Management and Enforcement to curb forest offences.

- Increase commitment on the issues of forest crimes from various level consisting Districts, States and Headquarters to pursue the Strategies and Planning for Combating Illegal Logging.

- The roles and responsibilities of different sectors must play their part to combat forest offences and crimes to achieve the national ultimate goal towards Zero Illegal Logging in the future. (CHERATING DECLARATION 2016)

- Promote public participations and introduction of Green Court with greater engagement in the “multiple values” of forest.
THANK YOU

http://www.forestry.gov.my