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**GUIDELINES FOR THE INTERPRETATION OF  
REQUIREMENTS IN MC&I FOREST PLANTATION.V2**



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This document has been developed to provide additional clarity to ensure consistency in the interpretation of some of the requirements in the MC&I Forest Plantation.v2, the standard used for the certification of forest plantation management under the Malaysian Timber Certification Scheme (MTCS). The interpretations have been formulated as a result of the endorsement of the MC&I Forest Plantation.v2 by the PEFC based on the requirements of the PEFC ST 1003:2010 “Sustainable Forest Management – Requirements”.

Requirement	Interpretation
<p><b>Free, prior and informed consent (FPIC)</b></p> <p>Criterion 2.2: Local communities with legal or customary tenure or use rights shall maintain control, to the extent necessary to protect their rights or resources, over forest operations unless they delegate control with <b>free, prior and informed consent</b> to other agencies.</p> <p>Criterion 3.1: Indigenous peoples shall control forest management on their lands and territories unless they delegate control with <b>free, prior and informed consent</b> to other agencies.</p> <p>Indicator 3.1.2: Management of such lands is controlled by indigenous peoples unless they delegate control with <b>free, prior and informed consent</b> to other agencies.</p> <p>Criterion 3.4: Indigenous peoples shall be compensated for the application of their traditional knowledge regarding the use of forest species or management systems in forest plantation operations. This compensation shall be formally agreed upon with their <b>free, prior and informed consent</b> before forest operations commence.</p> <p>Criterion 3.2: Forest plantation management shall not threaten or diminish, either directly or indirectly, the resources or tenure rights of indigenous peoples.</p> <p>Criterion 3.3: Sites of special cultural, ecological, economic or religious significance to indigenous peoples shall be clearly identified in cooperation with such peoples, and recognised and protected by forest</p>	<p>Free, prior and informed consent (FPIC) is the principle that a community has the right to give or withhold its consent to proposed projects or activities that may affect the lands they customarily or traditionally own, occupy or otherwise use.</p> <p>FPIC implies informed, non-coercive negotiations between the proponents and indigenous peoples prior to the commencement of development activities on their customary lands. This principle means that those who wish to use the customary lands belonging to indigenous peoples must enter into negotiations with them. It is the indigenous peoples who have the right to decide whether they will agree to the project or not once they have a full and accurate understanding of the implications of the project consistent with the principle of FPIC.</p> <p>The term FPIC is specified in Criteria 2.2, 3.1 and 3.4 as well as Indicator 3.1.2 of the MC&amp;I Forest Plantation.v2, in relation to the requirement to obtain the FPIC of the indigenous peoples regarding any forest plantation management activities that may affect the forest plantations owned by them (Criteria 2.2 and 3.1, and Indicator 3.1.2), and any compensation for the application of their traditional knowledge regarding the use of forest plantation species or management systems in forest plantation operations (Criterion 3.4).</p> <p>Several other criteria and indicators in the MC&amp;I Forest Plantation.v2 recognise the traditional use of the permanent forests by the indigenous peoples (i.e. Criteria 3.2, 3.3, 4.4, 4.5, 9.1 and 9.2).</p> <p>FPIC is not specifically mentioned in these criteria and</p>

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<p>managers.</p> <p>Criterion 4.4: Management planning and operations shall incorporate the results of evaluations of social impact. Consultations shall be maintained with people and groups (both men and women) directly affected by management operations.</p> <p>Criterion 4.5: Appropriate mechanisms shall be employed for resolving grievances and for providing fair compensation in the case of loss or damage affecting the legal or customary rights, property, resources, or livelihoods of local peoples. Measures shall be taken to avoid such loss or damage.</p> <p>Criterion 9.1: Assessment to determine the presence of the attributes consistent with High Conservation Value areas will be completed, appropriate to scale and intensity of forest plantation management.</p> <p>Criterion 9.2: The consultative portion of the certification process must place emphasis on the identified conservation attributes, and options for the maintenance thereof.</p>	<p>indicators, but in order to ensure that the indigenous peoples are able to continue their traditional use of the forest, the forest plantation manager is required to undertake a process of consultation: (i) to identify the presence and locations of indigenous peoples in and adjacent to the FPMU; and (ii) to confer and determine the areas they traditionally use. These areas may include sites of significant importance to them (e.g. cultivated areas, water sources, burial sites, sacred sites etc.).</p> <p>Criterion 3.2 requires the FPMU manager to ensure that forest plantation management practices shall not threaten or diminish the indigenous peoples' resources or tenure/customary/traditional rights.</p> <p>Criterion 3.3 requires that sites of special cultural, ecological, economic or religious significance to the indigenous peoples shall be clearly identified in cooperation with them, and shall be recognised and protected.</p> <p>Under Criteria 4.4 and 4.5, where the indigenous peoples are living in or adjacent to the forest plantation, the FPMU manager shall consult them to evaluate their dependence on the forest plantations and the potential social impacts of the forest plantation operations on these peoples, prior to the commencement of the operations.</p> <p>The FPMU manager has to take into account the results of such evaluations into the forest plantation planning and management process so as to prevent loss or damage affecting the indigenous peoples' customary rights, property, resources, or their livelihoods. Where such loss or damage has been caused by the forest plantation operations, appropriate mechanisms shall be employed to resolve the grievances and provide fair compensation to the affected party.</p> <p>Under Criteria 9.1 and 9.2, the FPMU manager is also required to consult the affected indigenous peoples and other relevant stakeholders to assess the attributes consistent with high conservation value (HCV) which are found in the FPMU.</p>

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	<p>In the case of the indigenous peoples, the HCV areas may be those that are important to meeting the basic needs of these peoples and/or critical to their traditional cultural identity. The FPMU manager has to demonstrate that steps have been taken to protect these HCV areas, which may include marking these areas on maps and having management prescriptions in the Forest Plantation Management Plan to maintain and enhance the HCV attributes.</p> <p>The FPMU manager is also required to conduct annual monitoring to assess the effectiveness of such measures. The results of monitoring shall be incorporated into the revision of the Forest Plantation Management Plan.</p>
<p><b>Protection of rare, threatened and endangered species</b></p>	
<p>Indicator 6.2.1: Availability and implementation of guidelines to identify and protect rare, threatened and endangered species of forest flora and fauna, including features of special biological interest, such as seed trees, salt licks, nesting and feeding areas, in forest plantation areas.</p> <p>Indicator 6.2.4: Hunting, fishing and collecting activities shall be controlled and unauthorised activities prevented in forest plantation areas.</p> <p>Indicator 6.3.2: Availability and implementation of guidelines for the conservation of genetic, species and ecosystem diversity in the forest plantation areas.</p>	<p>The Manager of the FPMU shall take measures to ensure that all rare, threatened and endangered plant and animal species are not exploited for commercial purposes.</p>
<p><b>Periodic review of management plan</b></p>	
<p>Principle 7: A management plan – appropriate to the scale and intensity of the operations – shall be written, implemented, and kept up to date. The long term objectives of management, and the means of achieving them, shall be clearly stated.</p>	<p>Periodic review of a forest plantation management plan (FPMP) is aimed at ensuring that the information and planned operations contained in the FPMP is up-to-date and relevant, as required in Principle 7 and Criterion 7.2. The FPMU manager shall undertake periodic review of the FPMP, as and when required, with at least <u>one mid-term review</u> over the duration of</p>

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<p>Criterion 7.2: The management plan shall be periodically revised to incorporate the results of monitoring or new scientific and technical information, as well as to respond to changing environmental, social and economic circumstances.</p>	<p>the FPMP.</p>
<p><b>Conversion of primary forests to forest plantations</b></p>	
<p>Criterion 6.10: Forest conversion to plantations or non-forest land uses shall not occur, except in circumstances where conversion:-</p> <ul style="list-style-type: none"> <li>a) does not occur on high conservation value areas;</li> <li>b) does not occur in ecological corridors and environmentally sensitive areas identified by the relevant authorities; and</li> <li>c) will enable clear, substantial, additional, secure, long-term benefits across the forest plantation management unit.</li> </ul> <p>Indicator 6.10.1: Conversion of forest area to forest plantation, consistent with the provisions of relevant federal and state legal frameworks and policies, does not occur on high conservation value areas, and shall provide substantial, additional, secure and long-term benefits across the forest plantation management unit. (This indicator shall be complied with by plantation established in areas converted from natural forests after 1 January 2010).</p>	<p>Requirement 5.1.11 in PEFC ST 1003:2010 clarifies that the “conversion of forests to other types of land use, including conversion of <u>primary forests to forest plantations</u>” means that <u>forest plantations established by a forest conversion after 31 December 2010</u> in other than “justified circumstances” <u>do not meet the requirement and are not eligible for certification</u>. The “justified circumstances” are where the conversion:</p> <ul style="list-style-type: none"> <li>a) is in compliance with national and regional policy and legislation relevant for land use and forest management and is a result of national or regional land-use planning governed by a governmental or other official authority including consultation with materially and directly interested persons and organisations; and</li> <li>b) entails a small proportion of forest type; and</li> <li>c) does not have negative impacts on threatened (including vulnerable, rare or endangered) forest ecosystems, culturally and socially significant areas, important habitats of threatened species or other protected areas; and</li> <li>d) makes a contribution to long-term conservation, economic, and social benefits.</li> </ul> <p>Based on requirement (b) above, a “small proportion” means that for an FPMU to be considered for certification, the total conversion that occurred for the establishment of forest plantations after the stipulated deadline shall not be more than 5% of the total size of the FPMU.</p> <p>Additionally, whenever it can add economic, ecological, social and/or cultural value, FPMU manager shall consider afforestation of abandoned</p>

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	agricultural and treeless lands in the establishment of forest plantations.
<b>Handling and use of pesticides</b>	
<p>Indicator 4.2.3: Appropriate safety and operational equipment in good working condition, including operational procedures, shall be made available to forest plantation workers in the work place.</p> <p>Indicator 4.2.5: Demarcation of hazardous areas and provision of guidelines for storage and handling of hazardous materials.</p> <p>Indicator 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.</p> <p>Indicator 6.6.2: Forest plantation workers shall be aware of the procedures on the use of approved chemicals in forest plantation areas.</p> <p>Indicator 10.7.2: Availability and implementation of fertilisation schedule for forest plantation areas, including the use of chemical pesticides and biological agents such as plants and soil organisms that fix and store key elements and nutrients.</p>	<p>The MC&amp;I Forest Plantation.v2 advocates non-chemical methods of pest management as far as possible. In an instance where the use of chemical pesticide is unavoidable, the handling and application of such chemicals must be conducted in accordance with a standard operating procedure which shall follow the instructions given by the pesticide producer and be implemented with proper equipment and training.</p>
<b>Responsibilities for sustainable forest management</b>	
<p>Criterion 1.6: Forest plantation managers shall demonstrate a long-term commitment to adhere to the Principles and Criteria contained in this Standard.</p> <p>Indicator 1.6.1: Availability of policies or statements of commitment to forest plantation management practices consistent with these Principles and Criteria.</p> <p>Indicator 1.6.2: Policies or statements are communicated throughout the organisation and</p>	<p>The FPMU manager shall clearly define and assign specific role and responsibility for the forest plantation workers to ensure effective implementation of the forest plantation management plan.</p>

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<p>contractors, and are made available to the public.</p> <p>Criterion 7.3: Forest plantation workers shall receive adequate training and supervision to ensure proper implementation of the management plan.</p> <p>Indicator 7.3.2: Forest plantation workers shall be trained as to their respective roles in the implementation of the forest plantation management plan.</p>	
<p><b>Communication with local communities and other stakeholders</b></p>	
<p>Criterion 4.4: Management planning and operations shall incorporate the results of evaluations of social impact. Consultations shall be maintained with people and groups (both men and women) directly affected by management operations.</p> <p>Criterion 4.5: Appropriate mechanisms shall be employed for resolving grievances and for providing fair compensation in the case of loss or damage affecting the legal or customary rights, property, resources, or livelihoods of local peoples. Measures shall be taken to avoid such loss or damage.</p> <p>Indicator 6.2.3: Existence of cooperation between forest plantation managers, civil societies, research institutions, institutions of higher learning and regulatory authorities in implementing conservation and management activities.</p> <p>Criterion 7.4: While respecting the confidentiality of information, forest plantation managers shall make publicly available a summary of the primary elements of the management plan.</p> <p>Indicator 9.1.1: Forest plantation managers shall conduct an assessment to identify High Conservation Value (HCV) areas in</p>	<p>The FPMU Manager is required to ensure and provide for effective communication and consultation with local communities and other stakeholders and that sufficient contact is maintained with the affected parties.</p>

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<p>accordance with relevant guidelines, appropriate to scale and intensity of management for forest plantation areas, and in consultation with relevant stakeholders and experts.</p> <p>Criterion 9.2: The consultative portion of the certification process must place emphasis on the identified conservation attributes, and options for the maintenance thereof.</p> <p>Indicator 9.2.1: Forest plantation managers shall provide the assessors with a list of relevant stakeholders who have been consulted regarding the HCV area.</p>	