

PUBLIC SUMMARY SURVEILLANCE AUDIT ON SAPULUT FOREST MANAGEMENT UNIT FOR FOREST MANAGEMENT CERTIFICATION

Certificate Number: FMC-NF 00117
Date of First Certification: 11 June 2018

Audit Date: 3 - 6 March 2020

Date of Public Summary: 07 November 2020

Certification Body:

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EXECUTIVE SUMMARY

The Surveillance Audit audit for forest management certification on the Sapulut Forest Management Unit (Sapulut FMU 14) was conducted from 3-6 March 2020 on the overall forest management system and practices of the FMU against the requirements of the Malaysian Criteria and Indicators for Forest Management Certification [MC&I (Natural Forest)] using the verifiers stipulated for Sabah, Malaysia.

The audit was conducted with the full cooperation of the Sapulut Forest Development Sdn. Bhd. The audit was conducted by a three-member team comprising Ismail Adnan Abdul Malek (Lead Auditor), Mohd Annas Amin bin Haji Omar and Angelica Sinimis Suimin. The scope of the audit limited to the forest management system and practices of the natural forest area (NFM) within the Forest Reserved of the Sapulut FMU 14. The audit involved the verification of documentations and field visits and inspections. There were also consultations being held with the relevant stakeholders.

This public summary contains the general information on the Sapulut FMU, the findings of the Surveillance Audit NCRs raised as well as the decision on the continued certification of the FMU.

2 INTRODUCTION

2.1 Name of FMU

Sapulut Forest Management Unit

2.2 Contact Person and Address

Teddy Sius @ Lawrencius
FMU Executive Manager
Milo 60 Jalan Kalabakan Koninga

Mile 60 Jalan Kalabakan, Keningau Sabah, Malaysia

Phone#: 088-858 811 Fax #: 08-885 8810

E-mail: teddy.sius@sapulut.com

2.3 General Background on the Sapulut FMU

Sapulut Forest Development Sdn Bhd (SFDSB) has signed a Sustainable Forest Management Licence Agreement 04/97 with the Sabah State Government on 10th September 1997 to manage a total 76,613 ha of the Forest Management Unit (FMU) 14, which is located within the Sapulut Forest Reserve (Sapulut FR) for a period of 99 years.

The Natural Forest managed by Sapulut Forest Development covers an area of only 54,643 ha of logged-over forest in the Sapulut Forest Reserve. The forest area is situated approximately 4° 48' N and 116° 54' E to longitudes 4° 32' N and 116° 28' E in the district of Tibow, Sabah and accessible by the Keningau-Sapulut-Kalabakan road.

The forest types in the FMU are logged-over Mixed Dipterocarp Forest (MDF), Mixed Dipterocarp Forest and Kerangas Forest, Lower Montane and secondary vegetation. The general landform of the FMU is undulating with elevation between 200m to 1200m a.s.l. The FMU has been zoned into forest function for Conservation (2,091 ha) and Production Area (52,552 ha).

Currently, the FMU is conducting logging activities at coupe 232A, 232B, 233 and 234.

The Sapulut Forest Development has prepared a ten (10) year of 3rd Forest Management Plan (FMP) and general SOP's for the Natural Forest Management FMU 14. A Forest Management Plan (FMP) covering the period from 1st January 2016 to 31st December 2025 had been completed and presented during the audit. The forest is managed under a Natural Forest Management System (NFM) on a 25-year rotation period. Under the 3rd Forest Management Plan (3rd FMP), the Annual Allowable Cut (AAC) for the Sapulut FMU has been set to 2,102 ha a year or a total of 52,552 ha over the duration of the plan.

The forest resources in the Sapulut FMU were being managed by the Sapulut Forest Development Sdn Bhd with a total workforce of 271 peoples. These staff consisted of managers, forestry officers and the field staff. Others were administrative and general workers.

A map of the FMU showing the significant features of the forest is attached in Attachment 1.

2.4 Date First Certified

11 June 2018

2.5 Location of the FMU

The FMU is located between approximately 4° 48' N and 116° 54' E to longitudes 4° 32' N and 116° 28' E in the district of Tibow, Sabah and accessible by the Keningau-Sapulut-Kalabakan road.

2.6 Forest Management System

The FMU had followed the principles of sustainable forest management (SFM). A Forest Management Plan (FMP) (2016) to (2020) was presented during this audit.

2.7 Annual Allowable Cut/Annual Harvest under the Forest Management Plan

The annual allowable cut (AAC) for the FMU had been set at 2,102 ha. During this Surveillance 2 audit, the size of the FMU is 52,552 ha.

2.8 Environmental and Socioeconomic Context

A SEIA at landscape level was conducted for Sapulut FMU 14 (Forest Logging and Plantation) and report produced in February 2005, prior to the commencement of forest operations. The SEIA assessment covered potential impacts on ERT species (Ecology) in Para 4.3.3. The need for wildlife corridors, for the protection of ERT fauna, in the FMU was also suggested (Para. 5.1, Para 5.2.6 (e)) and Recommendation # 6) were also mentioned. Recommended mitigation measures for flora and fauna protection was also suggested in the SEIA report (Para. 5.2.6) including recommendations on compliance monitoring for flora and fauna (Para 6.1.5) and Impact monitoring for wildlife (Para 6.2.3). this is in-line with Environment Protection Enactment, 2002 – Sections 12, 20 and 37.

Quarter report of an EIA Compliance Audit and Report were conducted and prepared for FMU 14 areas (combined Natural Forest and Plantation). The latest EIA compliance report for (Y3/2019) i.e. (July - Oct 2019) dated of inspection 16-18 Oct 2019, (Y2/2019) i.e (March-June 2019) dated of inspection 24-25 June 2019 and (Y1/2019) dated of inspection 18-19 February 2019 was verified. The findings showed that SFDSB has complied with the Water Protection and Quality EIA requirements. It was noted non-compliance on bund on lubricant and oil storage. Action has been taken to construct the bund on 24 October 2019, as required by the EIA compliance report.

3 AUDIT PROCESS

3.1 Audit Dates

3-6 March 2020 /12 auditor day(s)

3.2 Audit Team

- 1. Ismail Adnan Abdul Malek (Lead Auditor)
- 2. Mohd Annas Amin Omar (Auditor)
- 3. Angelica Sinimis Suimin (Auditor)

The details on the experiences and qualifications of the audit team members are as in **Attachment 2.**

3.3 Standard Used

Malaysian Criteria and Indicators for Forest Management Certification (Natural Forest) [MC&I(Natural Forest)] using the verifiers stipulated for Peninsular Malaysia.

3.4 Stakeholder Consultations

A stakeholder notification was issued in January 2020 for a period of one month inviting relevant stakeholders to give comments on the FMU. There was one (1) response with comments received from the stakeholders on Sapulut FMU during the period. Comment of the stakeholder as in Attachment 3

3.5 Audit Process

The audit was conducted primarily to evaluate the level of continued compliance of the FMU's current documentation and field practices in forest management with the detailed of the SOPs listed in the MC&I (Natural Forest), using the verifiers stipulated for Sabah.

For each Indicator, the auditors had conducted either a documentation review, consultation with the relevant personnel of the FMU, local community or stakeholders or field audit or a combination of these methods. Depending on the compliance with the verifiers for a particular indicator, the

auditors then decided on the degree of the FMU's overall compliance with the indicator and decided whether or not to issue a major or minor NCR or an OFI which is defined as follows:

- (i) a major NCR is a non-compliance with the requirements of the MC&I (Natural Forest);
- (ii) a minor NCR is a deviation or a lapse in complying with the requirements of the MC&I (Natural Forest); and
- (iii) an OFI is a situation where the auditor has noted an area of concern on the capability of the forest management system to achieve conformance to the requirements of the MC&I (Natural Forest) but without sufficient objective evidence to support a non-conformance.

4 SUMMARY OF AUDIT FINDINGS

Based on the findings of this Surveillance Audit, it was found that the Sapulut Forest Development Sdn Bhd had continued to manage the Sapulut FMU in compliance with most of the requirements of the MC&I(Natural Forest). This Surveillance Audit had resulted in the issuance of two (2) Major, five (5) Minor Non-Conformance Report (NCRs) and one (1) Opportunities of Improvements (OFI) were raised on the Sapulut FMU 14 against the requirements of the MC&I (Natural Forest). The details on the NCRs/OFIs raised are shown in **Attachment 5.**

The summary on the findings of the SURVEILLANCE AUDIT audit on the Sapulut FMU against the requirements of the MC&I (Natural Forest) are as follows:

Principle	Strengths	Weaknesses
Principle 1 Compliance with Laws and Principles	Records and up-to-date relevant federal and state laws, regulations and policies, in particular those related to forest management were available and sighted by the auditors at Sapulut Forest Development Sdn Bhd (SFDSB) Base Camp. Interviewed forest manager and record clerk were aware of the federal and state laws and regulatory framework related to forest management. Forest managers are aware of all binding international agreements relevant to forest management such as International Labour Organisations Conventions (ILO), Convention of Biological Diversity (CBD), International Tropical Timber Agreement 1994, Convention on Wetlands of International Importance Especially as Waterfowl Habitat 1971, United Nations Framework Convention on Climate Change (UNFCCC) and Convention of International Trade of Endangered Species (CITES) which Malaysia is signatory. They copy of the agreements were available at the Sapulut Forest Development Sdn Bhd (SFDSB) Base Camp.	 Inspection of 3 workers' salary slip from November, December and January, 2020 (PS4040, PSY008 and PSJ051) indicated that there were salary deduction for various items such as welfare fund, Spare parts and clinic beside the statutory deductions (EPF, SOCSO etc) which were not allowed without written permission or notification under section 113 of the Sabah Labour ordinance. Interview with 8 workers and FMU management memo (Ref; MD/MN/SFD/working days/MO18/19-dm) that was circulated to all staff in November, 2019 showed that all employees under Sapulut Forest Development Sdn Bhd were given 5-6 days accumulative rest days which contravened with the Sabah Labour Ordinance section 104B. Inspection of foreign labour employment record indicated that the permit for foreign labour employment was registered in Labour Department Tawau which contravened the Sabah Labour Ordinance Section 59A.
Principle 2	Licensed agreement of FMU found to be valid for 99 years, covering period of 1997-2096. The agreement has been signed	There were no negative findings

Principle	Strengths	Weaknesses
Tenure and Use Rights and Responsibilities	between the Chief Minister of the State of Sabah and Sapulut Forest Development Sendirian Berhad on 10 September 1997. There is no local and indigenous community living within the FMU area. All settlements near to the FMU are located outside the FMU area. These (Murut) indigenous people have no legal rights within the FMU area. Forest manager have recognised, respects and collaborates with holders of customary tenure or use rights within the FMU area.	
Principle 3 Indigenous People's Rights	The FMU does not use the legal and customary land of the 28 indigenous Murut settlements located outside the FMU area. Located in Nabawan district, the Murut is the third largest indigenous group in Sabah. As the forest management practices does not make use of indigenous people's lands outside the FMU area, the existing practices also do not threaten or diminish, either directly or indirectly, their resources or tenure rights. Clear boundary set up prevents any possible adverse impacts on the land of indigenous communities outside the FMU area.	There were no negative findings
Principle 4 Community Relations and Workers' Rights	There were records to confirm that people in communities living within, or adjacent to the FMU were given preference for employment and contract works. Records of dissemination of up to-date safety and health information to forest workers based on the following laws and regulations were verified and complied with Occupational Safety and Health Act, 1994, NADOPOD, 2004.	The auditor was observed that although the floor of scheduled waste store at the workshop was fully bunded. the bund on the left wing of the premise should be raised higher for better SW containment. Review of employment documents for FMU Contractors, Jaya and Megabig Enterprise found that there was no letter of employment for all workers. Interview with workers and review of SOP documents and minutes of meeting of Workers committee showed that the SOP indicate that grievance is resolve within 10 days but currently workers

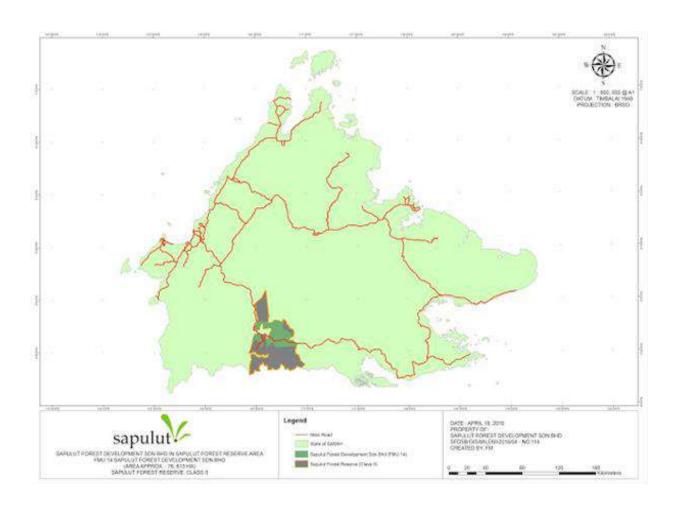
Principle	Strengths	Weaknesses
		committee (TLC) meets once in 3 months to response to grievances raised by workers.
		The Social-Impact Assessment (SIA) 2009 and Social Impact Assessment (SIA) for Forest management unit no. 14 (SFMLA no. 04/97) Sapulut part 1 April, 2015 had not included the lists of new villages provided by SFD FMU during this audit.
		Inspection of documentation found that implementation was not based on the written procedures available.
		Consultations with communities from on 4 and 5 March 2020 showed that the villagers confirmed that
		(i) the audit consultation at village level was new and (ii) Implementation of the mechanism was inadequate as it did not follow the procedures outlined in the Conflict Resolution Consultations with communities showed that they were not aware of the procedures. Current consultation is conducted on individual
		need basis and not at village level.
		Continual consultation at village level has yet to be implemented to regularly engage with communities on any updates
Principle 5 Benefits from the Forest	The main products extracted from the forest in the FMU were logs. The harvesting processes were in accordance to RIL guidelines and the comprehensive	There were no negative findings

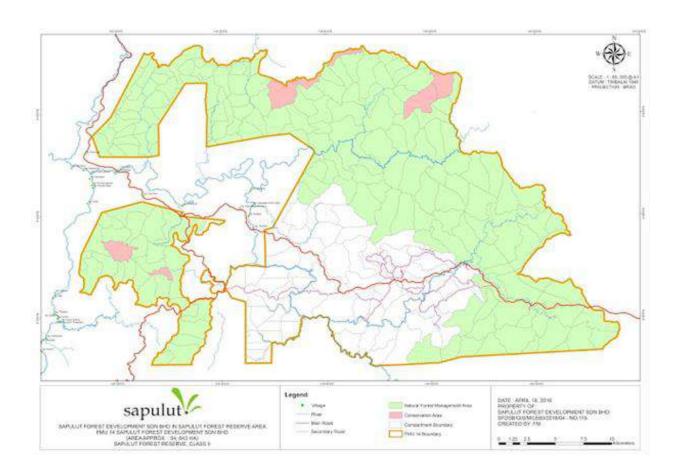
Principle	Strengths	Weaknesses
	harvesting plans, and followed by post harvesting compliance assessment. No minor forest produce had been extracted.	
	Implementation of guidelines for reduced/low impact logging to minimise damage to residual stand or Log extraction operations to minimise product wastage, degradation and foregone revenue opportunities was verified at harvesting activities area in Compartment 232A and 232B found Sapulut FMU using the Log Fisher thus damage on residual stand was reduced.	
	Regular training was conducted for the staff on techniques of reduced-impact logging. A Training program for the 2017 has been developed and training activities are being conducted accordingly	
	The FMU operating only for the production and harvesting of timber products particularly logs. The production mix of forest product including the utilization of non-timber forest products by local community enterprises was not available.	
	Sapulut FMU management has established standard procedures named "Land Survey" for the identification and demarcation of sensitive areas to serve for the protection of soil and water resources.	
	Annual Coupe is calculated based on Net Harvestable Production Area divided by Cutting Cycle Length (2,102ha/yr) and Annual volume removed be less than or equal to Mean Commercial Annual Increment (45.5m³/ha/yr) for regulated forests	
Principle 6 Environmental Impact	A SEIA at landscape level was conducted for Sapulut FMU 14 (Forest Logging and Plantation) and report produced in February 2005, prior to the commencement of forest operations.	During site visit to Compartment 154 found that <i>Albizia sp</i> p had grown in the natural forest area. However, there were no documented procedure for control
	Provisions in the SEIA report provided for guidelines for the protection of ERT species which included management of special conservation of biological features such as	and monitoring exotic species available

Principle	Strengths	Weaknesses
	seed trees, salt licks, nesting and feeding areas.	
	Hunting fishing and collecting activities were controlled and inappropriate activities strictly prohibited in the FMU. "No entry to Permanent Forest Reserve" and "No hunting" signage has been erected along FMU external boundaries, FMU access points (gates) and posters on notice boards at workers' camps.	
	Guidelines for post-harvest regeneration assessment in Natural Forest of FMU were available which include Equipment, Method, Evaluation and Silvicultural information on Post – harvest stand.	
	Site visit to Post Harvest activity in Compartment 231B showed the SOP on Systematic Line Plot Sampling Methodology (Post F) had been followed.	
	Protected areas were demarcated and mapped in the CHPs following RIL guidelines. Harvesting is excluded from these areas to minimize environmental impacts. To minimize harvesting impacts, length of skid trails for tractor and log fisher was limited.	
Principle 7 Management Plan	The 3 nd Forest Management Plan (1 st January 2016 – 31 st December 2025) for Sapulut FMU 14 was approved on 17 March 2017 taking into consideration the (a) to (i) requirements specifically mentioned in Criterion 7.1.	
	Forest managers were generally found aware of new scientific and technical information pertinent to the management of the area under certification.	
	The FMU provides classroom facility and insitu field sites, stumping ground and nursery for staff training. Training programmes were listed in the Annual Working Plan for 2017. Training was mostly conducted externally in established centers with proper facilities	

Principle	Strengths	Weaknesses
	(e.g., at the Forestry Department in Sandakan HQ and Tibow district).	
Principle 8 Monitoring and Assessment	Total 10 Permanent Sample Plots (PSPs) were established to assess growth of forest stand. Data collated were analysed by the SDSB and results were incorporated in the 3 rd FMP. Monitoring the movement of harvested log from Sapulut FMU 14 certified forest to its destination, a process known as the "chain of custody", was enabled through relevant documentations and implementation of computer – based "Log Flow Information System (LFIS)". Through input of information from prepared forms into the LFIS, the movement of logs from the forest after felling until exiting the Central Stumping Station point can be traced.	Consultations with villages on 4 and 5 March 2020 showed that there was no social and economic monitoring related to FPMU operations conducted. It was also found that with the inadequate SIA, there was no guideline and procedure for social and economic impact monitoring.
Principle 9 Maintenance of High Conservation Values	The protected HCV areas have yet to be incorporated of into the 3rd Forest Management Plan at Sapulut Forest Development Sdn Bhd – Forest Management Unit No.14 (2016 – 2025). Request on amendment of the 3rd FMP with letter ref: MD/NW/SFD/JPHTN/099/17/cc dated 4 October 2017 was verified. The addendum has been made to the 3rd FMP and approval letter from Sabah Forestry Department (Amendment no 1/2018 (1)) dated 11 January 2018.	

Map of Sapulut FMU





Experiences and Qualifications of Audit Team Members

Assessment	Role/Area of	Qualification and Experience
Team	MC&I Requirement	
Ismail Adnan	Assessment	Academic Qualification:
Abdul Malek	Team Leader / Forester	Master of Forestry, University of British Columbia, Canada
		Work Experience:
		One year (1974-1975) experience as Sub Assistant Conservator of Forest at the Pahang Forest Department, involved with Forest Administration/Management and Enforcement. Next, seven years (1979-1986) experience as Forest Officer/Logging Superintendent at Syarikat Jengka Sdn. Bhd (SJSB), an integrated timber complex in Pahang. Responsible for Forest Licensing/ Administration, Forest Mapping, Road Construction and Logging Operations. Senior Lecturer at the Forestry Faculty, Universiti Putra Malaysia (UPM) from 1986 to 2014. Responsible for teaching and research in Forest Mensuration, Forest Survey, Forest Road, GIS/Remote Sensing and Forest Mapping. Responsible for academic supervision of more than 100 Bachelor/Master/Phd students in their research and thesis writing. Own research at UPM include various areas such as forest mapping using geo spatial tools, forest inventories, forest harvesting and forest management system (SMS). Also involved with consultancy works which include RPH development and Forest Mapping. Participate in organizing local/international seminars on Forestry areas. Published and presented research findings at seminars/conferences and journals. Currently as Auditor at the Food, Agriculture and Forestry /ion (FAF), SIRIM QAS International Sdn Bhd, since 2016. Involved in conducting assessments on forest management certification MC&I (Natural Forest), & MC&I (Forest Plantations).
		<u>Training / Research Areas</u> :
		 Auditor Training Course on MC& I (Natural Forest) and MC&I (Forest Plantation V2), 9th-10th July 2015, SIRIM QAS International Sdn Bhd ISO 14001:2004 Lead Assessor Training, 23rd-27th Nov 2015, SIRIM Training Services Sdn. Bhd Training on Auditing Techniques, 26th January 2016, SIRIM QAS International Sdn Bhd
Mohd Annas Amin Hj Omar	Auditor / Forester	Academic Qualification: Diploma in Forestry, UPM B. Sc. In Forestry, UPM
		Work Experience: Six year as Assistant Forest Officer at Perak Forestry State Department in the year from 2013-2018. Main responsibility is

Assisting District Forest Officers in administrative work, forest development and forest operations.

Conduct forest Enforcement Team Activities such as The Prevention of illegal logging. Appointed to be Raid Officer in Raid Eradicating Illegal Refinery in Perak Forestry. Also appointed to be Investigative Officer in Investigations into a case involved Forest Reserve and Cased Prosecuted in Court.

Training / Research Areas:

Program of MTCS Training Course (MC& I) in Kuantan (9-12 July 2018)

Lead Auditor ISO 9001, ISO 14001 & ISO 45001 Exemplar Global Certified (13-18 Ogos 2018)

RSPO Lead Auditor Training (9-13 March 2020)

Angelica Suminis Suimin

Auditor/ (Social)

Academic Qualification:

She has a Bachelor of Arts in Social Science and MSc in Environmental Management and Social Development. Has a certificate in Paralegal Studies and Diploma in Emergency Medical Technician (UK) and Human Resources Management (UM).

Work Experience:

A competent One to One Competency Based and Education Trainer from De Taffe University, Australia. Independent Auditor under SIRIM QAS Malaysia and Technical Expert for FSC audit under SCS Global services. Has worked as Rural Sociologist under the World Bank project under the Japanese Trust Fund for Community Forestry Project in Sabah for 3 years. She has over 30 years of working experience and was working in the Forestry Related Industries both in Sabah and Sarawak for 28 years in different capacities (e.g. independent Researcher, Rural Sociologist, Sr.Training and Administrator, Human Resources Executive, Emergency Medical Technician, Training Officer, CSR Manager, Chief Operation Officer for Avantha Foundation Malaysia).

Attended training programmes:

Has attended the following courses:

- 1. MTCC Forest certification Standards for Forest Management and Plantations, 2013, Sirim QAS
- 2. FSC Forest Certification standards from Forest Management and Control Wood, 2015; Nepcon
- 3. LEAD ASSESSOR COURSE ISO 14001(EXEMPLAR GLOBAL CERTIFIED LEMS01), 2016; Sirim QAS
- DIPLOMACY TRAINING (Human Rights, Indigenous People, the Private Sector and Development), 2017; Faculty of law, Uni New South Wales
- MC&! *Natural Forests and Plantation v.2 standards, 2017 MTCC

Stakeholder Comments and Auditor's Response

No.	Stakeholder	Comments/Issues Raised	Response by Audit Team
No.	Stakeholder 1	 Tarikh: 01/03/2020 1. PERLINDUNGAN ALAM SEKITAR. A. Kawasan FMU di Kampung adalah tadahan air untuk makan dan minum masyarakat di Kampung, Sapulut. B. Terdapat pencemaran air di sepanjang sungai sapuiut menyebabkan ikan telah pupus. C. Semua sunagai dan air tidak dapat digunakan untuk mandi kerana di cemari oieh minyak kumbahan syarikat yang beroperasi. D. Pencemaran udarajuga harus di ambil kira kerana ia boleh menjejaskan kesihatan. E. Kerana Syarikat pembalak juga tidak menjaga kebersihan Alam Sekitar dengan membuang sampah-sarap di merata-rata tempat dan kawasan pembaiakan juga adalah Kawasan hitam kepeada Penyakit Malaria (Malaria Monyet) F. Habitat hidupan liar telah terjejas dan menyebabkan binatang seperti gajah lari di kawasan kampung dan merosakkan tanaman setempat. 	SYNTHESIS AND SUMMARY OF GRIEVANCES Environmental Protection Grievances 1. Water source pollution 2. River pollution and drinking water contamination contamination 3. Indiscriminate waste dumping 4. Environmental pollution 5. Soil erosion 6. Riparian buffer destruction 7. Air pollution Auditor's Comments 1. Evidence of the grievances above were not provided by stakeholder 1 to substantiate their written grievances 2. Sapulut FMU had been informed of the grievances and committed to mitigate on the issues if the FMU is responsible fo the grievances during the meeting with

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2. PEMULIHARAAN KEPELBAGAIAN BIOLOGI.

- A. Makanan hidupan liar telah ditumbang oleh syarikat menyebabkan makanan mereka telah habis musnah kerana penebangan pokok makanan haiwan di hutan.
- B. Sungai tercemar telah terjejas hidupan di sungai mati kerana keracunan, minyak kumbahan jentera berat yang menyeberang di sungai disebabkan syarikat tidak membina jambatan.
- C. Di Kawsan Hutan yang dioperasi oleh Syarikat menjadi botak dan tiada sudah kawasan tempat tinggal oleh semua binatang liar.
- D. Pencemaran udara clan bunyi juga tidak perlu ambil kira pada masa beroperasi.
- E. Semua makanan binatang liar d] hutan juga tiada kerana pokok-pokok yang menghasilkan buah dalam hutan teah habis ditumbang.
- F. Pemabangan pokok ba|ak tidak mengikut piawaian ukuran yang sepatutnya sehingga semua kawasan menjadi "PADANG JARAK, PADANG TERKUKUR"

G.

3. PELUANG PEKERJAAN.

- A. Peluang pekerjaan tidak menyeluruh kepada semua kampung di kampung yang terlibat.
- B. Peratus pekerja yang diambil oleh syarikat adalah:
 - 1. Orang tempatan 40% sahaja
 - 2. Orang Asing 60%

Biological Diversity Grievance

Loss of wildlife habitat (food source and nesting for wildlife) due to FMU's operation

Auditor's Comments

- 1. Evidence of grievances were not provided by Stakeholder to substantiate their written complaints
- 2. Sapulut FMU had been informed of the grievance and committed to mitigate on the issues if the FMU is responsible for the grievance
- 3. During the meeting with auditors during the audit These grievances were not mentioned verbally

Employment Opportunities Grievance

- 1. Not all villages given employment opportunity
- 2. More foreign workers employment over local
- 3. During the meeting with auditors during the audit these grievances were not mentioned.

Auditor's Comments

Sapulut FMU had been informed of the grievance and to implement mitigation

4 . HUBUNGAN KOMUNITI DAN HAK PEKERJA.

- A. Hubungan Tidak Mantap Kerana Syarikat Tidak Memberi Penduduk Setempat Projek Untuk Membangunakan Kampung.
- B. Syarikat melarang orang kampung untuk masuk di kawasan syarikat beroperasi kerana mereka melanggar peraturan pembalakan yang sebenarnya.
- C. Kami Penduduk kampung ini, tidak mahu sebarang syarikat masuk di Kawasan Tanah Adat Kampung kerana ia boleh merosakkan punca pencarian sumber makanan di kampung in].

5 . MANAFAAT DARI HUTAN.

- A. Pendapatan tidak meningkat dan masih bergantung dengan hasil hutan dan sungai untuk menyerah dan memenuhi keperluan kehidupan seharian.
- B. Tranformasi kehidupan tidak ada perubahan, maka dengan itu kami tidak mahu Tanah Adat Kami di Cerobohi demi untuk kepentingan orang-orang tertentu sahaja dan bukanya penduduk asal.
- C. Masyarakat di Mukim ini tidak mendapat anaapapun manfaatnya daripada hasil hutan.simpan dibawah kelolaan FMU, maka dengan itu, kami memohon agar UNIT PENGURUSAN HUTAN (FMU) dapat diberhentikan serta merta kerana syarikat ini menguntungkan orang—orang tertentu sahaja dan mengugut orang kampung dengan melibatkan agensi lain untik melarang kami mencari hasil hutan dan sungai untuk keperluan harian kami.

Community Relationship and workers rights Grievance

- 1. Poor relationship because FMU did not allow villagers to develop their villages
- 2. No entry permission into the FMU for villagers
- 3. Villagers did not agree for FMU to enter their customary land

Auditor's Comments

- 1. Sapulut FMU had been informed of the grievance and committed to implement mitigation
- 2. During the meeting with auditors during the audit these grievances were not verbally mentioned.

Benefits from Forest Grievance

- 1. No increase in income for those relying on forest and river for subsistence
- 2. No life transformation and changes
- 3. No benefits available from forest administered by the FMU

Auditor's Comments

Sapulut FMU had been informed of the grievance and to implement mitigation

D. Semua Penduduk kampung ini membantah FMU menjalankan operasi pembalakan di kawasan Tanah Adat Kami Di Kampung, Mukim Sapulut.

6. HUBUNGAN ANDA DENGAN FMU.

- A. Kami tiada hubungan langsung dengan syarikat ini kerana mereka tidak beroperasi di Kawasan kampung ini.
- B. Syarikat ini juga tidak mesra dengan orang kampung.

7. CADANGAN PENAMBAHBAIKAN.

- A. Kami semua masyarakat minta supaya kawasan FMU di kampung ini dikeluarkan daripada kawasan FMU dengan serta- merta kepada Hutan Simpan Kelas Satu atau Kelas 4.
- B. Kawasan di kampung ini telahpun dibalak 20 tahun yang lalu namun kesan pembalakan itu masih ada

Relationship with FMU Status

Poor relationship between village and FMU because FMU did not operate within village area

Auditor's Comments

- 1. Sapulut FMU had been informed of the grievance and to implement mitigation.
- Meeting with village representative (including village head) from stakeholder's 1 village found they were not aware of Conflict Resolution Procedure established by Sapulut FMU to raise their grievances
- 3. The FMU had not provided sufficient briefing on the 'Grievance Procedure to the villagers during the "Goodwill Visits".
- 4. FMU shall reschedule and implement Goodwill visit accordingly and brief the villagers on "Conflict Resolution Procedure"

Villagers' Recommendation for Improvements

- 1. Village area within the FMU be excised or changed to Reserved Forest Class 1 or Class 4
- 2.Customary land for the village be excluded from FMU operations

- lagi seperti sungai masih keruh, banyak tanah runtuh menyebabkan sungai tiada ikan kerana sungainya menjadicetek ditimbus oleh runtuhan tanah dari bukit yang dibalak. Maka dengan itu, kami penduduk di kampung sebulat suara menbantah dan mohon kawasan tanah Adat tersebut dikeluarkan daripada kawasan FMU.
- C. Kami juga tidak mahu lagi sungai sungai di kawasan kampung ini dicemari, ditebang kayu kayunya kerana tiada lagi hutan yang boleh membekalkan makanan dan habitat kepada hidupan liar.
- D. Sekiranyan kawasan ini dibalak berapa tahun lagi kita tunggu untuk dipuliharakan lagi, oleh yang demikina, kawasan yang belum dibalak harus dijaga dengan baik supaya hidupan liar tidak datang ke kawasan kampung untuk merosakkan tanaman orang kampung seperti kelapa sawit, pisang dan sebagainya.
- E. Untuk Jabatan Hidupan Liar dan FMU, kami merasa kesal dengan sikap jabatan ini kerana mereka tidak bertanggungjawab terhadap haiwan dibawah jagaan mereka yang merosakkan tanaman penduduk kampung dengan tidak membayar pempasan/ gantirugi tanaman yang dimakan oleh haiwan seperti gajah, rusa, babi dan sebagainya di kebun penduduk kampung. Apabila penduduk kampungmembunuh haiwan-haiwang tersebut, orang kampung ditangkap, didenda dan dipenjara tetapi tidak mahu atau ingkar membayar pempasan / gantirugi tanaman tersebut, sedangkan tanaman itu kami menggunakan wang untuk menempung kos yang besar untuk membeli bibit, racun, baja , salasing, tabang pokok, bersih kawasan, tanam bibit sawit dan tenaga kami digunakan untuk menjaga tanaman itu dan kami usaha semua itu untuk menampung keperluan hidup kami dan keluarga serta digunakan umtuk membiayai persekolahan anak anak kami menyambung persekolahan ke

3. Unhappy against Wildlife Department Sabah for not preventing wildlife -villagers conflict and not paying compensation villagers for crop loss. They also disagree on the Department's taking action against wildlife hunting done by villagers

Auditor's Comments

Grievance on wildlife issues should be forwarded to and handled by the Sabah Wildlife Department

Withdrawal of FMU certificate due to grievances as forwarded by stakeholders 1 is not relevant.

menara gading. Maka kami mohon perkara ini harus di ambil perhatian seruis, kalau tidak kami minta pihak kerajaan dapat membantu semua anak anak kami masuk universiti secara percuma demi untuk memajukan sisioekonom masyarakat murut dalam bidang pendidikan	
F. Kami cadangkan supaya FMU ini di maansuhkan sahaja kerana mereka bukan tanam semula pokokipokok tetapi untuk memberi kesempatan untuk membalak serta mengaut keuntungan demi kepentingan diri sendiri dan kroninya tetapi bukan membantu rakyat yang susah dikawasan setempat.	

Surveillance 2 Audit Plan

		PROGRAM		
DAY	TIME	Auditor 1 (Ismail Adnan)	Auditor 2 (Mohd Annas Amin Omar)	Auditor 3 (Angelica Sinimis Suimin)
Day 0 2.3.2020 (Monday)	9.35 am - 12:15 pm 2.00pm- 7.00pm	Auditors 1 & 2 travel from KLIA to Kota Kinabalu on 2 March 2020 Flight from Kuala Lumpur (KUL) to Kota Kinabalu (BKI)- MH2610 ETD - 09:35, ETA – 12.15) Auditor 3 joins team at Kota Kinabalu All auditors travel to Sapulut Camp site		
Day 1 3.3.2020 (Tuesday)	8.00 am – 1.00 pm	 Opening Meeting with representatives of FMU Briefing session by Forest Manager of the FMU Q&A Session Follow up on Minor NCRs from Surveillance 1 Audit Check on complaints, stakeholder comments and follow-up actions (if any) Local Communities Government agencies NGOs Evaluate on internal audit and management review 		
	2.00 pm – 5.00 pm	Documentation and records review Principle 1 – Compliance with Laws and Principles Principle 5 – Benefits from the forest Principle 7 – Management Plan Review of Day 1 Findings by Aud	Documentation and records review Principle 6 – Environmental Impact Principle 8 – Monitoring and Assessment Principle 9 – Maintenance of High Conservation Value Forest (HCV)	Documentation and records review Principle 2 – Tenure and Use Rights and Responsibilities Principle 3 – Indigenous Peoples' Right Principle 4 - Community Relations and Worker's Right

Day 2		Site visit	Site visit	Site visit
4.3.2020 (Wednesday)	7.30 am – 1.00 pm 2.00 pm – 5.00pm	 Inspection of active harvesting area (C266) Consultation with contractors and workers operating in active logging area, bulldozer, hookman, chainsaw and supervisor. Inspection of Coupe Boundary (C266) Inspection of License Boundary (C266/269) and PSP plot(C269 #18) 	 Post F areas (C261) HCVF area (Labau soil) (C140) Nursery Workshop License boundary (ITP/NFM) 	Consultation with Local Communities of Murut Consultation with stakeholders – Tibow Forestry Department Office
		Review of Day 2 Findings by Audit Te	am Leader	
Day 3		Site visit	Site visit	Site visit
5.3.2020 (Thurday)	7.30 am – 1.00 pm 2.00 pm – 5.00pm	Boundary Bornion and SFDSB Inspection of Central Stumping Site (CS) Pre Felling areas (C157)	 Inspection of active harvesting area (C230) Inspection of Coupe Boundary (C230) Consultation with contractors and workers operating in active logging area, bulldozer, hookman, chainsaw and supervisor. Silviculture treatment (climber cutting) (CC) activities (C257) Conservation area (C264) 	 Consultation with Local Communities of Murut and others Consultation with contractors and workers at camp area Consultation with workers and worker's representative Inspection of staff quarters
	Review of D	ay 3 Findings by Audit Team Leader		

Day 4 6.3.2020 (Friday)	7.30 am – 1.00 pm	Documentation and records review	Documentation and records review	 Consultation with local communities Inspection of clinic Documentation and records review
	2.00 pm – 5.00pm	 Preparation of audit report and finding Briefing to representatives of FMU on the findings of audit Closing Meeting and presentation of findings of audit and discussion on follow-up activities Adjourn Closing Meeting Travel to Tawau check-in at May Blossom (MB) Hotel. 		
Day 5 7.3.2020 (Saturday)		All Auditors travel back to Kuala Lump	our on 7 March , Flight MH2665 – ETD	2.30, ETA 5.15

Details on NCRs and OFIs Raised During this Surveillance Audit and Corrective Actions Taken

Indicator	Specification Major/Minor/ OFI	Detail Non-conformances	Corrective Action Taken	Verification by Auditors
Indicator 1.1.1 NCR: AS1/2020)	Major	Requirement: Indicator 1.1.1 Records and availability of up-to-date applicable federal, state and local laws, and regulations, in	Email on Corrective action Plan received from Sapulut FMU dated 7 th May 2019 is referred:	Email on Corrective action evidence received 2 nd September 2020 is referred:
A01/2020)		particular those related to forest management.	Section 2 - Result of investigation and determination of root cause	Result of investigation, determination of root cause and corrective action plan including completion date were
		Finding: 1.There was no notification or	Root cause 1: Inadvertently overlooked to comply and inform Labour Department of all the deductions.	accepted
		permission from Labour Department to deduct workers salary for other purposes (clinic, Spare	Deductions made have been communicated to the staff concerned and duly authorized by individual staff when they sign and acknowledge acceptance of the Letter of	Evidence of Corrective Actions received:
		parts,Welfare fund etc) beside statutory deductions. 2. There was no notification or permission from Labour Department to accumulate rest days of 5 to 6 days	Employment. Staff Welfare deductions also stated in the Staff Policy Guidelines. Staff confirmed and understand the purpose of the deductions. Some deductions are actually authorized by the staff e.g spare parts purchased on their behalf which are requested	 Letter of request from Sapulut to JTK for permission on workers salary deduction (dated 5th August 2020) and JTK acknowledgement of receipt of letter and Borang dated 7th August 2020
		per month. 3. Foreign labour employment permit is not registered based on the locality of FMU operation.	Root cause 2: FMU was not aware that revision to the terms of service in relation to the Off Days require us to inform the Labour Department. Will inform the Department	Letter of request from Sapulut to JTK for permission on rest day accumulation and Borang G attachment. (dated (dated 5th August 2020) and JTK
		Objective evidence:	accordingly. Off days in a stretch is also practised by many other industries.	acknowledgement of receipt of letter dated 7 th August 2020.

- 1. Inspection of 3 workers' salary slip from November, December and January, 2020 (PS4040, PSY008 and PSJO51)indicated that there are salary deduction for various items such as welfare fund, Spare parts and clinic beside the statutatory deductions (EPF,SOCSO etc) which is not allowed without written permission or notification under section 113 of the Sabah Labour ordinance.
- 2. Interview with 8 workers and FMU management memo Ref; MD/MN/SFD/working days/MO18/19-dm) was circulated to all staff in November, 2019 showed that all employees under Sapulut Forest Development Sdn Bhd were given 5-6 days accumulative rest days contravening the Sabah Labour Ordinance section 104B.
- 3. Inspection of foreign labour employment indicated that the permit for foreign labour employment was registered in the Labour Department Tawau contravening the Sabah Labour Ordinance Section 59A.

Root cause 3: FMU was not aware of the requirement that the permit must be registered with Keningau District specifically i.e. specific to area of work and location of the Labour Office.

Section 3 - Correction (if applicable) and Corrective action plan including completion date:

Finding 1 and 2:

- a) Visited the Labour Department at KK on 5 March 2020 (Wisma Perkeso) and given forms to be completed.
- b) Completed forms to be filled in will be accompanied by a cover letter from the Company and to submit according to the districts i.e KK, Tawau, Sandakan and Keningau.
- c) Approval from Labour Department will depend on their Director.

Finding 3:

- a) Called up Labour Department at KK on 9
 March 2020. Advised us to check with
 Labour Department at Tawau and
 Keningau of their requirements.
- b) Will seek advice from Labour Department on the changes of address stated in the License (Lesen Untuk Mengggaji Pekerja Bukan Pemastautin).

Completion date: 05/06/2020

- Letter of request from Sapulut to JTK for permission on worker salary deduction for advance (Borang B) (attachment dated 5th August 2020) and JTK acknowledgement of receipt of letter dated 7th August 2020.
- Foreign worker employment permit based on Keningau (valid from 24th January 2020 to 23rd January 2021)(Ref: No. Lesen B-000358/13)

Status: Closed

Indicator	Major	1	Email on Corrective action Plan received from	Email on Corrective action evidence
4.3.3	Iviajoi	Requirement:	Sapulut FMU dated 7 th May 2019 is referred:	received 30 th May 2020 is referred:
			Capatat in Calcal in the part is in the capatat in	,
NCR:		Indicator 4.3.3 – The right of workers to		
(AS2/2020		benefits and protection is assured under	Section 2 - Result of investigation and	Result of investigation, determination
		applicable laws and/or regulations.	determination of root cause	of root cause and corrective action plan including completion date were
			LOE of contractor workers was kept at their	accepted
		Finding:	main office not in their camp. SFDSB office	3334
			was also not given any copy of the contractors	
		FMU Contractors: Jaya and Megabig	workers LOE.	Evidence of Corrective Actions
		enterprise workers showed that there was no evidence of workers contract		received:
		was no evidence of workers contract	Section 3 - Correction (if applicable) and	"Standard Terms and Condition –
		Objective evidence:	Corrective action plan including	Appendix 1" – as attachment to Letter
			completion date:	of Employment " for workers of
		Review of employment documents for		Sapulut Forest Development Sdn
		FMU Contractors, Jaya and Megabig	To add a clause in contractors DOA (Deeds	Bhd's contractors was available and
		Enterprise found that there was no letter of employment for all workers	of Agreement) that contractors are required to give SFDSB a copy of their workers LOE	verified.
		of employment for all workers	to give or bob a copy of their workers LOL	Status: Closed
			Date completion: 28/8/2020	
Indicator	Minor	Finding:	Email on Corrective action Plan received from	The effectiveness of the action taken
4.3.4		i manig.	Sapulut FMU dated 7 th May 2019 is referred:	to be verified during the next audit
		Grievances mechanism for workers		ŭ
NCR:		contradicts with the SOP		Status: Accepted
AS2/2020		Objective evidence:	Section 2 - Result of investigation and	
		Objective evidence:	determination of root cause	
		Interview with workers and review of SOP	2) Committee members were not aware	
		documents and minutes of meeting of	regarding TLC SOP due to the TLC	
		Workers committee showed that the	SOP were not disseminated to them.	
		SOP indicate that grievance is resolve	3) Some of the worker's grievances	
		within 10 days but currently workers committee (TLC) meets once in 3 months	were not able to resolve within 10 days as it takes longer time to	
		to response to grievances raised by	resolve certain issue which require	
		workers.	1000170 CORTAIN 10000 WINON TOQUITO	
		WOINGIS.		<u> </u>

			Management to look for the best solution. Section 3 – Correction (if applicable) and Corrective action plan including completion date: 1) Worker's grievances SOP and TLC SOP to be updated. 2) TLC SOP to be disseminated to committee members (employer and employee). 3) To add a clause in contractors DOA (Deeds of Agreement) that contractors are required to give SFDSB a copy of their workers LOE	
Indicator 4.4.1 AS3/2020	Minor	Requirement: Indicator 4.4.1 — Forest plantation managers shall evaluate, through consultations, social impact of forest plantation management operations directly affecting communities, and the people and groups directly affected by the forest plantation management operations shall have access to information on the results of the social impact evaluations. Finding: There was incomplete information on the social impact assessment.	Email on Corrective action Plan received from Sapulut FMU dated 7 th May 2019 is referred: Section 2 - Result of investigation and determination of root cause Community Forestry Unit recently focused in completion of SIA 2019 for ITP area and is currently in process of updating Social Impact Assessment (SIA) 2020 for FMU14 Natural Forest Management (NFM). Hence, the only resource available during surveillance audit 2020 was SIA 2015. In our work plan for SIA 2020 NFM, the social survey shall be initiated in April 2020.	The effectiveness of the action taken to be verified during the next audit Status: Accepted

		Objective evidence: The Social-Impact Assessment (SIA) 2009 and Social Impact Assessment (SIA) for Forest management unit no. 14 (SFMLA no. 04/97) Sapulut part 1 April, 2015 had not included the lists of new villages provided by SFD FMU during this audit.	Section 3 – Correction (if applicable) and Corrective action plan including completion date: Community forestry officer to complete Social Impact Assessment (SIA) 2020 for village residing adjacent to FMU14 NFM area. Completion date: 31st December 2020	
Indicator 4.5.2 AS2/2020	Minor	Indicator 4.5.2 - Appropriate mechanisms within relevant federal and state legal frameworks are employed to resolve grievances involving loss or damage affecting the local people's legal or customary rights, property, resources, or their livelihoods, caused by forest plantation management operations. Finding: Mechanisms within relevant federal and state legal frameworks employed to resolve grievances involving loss or damage affecting the local people's legal or customary rights, property, resources, or their livelihoods, caused by forest plantation management operations were not adequately implemented Objective evidence: (1) Inspection of documentation found that implementation was not based	Email on Corrective action Plan received from Sapulut FMU dated 7th May 2019 is referred: Section 2 - Result of investigation and determination of root cause i. Information and proper procedures in raising grievances was not thoroughly explained by Community Forestry officer during goodwill visit causing lack of understanding among villagers. Implementation of goodwill visit which mostly cover individual consultation rather than village level. Section 3 – Correction (if applicable) and Corrective action plan including completion date: 1. Implementation of goodwill visit which mostly cover village level rather than to individual consultation	The effectiveness of the action taken to be verified during the next audit Status: Accepted
		on the written procedures available.	Preparation of "Goodwill Visit "schedule	

		(2) Consultations with communities from on 4 and 5 March 2020 showed that the villagers confirmed that (i) the audit consultation at village level was new and (ii)Implementation of the mechanism was inadequate as it did not follow the procedures outlined in the Conflict Resolution Consultations with communities showed that they were not aware of the procedures.	Completion date : 31 December 2020	
		(3) Current consultation is conducted on individual need basis and not at village level.		
		Continual consultation at village level has yet to be implemented to regularly engage with communities on any updates		
Indicator 6.9.1	Minor	Requirement:	Email on Corrective action Plan received from Sapulut FMU dated 7 th May 2019 is referred:	The effectiveness of the action taken to be verified during the next audit
ANS01/2020		Indicator 6.9.1 - Document, control and monitor the use of exotic species to avoid adverse ecological impacts. Finding: Document on control and monitor of the exotic species not available	Section 2 - Result of investigation and determination of root cause The Albizia planted in compt 154 (NFM) is within the Camp Occupational Permit (OP) for landscape purpose back in year 2006/2007.	Status: Accepted
		Objective evidence: During site visit to Compartment 154 found that <i>Albizia sp</i> p had grown in the natural forest area. However, there were no documented	Section 3 - Correction (if applicable) and corrective action plan including completion date	

		procedure for control and monitoring exotic species available	SOP on monitoring and managing exotic species will be made to assess whether it has encroached areas other than forest plantation.	
Indicator 8.1.2 AS1/2020	Minor	Indicator 8.1.2 - Forest plantation managers shall identify and implement appropriate monitoring procedures, in accordance with the scale and intensity of the forest plantation management operations, for assessing social, ecological, environmental and economic impacts. Finding: 1. There is no procedure available for social and economic impact monitoring. 2. A social monitoring form was made available but yet to be implemented. Objective evidence: Consultations with villages on 4 and 5 March 2020 showed that there was no social and economic monitoring related to FPMU operations conducted. It was also found that with the inadequate SIA, there was no guideline and procedure for social and economic impact monitoring.	Email on Corrective action Plan received from Sapulut FMU dated 7 th May 2019 is referred: Community Forestry Unit recently focused in completion of SIA 2019 for ITP area and is currently in process of updating Social Impact Assessment (SIA) 2020 for FMU14 Natural Forest Management (NFM). Hence, the only resource available during surveillance audit 2020 was SIA 2015. In our work plan for SIA 2020 NFM, the social survey shall be initiated in April 2020. Section 3 – Correction (if applicable) and Corrective action plan including completion date: Community forestry officer to complete Social Impact Assessment (SIA) 2020 for village residing adjacent to FMU14 NFM area. Completion date: 31st December 2020	The effectiveness of the action taken to be verified during the next audit Status: Accepted

Indicator	OFI	Requirement:	No verification requirement
4.2.5		Indicator 4.2.5 - Demarcation of hazardous areas and provision of guidelines for storage and handling of hazardous materials	
		It was observed that the floor of scheduled waste store at the workshop was fully bunded. However, the bund on the left wing of the premise should be raised higher for better SW containment.	

-End of Report-