

**Recommendation from Timber Legality Definition
(Ad-Hoc Working Group)
21st September 2015**

Background

Thailand was sent the letter to European Union (EU) to officially open the negotiation on Voluntary Partnership Agreement: VPA) on 12th February 2013 and acknowledged from EU on 15th March 2013. After that, Royal Forest Department (RFD) established Thai-EU FLEGT Secretariat Office (TEFSO) to coordinate and support VPA negotiation with EU

Moreover, Thailand arranged the first Joint Expert Meeting (JEM) on 13th – 15th November 2013 at RFD. The meeting is the technical discussion between Thai and EU representative to consider the negotiation structure. The meeting established the working group, which consists of 3 stakeholders. Those are Government, Private and Civil Society sector called “Timber Legality Definition Working Group” to provide the draft legality definition which is one of the annexes and the main one to negotiate with EU. The working group has been developing Timber Legality Definition draft through LD meeting since 2014; there are 6 LD meetings and several sub-working group meetings concurrently. After the fifth meeting on 15th January 2016, RFD had submitted the first LD draft to EU (technical level) on 24th March 2015 and EU responded the feedback back on 24th April 2015.

Since all the six of LD meetings opened the way for stakeholders to inform the meeting on both political and systematical local issues including the problem of people taking advantage on forest. Therefore, the working group had assembled issues and solution from the meeting to solve the problem for government sector following current situation and stakeholders’ requirement that lead to sustainable forest management anticipatively and effectively forest governance in the future.

Problem and Recommendation from Legality Definition Working Group

Subject 1: Plantation and Logging of public sector

Problem:

Complicated plantation process and logging is the reason why SME cannot comply causing the reduced motivation of public planter. The law is emphasizing to control not to promote.

Solution:

1.1 To reform Forestry Act B.E.2484 “Section 7: Teak, Dipterocarpaceae wood, *Dalbergia oliveri* Gamble (Shing-Shan, Ged-Dang, E-meng, Pha-yung Glab), *Dalbergia cochinchinesis* Pierre (Pha-Yong, Dang-Chien, Kha-yong), *Dalbergia parviflora* (Kra-Sik, Kra-Sib, Mhak-Plu-Tak-Tan) , *Dalbergia cultrata* Graham (Kra-Pii, Kra-Pii-Kho-Kwai, Ged-Dum, E-Toa, Ged-Kho-Kwai) whenever they are in Thailand Kingdom, they are prohibited wood type A. What type of prohibited wood Other species in the wild is classed must be follow the act” should be “Section 7: Teak, Dipterocarpaceae wood, *Dalbergia oliveri* Gamble (Shing-Shan, Ged-Dang, E-meng, Pha-yung Glab), *Dalbergia cochinchinesis* Pierre (Pha-Yong, Dang-Chien, Kha-yong), *Dalbergia parviflora* (Kra-Sik, Kra-Sib, Mhak-Plu-Tak-Tan) , *Dalbergia cultrata* Graham (Kra-Pii, Kra-Pii-Kho-Kwai, Ged-Dum, E-Toa, Ged-Kho-Kwai) whenever they are in Thailand Kingdom except in private land, they are prohibited wood type A. What type of prohibited wood Other species in the wild is classed must be follow the act”

- 1.2 To promote and build public motivation to participate as a planter and a forest manager that is able to make full use of wood in economic way independently following the sustainable forest management.
- 1.3 To revoke the restriction of cutting prohibited timber species is the important motivation to private sector and community on increasing logging investment. However, these should be limited only for private land timber but should be excluded the timber from natural forest or conserved forest.
- 1.4 There is possible to revoke the restriction of cutting prohibited timber species in private land as those can show the ownership of land certification which includes trees on that land. Furthermore most of cutting prohibited timber species in private land is planted tree, which is considered that there isn't effect on the nature richness like deforestation.
- 1.5 In Plantation Act B.E. 2535 and revision, there should add more timber species to cover the need of planters.
- 1.6 The timber verification base on Plantation Act B.E.2535 and revision should provide the additional verification channel to be convenient to planters.
- 1.7 To raise awareness on forest governance in every levels and sectors and eliminate the problem on corruption in every process related to logging.

Subject 2: Community Forest Utilization

Problem:

The unclear of community forest utilization.

Solution:

- 2.1 Community forest utilization should be flexible on actual situation and eases the conflict between government and people, i.e. drafted Community Title Deed Act, specifying Buffer Zone or specifying lessen area in conserved forest and deforestation area.
- 2.2 Government should allow the community to utilize or create a useful activity to forest and community livelihood to share the benefit among community.
- 2.3 To build motivation on plantation instead of monocultures, which permanently destroy the forest, can be done by revise the forest community regulation to avoid complication.
- 2.4 Trees owner in quantity and volume should be certified while the trees are still alive including balled trees to compute the product quantity in advance and convenient to management and marketing.
- 2.5 Solve the community issues area in conserved forest area and other forest area by reforming related law of conserved forest i.e. national park, wildlife sanctuary, national conserved forest.

Subject 3: Timber Origin Verification

Problem:

Cannot identify timber origin, which has a same name, as a tree in forest and verification system is complicated.

Solution:

- 3.1 Design the verification method, of which wood that has the same name as a tree in forest will be to have the solution only the wood that has the same name as a wood in forest in private land.
- 3.2 Build the simplify register system by allowing a administrative organization or a new independent organization established to certify and allow people to involve in the verification process from the first to the end by specifying verification

structure in each level from district level to national level by building the people and civil society sectors participation process.

- 3.3 Should develop traceability technology including authorization and community's right certification on specify rule and verification to combat illegal logging.
- 3.4 There is a decentralizing on forest resource management including timber monitoring and verification.
- 3.5 Promote and support people participation on sustainable forest management and evenness.

Subject 4: Utilization and Possession

Problem:

Decreasing land used right, timber planted in community and transfer.

Solution:

- 4.1 People who live in community forest area before conserves area announcement should have the right to utilize community forest.
- 4.2 Should build the simplify register system by allowing administrative organization or new independent organization established to certify and allow people to be involve in the verification process from the first to the end by specifying verification structure in each level from district level to national level by building the people and civil society sectors participation process.

Subject 5: To develop an organization for managing economic timber

Problem:

There are not enough organizations to manage economic timber.

Solution:

- 5.1 Forest in government area will be nationalized by RFD, but timbers which are planted in private area having an ownership certification should authorize a public organization to control (National Economic Timber Office under Prime Minister's Office), certify and be able to plant prohibited species by registering with cooperative and community enterprise on site. It is agreed that will help to increase forest area.
- 5.2 Establish committee to monitor timber situation in Thailand
- 5.3 Establish state agency in local to certify timber apart from RFD since local agency can verify land and timber conveniently and have villager database in the area, i.e. Tree Bank has the number of villager timber quantity and can estimate their timber value.
- 5.4 Establish new independent certifying timber organization to perform timber certification and registration of plantation. RFD may verify the certification for increase the trust in world market.

Subject 6: The free trade of exporting logging, timber, sawn wood and wood product

Problem:

Log, sawn wood mark limited to use only in domestic; cannot export to other countries. Presently, only *Acacia* sp. and Eucalyptus planted by major manufacturers that serve raw materials to their business. On the other hand, the high value wood planters, i.e. teak or other species, are not supported as expected. Thus many teak planters have no motivation and start to change the land use to other activities causing the forest area lost.

Solution:

- 6.1 Allow private forest plantations to export log and sawn wood and it is not limited only to *Acacia* sp. and Eucalyptus. Legal timber complies with Plantation Act

B.E. 2535 and revision including teak and Dipterocarpaceae wood that can be exported.

- 6.2 Importing timber including teak and Dipterocarpaceae wood can re-export both log, sawn wood, and timber product, and is not under the national timber condition. Exporting timber must have legal imported document.
- 6.3 Balled wood can export, though in the past it was able to be export but the new interpret made it cannot export in the present.
- 6.4 Reduce timber, sawn wood customs tariff from 40% to 0% to compete with other countries.

Subject 7: Invention Definition

Problem:

Interpret of officer and private are not conform. Currently, industry technology has more change and advance; using type of consumer also changed. For example, jointed wood; RFD define that jointed wood is a scantling but nowadays, jointed wood can be large pieces of wood (i.e., stairs, floor, window or door frame). In foreign countries, they have new technology to make a 2"x6" jointed wood be a pole, beam, or joist for construction. On the other hand Thailand consider those sawn wood or timber that got quality improving technology, i.e., heat treatment.

Solution:

- 7.1 Review or new definition to conform technology and social surrounding

Subject 8: Rubber Verification

Problem:

In the past rubber wood was crops and was not under RFD; when there had been industrial cutting, Forestry Act B.E. 2484 was in force to control, but the traceability was very difficult. Moreover, conserved forest encroachment for planting rubber is still a problem and affects ecosystem. Then there should find solution to protect these mixed timbers to mix with legal timber.

Solution:

- 8.1 Verify land certification of owner, there has to show possession or utilization certification 46 types i.e. title deed, N.S. 3 K, por.bor. tor. 5, etc.
- 8.2 Rubber log can be uncontrolled transfer, because it is considered as crops. Thus, it accesses to the sawmill, it will go through RFD system. Besides sawmills need to have RFD permission and no expire date.
- 8.3 After sawing timber to sawn wood, the transfer needs certified-by-RFD document.
- 8.4 To build the rubber verification system suited Thailand context and conformed to of other countries need, i.e. Due Diligence System (DDS).