

PROTECT TEAM: TACTICAL AND STRATEGIC APPROACH IN STRENGTHENING BIODIVERSITY PROTECTION IN SABAH

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Abstract

Despite being blessed with the richness of flora and fauna, and becoming one of the key areas for conservation, Sabah has experienced challenges and issues on biodiversity preservation. Forest law enforcement is no longer involved with traditional forestry offences. Major threats of biodiversity extinction are not merely driven by habitat loss or impact of climate change, but also caused by poaching and illegal trading activities. As the main forest law enforcement agency, Sabah Forestry Department has strengthened its capacity in protecting biodiversity integrity. With the technical and financial supports from the State Government and credible local partners, a Special Enforcement Team has been established in 2017. By implementing new tactical approach, Sabah Forestry Department has increased its effectiveness and efficiency in countering and combating environmental crimes.

Keywords: To strengthen enforcement, Forest laws, Poaching of wildlife, Wildlife-trafficking, anti poaching, Native Customary Right, Protect Team, Firearms Unit; K9 Unit, Patrol Deployment Order (PDO)

INTRODUCTION

Sabah is fortunate to be home to some of the world's richest tropical forests and biological diversity. The global forestry and logging market reached nearly \$535.96 billion in 2020, increasing at a compound annual growth rate (CAGR) of 0.8% since 2015. The market is expected to grow from \$535.96 billion in 2020 to \$726.51 billion in 2025 at 6.3% (The Business Research Company, 2021). Over 14 years (2006 – 2020), Sabah Forestry Department (SFD) has collected forest revenue of RM 3.8 billion from royalty and fees on forest produce, export royalty, the premium on round logs, timber scaling and grading, and other timbers produce. This data indicates that forestry is one of the leading sectors of Sabah, and preserving the forest is pivotal.

Thus, a law under the SFD has been created to ensure that forest reserves and all forestry activity in Sabah are well maintained, namely the Forest Enactment 1968 (FE1968). FE1968 regulates all aspects of the administration, planning, management, development, and regulation of forest resources, forest revenues collection, and forest industries' development (Blakeney, 2001). According to FE1968, the seven (7) types of Forest Reserve are as per Table 1.

Class	Type of Forest	Function / Purpose
I	Protection Forest	Maintenance of forest essential on climatic or physical grounds
II	Commercial Forest	For supply of timber and other product to meet the general demands of trade
III	Domestic Forest	For supply of timber and other produce for local consumption
IV	Amenity Forest	For local amenity and arboretum work
V	Mangrove Forest	For supply of mangrove timber or other produce to meet the general demands of trade and for eco-tourism activities
VI	Virgin Jungle Reserve	For forest research purposes
VII	Wildlife Reserve	For the protection of wildlife

Table 1: Type of forest reserve within Sabah according to Forest Enactment 1968.

The Forest Reserves within Sabah are about 3,574,468.00 hectares or about 48% of the State's landmass and comprise 333 gazetted Forest Reserves (SFD's Annual Report 2020). The hectareage for each of the forest classes is according to Table 2.

Class	Type of Forest	Area (ha)
I	Protection Forest	1,421,717.26
II	Commercial Forest	1,655,482.95
III	Domestic Forest	4,634.00
IV	Amenity Forest	11,402.77
V	Mangrove Forest	234,680.27
VI	Virgin Jungle Reserve	107,047.90
VII	Wildlife Reserve	139,502.85
	TOTAL	3,574,468.00

Table 2: Hectareage for each type of forest reserve within Sabah.

With the vast number of forests in Sabah, illegal forest activities are inextricably linked as part of the responsibility of the SFD. Therefore, it is essential to strengthen the application of forest laws and ensure that all forestry activities are always maintained while controlling the illegal forest activities. The written law related to the SFD is FE1968, Forest Rules 1969 (FR1969) and Sabah Forest (Timber) Enactment 2015. In addition, given the presence of wildlife species, e.g. orangutan, elephant, etc., within forest reserves, laws such as the Wildlife Conservation Enactment 1997 (WCE1997) also apply even though the source of the legal authority is under the Sabah Wildlife Department (SWD).

Tacconi et al. (2003) defined illegal forest activities as "all illegal acts related to forest ecosystems, forest-related industries, and timber and non-timber forest products. They range from acts related to establishing rights to the land to corrupt activities to acquire forest concessions and activities at all stages of forest management and the forest goods production chain, from the planning stages to harvesting and transport of raw material and finished products to financial management".

Generally, there are three (3) main categories of forest offences in Sabah, which are (1) offences that fall in breach of the FE1968; (2) breaches of rules and regulations in the FR1969; and (3) breaches of contractual, obligation and omission. The first category includes felling without a licence in the forest reserve, state land, endangering forest by fire, encroachment in forest reserve for agriculture and settlement, evasion of royalty, and illegal possession of forest produced. The second category is the removal of timber without authority, unregistered machinery, operating sawmills without a license,

and occupying forest reserves without power. The third category is breaches of logging license conditions, i.e. boundary, riparian reserve, steep area, etc.

According to Sabah Forest Policy (2018), in the strategy to ensure the strict enforcement of forest laws and regulations, there are six main actions which are (1) to carry out regular monitoring activities; (2) to strengthen enforcement teams and activities; (3) to conduct regular training on enforcement, investigation and prosecution procedures; (4) to empower local communities on forest protection activities; (5) to strengthen collaboration with other states and national enforcement agencies; and (6) to strengthen forest laws, other relevant enforced rules and regulations, through periodic reviews.

Currently, the most common perception regarding illegal forest activities in Sabah is illegal logging which illegal logging is defined as “all illegal practices related to the harvesting, processing, and trading of timber” (Hoare, 2015). But still, this is not what is happening within Sabah. In reality, the number of illegal loggings within the past years is minimal compared to other categories. This can be proved by the department’s data, which shows that the number of illegal felling cases in forest reserves is less than 150, while the number of illegal felling cases in state land is less than 200 within 11 years (2010 – 2021). The highest number of offences is another category, i.e., breach of the license of conditions, etc. This data can be observed in Figure 1.

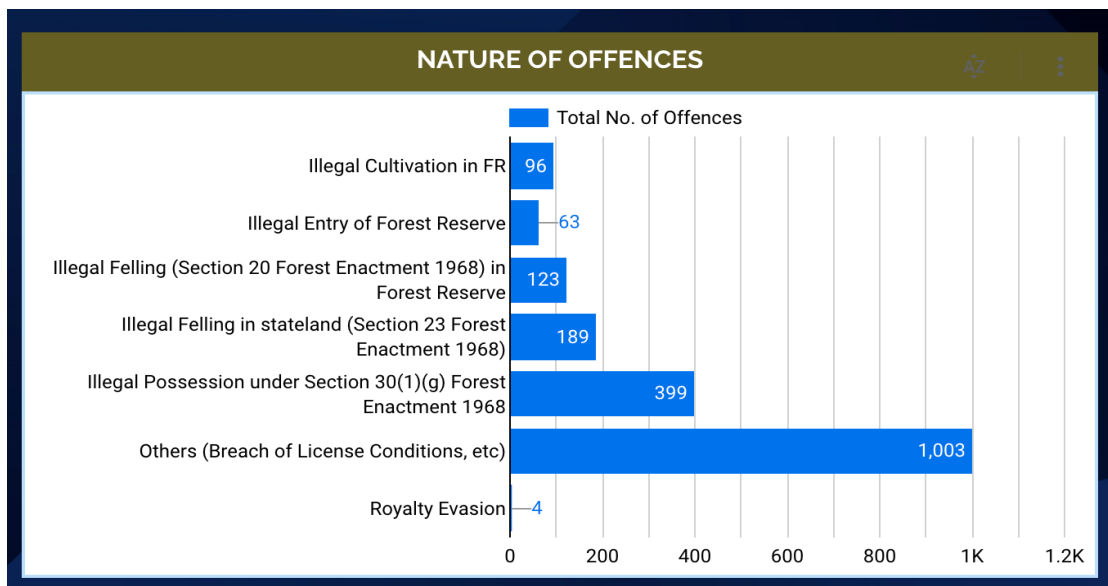


Figure 1: Number of forest offences detected in forest reserve within 11 years (2010 – 2021)

The total log seizures can support the previous data that the volume metric of log seizures was more than 10,000 m³, respectively, from 2010 to 2012. Whereas starting from 2013, the log seizures show a tremendous reduction with the volume metric of log seizures below 6,000 m³ and maintained steadily until 2021 as per Figure 2.

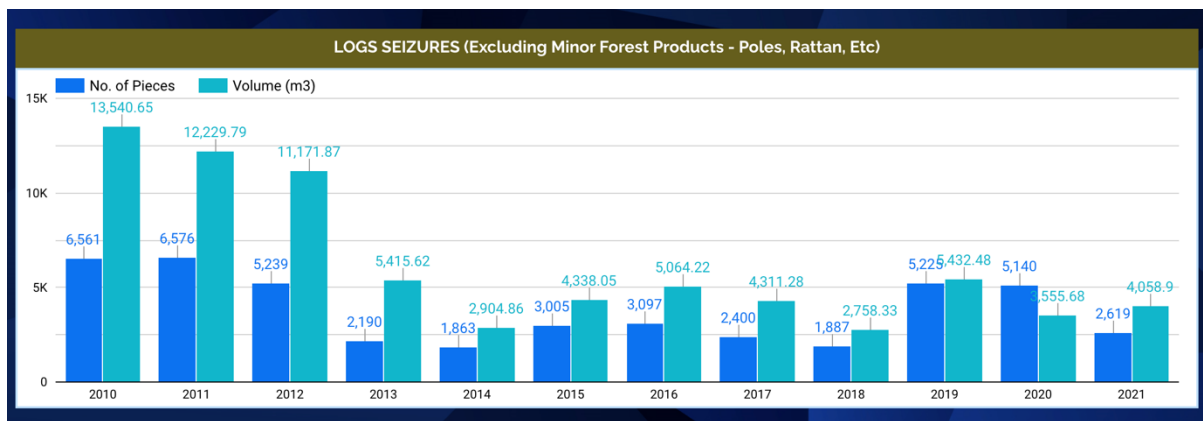


Figure 2: The volume of logged seizures from 2010 to 2021.

The data of high log seizures from 2010 to 2012 indicates that illegal logging can be considered conservative offences. SFD only concentrates on the timber logging area and each logging licensee for the department to tackle illegal logging during the period. The situation has changed over the past ten years. The challenge and illegal forest activities can be described as, i.e. transporting forest produce without proper documents, illegal settlement within the forest reserve, the unlawful harvest of harvest produce and wildlife poaching, etc. The daunting challenges in the enforcement of forest law by SFD remain within the contact of illegal cultivation of forest reserves and state land by local communities, Native Customary Right (NCR) claims on areas of forest reserve and state land, occasional opening up of sites by illegal immigrants, and pandemic rate of wildlife poaching. Poaching of wildlife is no longer self-indulgence for own consumption but trade and lucrative exports. That is why, on some occasions, poachers have become aggressive and violent. Hence, SFD found a different strategy for handling these illegal forest activities by establishing the PROTECT Team.

History of Protect Team and Tactical Enforcement Approach

The establishment of a special enforcement unit was initiated in December 2015. With the support from WWF Malaysia, the SFD had increased its capacity by training three officers on tactical enforcement, which was conducted by International Narcotic and Law Affair (INL US) based in Thailand. Upon return, they were given the task of establishing a special tactical enforcement unit based on their training in Thailand. 25 in-service staff were selected to undergo the training and become members of the specific enforcement unit called The SFD PROTECT Team. Subsequently, the unit was established and launched in 2016. The department functioned as a rapid action team, but merely on an ad-hoc basis since most team members were still attached to their routine job in the original station. In most cases, the unit was deployed to operate individually, and all the tactical approaches were not correctly followed.

The department had produced specific standard operation procedures as guidance to Special Enforcement Team to function fully. All the tactical knowledge was documented and approved by the Chief Conservator of Forest. Thus, it became an official reference. With assistance from WWF Malaysia, the department has engaged a consultant expert in tactical enforcement to formulate the Policy and Procedure tailored to counter the threat situation in Sabah. As a result, seven (7) Policies and nine (9) Standard Operating Procedures were prepared and approved by the Chief Conservator of Forests.

In 2018, after completing a special tactical team establishment, the SFD entered an agreement with Yayasan Sime Darby to combat illegal wildlife trafficking and anti-poaching in Sabah. For two and half years, Yayasan Sime Darby provided a grant of RM 4.0 million to support the programme's

implementation. With the allocated funds, the SFD has recruited additional 25 personnel as PROTECT Team members. The unit has 50 personnel and more boots on the ground with this progress. They were specially trained with skills and knowledge as outlined in the Policy and SOP. It was focused on understanding relevant laws, tactical movement skills, and enforcement ethics. The training was completed in September 2019. Subsequently, they were deployed for their first 3-month operation from October 2019 until January 2020. It was a well-planned deployment, and all team members were fully committed to the process.

Thus far, about seven series of operations have been completed by this Unit, including the recent function named *Operasi Bersepadu Khazanah* (OBK) with the participation of several agencies such as the Royal Malaysian Police (PMD), SWD and Sabah Parks. Undoubtedly, the team has shown excellent performance and significant progress in combatting the threats and raised the department's name in enforcement efforts.

At the same time, to improve the efficiency and quality of PROTECT Team, SFD has provided two more empowerment: the establishment of Firearms and K9 Unit.

Firearms Unit

In 2009, SFD proposed reinforcing and re-arm its personnel with guns for protection and self-defence. The Inspector-General of Police (IGP) approved the permit application to purchase and carry and use firearms. After this, on the 30th of July 2015, SFD launched the first armed squad of its kind. The primary purpose was to enforce the FE 1968 and Forest Regulations, 1969 and deal with violent forest offenders and poachers of wildlife, illegal loggers, and illegal immigrants who steal Gaharu (incensed wood). The armed squad has 90 licensed personnel, five pistols, 25 shotguns (Benelli), 5 (CZ Scorpion EVO 3 S1), 10 MKA 1919 Shotgun, and 12GA shotguns. All officers and personnel with gun handling licenses have to undergo refresher courses and training sessions to familiarize themselves with procedures, maintenance, and safe use and handling of the firearms. The use of firearms must strictly follow the protocols and regulations contained in the Firearm Standard Operating Procedures (SOP) and align with the PMD regulation.

K9 UNIT

Notably, the nature of forest crimes nowadays has become increasingly organised, dangerous, sophisticated, and transnational. A lack of equipment and tools creates barriers and restrains good performance and safety in field surveillance and patrolling. Unexpected encountering with armed criminals, especially poachers, could be dangerous and fatal. On the 30th of July 2015, SFD launched the K9 unit. The unit's primary purpose was to enforce the FE1968 and FR 1969 and deal with agarwood (Gaharu) thefts and smugglers. Initially, the Forestry K9 Unit had two dogs, a German Shepherd and a Belgian Malinois, both of which had intensively been trained for sniffing and attacking.

In 2016, the department purchased two more dogs and joined them in the K9 Unit, making up the number to four. Today, there are two expert dogs for tackling Gaharu (agarwood) smuggling and two others for protection and enforcement. To further strengthen the K9 Unit, SFD had recently launched the construction of an RM450,000 office building for the Unit, located in Labuk Forest Reserve, Sandakan.

Achievement of Protect Team

The achievement of PROTECT Team can be observed by the Patrol Deployment Order (PDO). PDO has been conducted in seven (7) series from 2019 to 2021 (Table 3). A total of 122 offences were detected within the PDO, of which 72 crimes are under FE1968, 46 cases are under WCE1997, and four are under others (Figure 3).

No.	PDO	Duration	Date	Location
1.	01/2019	3 months	October 2019 – January 2020	East coast area (Tabin FR, Ulu Segama FR, Malua FR, Tinkayu FR, Kalumpang FR, Yayasan Sabah Concession)
2.	01/2020	3 months	January 2020 – March 2020	East coast area (Tabin FR, Ulu Segama FR, Malua FR, Tinkayu FR, Kalumpang FR, Mt. Rara FR, Luasong FR)
3.	02/2020	3 months	March 2020 – June 2020	West coast and East coast area
4.	03/2020	3 months	June 2020 – September 2020	Divided into three zone (Kota Kinabalu, Kudat, Keningau / Sandakan / Tawau)
5.	04/2020	3 months	November 2020 – February 2021	Divided into three zone (Kota Kinabalu, Kudat, Keningau / Sandakan / Tawau)
6.	01/2021	3 months	March 2021 – June 2021	Divided into three zone (Kota Kinabalu, Kudat, Keningau / Sandakan / Tawau)
7.	02/2021	3 months	August 2021 – November 2021	<i>Operasi Bersepadu Khazanah</i> (OBK) with PGA, Wildlife Department, Sabah Parks and WWF

Table 3: Date, period and location for each PDO conducted throughout 2019 to 2021.

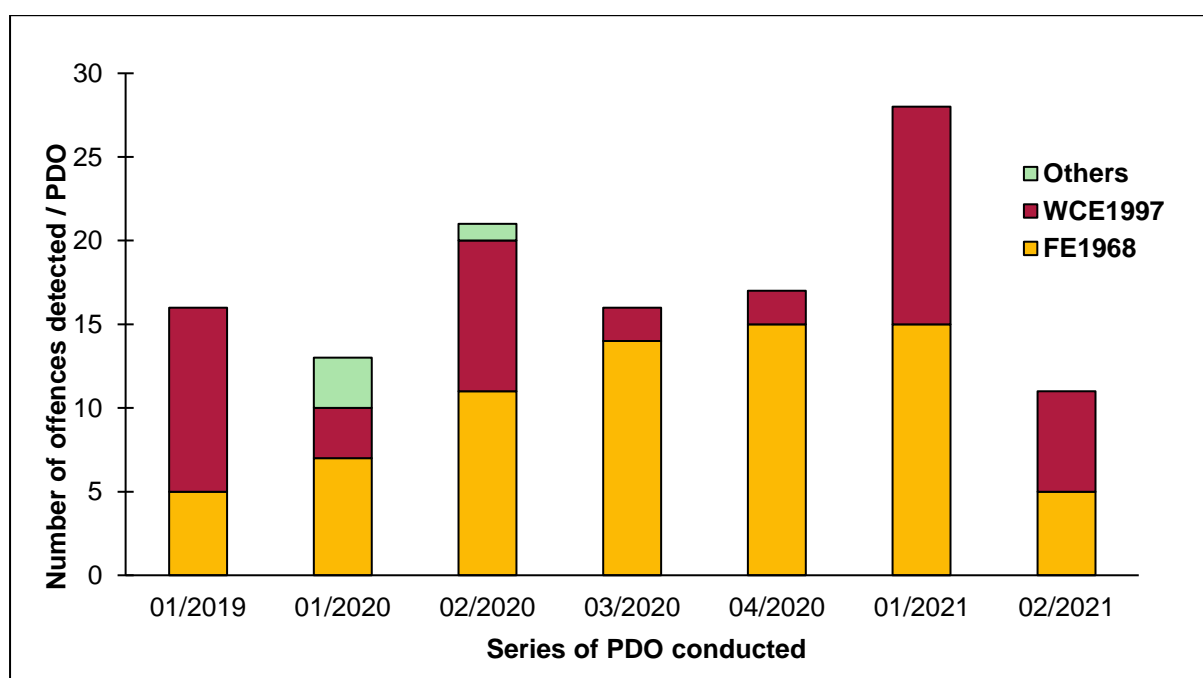


Figure 3: Number of forest offences detected for each series of PDO conducted.

The achievement of PROTECT Team can also be determined by the number of offences detected (Figure 4). From 2017 to 2019, the number of offences seen was less than 20 cases, but in 2020 a drastic increment in detecting forest offences was observed with more than 60 cases.

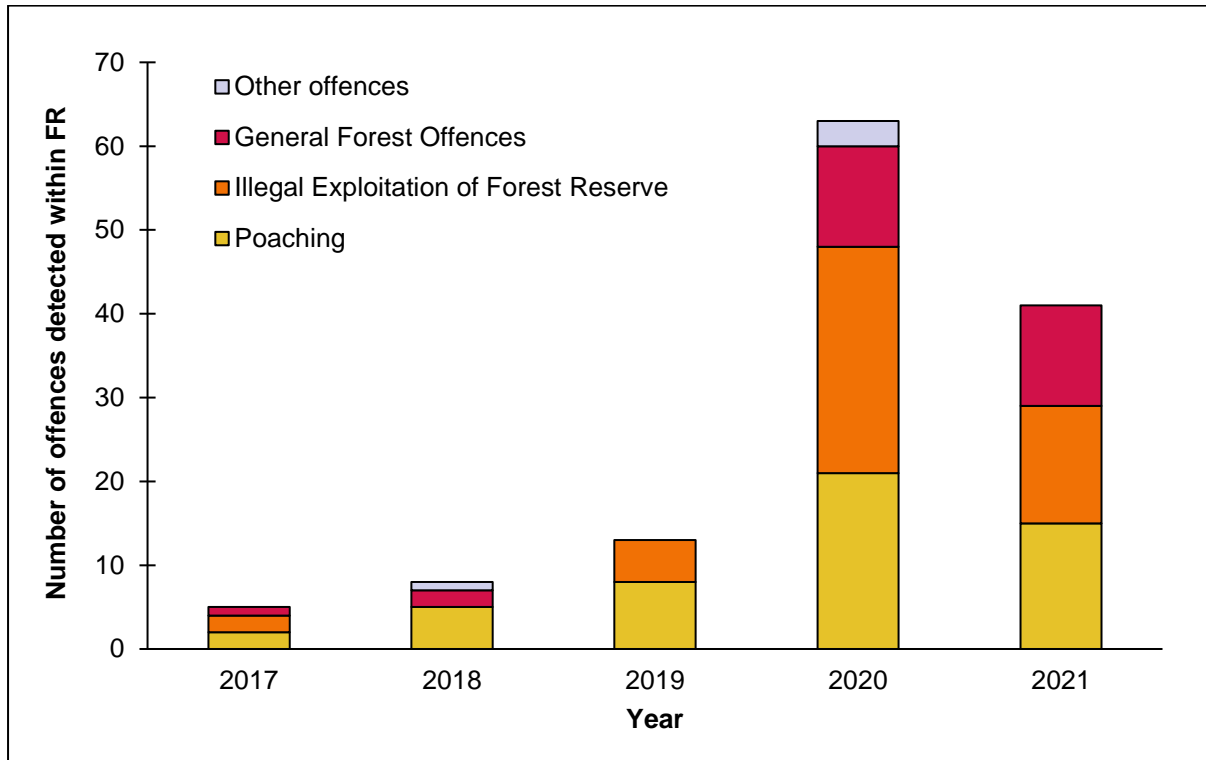


Figure 4: Number of offences detected by Protect Team.

This can also be observed that the number of suspected arrests has also increased since 2020 with a total number of 52, and in the year 2021, the number of alleged arrests doubled to 102 (Figure 5). Whereas the number of suspected arrests between 2017 and 2019 was below 20.

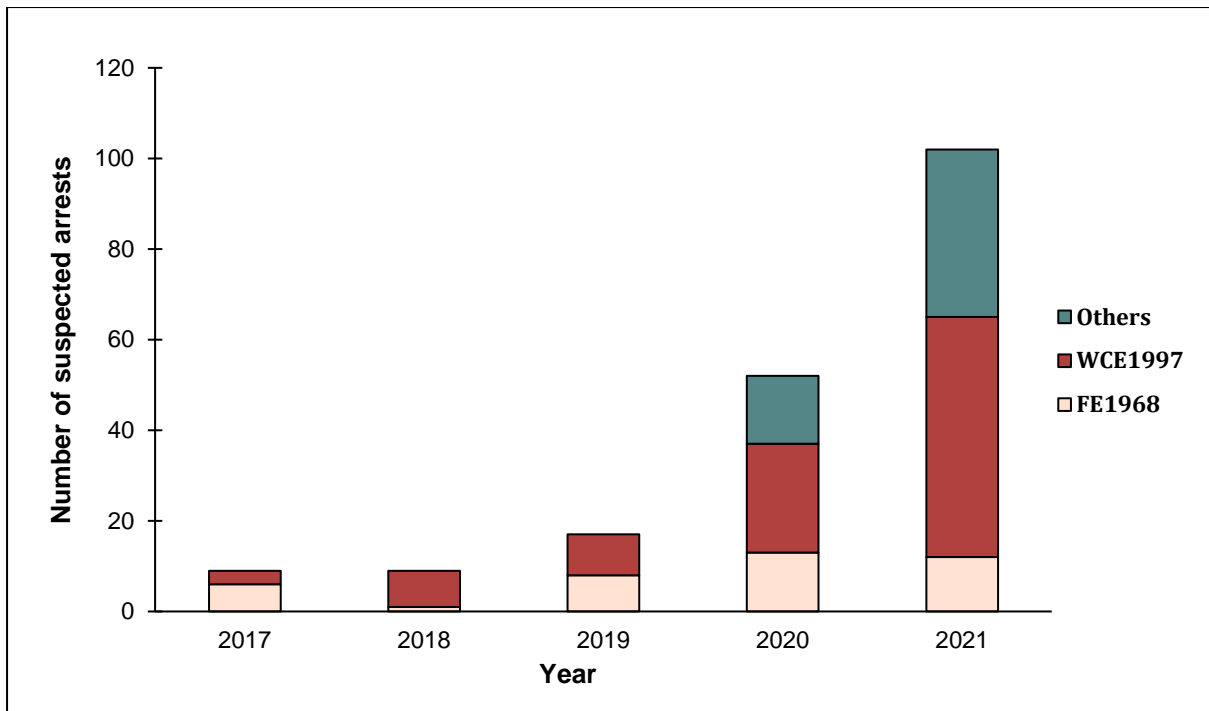


Figure 5: Number of suspected arrested by Protect Team from 2017 to 2021.

It was also perceived that with the implementation of Protect Team from 2019 to 2021, the team has successfully confiscated a total value of RM 1,919,100.00 goods involved in the illegal forest activities. For this, 59% of the value of the confiscation is under the equipment category (i.e. firearms, bullets, chainsaws, vehicles and heavy machinery), and the second-highest was the seizure of forest produce with 37%.

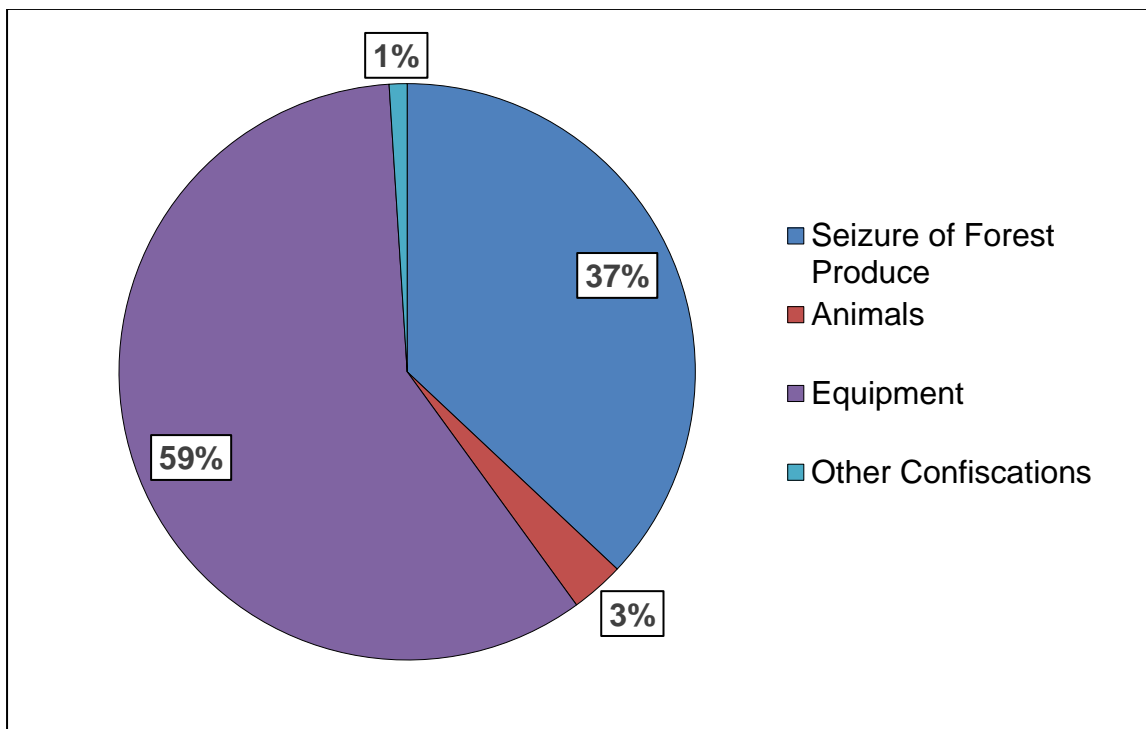


Figure 6: The percentage value of confiscations under Protect Team from 2019 to 2021.

Conclusion

Based on the achievement, it can be concluded that establishing PROTECT Team with the empowerment of tactical capabilities is a successful outcome for SFD, especially in detecting illegal and crime forest activities. However, even well-designed initiatives will fail unless there is political will and commitment at the highest level to address the issues of forest crimes in the forest sector. Improving Forest Law Enforcement will also require better collaboration across all industries and more stakeholder involvement. Support in terms of financial, workforce, logistics and equipment from the higher level and other stakeholders is also necessary to enhance the quality of PROTECT Team in strengthening forest reserve protection.

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