



**JOANGOHutan**  
**JARINGAN ORANG ASAL-NGO TENTANG ISU HUTAN**  
NETWORK OF INDIGENOUS PEOPLES AND NGOS ON FOREST ISSUES

INDIGENOUS PEOPLES' MEDIA STATEMENT ON THE MTCC  
IIFB at COP7 on CBD • PWTC, KL • 19 February 2004

## **MALAYSIAN INDIGENOUS PEOPLES REJECT THE MTCC TIMBER CERTIFICATION SCHEME**

We are from indigenous/Orang Asal communities and organizations in Sabah, Sarawak and Peninsular Malaysia.

We are currently Malaysian indigenous delegates of the International Indigenous Forum for Biodiversity (IIFB) to the United Nations 7th Conference Of Parties (COP7) on the Convention on Biodiversity being held at the Putra World Trade Centre, Kuala Lumpur from 9-20 February 2004.

We take this opportunity to state our stand on the timber certification scheme as promulgated by the Malaysian Timber Certification Council (MTCC). We do this because the scheme has caused, and continues to cause, the further marginalisation of our communities.



### **BACKGROUND TO THE MTCC TIMBER CERTIFICATION SCHEME**

Malaysia has a diversity of indigenous ethnic groups. The majority of us live in the interior areas and depend on the forest and the resources found on our traditional or *adat* territories. Our forest homelands are the source of our histories, cultures, and identities.

#### **Indigenous Peoples and Logging**

Logging causes many problems for our peoples. It degrades the environment, pollutes the air and the rivers, devastates our livelihoods, threatens our health, causes landslides and mudslides that destroy lives and property, and can subject us to involuntary resettlement and oppression. However the biggest impact that logging has on indigenous peoples is the loss of our rights over our traditional lands. Outsiders are invariably given logging rights to our lands without our prior informed consent.

#### **MTCC and Logging**

In order to sell timber at higher prices and thus gain bigger profits, the government established the Malaysian Timber Certification Council (MTCC). Loggers are awarded a certificate by MTCC after they have been certified to have supposedly managed the forest in a sustainable manner. Only with

this certificate will countries demanding sustainable timber products be willing to buy the certified timber at a higher price.

### **MTCC's Independence**

MTCC is not an independent body. It is closely linked to the government. It was established with a RM25 million grant through the Ministry of Primary Industries and received another RM36 million in 2002. MTCC also depends a lot on the Forestry Department and its past and present officers. According to MTCC procedures, there is supposed to be representation from various sectors including the government, loggers, environmental and social groups and the forest-dwelling communities. But as of today, the indigenous and forest-dwelling communities are represented only by the Department of Orang Asli Affairs (JHEOA), the Sarawak Dayak-Iban Association (SADIA), Sarawak Dayak National Union (SDNU), the Sarawak Council for Tradition, the Sabah Indigenous Iranun Association, the Sabah Tidung Association (PTS), and the Sabah Kedayan Association (KEDAYAN). While these organizations may be indigenous in nature, we feel that they do not represent the indigenous communities that are facing the direct impact of logging in their forest homelands. Some of the communities these organisations represent do not even live near forests.

### **MTCC and Indigenous Rights**

MTCC does not recognize nor protect indigenous peoples rights over traditional lands. For example, if a Forest Management Unit (FMU) is declared over indigenous traditional lands, the rights of indigenous peoples over their traditional lands will be extinguished. Currently, there are 10 FMUs in Sabah, each about 100,000 hectares in size. In Sarawak, FMUs are also established in areas declared as Permanent Forest Estates (PFEs). In Peninsular Malaysia the situation is worse, the whole of each state is considered an FMU, irrespective of its area or land use.

### **MTCC and the Law**

There are several court decisions that recognize indigenous peoples rights over traditional lands. For example, the case of *Koperasi Kijang Mas v Perak State Government* (1991) the court ruled that the Jahais in Belum, Perak have rights to forest resources including timber. In the case of *Adong Kuwau v Johor State Government* (1998), the court ruled that the Jakuns of Sungei Linggiu have resource rights to the forest lands in order to maintain their livelihood. In Sarawak, in the case of *Nor anak Nyawai v Borneo Pulp and Paper* (2001), the court ruled that the Ibans in Bintulu have rights over their customary lands including their *pulau* forests. Similarly in the case of *Sagong Tasi v Selangor State Government* (2002), the court ruled that the Temuans in Bukit Tampoi, Selangor have legal rights over their traditional lands. It appears that the MTCC does not want to accept these decisions and prefers to side with the government (which has challenged some of these decisions to the highest level).

### **MTCC and Sustainability**

MTCC is only concerned with the sustainability of timber production. It does not concern itself much with the social and cultural sustainability of indigenous peoples' livelihoods. If MTCC is honestly concerned about guaranteeing the social and cultural sustainability of indigenous communities, then it should put a halt to all logging in the traditional lands of the indigenous peoples until at least when the highest standards of timber certification are in place.

### **Credibility of MTCC**

The credibility (and sincerity) of the MTCC certification scheme has been challenged by us and also the international community, especially in Europe. It is for this reason that the MTCC has been forced to aspire to a higher standard of timber certification, viz. that of the Forest Stewardship Council (FSC). However, the realisation of this tactical aspiration – to develop a new FSC-based timber certification scheme – is still many years away and the current (lower-standard) MTCC criteria and indicators are still being used to certify our timber.



## OUR POSITION TOWARDS MTCC

Our lands and forests are important to us. We value them. Only if our forests and traditional lands are secured can we be assured of the survival of our rich traditions and our identities.

- We do not believe that MTCC can protect our interests and our rights, nor can it guarantee the health of our forests.
- MTCC does not recognize our rights to our traditional lands, how then can we thus expect MTCC to protect our rights? On the contrary, the establishment of forest estates by the MTCC will extinguish our rights to our traditional lands.
- There are several court decisions that recognize indigenous rights to traditional lands. However, the government is bent on challenging these decisions and MTCC's position echoes that of the government.
- It is clear to us that MTCC is not independent of the government, especially the Forestry Department. In fact there are attempts to secure the role of the Forestry Department in the FSC-based scheme being developed by the MTCC.
- It is clear that MTCC's goal is to find ways to sell our timber while we are mandated to protect our forests and to secure the livelihoods and interests of our people who live in, depend on, and derive their spiritual and cultural identity from the forests.

Given these considerations, **We cannot accept the MTCC Timber Certification Scheme.**

We can only accept a scheme to certify timber as having been harvested in a socially and environmentally sustainable way if it complies with the following minimum conditions:

- Our rights to our traditional territories must be recognized and secured;
- The full principles and criteria of the FSC must be applied, without any dilution to the indicators and verifiers by the insertion of clauses allowing such standards to be "subject to existing national legislation";
- Assessors and certifiers should include credible indigenous peoples themselves;
- And, most importantly, the prior informed consent of the communities affected by the proposed logging should be obtained before any indigenous traditional land is designated for logging.