
Malaysia: certification against peoples' rights in Sarawak

Several NGOs -among them the Borneo Resources Institute (BRIMAS), Sahabat Alam Malaysia (Friends of the Earth), SACCESS, Keruan Association Sarawak, Centre for Orang Asli Concerned (COAC) and EPSM/CETDEM- took part at the first consultative meeting of the Malaysian National Timber Certification Council (NTCC) which took place from 18-21 October, 1999, in Kuala Lumpur.

Even if the majority of the participants were representatives of timber companies and associations and Forest Department officials, the representatives of civil society were able to express their viewpoints on the issue.

According to the organizers of the meeting, the primary objective of certification is to attain sustainable forest management (SFM) and the implementation process is through the establishment of the Forest Management Unit (FMU) and further, the land areas within the FMU has to be recognised as a permanent forest estate (PFE). In Sarawak, the establishment of a permanent forest estate -which comprises Forest Reserve and Protected Forest- requires the extinguishment of Native Customary Rights over the land affected. Local dwellers would only conserve their right to collect forest products for domestic purposes, subject to the control of the Forest Department. The NGOs expressed their opposition to this criteria and said that they would not endorse the proposed Malaysian Criteria and Indicators for certification (MC&I).

In Malaysia, as well as in several Southern countries where communal rights on land are recognised, it is clear that forest conservation is strongly linked to the recognition of traditional rights on the land to local communities and indigenous peoples, which have proved to perform sustainable practices. On the contrary, the State administration frequently paves the way to indiscriminate logging, commercial plantations, mining and other depredatory activities with cause the degradation and the destruction of the forests.

The NGOs present at the meeting circulated the following Position Statement dated October 21st:

"In principle, we fully support the concept and implementation of certification through the process of MC&I to achieve sustainable management in Malaysia.

However, the attainment of sustainable forest management and the establishment of the Forest Management Unit (FMU) of which the process of the proposed MC&I can be implemented, ignores the native customary rights and privileges of the local communities to enable their meaningful participation.

The establishment of the FMU requires the constitution of Permanent Forest Estate (PFE), the consequence of which, by virtue of the Sarawak Forest Ordinance explicitly extinguishes the natives' customary rights and privileges of the local indigenous communities over their land and resources thereon. Therefore, the process of the MC&I is unable to provide for the protection of the rights and privileges of the local communities and to provide for meaningful participation of these local communities.

We henceforth propose that certification in Sarawak be deferred pending the resolution of the above mentioned matter."

Malaysia, and the state of Sarawak in particular, have long been the focus of attention and concern regarding the unsustainable exploitation of forests. ITTO studies of the present decade have shown that log production levels in Sarawak are consistently much higher than the ones ITTO itself recommends as sustainable. Additionally, it has to be pointed out that in a broader vision of sustainability -which includes not only technical but also cultural and social aspects- the unsustainability of such practices would be irrefutable. The development of certification systems has been a response to the consumers' demand for forest products produced in a sustainable manner. Certification should offer an assurance of environmentally sound, socially beneficial and economically viable management of forests. This means that no certification would be possible for Sarawak's forests unless present conditions radically change.

Sources: Borneo Resources Institute (BRIMAS), 12/11/99,