

Press Statement

Kuching, Sarawak

3 December 2005.

MALAYSIAN TIMBER CERTIFICATION COUNCIL (MTCC) LEGALISED ILLEGAL TIMBERS

The Malaysian Timber Certification Council (MTCC) is legalising illegal timbers that were logged from the forest within the native customary rights (NCR) land area of the Indigenous Penan community in upper Baram, Miri in the Northern Region of Sarawak.

In October 2004, MTCC has granted a timber certification to Samling Plywood (Baramas) Sdn Bhd (a subsidiary of Samling timber group of companies) over a Forest Management Unit (FMU) known as Sela'an-Linau FMU over which the Penan claim to have Native customary Rights and had already filed this in the High Court in 1998. This legal action against Samling is still pending for trial in the High Court in Miri.

Over the same said area, in 1998 the Ministry of Planning and Resource Management YAB Pehin Sri Haji Abdul Taib Bin Mahmud issued a gazette notification to constitute the area as Protected Forest.

According to the conditions stated in the notification, any person claiming any right or privilege in or over the land describe in the schedule must, within sixty (60) days from the date of the publication of the notification, submit to the Regional Forest Officer, Miri his claim with evidence in support thereof.

Upon the expiry of a period of sixty (60) days from the date of publication of the notification, all rights and privileges in or over the area intend to be constituted a protected forest, shall be deemed extinguished, and that compensation shall be paid to any person whose rights and privileges have been so extinguished.

The Penan have filed their NCR claims over the area. Until now there has been no compensation at all paid to the Penan. On one hand, the Sarawak Government and MTCC has taken a position that the NCR of the Penan had been extinguished and had granted FMU and certification to Samling to log the forest within the NCR land of the Penan.

MTCC is in a great rush to promote its certification scheme to any timber companies in Sarawak. As a result, Samling Timber Company has taken advantage of this although knowingly that the Penan have persistently protested against its logging operation. By granting certification to Samling, MTCC is actually in breach of its own certification standards according to which "long-term tenure and use rights of the land and forest resources shall clearly defined, documented and legally established".

As awareness in Europe continue to increase on the need to buy certified timber from sustainable managed forest, MTCC is intentionally fooling the international consumers by giving certification to illegal logging that make it legal for western market. The MTCC certification scheme is widely a marketing devise for Malaysia's disreputable timber industry rather than a credible effort to achieve sustainability.

We cannot support the certification of any timber with MTCC standard as being "illegally legalised" and "sustainably produced".

We call upon MTCC to withdraw its certification scheme from Sarawak, until MTCC addresses the call of the indigenous communities and NGOs for a moratorium on further logging in primary forests areas and in areas where indigenous peoples are asserting their native rights to land, demonstrates the total lack of genuine concern of indigenous peoples rights and the basic principles of forest management.

Thank you.

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