

Husain Gang
Long Lamai, Ulu Sungai Balong
98050, Ulu Baram
Sarawak

James Ho Yam Kuan,
SAMLING TIMBER MALAYSIA
Wisma Samling Lot 296,
Jalan Temenggong Datuk
Oyong Lawai Jau,
98000 Miri, Sarawak, Malaysia
enquiry@samling.com, hoyk@samling.com.my

15 July 2023

Re: Rejection of logging and MTCS certification in Ba Jawi, Gerenai FMU

Dear Mr. James Ho Yam Kuan:

We learnt that Samling received the certification for sustainable logging under the Malaysian Timber Certification Scheme (MTCS) for the Gerenai Forest Management Unit (FMU), of which Ba Jawi seems to be part. We are writing to you to express our rejection of logging and forest certification.

We are the Gang family, the headman family of Ba Jawi and the main guardians of the forest and territory of Ba Jawi. For about 200 years our family has lived, hunted, gathered and collected sago within the boundaries of our territory. **We, the people of Ba Jawi, are the last semi-nomadic Penan in the whole of Baram.** We are the guardians of the nomadic Penan culture.

We, the village of Ba Jawi, want to clearly express and have it officially recorded that we reject all logging in our territory. Please find a map of our NCR land attached.

Neighboring communities might have overlapping land claims. We do not wish to exclude these communities from these forests, only to keep logging out of them.. Our neighbors, the Kenyah of Long Moh, share our mistrust of logging and forest certification. We expect Samling and any consultancy firms hired by Samling, whether for conducting studies, consultations or audits, to stay away from our territory and respect its boundaries. Do not interpret our non-participation as agreement, it is the opposite, it is the expression of our rejection of the whole timber business. Samling is not welcome in our village, forest or land. **Samling has harmed our forest and our community, we do not trust Samling nor any consultants it hires.** Samling's track record of disrespect for Indigenous communities is most recently exemplified by the abusive lawsuit against SAVE Rivers.

The MTCS standard guarantees us Free, Prior and Informed Consent (FPIC) under principle 3.1: “Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free, prior and informed consent to other agencies and/or parties.” **We herewith state that we ourselves control our forests and refuse to delegate it to Samling or any related party. We are within our rights to withhold consent for any logging on our land.**

In 2010, we submitted our claims for native customary rights land to the court¹. Around 2012, Samling logged large parts of our forest without our consent. We depend on these forests for our survival. The forests that they logged would most likely have been classified as High Conservation Value (HCV) forest because these areas had been undisturbed for centuries before. We are not aware if an Environmental Impact Assessment or an HCV assessment was conducted prior to the timber extraction.

The Penan very much depend on healthy forests for hunting and gathering. We do not see our future in timber extraction. **We, the Penan of Ba Jawi, want to continue our life as semi-nomads and request not to be disturbed.** We are currently working with other communities, the Forest Department Sarawak (FDS) and the International Tropical Timber Organization (ITTO) to establish the Upper Baram Forest Area (UBFA). We want our forest to be protected from logging under this project. We expect Samling to respect our right to self-determination as an Indigenous people.

As the last nomads of Baram, we ask Samling to stay away from our forests and allow us to continue to live like our ancestors and carry on their legacy and culture.

Your sincerely,

¹ <https://www.scoop.co.nz/stories/WO1012/S00743/penan-go-to-court-to-defend-heart-of-borneo-rainforests.htm>