



October 16th, 2020

Complaints from the ground regarding the implementation of the Malaysian Timber Certification Scheme (MTCS) in Sarawak, Malaysia

In Sarawak, local communities have raised major issues with the implementation of the Malaysian Timber Certification Scheme (MTCS). Conflicts have emerged with Samling's certificates for sustainable forest management for natural forests for the Ravenscourt FMU (2018), Gerenai FMU (2020) and the upcoming certificate for the Suling-Selaan FMU. The issues raised by the affected communities show a clear breach of the provisions guaranteed under MTCS as well as of PEFC's normative references such as ILO 169:

1. Lack of transparency

Sarawak is well known for its lack of public access to Social and Environmental Impact Assessments. Affected or interested people can often only access these studies in the offices of the Natural Resources and Environment Board (NREB) and are denied the right to take copies.

From Samling's Public Summaries of Forest Management Plans on Ravenscourt and Gerenai FMUs, we are aware of the following reports conducted for Gerenai and Ravenscourt FMUs: SIA Report for Gerenai FMU dated July 2018 and two EIA reports for Gerenai approved by NREB June 2018 and September 2014; Social Assessment of Sarawak Forestry Corporation for Ravenscourt, and EIA report on Ravenscourt approved by NREB 2 April 2009. None of these documents, however, are available to the public or to local communities. The requests of affected communities (Gerenai Community Rights Action Committee) to receive copies of the 2018 Social Impact Assessment as well as the two Environmental Impact Assessments (EIA) for the Gerenai FMU were never acknowledged (Attachment A).

Without relevant maps, the affected communities are left in the dark regarding the scope of certificates and concessions. Without relevant impact reports, communities cannot make informed decisions about FMU proposals. Furthermore, any agreements - including minutes of meetings signed between Samling and the headmen - need to be shared with the communities. All of these documents are essential for the community to determine whether

their headman fairly represented them, and will enable them to follow up and monitor the project. If they do not understand the parameters of the project, they will be unable to monitor the project.

The availability of key documents such as EIAs and SIAs, maps, and agreements is a precondition for consultations and to obtain free, prior and informed consent.

Solutions — distribution of key decision making documents:

- Release full EIAs and SIAs for all FMUs to communities and civil society organisations
- Release minutes of meetings and agreements between Samling/SIRIM and communities
- Distribute hard copies of all completed maps and agreements to all communities

2. Failure to obtain free, prior and informed consent

With relation to free, prior and informed consent, MTCS requires:

MTCS Principle 3: *“The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognised and respected.”*

MTCS Criterion 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 parties.”*

Samling, however, has not properly or openly consulted communities within their FMUs about MTCS. **Most of the people in the communities within Ravenscourt FMU as well as the Gerenai FMU are not even aware that they are within an MTCS certified area, let alone aware of the implications.**

In its Public Summary Stage 2 Audit for the Gerenai FMU, SIRIM concluded: *“Consultation with 10 longhouses at Long Moh, Long Anap, Long Apu, Lio Mato, Long Selatong Dikan, Long Selatong Tanjung Tepalit, Long Palai, Long Jekitan, Long Mekaba and Long Selaan indicated that consultation was not sufficient. Majority of the communities were not aware of the objective and function of Community Relation Committee (CRC) which is yet to be established”*.¹ This echoes our findings based on discussions with affected communities.

The Penan communities affected by the Ravenscourt FMU received letters for consultation for a re-evaluation of the Ravenscourt FMU in July 2020. The communities of Long Tevenga, Ba Persek and Long Gita, however, had no idea up to that point that their territories were under an MTCS certificate. None of these communities have granted their free, prior and informed consent. Furthermore, it appears that Samling is not aware that the Penan village

¹ SIRIM QAS International (2020): “Public Summary Stage 2 Audit on Gerenai Forest Management Unit for Forest Management Certification”, page 8/28: https://www.sirim-qas.com.my/wp-content/uploads/2020/09/Public-Summary-FMC-of-Gerenai-Forest-Management-Unit-Main-Assessment_v1.0.pdf, accessed 15/10/2020.

of Long Tevenga is within the Ravenscourt FMU. None of the reports by Samling or SIRIM mention the village².

The same lack of procedure and consultation occurred with the Gerenai FMU: The Gerenai Community Rights Action Committee (GCRAC) as well as the Jamok village committee have written various complaints about the lack of consultation and information as some of the leaders became aware of the ongoing certification process. The Penan community of Ba Jawi, visible on Samling's map of the area³, has been completely neglected throughout the engagement process. These issues remain unresolved. Nevertheless, Samling received the MTCS certificate for the Gerenai FMU in April 2020 – while the entire country of Malaysia was under a strict Movement Control Order due to the spread of Covid-19.

At the core of the issue lies a lack of understanding by Samling and other Malaysian actors about what free, prior and consent actually means. This can be exemplified by Samling's press statement⁴ from July 7th 2020: *"Thirdly, the allegation that the certification was awarded without the knowledge of local communities in the area is misleading. The Group had followed all due processes to obtain certification, which is naturally part and parcel of our operational plans towards ensuring the responsible management of forest resources. At the outset of operations, Samling had engaged with the local community leaders, who had been duly appointed by the Sarawak state government and registered with the District Office. These local community leaders were and remain fully supportive of Samling's plans and operations. These local community leaders had full authority to represent and act for the communities."*

The focus on government appointed leaders in consultations stands in contrast to MTCC's definition⁵. MTCC defines free, prior and informed consent as: *"A decision-making process that does not involve coercion/undue influence/manipulation (free), is made before activities are undertaken (prior), is founded upon a clear understanding (informed), and involves granting or withholding consent (saying 'yes' or 'no') to an activity, programme or policy (consent). In the FPIC process, consent is to be understood based on the definition of the term "consensus"*.

Engaging with a few select people from the community is not the same thing as consulting the community about what that community really wants. In Sarawak headmen are appointed

² Samling: "Public Summary Forest Management Plan for Forest Management Unit (T/0294) Ravenscourt Sdn Bhd": <http://www.samling.com/doc/RVC%20Public%20Summary%206%20Jun%2017.pdf>, accessed 15/10/2020.

SIRIM QAS International (2017): "Public Summary Stage 2 Audit Report (2017) on Ravenscourt Forest Management Unit for Forest Management Certification": https://www.sirim-qas.com.my/wp-content/uploads/2018/09/Public-Summary-FMC-of-Ravenscourt-FMU_MA-2017.pdf, accessed 15/10/2020.

³ Samling: "Public Summary Forest Management Plan Gerenai Forest Management Unit": [http://www.samling.com/doc/Public%20Summary%20FINAL%2017%20June%202019%20\(004\).pdf](http://www.samling.com/doc/Public%20Summary%20FINAL%2017%20June%202019%20(004).pdf), accessed 15/10/2020

⁴ Samling, "Samling Group refutes online news reports", 7/7/2020: <http://samling.com/doc/mr/Samling%20Group%20refutes%20online%20news%20reports.pdf>, accessed 15/10/2020.

⁵ MTCC (2020): "Malaysian Timber Certification Scheme", page 5/6 <http://mtcc.com.my/wp-content/uploads/2020/06/MCI-Sustainable-Forest-Management-Final.pdf>, accessed 15/10/2020.

and paid by the state rather than elected by the people, which results in pressure and incentives to agree with government approved projects such as logging. Headmen are routinely replaced by the government if they disagree with these projects. The headmen receive salaries for their appointed positions that they lose if they are replaced. It is therefore highly questionable whether these figureheads can be said to represent communities, and not unreasonable to suggest they more actively pursue government interests. There are countless examples of communities who are unhappy with the government's choice of appointed headman, and who refuse to acknowledge these appointed headmen, because they don't represent the community's interests. We are well aware of communities within the FMUs in question where this is the case.

The failure of consultations through government appointed headmen is noted in SIRIM's Public Summary Stage 2 Audit Gerenal⁶: *"The expectation and requirement of such meetings [between Samling and community leaders] is that the content of the briefing will flow downwards from those attending to the others in the villages on the return of the attendees. This is especially so when the attendees are heads of kampong and members of KKKKs [village committees]...As in some cases the information flow had not been strong, and was possibly non-existent, in some of the communities, there was a lack of awareness of the objectives & functions of the CRC in some of the communities interviewed."* This statement demonstrates that SIRIM is well aware this top-down information sharing system is weak at best and non-existent at worst.

Finally, in an online statement Samling expressed⁷: *"We will always keep the door open to transparent discussions and would be pleased to address any concerns or queries from our stakeholders."* This remains an empty promise. While Samling responded to GCRAC's request for a seminar on the MTCS procedure that was held on the 25th of September 2020 in Miri, no representative from Samling was among the speakers of the seminar or available for questions during the Q&A. The Chief Forester in charge, David Marsden, actually hid from questions and from engaging in any discussions with communities, unwilling to introduce himself to the community representatives. This blatantly shows that Samling is not ready to face the community, but rather used the seminar as a facade to fulfil their corporate obligations.

Solutions — ensuring consent is free, prior and informed:

- Require proper consultations with communities where as many community members as is practicable understand what is being proposed and may ask questions
- Require queries from communities be answered in full and in a timely fashion, prior to any certificate being issued

⁶ SIRIM QAS International (2020): "Public Summary Stage 2 Audit on Gerenal Forest Management Unit for Forest Management Certification", page 28/29: "https://www.sirim-qas.com.my/wp-content/uploads/2020/09/Public-Summary-FMC-of-Gerenai-Forest-Management-Unit-Main-Assessment_v1.0.pdf", accessed 15/10/2020.

⁷ Samling, "Samling Group refutes online news reports", 7/7/2020: <http://samling.com/doc/mr/Samling%20Group%20refutes%20online%20news%20reports.pdf>, accessed 15/10/2020.

- Require consultations not be with the headmen only, but in the villages as well as in Miri
- Ensure Samling staff and management understand that proper free, prior and informed consent is pre-condition for certification, not a box to check, or a formality to be satisfied after the fact
- Require a seminar on the meaning of free, prior and informed consent given by experts for the staff of logging companies, MTCC, Sarawak Forest Department, and SIRIM, organized jointly with local NGOs

3. Disregard of community dependence on forest resources

While the Social Impact Assessments (SIA) are not publicly available, the summaries provided by Samling indicate either a lack of proper research or blatant falsehoods regarding community use of forest products. The summaries significantly downplay the importance of the forest for the affected communities.

In its Public Summary for the Gerenai FMU, Samling only partially acknowledges the importance of forest resources for the livelihoods of the Penan and almost completely neglects the importance of the forest for the Kenyah. Their astonishingly biased report claims that *“the importance of hunting has diminished in recent years”* and that *“fishing is not an important activity in the FMU”*. This is an obvious misrepresentation visible to anyone who has spent even a short time in any of the villages in the area. Hunting and fishing are practiced on a weekly basis by most households, and this protein constitutes an essential component of their daily diet.

In the Public Summary for the Ravenscourt FMU, Samling claimed: *“The social assessment (HCV5 and 6) undertaken by SFC clearly shows that the forest area of the FMU is not fundamental to meeting the basic needs of the local communities”*⁸. This is factually wrong. Within the Ravenscourt FMU and its close vicinity live some of the Penan groups that pursued their nomadic livelihoods until quite recently and today are only semi-settled, spending vast amounts of time in the forest hunting, fishing, and gathering.

The summaries question the reliability of the SIAs conducted in both areas and highlight once more the need for full transparency. Without public SIAs, communities are left with no avenue to counter these spurious claims about their reliance on forest resources.

Suggested solutions — recognition of forest resources as critical to indigenous livelihoods, health and wellbeing

- Publication and distribution of SIAs so that communities can counter falsehoods
- Opportunity for direct input into SIAs from affected communities and civil society

⁸ Samling: “Public Summary Forest Management Plan for Forest Management Unit (T/0294) Ravenscourt Sdn Bhd”, page 6: <http://www.samling.com/doc/RVC%20Public%20Summary%206%20Jun%2017.pdf>, accessed 15/10/2020.

- Revision of SIAs based on academic literature available on the respective ethnic groups
- Revision of SIAs based on on-the-ground research by experts and trained personnel

4. Disregard of community initiatives for forest conservation

While Samling is certifying their timber extraction, many communities within the FMU have a different vision for their territories: they want to protect their forests for future generations, livelihoods, wildlife and ecotourism.

The Penan communities within the Ravenscourt FMU are among the last Penan to have settled and still maintain semi-nomadic livelihoods. Their dependency on forest resources is therefore even higher than an average indigenous community in Sarawak, and they have been strong opponents against logging dating back to the 1980s. They have repeatedly set up blockades to stop logging activities in their forest. In 2018, the village of Long Tevenga even built a house across a logging road to prevent the logging trucks from entering their area to extract logs. These communities have repeatedly expressed that they want to protect their area from any logging activities, including sustainable logging, on numerous occasions, also with a letter dating from this year (Attachment B).

The Kenyah Jamok communities of Long Siut and Long Tungan have established a protected communal forest called the *Ba'i Keremun Jamok*. Nevertheless, the Gerenai FMU covers this communal forest. This disregards the community's right to control their forest management (Attachment A).

The Kenyah Jamok and Penan communities within the Suling-Sela'an FMU have strongly defended their forest against logging and have been working together with the Sarawak Forest Department to establish the Baram Peace Park/Upper Baram Forest Area. A working committee consisting of the Sarawak Forest Department, community representatives and NGOs has been organizing this project for several years. The state government submitted an application to the International Tropical Timber Organisation (ITTO) in 2018 to fund the establishment of this protected area, which is currently pending approval. The Suling-Sela'an FMU almost entirely overlaps with the Baram Peace Park, however Samling is currently applying for certification of this area. The communities' desire to protect the environment, establish sustainable livelihoods, and celebrate their cultures must be respected. Logging does not have a place in this vision (Attachment C).

According to the MTCS, the communities have control over their customary land through free, prior and informed consent. Without free, prior and informed consent to delegate the forest management to Samling, community decisions regarding land management must be respected.

Solutions — upholding indigenous-led forest conservation initiatives

- Adhere to the communities' guaranteed right to control forest management unless decided otherwise through free, prior and informed consent: if communities do not agree with logging in their area, the respective area must be exempt from the FMU

- Samling must consult communities on their forest conservation projects, mark them on their maps, and exempt them from any logging activities

5. Flaws in the complaint mechanism

The complaint mechanism is flawed and overly complicated, not just for communities but also for supportive NGOs. The communities have tried to voice their complaints to Samling and SIRIM, but are still waiting for them to acknowledge their concerns, take responsibility, and implement changes on the ground.

SIRIM stressed that complaints should first be addressed to Samling, namely its Chief Forester, and then to SIRIM at a later stage. Samling, however, has been largely unresponsive to community concerns. In February 2020, representatives of Long Tungan sent a letter to Samling's Chief Forester, David Marsden to complain about the lack of engagement and to inform Samling about their initiative to protect their communal forest, the Ba'i Keremun Jamok. A copy was sent to SIRIM. Marsden did not offer any form of solution but instead pushed responsibility of the matter elsewhere: *"please note that all official correspondence should be addressed directly to Samling's COO (...) Matters concerning allocation of forest areas, proposed land use, etc, (...) should be addressed directly to the Director of Forests."* (Attachment A). The community's concerns were thus not addressed. That Samling representatives, including Mr Marsden, were not approachable for questions during Samling's seminar on the 25th of September, simply aggravated frustrations. Samling is clearly not willing to engage with the community's concerns.

To make matters worse, MTCC responded in an online statement dated the 22nd of June: *"While no formal complaint had been lodged by the aggrieved parties, MTCC as the owner of the MTCS, viewed these claims very seriously (...)"*⁹ and stressed that complaints should be addressed to the certification body, SIRIM. The question remains how an official complaint should be lodged. The communities and NGOs sent letters of complaint to Samling and SIRIM, but this is apparently not considered an "official complaint". An official complaint mechanism on MTCC's website is not available. The section on a dispute resolution procedure on their website only contains dead links.¹⁰

Solutions — create a transparent complaints system

- Provide proper section on complaint mechanism on MTCC, Samling and SIRIM websites, explaining the procedure and providing contacts
- Explain complaint mechanism to villagers during consultations and provide contacts
- Ensure those responsible for handling complaints understand and are compliant with the agreed procedures
- Ensure those responsible for handling complaints are responsive, providing thorough and timely feedback when concerns are raised. Publish contact details for the next

⁹ MTCC (2020): "Commentary: PROCESSES INVOLVED IN GRANTING CERTIFICATION UNDER THE MTCS": <https://mtcc.com.my/commentary-processes-involved-in-granting-certification-under-the-mtcs/>, accessed 15/10/2020

¹⁰ MTCC website: "MTCS Dispute Resolution Procedures" <https://mtcc.com.my/mtcs-dispute-resolution-procedures/>, accessed 15/10/2020

person in the chain to whom complaints should be directed, in the event that a contact person is unresponsive

Working together moving forward

If compliance with the MTCS standard cannot be guaranteed to international consumers, PEFC must take responsibility and revoke its endorsement for MTCS. International buyers and consumers need to be guaranteed that the timber they buy under this label adheres to the PEFC's high standards, including its promise of free, prior and informed consent. Land rights are a serious concern for consumers, as demonstrated by the support the Stop the Chop campaign has received around the world. Indigenous voices must be respected and logging companies must relinquish any intentions to extract timber if communities withhold their free, prior and informed consent. Many communities want to remain in control of their land and have exciting plans for long term, truly sustainable forest management that respects and protects wildlife and human interests. The lack of transparency and proper engagement with the communities have hampered good-faith consultations from the start. Rather than pass responsibility to other institutions, all of the supervising bodies, including SIRIM, MTCC, and PEFC, must take responsibility to ensure that Samling's certification procedure lives up to the MTCS and PEFC standards.

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Attachment A

Community letters regarding Gerenai FMU

- Letter from Jamok to Director of Forests, 30/08/2020, “Proposal for Jamok Forest & Culture Preservation & Conservation” including concept paper for Bai Keremun Jamok
- Letter from Jamok to Samling, 16/2/2020, “Concerns with Samling’s activities within the Gerenai Forest Management Unit”
- Response from Samling to Jamok, 5/3/2020, “Re: Concerns with Samling’s activities within the Gerenai Forest Management Unit”
- Letter from GCRAC to Samling, 28/2/2020, “Request for workshop in MTCS Forest Management Certification in Miri”
- Letter from Ba Jawi and Long Lamai to Samling, February 2020, “Concerns with Samling’s activities within the Gerenai Forest Management Unit”
- Letter from GCRAC to NREB, 22/06/2020, “Request for Copy of Social and Environmental Impact Assessment Report for Gerenai Forest Management Unit in Upper Baram”
- Letter from GCRAC to SIRIM, 22/06/2020, “Community concerns with MTCS certificate for Gerenai FMU, Sarawak”

P'NG JAMOK
Lot 6788, 1st Floor,
Taman Tunku Commercial Centre,
98000 Miri.

Hamden Bin Mohammad,
Director Of Sarawak Forestry,
14th Floor, Wisma Sumber Alam,
Jalan Stadium Petra Jaya,
93660 Kuching,
Sarawak.

30th August 2019

Dear sir,

Proposal For Jamok Forest & Culture Preservation & Conservation.

On behalf of the Jamok Community at both Long Tungan and Long Si'ut, we the undersigned, submit herewith our proposal for the above initiative. We would like to seek your kind support, consideration and approval so that the Jamok community forest will be preserved and conserved for our future generations in a sustainable way.

As detailed in the attached proposal, this initiative will also held to promote tourism activities as well as to provide avenue for us to showcase our Jamok culture to the outside world, thereby preventing the culture from extinction.

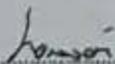
We look forward to your positive response to our proposal.

Thank you.

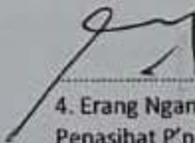
Yours sincerely,



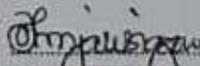
1. Jalong Tingang
WTK Lg. Tungan / Penasihat P'ng Jamok.



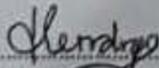
2. Lawai Ulok
WTK Lg. Si'ut



4. Erang Ngang
Penasihat P'ng Jamok.



5. John Jau Sigau
Penasihat P'ng Jamok.



3. Heng Si'gu
Pengerusi P'ng Jamok

Cc:
Jack Liam
Zarina Shebli

Bai Keremun Jamok

A conservation and tourism initiative by the Jamok community of the Upper Baram

1. Introduction

We, the Jamok, would like to protect our communal forest, our Bai Keremun Jamok, for future generations and use it for tourism purposes. We envision our communal forest to play a key role in the future development of our community. With this concept, we want to show how we intend to conserve and manage the area.

We, the Jamok belong to the indigenous group of the Kenyah. Our community is spread over two neighbouring villages in the upper reach of the Baram River: Long Siut with 63 families and Long Tungan with 108 families.

Our communal forest lies on the edge of our territory along the Baram River. We call our communal forest “Bai Keremun Jamok”, which translates to “the treasured forest of the Jamok people”. This name reflects our intention to preserve the forest.

We hope that the development of our communal forest for conservation and tourism will provide the younger generation with jobs and a perspective in the village. We hope that the young families can stay in the village and do no longer have to leave to find jobs elsewhere.

2. Bai Keremun Jamok – the communal forest

Conservation

For decades, the Jamok have been protecting the communal forest “Bai Keremun Jamok” from logging activities. From the beginning, when the logging companies entered our area, we insisted that our communal forest has to remain untouched. We always wanted to preserve it for the people in the village and future generations.

Because of our efforts, our communal forest is very diverse in flora and fauna today. The forest is in particular home to many gibbons. A study completed by the Forest Department of Sarawak provided further evidence of the richness of our forest.

In order to conserve the forest for our future generations, we have imposed strict rules: no hunting or cutting of wood is allowed in the communal forest.

Challenges

Logging activities currently pose the biggest threat to our Bai Keremun Jamok. Samling holds a concession over the area. It is therefore of outmost importance to the Jamok, that Samling does respect our communal forest and that the authorities exempt the area from the logging concession. We are aware that the renewal of logging concession is under way. We therefore request the director of forest to exclude the area of our communal forest from the renewed concession.

Natural tourist attractions

Our forest is very well preserved and has therefore a high diversity in plants and wildlife. We are planning to establish facilities to attract tourists and allow them to enjoy the untouched forest: Tourists can swim in our waterfalls (Sayan Waterfall, Mesenga Waterfall), hike on our trails and relax in the shades. They can observe flora and fauna. We have several salt licks (Sayan, Semali Mesanga) within the area of our communal forest. They attract many animals who depend on licking salt. We are also planning to put up tags along the trails indicating the species of the various trees and bushes.

Please consult the map “Bai Keremun Jamok: proposed tourist attractions and facilities” in the attachment to learn about our proposed setup.

Forest Restoration

In July 2018, Samling entered our communal forest and started logging there in spite of prior agreements between our community and the company. We immediately reported the activities to the authorities and opened a dialogue with Samling. As a result, Samling agreed to pay a penalty. However, one patch of our forest has been destroyed. We would therefore like to restore this area and plant belian and meranti trees there. We are currently in touch with the tree nursery in Long Kerong to start a first trial in 2020. A training for tree planting is planned for late 2020 and the restoration work will follow subsequently. Planting of seedling could also be another attraction for the tourists visiting our community.

3. Cultural attractions

On top of the nature attractions, our community also has many cultural attractions to offer. Our community highly values and conserves traditional arts. Compared to neighbouring communities, we keep our traditions very much alive. We are one of the only villages that still have the traditional wooden roofing. We also have the traditional rice store huts, called Lepubong. We still practice the traditional Sampe, singing and dancing during our festivities. Furthermore, we still produce handicraft from rattan in a traditional way.

Consequently, tourists may choose to participate in the following activities or admire the following arts:

- Sampe (Sape) concert or class
- Watching Sampe making
- Traditional dancing
- Traditional singing
- Rattan handicraft shop and classes
- Kelebu (traditional decoration)
- Cooking and gardening

The tourists will stay in Homestays so that they can experience our culture first hand and have an exchange.

4. Management and implementation

Management

The coordination of the implementation of this tourism and conservation initiative lies in the hands of the Committee Kerja Bai Keremun Jamok. In July 2019, the community elected its members. The community, however, is supporting the implementation with Gotong Royong. Furthermore, some people will be selected for trainings and as forest rangers and guides to monitor and restore the area and show the tourists around. The community maps that we completed in July 2019 will serve as basis for the monitoring.

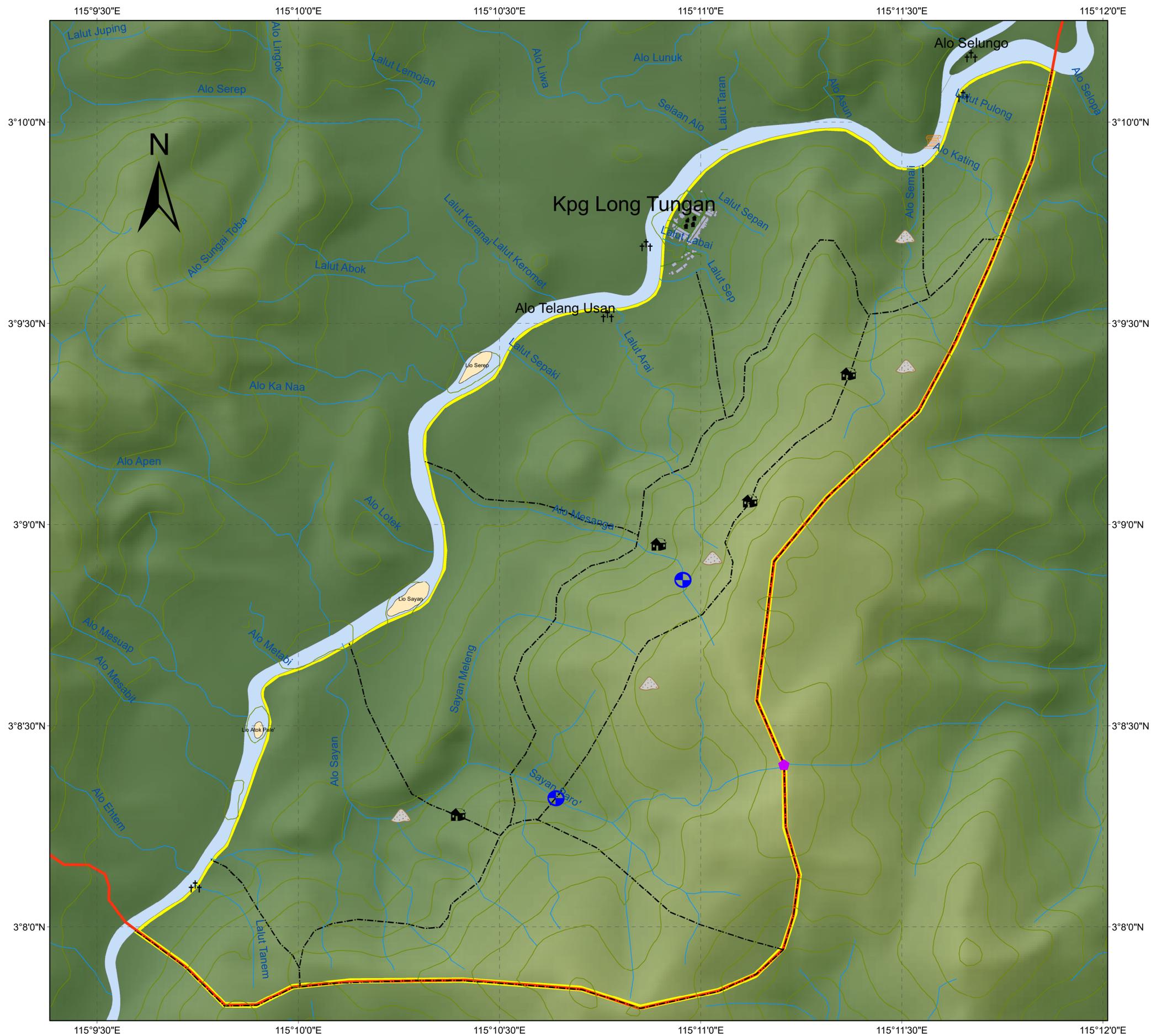
Proposed timeline

In a first step, the forest area has to be secured from logging and some money has to be raised to set up the tourist facilities. Furthermore, the community will discuss how to fairly distribute income from tourism. Then, we will start setting up the facilities in Gotong Royong and initiate the promotion in order to get the first tourists.

This is a tentative timeline for implementation of the next steps:

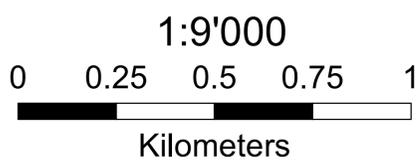
July 2019	Completion of Jamok Community Maps
October 2019	Securing the communal forest area from logging
Second half 2019	Fundraising
Throughout 2020	One day of Gotong Royong per month for trails and shades
Early 2020	Community discussions on regulations for tourism project
Mid-2020	Approaching travel agencies in Sarawak for marketing
October 2020	Start of forest restoration project

Bai Keremun Jamok - Proposed Tourist Attractions and Facilities



Legend

- | | | | |
|---|----------------------------------|---|-------------------------------------|
|  | Lepau - Hut |  | Lio - Island |
|  | Sawa Mudong - Mountain pass |  | Trail |
|  | Sungan - Salt licks |  | Saeng - Community boundary |
|  | Uko da un serita - Historic site |  | Bai Keremun Jamok - Communal Forest |
|  | Pulong - Graveyard |  | Lepo - Village |
|  | U ong - Waterfall | | |



C/O P'NG JAMOK
Lot 6788, 1st Floor,
Taman Tunku Commercial Centre,
98000 Miri

Contact person:
Erang Ngang
HP: +60198852377
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Chief Forester
David John Marsden
Wisma Samling,
Lot 296, Jalan Temenggong Datuk Oyong Lawai Jau,
98000, Miri Sarawak,
Malaysia
marsdend@samling.com.my

Miri, 16th February 2020

Re: Concerns with Samling's activities within the Gerenai Forest Management Unit

Dear Mr. Marsden

We learnt that Samling is in the process of obtaining the certification for sustainable forest management according to the Malaysian Timber Certification Scheme (MTCS) for the Gerenai Forest Management Unit.

We are very worried about Samling's logging activities in our area. In 2018, Samling illegally entered our communal forest, the Bai Keremun Jamok, for logging. At that time we discussed with representatives of Samling that we want to protect the remaining forests in our area.

First, we do not agree with the concession because we want to protect our forests, especially the Bai Keremun Jamok. Secondly, we do not agree with the concession because Samling has not consulted our community, as is required as part of the certification process. Thirdly, Samling has not honoured its promise to rebuild the alternative road based on the original route along a lower terrain from Long Siut to Long Tungan, as agreed during our meeting at Samling Headquarters on the 30th of July 2018. At the same meeting, Samling also agreed to level the ground for a new longhouse site as specified by the community.

We are working hard towards conserving our forest and establishing eco-tourism. Attached you can find our concept note for our community conservation and tourism initiative that we personally submitted to Puan Zarina Haji Shebli, Deputy Director of Social Forestry Division, on the 4th of September 2019 as well as a map of the Upper Baram Forest Area that we are currently working on with the Sarawak Forest Department.

We are ready to discuss the matter with representatives of Samling during meetings in Miri and Long Tungan upon prior agreement on suitable date and time.

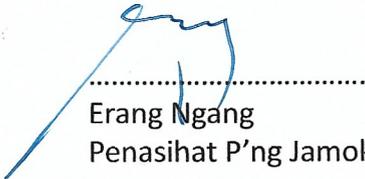
Yours sincerely,



Hendry Sigau
Pengerusi P'ng Jamok



Dominic Langat Sigau
Pengerusi JKKK Long Siut



Erang Ngang
Penasihat P'ng Jamok



John Jau Sigau
Penasihat P'ng Jamok

Copies to

- James Kuleh Nyagang, TK Long Tungan
- Lawai Ulok, WTK Long Siut
- Prof. Ir. Dr. Ahmad Fadzil Mohamad Hani, President and CEO of SIRIM
- Datu Hamden Bin Haji Mohammad, Director of Forests Sarawak

----- Forwarded message -----

From: **David Marsden** <marsdend@samling.com.my>

Date: Thu, Mar 5, 2020 at 7:48 PM

Subject: Re: Concerns With Samling's Activities Within the Gerenai FMU

To: ERANG NGANG <erangang@gmail.com>

Cc: <zezadila@sirim.my>, <hamden@sarawak.gov.my>

Dear Mr Ngang,

Thank you for your email and the attachments & my apologies for the delay in responding. My response is as follows:

Firstly - please note that all official correspondence should be addressed directly to Samling's COO; and

Secondly - matters concerning allocation of forest areas, proposed land use, etc, etc, are government issues over which Samling has no jurisdiction. Such matters should be addressed directly to the Director of Forests.

Yours sincerely

--

David Marsden
Chief Forester Samling
+6-0198855055
+6-085-413099 (Extn. 275)

On 17/02/2020 21:56, ERANG NGANG wrote:

> Dear Mr Marsden,
> As an adviser to the Jamok community of Long Tungan, we attached a
> self explanatory letter for your necessary action.
>
> Thank you,
>
> From Erang Ngang

--

David Marsden
Chief Forester Samling
+6-0198855055
+6-085-413099 (Extn. 275)

Gerena Community Rights Action Committee (GCRAC)

C/O P.O.Box 112,
Mosjaya, 98000 Miri, Sarawak, Malaysia.

Our ref: GCRAC/1/C

Your ref:

28th Feb 2020

Chief Forester
David John Marsden
Wisma Samling,
Lot 296, Jalan Temenggong Datuk Oyong Lawai Jau,
98000, Miri Sarawak,
Malaysia

Dear Mr. Marsden

Request for Workshop on MTCS Forest Management Certification in Miri

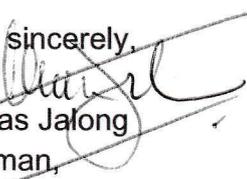
We are aware that Samling is in the process of obtaining the certification for sustainable forest management according to the Malaysian Timber Certification Scheme (MTCS) for the Gerena Forest Management Unit and is about to start the same certification process for the Suling-Selaan FMU.

As concerned members and representatives of the communities within the two FMUs, we are of the view that we have not been properly briefed and consulted on the matter. We have not received enough information about what the Malaysian Timber Certification Scheme requests of Samling and what our role(s) as communities and rights holders is(are) within the proposed certification area.

We would like to request Samling to organize a one or two days' workshop for community representatives and other relevant stakeholders to explain the certification process and the requirements under MTCS. We would like to suggest speakers from Samling, MTCC, the Sarawak Forest Department as well as land rights lawyers, community representatives and NGOs. The workshop should also be a platform for participants to raise questions.

We are looking forward to support you in the planning of this event.

Yours sincerely,



Thomas Jalong
Chairman,
GCRAC

Copies to:

- Datu Hamden Bin Haji Mohammad, Director of Forests
- Prof. Ir. Dr. Ahmad Fadzil Mohamad Hani, President and CEO of SIRIM
- Mr. Yong Teng Koon, CEO of MTCC.

Chief Forester
David John Marsden

Wisma Samling
Lot 296, Jalan Temenggong
Datuk Oyong Lawai Jau,
98000, Miri Sarawak,
Malaysia.

Re: Concerns with Samling's activities in the Govenai
Forest Management Unit.

Dear Mr. Marsden

We learnt that Samling is in the process of getting the
Certification for sustainable forest management according
to the Malaysian Timber certification scheme (MTCS) for
the Govenai Forest Management Unit.

We, the village of Ba Jawi, are small Penan community
within the Govenai Forest Management Unit. We have
neither been informed about the ongoing certification
process nor consulted.

We are currently working with other communities and
Sarawak Forest Department to establish the Upper Baram
Forest Area. The project was approved by the late Chief
Minister Adenan Satem and the former Director of Forest.
The territory of our community still contains forest of
high conservation value and is a core area of the Upper
Baram Forest Area. We do not agree with logging activities
in our forests and request Samling to stop logging on our
land

Please refer to the map of the upper Baram Forest Area.

Samling representatives are most welcome to come to our village and discuss the matter with us upon prior announcement of the visit.

Your sincerely,

The Penan of Ba Jawi

- | | |
|----|--------------|
| 1. | Hossen Geng |
| 2. | Suring wing. |
| 3. | Kelai Tawan |
| 4. | paren Tawan |
| 5. | Panda lete. |
| 6. | Musa Tawan. |

Hossen
~~Suring~~
Kelai
~~paren~~
Panda
Musa

Chief Forester

David John Marsden

Wisma Samling,

Lot 296, Jalan Temenggong Datuk Oyong Lamai Jan,

98000, Miri Sarawak,

Malaysia

Re: Concerns with Samling's activities in the Generai Forest Management Unit

Dear Mr. Marsden

We learnt that Samling is in the process of getting the certification for sustainable forest management according to the Malaysian Timber Certification Scheme (MTCs) for the Generai Forest Management Unit.

We, the village of Long Lamai, are a small Penan community within the Generai Forest Management Unit. We have neither been informed about the ongoing certification process nor consulted.

We are currently working with other communities and the Sarawak Forest Department to establish the Upper Baram Forest Area. The project was approved by the late Chief Minister Adenan Satem and the former Director of Forest. The territory of our community still contains forests of high conservation value and is a core area of the Upper Baram Forest Area. We do not agree with logging activities in our forests and request Samling to stop logging on our land. Please refer to the map of the Upper Baram Forest Area.

Samling representatives are most welcome to come to our village and discuss the matter with us upon prior announcement of the visit.

Your sincerely,

The Penan of Long Lamai



Wilson Belare

T K Long Lamai

Gerenaï Communities Rights Action Committee

(GCRAC)

**P.O. Box 112, Mosjaya,
98000 Miri, Sarawak.**

Our ref: BCRAC/3/C

Date: 22nd June 2020

En. Joseph Uyo,
Environment Officer
Natural Resources and Environment Board,
Wisma Pelita,
Miri.

Dear En Joseph,

Request for copy of Social and Environmental Impact Assessment Report for Gerenaï Forest Management Unit in Upper Baram

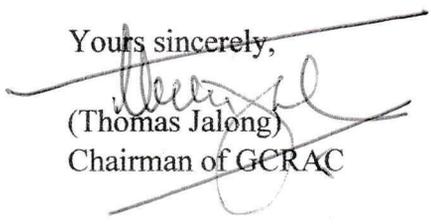
I am writing to you in my capacity as a member of affected indigenous communities within the Gerenaï Forest Management Unit (FMU) in the Upper Baram area to request copy of any existing environmental and social impact assessments report for logging activities which is a prescribed activity under the NREO that has been approved to be carried out in the Gerenaï FMU.

In April, Samling received the MTCS certificate for the Gerenaï Forest Management Unit. The affected communities, however, have never received copies of the environmental impact assessments nor the social impact assessment report. I, hereby, officially request them from the NREB office in Miri. My request concerns the following documents:

- Social Impact Assessment for Gerenaï FMU; Kueh, J. H., Ong, K.H., James Geruau, G.; October 2018
- Two Environmental Impact Assessments (EIA) of re-entry; approved by the Natural Resources and Environment Board (NREB) on 15 June 2012 and 10 September 2014, respectively

I would be most grateful if you could kindly favour us with a response.

Yours sincerely,


(Thomas Jalong)
Chairman of GCRAC

Gerenai Community Rights Action Committee (GCRAC)

P.O.Box 112, Mosjaya,
98000 Miri,
Sarawak, Malaysia.

Ruj kami: GCRAC/2/C

Tarikh: 22hb Jun, 2020

Prof. Ir. Dr. Ahmad Fadzil Mohamad Hani
President and CEO of SIRIM,
1, Persiaran Dato' Menteri,
P.O. Box 7035, Section 2, 40700
Shah Alam, Selangor, Malaysia

Via Email

Dear Dr. Ahmad,

Re: Community concerns with MTCS certificate for Gerenai FMU, Sarawak

We learnt that SIRIM has certified Samling's Gerenai Forest Management Unit (FMU) in Northern Sarawak under the Malaysian Timber Certification Scheme (MTCS) on the 12th of April 2020. We are concerned about this certification, as some of our communities had raised issues before that are still pending. We request that the certification is paused as long as the communities were not properly informed and consulted.

Most of our community members from within the Gerenai area are not aware that the Gerenai FMU was subject to a MTCS certification process. There is a general lack of understanding of the existence, scope and purpose of MTCS in the Gerenai area and its implications on the rights to our lands, territories and resources, well-being, and future of our people. Proper information and consultation to obtain Free, Prior and Informed Consent (FPIC), however, is a prerequisite for a certification under MTCS. As a concerned communities' representative, GCRAC can clearly say that this was not fulfilled for the Gerenai FMU.

For your kind information, some of the communities learnt only from the CSO and NGO side – not from the Forest Department or Samling – that the certification process was on-going. They then sent out letters of complaint, mainly questioning the lack of information and consultation with communities during the certification process. None of the issues raised in the letters to Samling, however, have been resolved, they are still pending. I am referring to the following letters:

- Letter of Peng Jamok to Samling, dated 16th of February 2020, about the lack of consultation with the Jamok community (Long Tungan and Long Siut) and the community's conservation project of their communal forest
- Letter of representatives of the village of Ba Jawi, about the lack of consultation

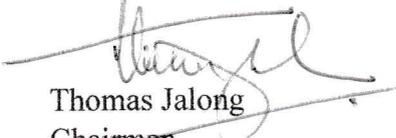
Samling has agreed to a request by the GCRAC to hold a workshop in Miri and suggested for it to be held in May as an occasion to explain the MTCS to the communities and other relevant stakeholders. Due to the corona virus-19 pandemic and the MCO, however, this workshop had to be postponed. Meanwhile, the lack of information or consultation during the

certification process has not been addressed or mitigated since the letters were sent out. Therefore, the communities are concerned that Samling received the MTCS certificate.

The communities request more time and commitment from the side of Samling and SIRIM for information sharing and consultations in order to reach Free, Prior and Informed Consent as required by the standards under the MTCS.

I am looking forward to your response and would like to thank you in anticipation of your kind understanding and cooperation in this matter as it involves our rights, heritage, well-being and future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Jalong', written over a horizontal line.

Thomas Jalong
Chairman
GCRAC

Attachment B

Community letters regarding Ravenscourt FMU

- Letter from Penan headmen and KERUAN to SIRIM, 19/9/2020 “Rejection of MTCS certification for Ravenscourt FMU”
- Map of Ravenscourt FMU with Penan territories

KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



And the headmen of the Penan Limbang communities:

Prof. Ir. Dr. Ahmad Fadzil Mohamad Hani,
President and Group Chief Executive,
SIRIM Berhad,
1, Persiaran Dato' Menteri, P.O. Box 7035
Section 2, 40700 Shah Alam, Selangor.

Miri, 19th of September 2020

Re: Rejection of MTCS certification for Ravenscourt FMU

Dear Prof. Ir. Dr. Ahmad Fadzil Mohamad Hani

I am the head of KERUAN, an organisation supporting Penan communities in Sarawak. The Penan communities of the Upper Limbang area in Norther Sarawak contacted me because they disagree with the MTCS certification for Samling's Ravenscourt FMU. They asked me to convey their message to you.

The communities of Long Tevenga, Ba Peresek, Long Adang and Long Gita who are within or close to the boarder of the Ravenscourt FMU were not aware that the area was certified for sustainable timber under the Malaysian Timber Certification Scheme (MTCS). Representative Ketua Baru from Long Adang told me that they have never given their Free, Prior and Informed Consent neither to logging in their area nor to the certification under MTCS:

“Regarding the MTCS given by SIRIM to Samling - although MTCS is Sustainable Logging - as long as the company cuts down the forest in our area, we do not agree. Samling Company and also SIRIM never explained nor told us about the MTCS Logging Certificate given to Samling. If we, the Penan of Ba Nyakit, Long Gita, Long Peresek, Long Tevenga, Long Da'un and Long Adang, had known this from the beginning, we would not have agreed. ”

The communities only learnt about it this year in the context of the ongoing re-evaluation. According to my contacts in the village, they received a letter from Samling and SIRIM this July for a meeting. Headman Ketua Baru from Long Adang explained:

“Since we did not fully understand the purpose of the meeting, we did not go. Secondly, we are very worried about the COVID-19 pandemic. That was another reason why we did not attend the meeting organized by Samling and SIRIM.”

KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



And the headmen of the Penan Limbang communities:

Samling has a very bad record amongst these communities: The company has encroached their area and stolen timber without the consent of the community, they even used heli-logging and extracted small size timber. Samling's logging activities have polluted the rivers in the area, including the drinking water of the communities. Ketua Baru expressed that the communities reject any logging in their village territory:

“We, the Penan communities of Long Tevenga, Ba Persek, Long Adang and Long Gita, unanimously disagree with the MTCS Certificate for Samling Company for the area within our village territory as shown by our community map. In the area of our Penan village map, there are various interests such as traditional medicines, ipoh poison tree, saltlick, fruit tree, sago clumps, rattan, river where to find fish and animals on land, Living Land, we do not want everything to be destroyed. Logging will destroy forests, rivers, medicines and prevent us from satisfying all our needs in the forest on which we depend for our lives. We support KERUAN representing us to write a letter to SIRIM.”

In the attachment, you can find the mentioned map showing the territory of the Penan communities.

The communities clearly do not want logging in their territory. I would like to know how you plan to ensure that their will is respected as guaranteed under MTCS.

I am looking forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Komeok Joe', with a long horizontal line extending to the right.

Komeok Joe
CEO of KERUAN

KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



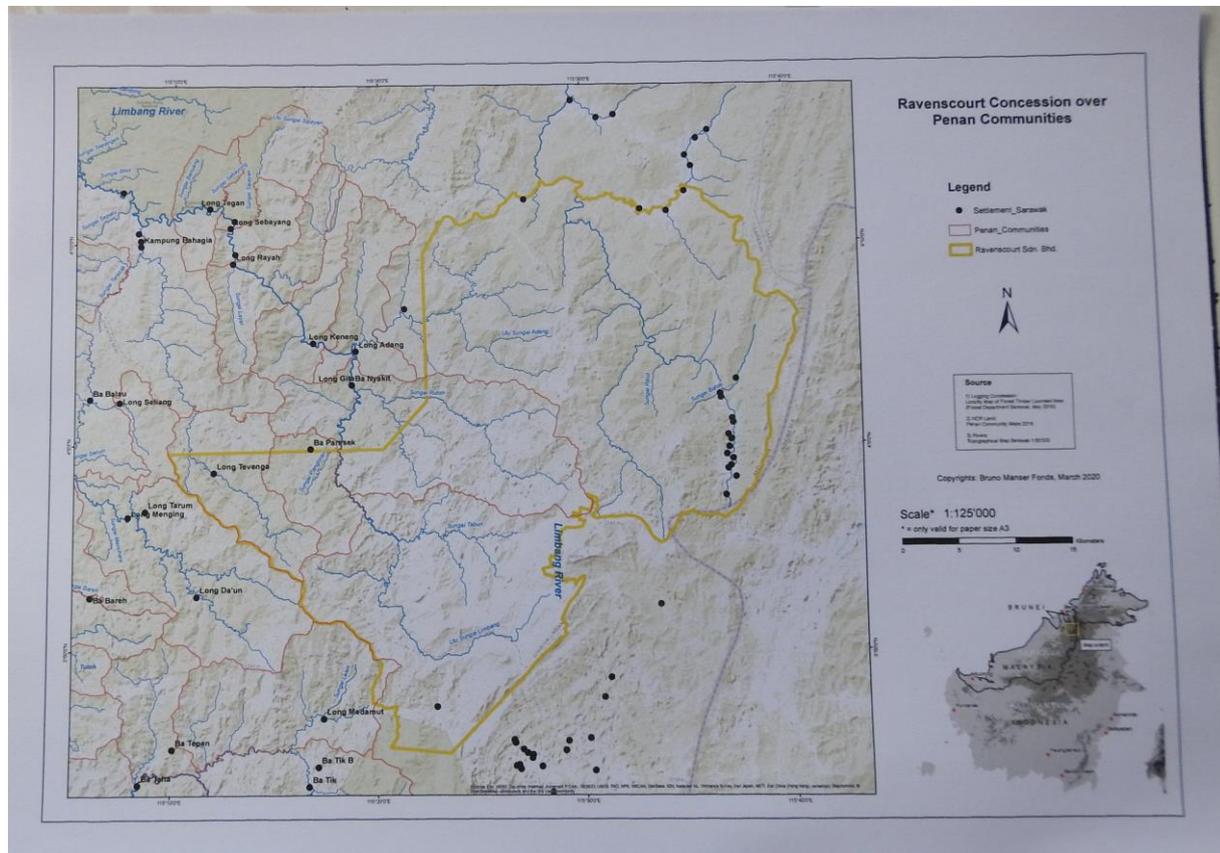
And the headmen of the Penan Limbang communities:

KEKAT NGARAN KELUNAN PENGAJAK LEM LEBO DAYAH BA LIMBANG LEKO TONG MTCS/MTCC				19 SEPTEMBER 2020
BIL	NGARAN	INEU	LEBO	UBAN BUA OJO
1	TK Selai Segah	Ketua Kaum	Long Peresek	
2	TK Melai Beluluk	Ketua Kaum	Long Nyakit	
3	TK Menit Along	Ketua Kaum	Long Gita	
4	TK Kayan Itik	Ketua Kaum	Long Adang	
5	TK Lubet Uyan	Ketua Kaum	Long Keneng	
6	TK Kelawing Ngok	Ketua Kaum	Long Rayah	
7	TK Jalong Ngok	Ketua Kaum	Long Tegan	
8	TK Peng Megut	Ketua Kaum	Long Tevenga	
9	TK Guman Megut	Ketua Kaum	Long Daum	

KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



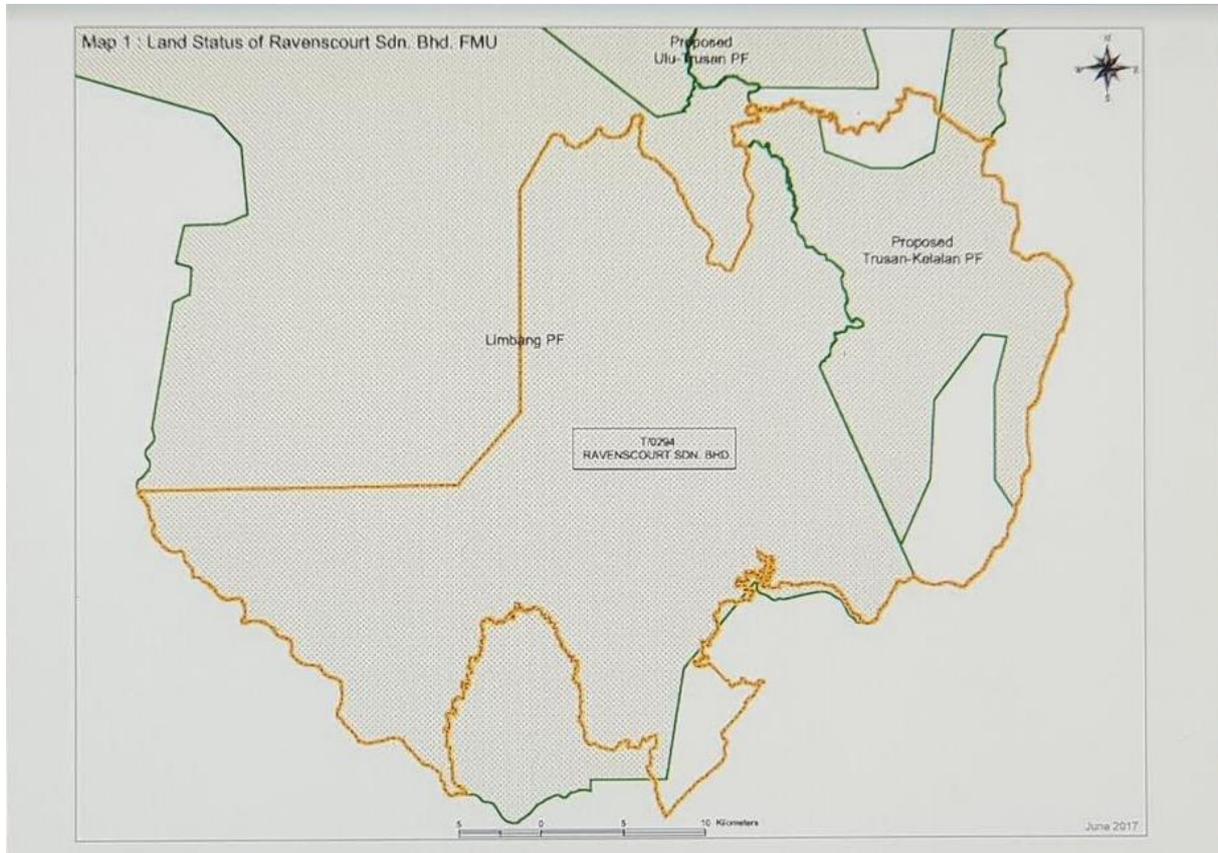
And the headmen of the Penan Limbang communities:



KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



And the headmen of the Penan Limbang communities:



KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



And the headmen of the Penan Limbang communities:



KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



And the headmen of the Penan Limbang communities:

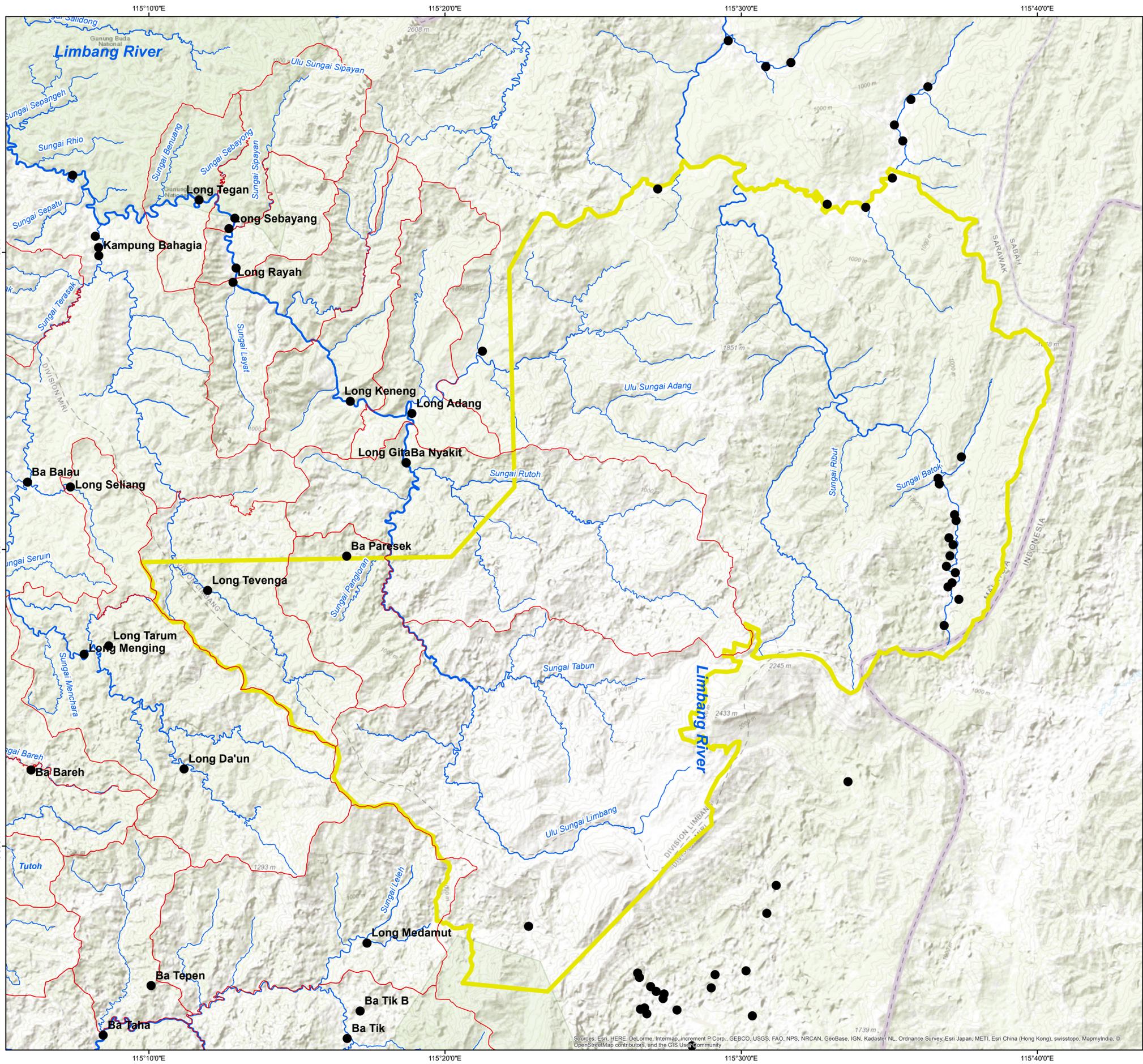


The Stems that are not mature enough to be cut down before they can be brought to the factory are already bad. Logs being dumped a log pond Picture. Samling Camp Merarap, Lawas. 19 September 2019

Copy.

CC .

Samling



Ravenscourt Concession over Penan Communities

Legend

- Settlement_Sarawak
- Penan_Communities
- ▭ Ravenscourt Sdn. Bhd.



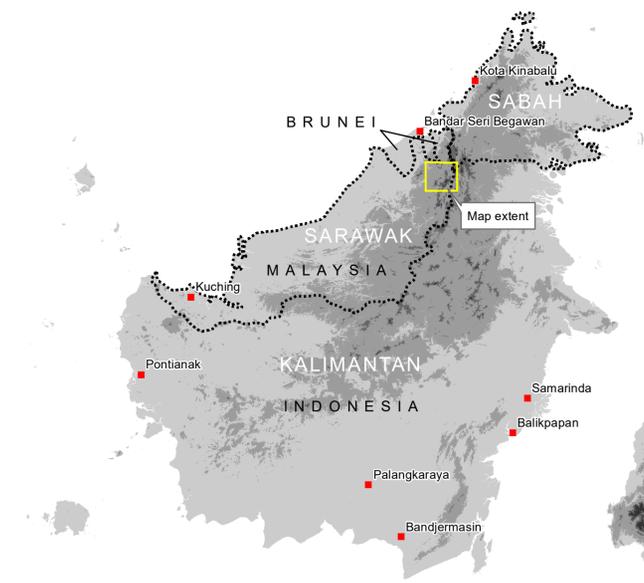
Source

- 1) Logging Concession: Locality Map of Forest Timber Licensed Area (Forest Department Sarawak, May 2010)
- 2) NCR Land: Penan Community Maps 2018
- 3) Rivers: Topographical Map Sarawak 1:50'000

Copyrights: Bruno Manser Fonds, March 2020

Scale* 1:125'000

* = only valid for paper size A3



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Attachment C

Community letters regarding Suling-Sela'an FMU

- Letter of communities from the Upper Baram Forest Area to the Director of Forests, 28/8/2019, "Request to halt logging the remaining primary forest of Upper Baram Area (UBFA)"
- Letter of SAVE Rivers und KERUAN to SIRIM, 14/11/2019, "Consultation of Baram communities for certification of sustainable forest management"
- Letter of KERUAN to Samling, 23/6/2020, "Concerns with MTCS certification process for Suling-Sela'an FMU"
- Letter of Penan headmen and KERUAN to SIRIM, 1/8/2020, "Concerns with MTCS certification process for Suling-Sela'an FMU"

% Peduduk Kampung UBFA
No. 9390, Lorong 5
Jalan Dato Permaisuri 3E
Bandar Baru Permyjaya
98100 Miri, Sarawak

Encik Hamden Bin Mohammad

Pengarah Perhutanan

Jabatan Hutan

Bangunan Wisma Sumber Alam

Jalan Stadium, Petra Jaya 93660

Kuching, Sarawak, Malaysia

28hb Ogos 2019

Tuan,

PERMINTAAN UNTUK MENGHALANG AKTIVITI PEMBALAKAN DI KAWASAN HUTAN PRIMER ULU BARAM (UBFA)

Kami penduduk kampung yang menandatangani surat ini, berasal dari Kawasan Hutan Ulu Baram (UBFA) (kawasan yang telah mendapat mandat kerajaan untuk dijadikan hutan komuniti), meminta jabatan tuan untuk menghentikan semua aktiviti pembalakan yang berlaku dalam zon ini. Jika dirujuk pada peta yang disertakan bersama, jumlah hutan primer yang tinggal hanyalah 28% dari jumlah keseluruhan, 283,500 hektar.

Ketua Menteri Sarawak, Datuk Patinggi Abang Johari Tun Openg, ketika menyambut ulang tahun ke-45 Perbadanan Kemajuan Perusahaan Kayu Sarawak (PUSAKA) pada 26 Januari 2019, mengumumkan bahawa matlamat kerajaan adalah untuk memelihara hutan simpan sebesar 1,000,000 hektar menjelang tahun 2020 merupakan langkah murni yang menyumbang ke pemuliharaan kawasan hutan kami.

Kami sedia maklum bahawa beberapa syarikat pembalakan telah diberi Pajakan Sementara (Provisional Lease), namun, seperti yang tertera di dalam peta, UBFA terletak di antara Taman Negara Pulong Tau, Sarawak dan Taman Negara Kayan Mentarang di Kalimantan, Indonesia. Ini menjadikan kawasan UBFA sesuai untuk dijadikan koridor biodiversiti hidupan liar.

Mengikut laporan The Star Online, 22 Januari 2019, ketika Ketua Menteri, Abang Johari merasmikan Perundingan Berkepentingan bagi mengkaji semula polisi yang dicadang, beliau berkata, "Undang-undang dan polisi lapuk akan dikaji semula bagi memastikan bahawa ianya selari dengan perkembangan terkini dan adalah amalan yang terbaik". Beliau kemudian menyambung, "Kerajaan negeri akan juga memastikan kesemua polisi yang berkaitan dengan perhutanan adalah komprehensif dengan mengambil kira fungsi hutan dari segi ekonomi, persekitaran dan juga aspek sosial.

Merujuk perkara diatas, cuma 28% dari 283,500 hektar adalah hutan primer yang tinggal di daerah Baram, maka, adalah kritikal untuk memelihara dan menghalang semua aktiviti pembalakan dan

industri yang membinasakan di kawasan ini. Kami meminta pihak tuan untuk memahami dan bekerjasama menangani masalah ini.

Kami mengiktiraf dan berterima kasih kepada Ketua Menteri Abang Johari dan juga kerajaan negeri kerana ingin mengekalkan sekurang-kurangnya 50% kawasan liputan hutan dan juga untuk menjana sumber pendapatan alternatif melalui penjualan karbon dan eko-pelancongan dari hutan,

Kami amat bersyukur dengan arwah Ketua Menteri, Adenan Satem kerana beliau menyokong UBFA dan dalam ucapan beliau ketika berada di Persuruhjaya Tinggi Malaysia, London pada Isnin, 4 Mei 2015, Adenan menekankan komitmen beliau terhadap kelestarian industri balak dan memanggil NGO untuk membantu bagi memulakan perubahan yang penting.

Adalah diharap kita dapat bekerjasama untuk mencapai matlamat pemuliharaan dan pembangunan lestari.

Terima kasih.

Sekian,

C.C., Chief Minister of Sarawak, YB Dato Gerawat Gala, YB Tuan Anyi Ngau, Sarawak Forestry Corporation, SAVE Rivers,
KERUAN

Enclosed: Upper Baram Forest Area map and timber concession map

PERMINTAAN UNTUK MENGHALANG AKTIVITI PEMBALAKAN DI KAWASAN HUTAN PRIMER ULU BARAM (UBFA)

% Villagers of UBFA
No. 9390, Lorong 5
Jalan Dato Permaisuri 3E
Bandar Baru Permyjaya
98100 Miri, Sarawak

En. Hamden Bin Mohammad
Director of Forests
Forest Department Sarawak
Bangunan Wisma Sumber Alam
Jalan Stadium, Petra Jaya 93660
Kuching, Sarawak, Malaysia

28th August 2019

Sir,

REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

We the undersigned villagers from the proposed Upper Baram Forest Area (UBFA) (the area which has been endorsed by the government as community forest) are requesting for your department to halt all logging activities within the zone. Based on the map attached herewith the remaining virgin forest is only 28% of the total area of 283,500 hectares.

In order to realise the government's target of conserving 1,000,000 hectares of totally protected forest by the year 2020, we believe that conserving this area will contribute to this noble task; which was announced by Yang Amat Berhormat, the Chief Minister of Sarawak, Datuk Patinggi Abang Johari Tun Openg, during the 45th anniversary of Sarawak Timber Industry Development Corporation (STIDC) on Saturday, 26th January 2019.

We note that the whole area had been given Provisional Lease to logging companies. However, as shown in the attached map, the UBFA is located between Sarawak's Pulong Tau National Park and the Kayan Mentarang National Park in Kalimantan, Indonesia. This is an ideal situation making the UBFA a wildlife corridor promoting biodiversity.

As reported on The Star Online on 22nd January 2019 when he opened the stakeholders' consultation on the proposed policy review in Kuching, the Chief Minister, Abang Johari was quoted as saying, "Obsolete laws and policies will be reviewed to ensure they are in line with the current developments and best practices". He continued, "The state government will also ensure that forestry-related policies will be comprehensive, taking into account all forestry functions from the economics, environmental and social aspects".

Since the above stated 28% of the total area of 283,500 hectares is the only remaining virgin forest in the whole of Baram district, it is critical that it is conserved and that all logging and any other destructive industries are prohibited in the area. We seek your kind understanding and collaboration on this matter.

We acknowledge and thank the Chief Minister Abang Johari and the Sarawak government for wanting Sarawak to remain green with at least 50% of forest cover and to generate alternative revenue sources such as carbon trading and ecotourism from the forest.

We are also grateful to the late Chief Minister Adenan Satem, for endorsing UBFA and in his speech at the Malaysian High Commission in London on Monday 4th May 2015, Adenan reiterated his commitment towards sustainability in the timber industry and called on NGOs to assist the state with the necessary reform. (The Star Online, Tuesday 5th May 2015)

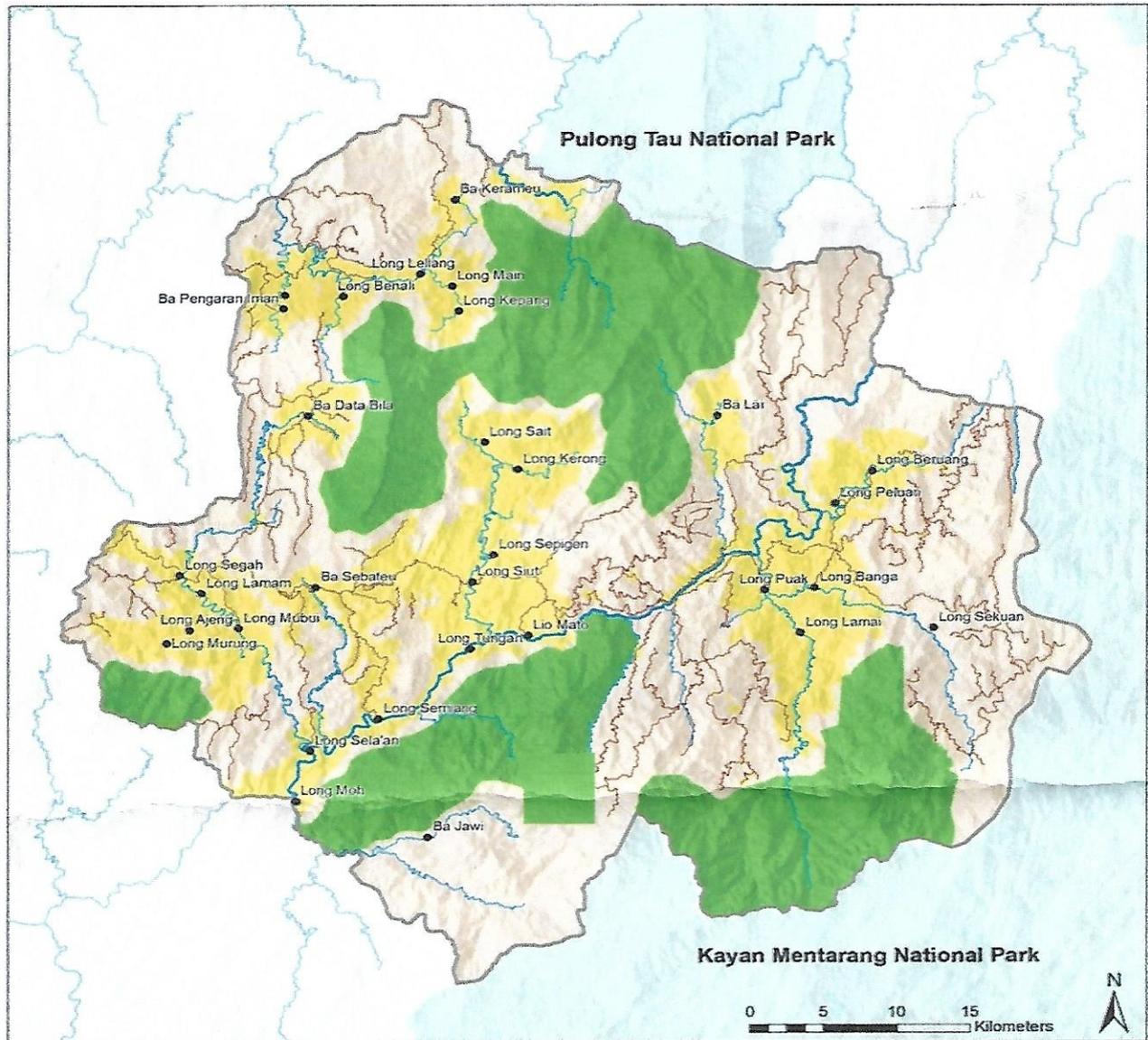
We look forward to working closely with you to reach our common goal for conservation and sustainable development.

Thank you.

Regards,

*C.C., Chief Minister of Sarawak, YB Dato Gerawat Gala, YB Tuan Anyi Ngau, Sarawak Forestry Corporation, SAVE Rivers,
KERUAN*

Upper Baram Forest Area Map

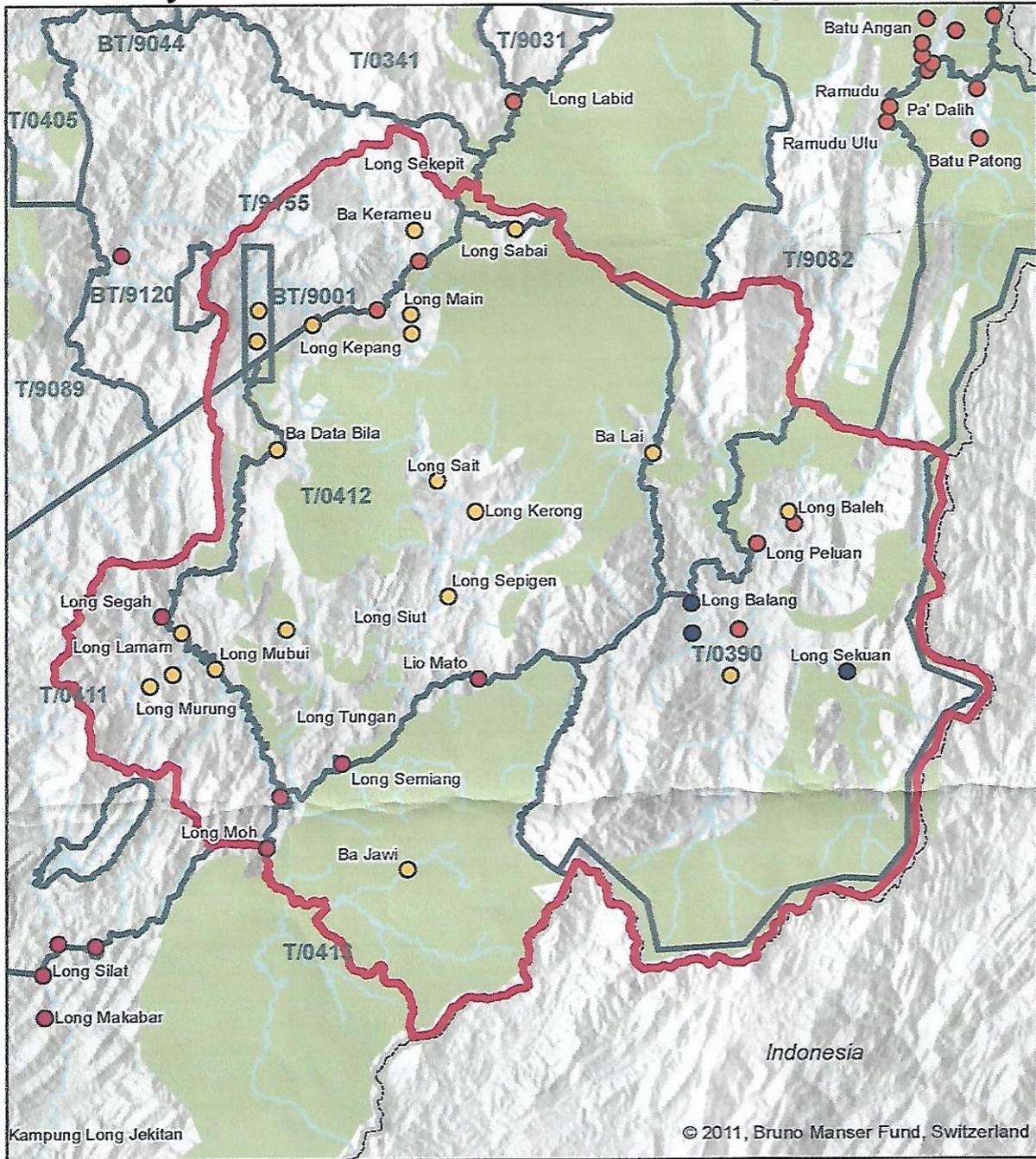


- 28% Primary Forest
- 49% Degraded Forest
- 23% Agricultural Forest

C.C., Chief Minister of Sarawak, YB Dato Gerawat Gala, YB Tuan Anyi Ngau, Sarawak Forestry Corporation, SAVE Rivers, KERUAN

REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

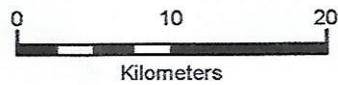
Primary forest and timber concessions in the Upper Baram Area



Ethnic Groups

- Eastern Penan
- Kenyah
- Kelabit
- Saban

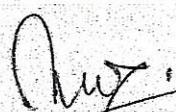
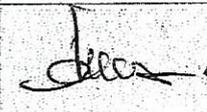
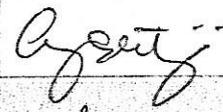
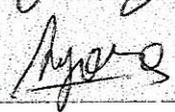
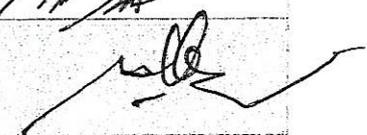
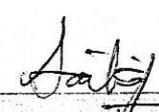
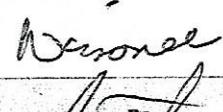
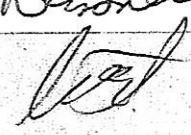
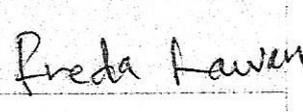
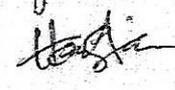
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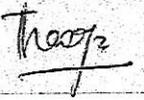
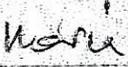
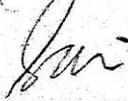
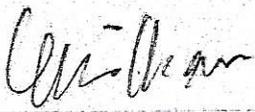
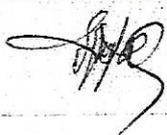
- Baram Peace Park
- Timber concessions
- Primary forest
- Border Malaysia/Indonesia
- Rivers

© 2018, Bruno Manser Fund, Switzerland

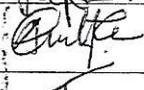
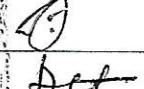
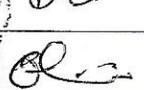
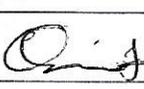
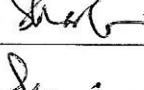
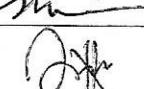
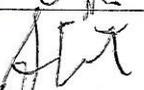
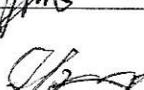
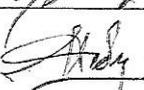
REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

No.	Full Name	Village	Signature
1	IC 580426135695 ANYE JALAN	LONG BANGA	
2	700217-13-5895 MUNANI KASENG	LONG BANGA	
3	760310-13-5122 MARY JALAN	LONG BANGA	
4	730321-13-6289 ANU ADI Tuan	Long Banga	
5	LYONER RICHELLE	Long Banga	
6	PHILLIPUS KASENG	LONG BANGA	
7	610504-13-5055 MUSA LALE	LONG BANGA	
8	610727.13.5319 LAWAI LIHAN	LONG BANGA	
9	710124135385 KENNEDY KARANG	LONG BANGA	
10	730517-13-6037 NIXON ISANG	u	
11	RICKY LHA 841120-13-6647	Long Banga	
12	540818-13-5639 Gabriel Nelson	Long Banga	
13	550813-13-5364 Freda Lawan	Long Banga	
14	630505-13-5565 Ronald Nyipa Azot	ly Banga	
15	870831-52-6361 Harrison Ronald	Long Banga	

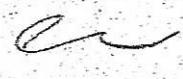
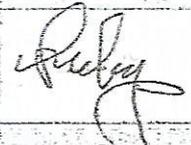
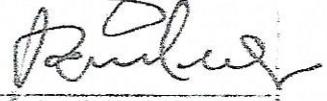
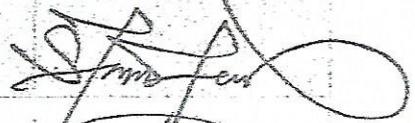
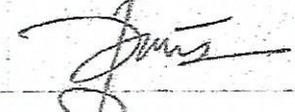
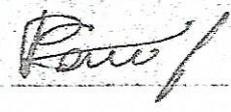
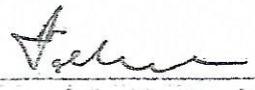
REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

No.	Full Name	Village	Signature
16.	NORMAN BALAN (800227-13-5862)	Lg. Banga	
17.	Langai Maran	Lg. Banga	
18.	TEBITA BALAN 760209-13-6024	Lg. Banga	
19.	PHILIP LIWAN 721020 13 5421	L6 BAWSA	
20	671231-13-6900 MARIA ERANG	Lg BANGA	
21	596814-13-5729 APPA PAWAN	Lg. Banga	
22	850419 13 5571 BROERY SERAN	Lg Banga	
23	ZALU LAWAN 590823-13-5743	LG BANGA	
24.	BAI BILONG 800612-13-6204	LONG BANGA	
25	Suli tengam 750903 13 5391	Lg Banga	
26.	WILLIAM LAWAI 650525-13-6387	LONG BANGA	
27	GERRY BALAN 701118-13-5843	LONG BANGA	
28	YUS BRISA 690627-13 5913	LONG BANGA	
29	PRESEY 845830-13-6415	LONG BANGA	
30	KYRON UANG 681012-13-6025	LONG BANGA	

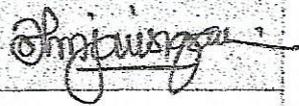
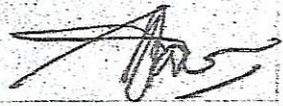
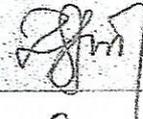
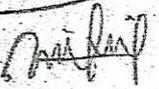
REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

BIL.	NAME	IC NUMBER	VILLAGE	SIGNATURE
31	Cawai Lenjan	801206135809	Lg. Banga	
32	Cathrine Jayit	801108136418	Lg. Banga	
33	Mariany Dan	780904-13-4906	Lg. Banga	
34	Lingling Lenjan	680474-13-5411	Lg. BANGA.	
35	Ujal Jalan	841112135947	Lg Banga	
36	Laway Lahang	585112-13-5329	Lg Banga	
37	Dan Nyik	500417-13-5616	Lg BANGA.	
38	Anu Bilong	760717-13-6098	Lg Banga.	
39	Jeffrey Cajan Lebong	620822135877	Lg bangga	
40	Dika Sigar	710330135462	Lg Banga.	
41	Olivia Cajan	840829135896	Lg Banga	
42	Clinton Cajan	930528136645	Lg Banga	
43	Cystra Cajan	890113136164	Lg bangga	
43	Shinia Steven	041225131046	Lg Banga	
44	Madeline Steven	060412131096	Lg Banga	
45	NOVBINSON ELLIA	831108-13-6653	Lg Banga	
46	AVIT JOK	491105-13-5323	Lg Banga	
47	Jalong Laing	850716-13-5781	Lg Banga	
48	Eliq Bilong	571228-13-5163	Lg Banga	
49	Thalay Bilong	610815-13-5871	"	

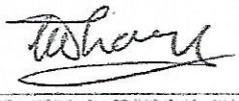
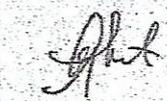
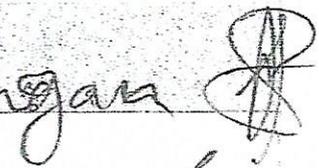
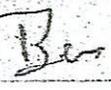
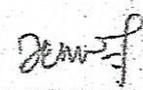
REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

No.	Full Name	Village	Signature
1.	Dawa Awyi	Lio mato	
2.	hembong Belawa	Lio mato	
3.	Serang Bilong	Lio Mats	
4.	Pandus Nyok	Lio mato	
5.	Rebecca solo	" "	
6.	Tipang Jalang	Lio mato	
7.	Ulok Jalang	Lio mato	
8.	Mathew Jabung Balu	Lio mato.	
9.	David Bilong Jalang	" "	
10.	Huang Kui Lan	" "	
11.	Helona Long	" "	
12.	Unjung Bilong	Lio mato	
13.	Lukas Sank	Lio mato	
14.	Teben	" "	
15.	Joke Lok	" "	

REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

No.	Full Name	Village	Signature
	JOHN JAU SIGAU	Long Tungan Baram	
	Martin Lawai	Long Siut	
	Lawai ulok	Long Siut	Lawai
	Bilap pulo	Long Siut	
	KEVIN DOMINIC	Long Siut	
	Jonathan	Long Siut	tu
	Michael Uchalo	Long Tungan	
	ANYI BELULOK	Long Tungan	ny
	Henry Brown	Long Tungan	
	Robert Ngau Belulok	Long Tungan	
	Ingan Belulok	Long Tungan	
	Ulok Uchalo	Long Tungan	
	SPENCER Jalong	Long Tungan	
	Jeremia Ngang	Long Tungan	
	Irene Urai	Long Tungan	ira

REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

No.	Full Name	Village	Signature
16	Zabo Naman	Long Tungan	
17	Felicia Ulan	Long Tungan	
18	Uday	Long Tungan	
19	Anthony Belave	Long Tungan	
20	Lawrence Ajeng	Long Tungan	
21	Leo Uchat	Long Tungan	
22	Haing Lusaf	Long Tungan	
23	Bate Saput	Long Tungan	
24	Ajang Jangin	Long Tungan	
25	Leo Teling Inqay	Long Tungan	
26	Jalong Tampang	Long Tungan	
27	Mbang Belong	Long Tungan	
28	Bungan Tampang	Long Tungan	
29	Jaya Emau	Long Tungan	
30	Irene Uling Terjan	Long Tungan	

REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

No.	Full Name	Village	Signature
1.	Sig Ngedas	Loup kerong	
2.	Semar Adam	Loup kerong	Amos
3.	George ular	Loup kerong	John
4.	Awat Turay	Loup kerong	Awat
5.	John Lajan	Loup kerong	John
6.	Ruth pelubas	Loup kerong	Ruth
7.	Gabriel Lalung	Loup kerong	Gabriel

REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

No.	Full Name	Village	Signature
8.	Roslind Yakup	Loy keray	Roslind
9.	Fueda Ishak	Loy keray	Fueda
10.	Iddris Gandy	Loy keray	
11.	Jiznand Sia	Loy keray	Jiznand
12.	Fallen Ryanda	Loy keray	Fallen
13.	Francios Peng	Loy keray	Francios
14.	Dorathy Sapu	Loy keray	Dorathy

REQUEST TO HALT LOGGING IN THE REMAINING PRIMARY FOREST OF UPPER BARAM AREA (UBFA)

No.	Full Name	Village	Signature
15	Vivian Jan	Long Kerang	Vivian
16	Robert Cajo	Long Sepyem	Robert
17	Gibberts Thomas	Long Sepyem	Gibberts
18	Lungar Tugang	Long Sepyem	Lungar
19	Mahmud Amat	Long Sepyem	Mahmud
20	Servia Murey	Long Sepyem	Servia
21	Thomas Peltan	Long Sepyem	
22	Tkong Lawig	Long Kerang	

C/O : Save Rivers,
Lot 1271, 2nd Floor,
Centerpoint Commercial Center,
98000 Miri, Sarawak.

Prof. Ir. Dr. Ahmad Fadzil Mohamad Hani,
President and Group Chief Executive,
SIRIM Berhad,
1, Persiaran Dato' Menteri, P.O. Box 7035
Section 2, 40700 Shah Alam, Selangor.

14th November 2019

Dear Prof. Ir. Dr. Ahmad Fadzil Mohamad Hani,

Subject: Consultation of Baram communities for certification of sustainable forest management

We are aware that SIRIM has held community consultations on the renewal of logging concessions for the Baram Area, Northern Sarawak. Our organisations have close relationships with the communities in the Baram Area and we would like to make sure that the communities are fully aware of the ongoing renewal of the logging concessions and the related certification. They should all get a chance to voice their opinion.

In the Upper Baram Area, the communities and the government are currently working on a community-based development and conservation project, the Upper Baram Forest Area. The project was proposed by Malaysia to the ITTO and is currently being evaluated by the ITTO. We hope to soon start the implementation. In a letter dated from 28th of August 2019 (see attached), community representatives asked the Chief Minister to halt the logging in that area. We would like to ask SIRIM to respect the communities wishes and remove the area from logging concessions and re-certification.

Furthermore, in order to have full transparency on the ongoing certification, we would like to request the following information that we will share with our partner communities in the Baram Area:

- All forest Management Plans completed by companies for the Baram Area
- Information about the procedure and standards of the concession renewal/certification for sustainable forest management
- Information about how a community can stop logging in their territory

A large number of Penan communities as well as the Kenyah Jamok communities have mapped their territories within the Baram Peace Park Area. The resulting maps indicate the historical presence of these communities in the area. We will deliver a set of the maps to the SIRIM Sarawak Branch next time we are in Kuching.

We are also available for a meeting to discuss these matters.

Please contact us at saveriversnet@gmail.com and selungo@gmail.com for further communications.

Yours sincerely,



Peter Kallang,
Chairman of SAVE Rivers



Komeok Joe,
CEO of Keruan

*C.C., SIRIM Sarawak Branch, Datu Hamden Bin Haji Mohammad (Director of Forests Sarawak)
Enclosed: Letter by community representatives to the Sarawak Chief Minister on timber concessions,
dated 28th of August 2019*

KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



Chief Forester
David John Marsden
Wisma Samling,
Lot 296, Jalan Temenggong Datuk Oyong Lawai Jau,
98000, Miri Sarawak,
Malaysia

Miri, June 23 2020

Re: Concerns with MTCS certification process for Suling-Sela'an FMU

Dear Mr. Marsden

I am the head of KERUAN, an organisation supporting Penan communities in Sarawak. We have learnt that Samling is in the process of obtaining the certification for sustainable forest management according to the Malaysian Timber Certification Scheme (MTCS) for the Suling-Sela'an Forest Management Unit. I am writing this letter to express the communities concerns and request information.

We at KERUAN are in close contact with the Penan communities within the Suling-Sela'an FMU. The communities are worried about the upcoming certification. These communities have repeatedly expressed their will to protect their forest and land from logging. During my last visit to the area in early March this year, the communities confirmed their position again: They demand that their area is excluded from any logging activities.

These communities within the Suling-Sela'an FMU and the government are currently implementing a community-based development and forest conservation project, the Upper Baram Forest Area. Malaysia has proposed the project to the ITTO, who is currently evaluating the project idea. The protection of the forest within the Suling-Sela'an FMU is pivotal for the success of the Upper Baram Forest Area. Without these intact forests, it will not be possible to secure international funding for the project.

As the consultations in the process of certification of the Suling-Sela'an FMU for MTCS are coming closer, the communities asked me to express their rejection of logging in their area.

KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



Furthermore, KERUAN requests more information on the MTCS certification. Specifically, we would like to raise the following question:

- What is the status of the certification process for the Suling-Sela'an FMU? What is the timeline for the MTCS certification process?
- The MTCS requires the free, prior and informed consent of the affected communities and the respect for customary rights. Will the consultation be in good faith, so that communities actually will have a chance to protect their forests from being logged? How does Samling guarantee the free, prior and informed consent of the communities?
- How is Samling intending to respect indigenous customary rights to land in the management of the FMU under MTCS?
- Is Samling aware of the Upper Baram Forest Area of the government and ready to protect it?

Finally, we request to receive copies of any completed Environmental Impact Assessments (EIAs) as well as Social Impact Assessments (SIA) for the Suling-Sela'an FMU in order to discuss the findings with the affected communities.

I am looking forward to your response.

Yours sincerely,

Komeok Joe
CEO of KERUAN

Copies to:

- Khairul Najwan bin Ahmad Jahari, auditor SIRIM

KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



Mr Khairul Najwan Bin Ahmad Jahari
Auditor SIRIM
Sirim Berhad
1 Persiaran Dato Menteri
P.O.Box 7035 section 2,40700
Shah Alam,Selangor Malaysia
[Tel:\(603\) 4455600](tel:6034455600)

01.August 2020

Re: Concerns with MTCS certification process for Suling-Sela'an FMU

Dear Mr. Khairul Najwan

I am the head of KERUAN, an organisation supporting Penan communities in Sarawak. We have learnt that Samling is in the process of obtaining the certification for sustainable forest management according to the Malaysian Timber Certification Scheme (MTCS) for the Suling-Sela'an Forest Management Unit. I am writing this letter to express the communities concerns and request information.

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As the consultations in the process of certification of the Suling-Sela'an FMU for MTCS are coming closer, the communities asked me to express their rejection of logging in their area. Furthermore, KERUAN requests more information on the MTCS certification. Specifically, we would like to raise the following question:

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- How is Samling intending to respect indigenous customary rights to land in the management of the FMU under MTCS?
- Is Samling aware of the Upper Baram Forest Area of the government and ready to protect it?

Finally, I request to receive copies of any completed Environmental Impact Assessments (EIAs) as well as Social Impact Assessments (SIA) for the Suling-Sela'an FMU in order to discuss the findings with the affected communities.

I am looking forward to your response.

Yours sincerely,



Komeok Joe
CEO of KERUAN

KERUAN
LOT 4072, Lorong 24, Jalan Kuching,
Timur 3, Taman Tunku Miri,
Sarawak
Email: selungo@gmail.com



No.	NAME	Villages	Signatures
1.	TK Bian Belare	Long Lamai	
2.	WTK Husin Gang	Ba Jawi	
3.	TK Ali Pet	Long Lai	
4.	TK Tirong Lawing	Kerong	
5.	TK John Oyau	Long Sait	
6.	MTK Bilong Oyau	Long Sait	
7.	WTK Aya Luding	Long Sabai	
8.	WTK Thomas Pelutan	Long Sepigen	

9. TK Juta Yok

Ba Sebateu



10. TK. Balang Toi

Long Lamam



11. TK Jawa Nyipa

Long Ajeng



12. TK Lukas Teliap

Long Murung



13. WTK Agung Abeng

Long Mubui



14. WTK Lahang Deng

Ba Data Bila



15. TK Ah Lirong

Ba Pengaran Kelian



16. TK Ali Toi

Ba Pengaran Iman



17. WTK Henission P Bujang

Long Benali



18. TK Robert. Batuh

Long Kepang



19. TK Palipus Paren

Ba Kerameu



Attachment D
Press releases of SAVE Rivers and the Bruno
Manser Fund

SAVE RIVERS

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Date: 22rd June 2020

PRESS RELEASE

Title: Certification without compliance: Flawed timber certification process violates indigenous rights

Certification for logging giant Samling's Gerenai Forest Management Unit in the Baram region issued without meeting the requirements outlined by the Malaysian Timber Certification Scheme.

Miri, Sarawak—Communities in the Baram region are calling for the 148,000 hectare Gerenai Forest Management Unit certification to be cancelled after it was revealed that the certification authority SIRIM and the timber company Samling pushed through the permit during the COVID crisis, knowing that objecting communities had not been consulted.

“This certification is supposed to guarantee that Samling followed the Malaysian and international standards for timber, so that the timber can be sold off in European countries and Japan,” explains Sim Kit Chui, Public Relations Officer for Samling. “Without this certification they won't be able to sell any of that timber.”

According to the Malaysian Timber Certification Scheme (MTCS) guidelines, ‘Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free, prior and informed consent to other parties.’ According to the MTCS procedure, Samling is required to consult all communities affected by prospective logging. In reality, Samling conducted inadequate consultations with most communities in the Gerenai concession and failed to consult two objecting communities entirely.

Long Semiyang, a Kenyah village in the upper Baram was technically consulted, but Samling's superficial process meant that the community at large had no understanding of what was being agreed to. “Why did SIRIM give the certification for Gerenai when the villagers don't know anything about it?” asks Danny Lawai Kajan from Long Semiyang. “We don't know what the certificate is for. This is very wrong and not the proper way to do things. There is supposed to be a meeting asking for the villager's opinions, whether they agree to it or not.”

Far from consenting to the concession, the Kenyah Jamok village of Long Tungan and the Penan village Ba Jawi have both actively opposed its application to their lands.

Long Tungan is particularly concerned about threats to its communal reserve forest, the Ba'i Keremun Jamok. According to Jamok community leader John Jau Sigau, “No one is allowed to cut any tree or hunt in the Ba'i Keremun Jamok unless agreed to by the whole Jamok community. This preserves the plants and animals for future generations.”

Long Tungan has repeatedly expressed a desire to both SIRIM and Samling that it wants to protect its forests. “We are very worried about Samling's logging activities in our area,” Jamok leaders wrote in a February 2020 letter to a senior Samling official. “In 2018, Samling illegally entered our communal forest for logging. At that time we discussed with representatives of Samling that we want to protect the remaining forests in our area. We are ready to discuss the matter with representatives of Samling”

The Samling official dismissed the Jamok letter in early March, replying via email that “matters concerning allocation of forest areas, proposed land use, etc, are government issues over which Samling has no jurisdiction”. This dismissal was in contravention of the MTCS guidelines and demonstrates the unwillingness of the company to take into consideration indigenous concerns.

“What is the point in going through the proper administrative channels to simply have your complaints ignored?” says John Jau Sigau. “We are working hard on a community conservation and ecotourism initiative to create long term sustainable jobs in our forests, not to chop it all down for short term gain.”

In a letter addressed to the same senior Samling official, Penan leaders from Ba Jawi also wrote, “We have neither been informed about the ongoing certification process nor consulted. We are currently working to establish the upper Baram Forest Area. We do not agree with logging activities in our forest and request Samling to stop logging on our land.”

“The Malaysian Timber Certification Scheme is supposed to protect indigenous rights,” explains SAVE Rivers Chairman Peter Kallang. “But the story of Gerenai is just one of the many examples that demonstrate how the system is toothless in practice. Even when Samling does consult communities the process is totally inadequate. If the MTCC does not follow its own guidelines it is pointless at best and a serious human rights violation at worst.”

SAVE Rivers stands with the Gerenai Community Rights Action Committee in calling on Samling to release the Environmental Impact and Social Impact Assessments for the Gerenai concession to affected communities as a matter of urgency. SAVE Rivers stands with Baram communities in calling for SIRIM and the Malaysian Timber Certification Council to withdraw their certification until indigenous rights and concerns are heard, understood and respected.

END OF RELEASE

NOTE: Attached herewith please find the following:

1. **Soft Copy of the**
 - a. **Certificate for Forest Management (Natural Forest) issued to Samling Plywood (Miri) Sdn. Bhd.**
 - b. **PDF Copy of the Press Statement**
 2. **Pictures**
 - a. **Danny Lawai Kajan**
 - b. **John Jau Sigau**
 3. **Voice recording of explanation for the Certificate by a representative of Samling, Sim Kit Chui**
-

SAVE Rivers is a Civil Society Organisation which advocates for and empowers rural communities to protect and restore lands, rivers and watersheds through research, training and capacity building. For queries please contact: manager@saverivers.org or head to saverivers.org

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FOR IMMEDIATE RELEASE

DATE: 15th SEPTEMBER 2020

STOP THE CHOP: BARAM COMMUNITIES CALL FOR AN END TO CERTIFICATION OF CONFLICT TIMBER

Communities within the Gerenai FMU were not properly consulted for the sustainability certificate, contrary to such claims by MTCC – SAVE Rivers is launching online petition to stop the chop

MIRI - In August 2020, Malaysia Timber Certification Council (MTCC), an organisation that operates the Malaysia Timber Certification Scheme (MTCS), posted a response on their website to SAVE Rivers's press release "[Certification Without Compliance](#)" two months after it was published. In [their article](#), they claim the report by SAVE Rivers was false, stating that SAVE Rivers does not understand the process involved. MTCC brushed off community concerns about the certification based on the assertion that they did not receive any complaints from those affected.

Multiple complaints were made by multiple communities in the form of letters to relevant stakeholders. The reason no complaints were made through the MTCC complaints system was because the communities had no idea it existed. Communities have been trying every possible channel to challenge the Gerenai concession but their complaints have fallen on deaf ears.

In early March, prior to the Movement Control Order, the Long Tungan community wrote a letter addressing it to David Marsden, Chief Forester of Samling seeking explanation for the forest management certification. Unfortunately, he denied his involvement in the process and did not offer further assistance. Instead, he said, "matters concerning allocation of forest areas, proposed land use, etc, etc, are government issues over which Samling has no jurisdiction. Such matters should be addressed directly to the Director of Forests."

Neither the Forest Department nor the certification body SIRIM, who received copies of the letter to Samling, responded. The MTCC website does not provide a comprehensive complaint mechanism, either. Consequently, the communities do not understand to whom a complaint should

be addressed.

MTCC [claims in their statement](#) that 18 (out of 22) villages were consulted but it is unclear how many people were present in each village or what percentage of village inhabitants were consulted. The timing for consultations is also questionable. The only time the whole village will get together is during a celebration such as Christmas. If consultations were conducted during the non-festive season with only elders left in the villages then it is doubtful there was a genuine understanding of the situation and whether those who attended understood what they were giving consent to.

MTCC [defines](#) free, prior and informed consent as:

A decision-making process that does not involve coercion/undue influence/manipulation (free), is made before activities are undertaken (prior), is founded upon a clear understanding (informed), and involves granting or withholding consent (saying 'yes' or 'no') to an activity, programme or policy (consent). In the FPIC process, consent is to be understood based on the definition of the term "consensus".

Informing a community about a project is not the same thing as consent. Speaking with a handful of representatives from a village is not consensus. Folks in the Baram area are culturally hospitable and friendly but don't misinterpret their kindness as consent.

Several community members have reached out to SAVE Rivers, stating that consultations were inadequate.

Danny Lawai from Long Semiyang said: "We in Long Semiyang were not consulted. I've asked my fellow villagers, they said that they have not even heard about the proposal for the certification of the Gerenai FMU, let alone being consulted."

The former headman from Tanjung Tepalit Lepo Gah, James Nyurang, said: "Our headman was called for a briefing with Samling at kilo 10. They asked him for cooperation on the certification, but the community was never called or informed. A few representatives from the Gerenai management once came to our village. They wanted to meet our headman who was not around. I gathered a few people from the village to discuss with them. We were told that a survey was conducted. But we questioned the thoroughness of the survey, as they only identified one salt spring in the whole area. They avoided answering, but instead they told us that our question will be relayed to the higher authority. Unfortunately, that was the last time we saw them and till now we have yet to hear anything. We request from the people in charge to meet and consult the people properly and to do an accurate survey of the area."

"None of us in Long Tungan were ever visited by anyone from MTCC. We were never

consulted from the start and were not aware of this certificate. We are against this but we have difficulty to voice it out. How can they say that we have given our free, prior and informed consent? Who had given them the permission?” lamented John Jau from Long Tungan.

As the news has been getting a lot of attention, in both local and international news since it was first published, SAVE Rivers is now launching an online petition, called “STOP THE CHOP”, to garner support to stop logging in the Gerenai. Signup can be done on SAVE Rivers website, saverivers.org/stopthechop

As the one who operates this certification, MTCC should be aware that the community is unhappy with the forest management system. Even if they claimed that consultations have been conducted, these consultations have been received poorly by the community. It is best that the issue be discussed out in the open with all the relevant parties so all questions can be answered and made public. Whatever the outcome be, MTCC and Samling should respect and listen to local voices in the Baram region.

END OF RELEASE

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For queries please contact: manager@saverivers.org or head to saverivers.org

1 October 2020 – for immediate release

Penan communities appalled by timber certification issued without their knowledge

Penan communities from the Limbang area only learnt about the issuance of a timber certificate affecting their area two years after the fact – they now demand respect of Free, Prior and Informed Consent

(MIRI / SARAWAK / MALAYSIA) This July the Penan communities of the Upper Limbang area in Northern Sarawak were shocked to learn that in 2018 Samling received a certificate for sustainable forest management of its Ravenscourt Forest Management Unit (FMU), which includes the communities' territories. In a letter to the Malaysian certification body SIRIM, who granted the certificate, the affected communities have asked Samling and SIRIM to respect their opposition to logging. In the letter, they also point out that the company in no way obtained their Free, Prior and Informed Consent as requested under the Malaysian Timber Certification Scheme (MTCS).

Ketua Baru from Long Adang expressed his communities' disappointment: *“Regarding the MTCS given by SIRIM to Samling - although MTCS is Sustainable Logging - as long as the company cuts down the forest in our area, we do not agree. Samling Company and also SIRIM never explained nor told us about the MTCS Logging Certificate given to Samling. If we, the Penan of Ba Nyakit, Long Gita, Long Peresek, Long Tevenga, Long Da'un and Long Adang, had known this from the beginning, we would not have agreed.”*

The affected Penan communities only learnt of the certificate because of a re-evaluation, which happened during the Movement Control Order this July. They did not attend the meeting, as they did not understand its purpose. They also explained that they were unwilling to go to the meeting because of the Covid-19 pandemic.

Komeok Joe, the CEO of the Penan organisation KERUAN, explained the Penan's rejection of logging in the area: *“These communities have repeatedly expressed that they do not want logging on their land. They depend on the forest for their livelihoods as well as for their cultural and spiritual survival. The Malaysian Timber Certification Scheme is only credible if it respects its own principle of Free, Prior and Informed Consent. I would like to know how Samling, SIRIM and the Malaysian Timber Certification Council (MTCC) plan to ensure that the communities' will is respected.”*

This is the latest in Samling's series of shortcomings informing and consulting communities affected by their ongoing MTCS certifications. Local NGO SAVE Rivers has been criticizing the lack of Free, Prior and Informed Consent for the certification of the Gerenai Forest Management Unit in the Middle Baram Area. The petition #StopTheChop brings the breach of regulations to the attention of PEFC, the international certification body: <https://saverivers.org/stopthechop/>

- Ends -

For further information and more statements, please contact Komeok Joe, head of the Penan organisation KERUAN: +60 19-898 6788

The Swiss-based **Bruno Manser Fund** (BMF) is committed to protecting the threatened tropical rainforests and the rights of the indigenous peoples, especially in Sarawak, Malaysia.

Please contact us for more information:

Bruno Manser Fund

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4th of October 2020

For immediate release

BOGUS CONSULTATION PROCESS FOR TIMBER CERTIFICATION

For many years my organisation, [SAVE Rivers](https://saverivers.org), has been working closely with indigenous communities in the Baram who feel threatened by dam proposals and logging activities on their land. For decades in Sarawak, the methods for obtaining free, prior and informed consent from our indigenous communities have been seriously lacking, and this has led to the disenfranchisement of our people and the dispossession of their land. We are well overdue for a change.

I want to discuss the matter of free, prior and informed consent in the context of the certification processes for the Malaysian Timber Certification Scheme (MTCS), which has recently sparked [some heated debate](#). After a series of failed attempts to reach decision makers and ensure communities are included in consultations for MTCS certification, we discovered that the 148,000 hectare Gerenai certification for so-called sustainable forest management was processed in April and granted to the logging company Samling, all while Malaysia was under the Movement Control Order. Shocked and saddened by this, we released a press statement shortly after, entitled "[certification without compliance](#)".

Both Samling and the Malaysia Timber Certification Council published responses to our release, stating that our organisation understood neither the facts of the case nor the complaints process. We understand the facts based on what communities have told us — that they were either inadequately consulted or not consulted at all. Samling and MTCC are correct in pointing out that we do not understand the complaints process, and this is our point entirely.

No one understands the process. Communities have searched far and wide for information, have sent letters to every office that might be responsible for handling their complaints, and all of these pleas have been left unanswered. The process is utterly inscrutable, and it is designed in a way that disempowers those whose voices matter most: the custodians of the forests themselves.

What the responses to our press release really reveal, is that there is a fundamental misunderstanding about what is meant by the free, prior and informed consent (FPIC) by which the timber certification process claims to be bound. Without this important box being ticked, European countries would not be interested in buying Malaysian timber. Because of this, companies will argue until they're blue in the face that they have obtained community consent. But we wonder if they have actually read up on what FPIC means? Have they read the MTCC definition?

MTCC [defines](#) free, prior and informed consent as: A decision-making process that does not involve coercion/undue influence/manipulation (free), is made before activities are undertaken (prior), is founded upon a clear understanding (informed), and involves granting or withholding consent (saying 'yes' or 'no') to an activity,

programme or policy (consent). In the FPIC process, consent is to be understood based on the definition of the term “consensus”.

Let's look at that a little more closely.

1. *Does not involve any manipulation (free):*

In response to our press statement, the logging company wrote on July 7th that, “at the outset of operations, Samling had engaged with the local community leaders, who had been duly appointed by the Sarawak state government and registered with the District Office. These local community leaders were and remain fully supportive of Samling’s plans and operations. These local community leaders had full authority to represent and act for the communities.”

Engaging with a few select people from the community is not the same thing as finding out what that community really wants. The way the system works in Sarawak whereby ketua kampung are appointed and paid by the state, rather than elected by the people, means they seldom disagree with infrastructure projects. And because they receive salaries for their position, it is questionable whether these figureheads can be said to be truly impartial and truly have *only* the village interest at heart. Government appointed headmen might even prioritise the government’s interests over the communities’. This is why the system has been criticized and why the federal government [has proposed changing it](#).

How can this process of consultation be said to be taking place without any manipulation if only a select few community leaders are being consulted, and as according to Samling themselves, they are leaders appointed by the government?

1. *Is made before activities are undertaken (prior)*

It is often a shock when one of these certifications goes through, particularly for communities themselves. It is not unusual in Sarawak for approval to be granted first, on the assumption that consent can be scrambled together later. The case of the MTCS certificates for the Gerenai and the Ravenscourt FMUs showed that communities were not informed about the upcoming certification. The communities only learnt about it after the MTCS certificate was already issued to Samling. When a project appears to be a foregone conclusion, it is also more difficult for communities to feel they are able to refuse it. This is just one of the tactics that dismantles the FPIC process in our state.

1. *Founded on a clear understanding (informed)*

We have [established multiple times](#) that multiple villages did not understand what the Gerenai certification meant, whether through shoddy consultations or in some cases, no consultation at all. What we have been told is that when logging company representatives approach the village, the format is far more presentation than a consultation, where representatives introduce themselves to the few people who happen to be around in the village on that day. And that’s if they visit the village at all — in some cases Samling simply called the headman for a meeting at kilo10, a central meeting place outside of the village.

When representatives do visit the villages, they are often not armed with adequate information and are [unable to answer questions from the community](#), particularly when it comes to environmental and social impact, without which there can be no real understanding.

How can communities who have not received the environmental and impact assessments for these proposals really provide any kind of informed consent? If I were approving someone's plan to pull plants from my backyard garden in Miri, I would surely want to know what plants they intended to take, what the impact will be on my family and our local birds and pollinator insects, and I would definitely want to know what the plan is to grow my beloved garden back.

Communities we work with have been asking for these assessments and received nothing before the certification approval. And these are not hobby gardens we're talking about —these communities rely on the forest for their physical, cultural and spiritual survival — these are not resources to be taken away lightly. Information is power and without environmental and social impact assessments, communities are powerless to give any kind of real consent.

1. *Granting or withholding consent*

Listening to a presentation is not the same as consent. A couple of random signatures from friendly parties is not consent. If consent is understood as consensus, as per the MTCC definition, Samling admits in their own press release that they made no attempt to seek consensus.

But crucially, the process simply ignores — and perhaps excludes or avoids — those who just say no to the logging. Communities like Long Tungan in the Gerenai concession who oppose all logging in their reserve forest, or the Penan in the Ravenscourt concession who reject all logging on their land, are left completely out of the process. It should be impossible for this to happen. These companies and certification bodies might not like to and might not be used to hearing it: but sometimes no just simply means no.

Free, prior and informed consent fails on multiple fronts, not just in this case but routinely in Sarawak. There is a fundamental misunderstanding about what it means to consult indigenous communities and what consent really looks like. Now that our organisation has raised this issue in the public domain we have been invited to sit down with them and talk about it. But it shouldn't take 6 months of campaigning to get their attention. Indigenous communities in Sarawak are tired of being ignored and treated as though our resources are expendable and our consent is a formality. I ask you to join me in signing the petition to stop the chop of our beautiful, priceless forests and stand up for Baram communities: saverivers.org/stopthechop

END OF RELEASE

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FOR IMMEDIATE RELEASE

DATE: 6TH OCTOBER 2020

ABSENT FROM THEIR OWN SEMINAR: SAMLING CONTINUES TO IGNORE INDIGENOUS VOICES.

Communities clearly demonstrate flaws in consultation process for timber certification during briefing at a hotel, but no one takes responsibility and questions are left unanswered

MIRI - Members of the communities within the Gerenai concession were invited by Samling, the owner of the Forest Management Unit (FMU), to attend a one day seminar, at Mega Hotel, Miri to learn about the certification process under the Malaysian Timber Certification Scheme (MTCS). During the briefing, community participants demonstrated that there (i) is a lack of transparency (ii) the process for in getting the Free Prior and Informed Consent (FPCI) is flawed (iii) there is a lack of a functioning or responsive complaints mechanism.

Erang Ngang of Long Tungan expressed the disappointment of many of the participants from the villages: "SIRIM and MTCC acknowledged the shortcomings in Samling's consultation and information policy during the Gerenai certification process. But no one takes the responsibility for it. We have clearly shown that our communities were not consulted, why can no one take action now and revoke the certificate? Samling clearly failed to follow requirements of the MTCS such as obtaining free, prior and informed consent. So, how can they keep the certificate? This renders the MTCS certificate meaningless."

"The management of the FMU, must ensure full participation of the community affected especially as regards to the physical boundaries on the ground so that any activities of illegal logging can be monitored by the communities themselves. The act of giving maps of the FMU to the affected villages may be good but may not be very meaningful if the villages do not know how to relate the coordinates to the physical area or point on the ground", he added.

Some of those in attendance were open to logging but felt the consultation process was inadequate, others sought to halt all logging activities on their land. Whether communities support logging or not, they expect to be properly informed and consulted as the standard requests. "The meeting we had in Miri was not productive or transparent as they did not respond to our questions," explained Boyce Ngau from Long Selawan. "Samling didn't discuss this with the people from my village. We don't know of any agreement between Samling and our community. So, how can we monitor? What is the role of our community committee in the management? You have to give us the answers to our

questions before we can make a decision on this project and might participate. Otherwise our answer is no, we are against it.”

Panelist and speakers at the event were from Forest Department Sarawak, Malaysian Timber Certification Council (MTCC), SIRIM QAS International Sdn. Bhd., World Wide Fund (WWF), University Putra Malaysia Bintulu (UPMKB) while participants included The Community Rights Action Committees (CRC), various government agencies, Civil Society Organizations (CSOs) and Samling’s staffs.

During SIRIM’s session, auditor Khairul Najwan explained how complaints should be made. Any form of written complaint must be addressed to the Manager of the FMU and forwarded to SIRIM if the manager of the FMU Manager does not resolve the issue. These complaints will be noted by SIRIM and will be used in future audits. Samling must be able to comply with this as it would affect the certification process. This opens up a channel for the communities to express their discontent.

This complaint mechanism, however, is flawed in reality. Prior to the Movement Control Order in March 2020, a letter written by the Long Tungan community, addressed to Samling’s Chief Forester, David Marsden was responded to quite poorly. He did not offer any form of solution but instead pushed the matter elsewhere, quoting, “please note that all official correspondence should be addressed directly to Samling's COO (...) Matters concerning allocation of forest areas, proposed land use, etc, (...) should be addressed directly to the Director of Forests.”

Because of this curt and dismissive response, communities were keen to speak with Mr Marsden at the briefing last week, but he was never introduced during the meeting. His lack of participation in the event raised a lot of questions with the community, as he was aware of the complaints made. No representatives from the Forest Management Unit (FMU) were present during the questions and answers session, highlighting that Samling is not ready to face the community and the seminar was just a facade to fulfil their corporate obligations.

Peter Kallang, speaking on behalf of JOAS, questioned whether Samling really understood what Free, Prior and Informed Consent (FPIC) means in the context of consulting indigenous communities. “If you are only visiting the villages now, with only a few people there, that could not be considered as majority consent. If you are only speaking with headmen, that is certainly not FPIC.”

SAVE Rivers urges Samling to take heed of the matters raised at the seminar and take responsibility. In the meantime, we encourage all concerned to sign the petition to stop the destruction of Sarawak’s forests and stop certification without compliance by heading to saverivers.org/stopthechop.

END OF RELEASE

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For queries please contact: manager@saverivers.org or head to saverivers.org

Attachment E
Press review

Save Rivers Network wants Baram logging company's certification cancelled

Jun 22, 2020 @ 16:15



John Jau Sigau (left) and Danny Lawai Kajan.

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KUCHING, June 22: Save Rivers Network claims that a giant logging company operating in Baram has obtained a timber certification without consulting the indigenous people in the region.

As such, the NGO is calling for the forest management certification involving 148,000 hectares of forest be cancelled.

In a press statement, Save Rivers claimed that the logging company had pushed through the permit during the Covid-19 time "knowing that the objecting communities had not been consulted".

The permit is to certify that the timber company followed the Malaysian and international standards for timber to allow the timber extracted there to be sold to European countries and Japan.

According to the Malaysian Timber Certification Scheme (MTCS) guidelines, "Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free, prior and informed consent to other parties."

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Save Rivers asserted that according to the MCTS procedure, the timber company is required to consult all communities affected by prospective logging but it "conducted inadequate consultations with most communities" and "failed to consult two objecting communities entirely".

Save Rivers quoted Danny Lawai Kajan from Long Semiyang for claiming that he and his villagers have no knowledge that certification has been given to the logging company.

"We don't know what the certificate is for. This is very wrong and not the proper way to do things. There is supposed to be a meeting asking for the villagers' opinions whether they agree to it or not," Danny was quoted saying.

Save Rivers also claimed that Kenyah Jamok village of Long Tungan and the Penan village Ba Jawi have both actively opposed the company's application to their lands.

Jamok community leader John Jau Sigau was quoted as saying, "No one is allowed to cut any tree or hunt in the Ba'i Keremun Jamok unless agreed to by the whole Jamok community. This preserves the plants and animals for future generations".

"We are working hard on a community conservation and ecotourism initiative to create long term sustainable jobs in our forests, not to chop it all down for short term gain," John Jiu was quoted as saying.

Meanwhile, Save Rivers chairman Peter Calling said the MTCS is supposed to protect indigenous rights but the case in Baram, he added is just one of the many examples that demonstrated how the system is toothless in practice.—DayakDaily

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Baram communities demand consultation in logging firm's certification



Desmond Davidson

Updated 3 months ago · Published on 23 Jun 2020 6:51PM · 0 Comments



Save Rivers says the MCO enabled Samling Plywood (Miri) Sdn Bhd to avoid consulting communities in a bid to start logging activities. – The Malaysian Insight file pic, June 23, 2020.

AFFECTED rural communities in Sarawak's Baram region are crying foul over the way 148,000ha under the Gerenai forest management unit (FMU) has been certified for logging.

They are now demanding the state government cancel the certification – a move that could deal a major business blow to one of the largest timber companies in the state.

Civil society organisation Save Rivers said the certification authority, Sirim QAS International Sdn Bhd, and the company, Samling Plywood (Miri) Sdn Bhd, pushed through the certification process during the Covid-19 movement control order (MCO) period.

The MCO enabled them to avoid consulting communities opposed to the certification, they said.

Save Rivers said Samling had, therefore, failed to comply with the mandatory Malaysian Timber Certification Scheme (MTCS) guidelines and procedures to consult all communities affected by the prospective logging in the FMU.

Certification is important for timber companies to prove compliance with Malaysian and international standards in timber extraction, and can guarantee companies access to environmentally sensitive European and Japanese markets.

But, Save Rivers said Samling's consultations with communities in the Gerenai concession area was inadequate, and that two objecting communities were left out.

Save Rivers said the two objecting villages are the Kenyah Jamok village of Long Tungan and the Penan village Ba Jawi, which are against logging activities of any kind in the area.

"Long Tungan is particularly concerned about threats to its communal reserve forest, the Ba'i Keremun Jamok," Save Rivers added.

It also said that while residents of Long Semiyang, a Kenyah village in upper Baram, were "technically consulted", Samling's "superficial process of handpicking community members to speak with meant that the community at large had no understanding of what was being agreed to".

"Save Rivers stands with the Baram communities in calling on Sirim and the Malaysian Timber Certification Council to withdraw their certification until indigenous rights and concerns are heard, understood and respected."

The group said community leaders had written letters to Samling to object to the logging activities, but were dismissed with claims that the allocation of forest areas and proposed land use were government matters over which the company had no say.

"The Malaysian Timber Certification Scheme is supposed to protect indigenous rights," Save Rivers said.

"But, the story of Gerenai is just one of the many examples that demonstrate how the system is toothless in practice." – June 23, 2020.

Press Release

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Certification without compliance: Flawed timber certification process violates Indigenous rights in Malaysia

Massive logging concession greenlighted in Sarawak during Covid-19 crisis despite opposition

Miri, Sarawak (June 23, 2020) — Indigenous communities in the Baram region of Malaysian Borneo are calling for the 148,000 hectare Gerenai timber license to be cancelled after it was revealed that the certification authority SIRIM and the timber company Samling pushed through the permit during the Covid-19 crisis, knowing that objecting communities had not been consulted.

According to the Malaysian Timber Certification Scheme (MTCS) guidelines, “Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free, prior and informed consent to other parties.” According to the MTCS procedure, Samling is required to consult all communities affected by prospective logging. In reality, Samling conducted inadequate consultations with most communities in the Gerenai concession and failed to consult two objecting communities entirely.

Far from consenting to the concession, the Kenyah Jamok village of Long Tungan and the Penan village Ba Jawi have both actively opposed its application to their lands.

Long Tungan is particularly concerned about threats to its communal reserve forest, the Ba’i Keremun Jamok. According to Jamok community leader John Jau Sigau, “No one is allowed to cut any tree or hunt in the Ba’i Keremun Jamok unless agreed to by the whole Jamok community. This preserves the plants and animals for future generations.”

Long Tungan has repeatedly expressed a desire to both SIRIM and Samling that it wants to protect its forests. “We are very worried about Samling’s logging activities in our area,” Jamok leaders wrote in a February 2020 letter to Samling’s Chief Forester. “In 2018, Samling illegally entered our communal forest for logging. At that time we discussed with representatives of Samling that we want to protect the remaining forests in our area. We are ready to discuss the matter with representatives of Samling.”

The Samling official dismissed the Jamok letter in early March, replying via email that “matters concerning allocation of forest areas, proposed land use, etc., are government issues over which Samling has no jurisdiction.” This dismissal was in contravention of the MTCS guidelines and demonstrates the unwillingness of the company to take into consideration Indigenous concerns.

“What is the point in going through the proper administrative channels to simply have your complaints ignored?” says John Jau Sigau. “We are working hard on a community conservation and ecotourism initiative to create long term sustainable jobs in our forests, not to chop it all down for short term gain.”

In a letter addressed to the same senior Samling official, Penan leaders from Ba Jawi also wrote, “We have neither been informed about the ongoing certification process nor consulted. We are currently working to establish the upper Baram Forest Area. We do not agree with logging activities in our forest and request Samling to stop logging on our land.”

“The Malaysian Timber Certification Scheme is supposed to protect Indigenous rights,” explains Peter Kallang, chairman of local advocacy group SAVE Rivers. “But the story of Gerenai is just one of the many examples that demonstrate how the system is toothless in practice. Even when Samling does consult communities the process is totally inadequate. If the MTCC does not follow its own guidelines it is pointless at best and a serious human rights violation at worst.”

The Borneo Project stands with the Gerenai Community Rights Action Committee in calling on Samling to release the Environmental Impact and Social Impact Assessments for the Gerenai concession to affected communities as a matter of urgency. The Borneo Project stands with Baram communities in calling for SIRIM and the Malaysian Timber Certification Council to withdraw their certification until Indigenous rights and concerns are heard, understood, and respected.

The Borneo Project works alongside Indigenous communities to protect the land, livelihoods and cultures of Malaysian Borneo. To find out more about their work head to borneoproject.org. Press enquiries can be directed to fiona@borneoproject.org.



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Global Buyers Should Steer Clear Of Samling's Sham Certificates

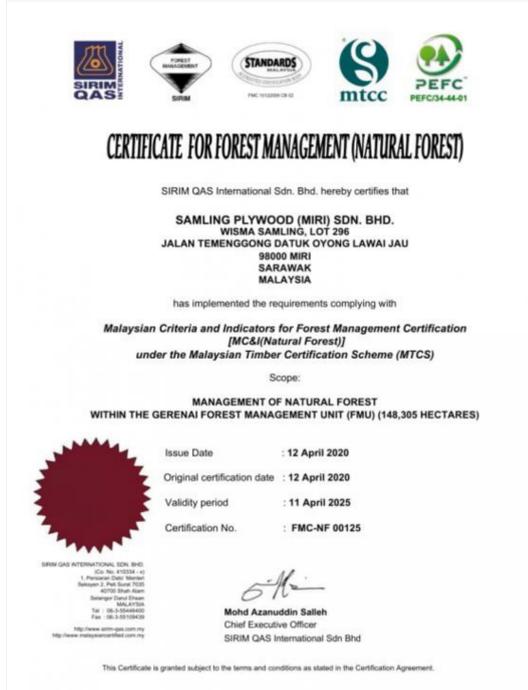
25 June 2020 Like 587

Samling is one of the world's most notorious timber raiders, protected for decades by the crony State Government of Sarawak.

Like the other main Sarawak 'Big Six' logging and plantation concerns this company's lawless, destructive and greedy exploits are responsible for ruining the lives of millions of indigenous peoples and destroying precious landscapes across [Borneo](#), [Papua New Guinea](#), [Africa](#) and [South America](#).

The litany of violations, corrupt practices, scale of destruction and of course legacy of impoverishment to the millions of peoples whose lives have been ruined by this company should label their product 'TOXIC' to any buyer anywhere.

Yet, 'Hey Presto' it has emerged that in the middle of the Covid crisis the Malaysian certification body [SIRIM Qas Sdn Bhd](#) (wholly owned by the Ministry of Finance) awarded Samling a 'Forest Management Certificate' for a vast chunk of the Baram area – 148 thousand hectares in the General forest.



Handy validation of 'good practice' by the Malaysian authorities

We Need It To Sell Our Plundered Timber, Samling Admitted

The Save Rivers Campaign, which has fought to protect the once pristine Baram region from destruction and pollution, has obtained a clear explanation as to why this official certification is so valuable from the logging giant itself.

In a [press release](#) this week the NGO exposed how the certification had been awarded in violation of the Malaysian Timber Certification Scheme and without the knowledge of the local communities who have been suffering rampant logging by Samling in their traditional homelands:

“This certification is supposed to guarantee that Samling followed the Malaysian and international standards for timber, so that the timber can be sold off in European countries and Japan. Without this certification they won't be able to sell any of that timber.”

was what Sim Kit Chui, Samling's own Public Relations Officer, told Save Rivers.

Bogus Credentials Must Be Rejected By International Buyers

The five year certificate was awarded on 12th April when all of Sarawak was under strict lockdown, including the communities living in the Gerena Forest.

Only the timber industry was given a special dispensation by the coup coalition supporting GPS state government, allowing companies like Samling to continue to log native lands against their will.... and it emerges to negotiate this secret certificate to help the sell the wood.

However, as the Save Rivers' Chairman, Peter Kallang, has pointed out a key criteria for gaining such certification is the obtaining of the consent of the native people and this certification has been awarded in a direct violation of the requirements under the Malaysian Timber Certification Scheme:

According to the Malaysian Timber Certification Scheme (MTCS) guidelines, 'Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free, prior and informed consent to other parties.' According to the MTCS procedure, Samling is required to consult all communities affected by prospective logging. In reality, Samling conducted inadequate consultations with most communities in the Gerena concession and failed to consult two objecting communities entirely. [[Save Rivers](#)]

One of the affected communities are the Jamok people who mainly live within two villages in the area Long Tungan and Long Si'ut.



John Jau Sigau, speaking for the Jamok people seeking to save their community forest

A spokesman for the thousand plus inhabitants, John Jau Sigau, told Sarawak Report how over the years the community have struggled to maintain a tiny remaining area of around a thousand hectares of unlogged virgin territory as their community forest as companies including Samling have ravaged the region, logging it over two sometimes three times since invading during the 1980s.

“We want to conduct a survey as we fear we probably have a lot of very valuable wood that they will want to steal” explains John Jau Sigau.

Ba'i Keremun Jamok

In July 2018, the Jamok community's worst fears were realised when locals discovered that the Samling bulldozers had started encroaching into the region which they have sought to protect by establishing its status as *Ba'i Keremun Jamok*/ "The Jamok's Treasured Community Forest".

“We went over to Miri five times to meet with the company to protest” says John Jau Sigau and he says the company finally agreed to pull out their loggers from the illegal operation. In the end the village elders agreed to settle for a trifling RM10,000 for the hundred valuable trees that had been stolen by the company, in return for a promise to keep away in future.

Fearful of the ongoing threat as Samling has continued to run riot in the region the community appealed, together with the support of NGOs such as the US based Borneo Project and Switzerland's Bruno Manser Fund, to Sarawak's Forest Department to survey and gazette their area. However, says Sigau, all these many months later there has been no response from the Social Director of Forests Zarina Binti Sebli.

Instead, the state government apparatus has been busy gaining Samling's certificate so that it can sell the wood to buyers in Europe and Japan who might choose to believe a bogus certificate.

“No one in our community has been consulted about this Forest Management Certificate for Samling and we asked the next door community at Long Semiyang and they were not told either”

confirms Sigau. Yet, the certificate can ONLY be validated if it has been issued in agreement with native people. The fact is that the native people want Samling out of their forests where the rapacious company has stolen from and polluted their lands for decades yet given back zero in terms of compensation or development.

It is the story of Sarawak's greedy, illegal and deceitful state government which has operated from the pockets of a handful of timber tycoons for decades – families who have used their profits to go on to similarly corrupt decision makers and destroy huge swathes of valuable rainforest across South East Asia with no discernible benefit to the hundreds of millions of people who actually own the land.

Save Rivers has called on Samling to abide by the law and *“release the Environmental Impact and Social Impact Assessments for the Gerena concession to affected communities as a matter of urgency”*. And *“for SIRIM and the Malaysian Timber Certification Council to withdraw their certification until indigenous rights and concerns are heard, understood and respected”*.

No international buyer from any country should endorse this bogus certification or buy products from the region until these basic requirements have been carried out and the native communities have given their consent to the Samling operations in their lands.

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Yes, degree bawah pokok. It is only got for a village shops only.

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Hang Tuah · 4 months ago

As long as the price is cheap there will be buyers. The whole machinery has been bought to ease plundering. This is good news indeed. We need to speed up till there is nothing else to plundering and only debt to be paid. Those who r rich should start moving out the money from the country. Soon it will become toilet paper. If they are concern of this land clearing they should not have supported the white hair all this year. Perhaps they just want a share of some crumbs from the deal. Why save the country when the majority agreed it being run by rubbish to enrich themselves. Just let it rot and let nature do the work.

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Logging concession in Malaysian Borneo lacks consent of Indigenous communities (commentary)

by **Fiona McAlpine** on 13 July 2020



- A logging concession green-lighted in Malaysian Borneo during the COVID crisis lacks the Free, Prior and Informed Consent of Indigenous communities required by the Malaysia Timber Certification Scheme.
- Home to Indigenous Kenyah Jamok people and a multitude of endemic animal species, the logging company is nevertheless now within its rights to cut the rainforests here.
- Staff from The Borneo Project visited just before the COVID lockdown to see how a citizen science survey of biodiversity which they support is progressing.
- This article is a commentary. The views expressed are those of the author, not necessarily Mongabay.

A wild boar hightails it into the forest as we approach the village of Long Tungan, Sarawak, on a field trip for The Borneo Project. In the driver's seat of our Hilux, Erang says that if his gun had been within reach he could have given the beastie a run for its money. Erang is exhausted from our 8 hour drive up the corrugated logging road, but he isn't joking.

It's January 2020, prime fruit and hunting season, so spirits are high and bellies are stuffed with rambutan and crackling. We're here to visit our field technicians for the Baram Heritage Survey—a project that hires Indigenous citizen scientists to patrol and monitor their own lands.

From this point on, the village is only accessible by boat, so we stuff our packs into garbage bags on the riverbank and stack them on the awaiting boat. Birds bicker over the spoils in the trees above, interjected by the occasional thud of fruit hitting the ground.

The phone signal here won't be strong enough to read the news for the next couple of days, but we've heard about the nasty virus making its way around China. No one yet knows the havoc the coronavirus is about to wreak on the world.

We're also blissfully unaware that the timber company Samling is about to receive approval to log the very land on which we stand.

Home to the Kenyah Jamok people, Long Tungan is a magnificent place. The terrain of the Baram region is carved out with limestone cliffs, leafy trails, dipterocarp roots and mossy streams. Snaking its way through the middle is the mighty Baram River—life source for dozens of villages, around 20,000 Indigenous people and a multitude of endemic animal species.



Long Tungan village in Malaysian Borneo. Photo courtesy of The Borneo Project

After dumping our bags in the longhouse, we head to the kitchen, where our hosts crack open three local species of durian for us to try, awaiting our reaction to the creamy, sometimes sickly taste. We are joined by Christie and Jeremiah, our field technicians for the Jamok cluster. These guys patrol 32 kilometers every month, monitoring the forest for signs of the spectacular array of primates, felines, reptiles and birds.

In November, I tagged along with the Jamok team when they opened their first transect path. I spent most of my time flicking bugs off my tucked-in socks and sliding butt-first downhill when the soil gave way. I spotted precisely zero animals.

Christie and Jeremiah, on the other hand, pointed out the faint sound of nearby barking deer and showed me the bite marks where a palm civet had munched on some figs.

These guys see what outsiders are blind to. They feed these sightings back to a database using the Baram Heritage Survey smartphone app, and the sightings are then analyzed by local and international researchers.

John Jau Sigau, an elder and community leader of Long Tungan, hopes that this baseline data can inform future forest management plans, and strengthen their claims against logging. "We are working hard on community conservation to create long term sustainable jobs in our forests," explains John Jau. "Not to chop it all down for short term gain."

But on April 12th while Malaysia was in lockdown, the Gerenai logging concession was approved. It gives Samling permission to extract timber from an area of forest with a footprint ten times the size of San Francisco.

The Jamok community is particularly concerned about its communal forest reserve, a protected zone where no one is allowed to cut any plant or hunt any animal without the express permission of the community.

Long Tungan has done everything in its power to fight the concession, and they don't want to resort to physically stopping the bulldozers, which is what they had to do in 2018 when Samling illegally entered their forest reserve. This time, Samling will have all their paperwork in order.



Field technician Jeremiah. Photo courtesy of The Borneo Project.

It's hard to believe that this concession went through during lockdown despite repeated objections from the village. What is hardest to believe, is that the concession was approved without the input of a single person from the logging company or the certification body speaking to a single person from Long Tungan.

We are told by other villages in the Gerenai concession that even when the company does conduct community consultations, they are totally inadequate. Sometimes they handpick a few people from the village, bring them over to the logging camp, have a chat and grab some signatures. They can then tick the box that says they obtained free, prior and informed consent.

This lack of real consultation is in direct contravention of the Malaysia Timber Certification Scheme by which Samling is bound. Without the certification, the timber can't be sold internationally. Long Tungan will now have their ancestral carpet ripped out from under them so that we in the West can buy supposedly guilt-free door frames and coffee tables.

"The Malaysian Timber Certification Scheme is supposed to protect Indigenous rights," explains Peter Kallang, Chairman of local advocacy group SAVE Rivers. "But the story of Gerenai is just one of the many examples that demonstrate how the system is toothless in practice."

Perhaps those who have lived in harmony with the natural world for centuries should have some input into how we might make it through the next one. We're excited about our survey and our model that honors Indigenous knowledge. But this excitement is now tempered with the reality of what these communities are up against: a battle against an impossible system. In the middle of an extinction crisis and a climate crisis, communities like Long Tungan need to find a way to protect their lands and save some of the most valuable carbon and biodiversity stocks we have left.

Did you know that Borneo contains one of the world's greatest intact rainforests? Learn more here, [The world's great rainforests](#)

After dinner, we go in search of our favorite octogenarian matriarchs, their ears stretched long with the brass ornaments that represent power and cultural pride. These women have lived in the village their whole lives and although I can't speak a lick of *Kenyah*, we communicate in grin-nodding, handshakes and rice wine. It's heartbreaking to think that this magnificent place is scheduled to be scarred by more logging, and that this way of life might be gone within a generation.

I hope that Long Tungan doesn't need to put bodies in the path of bulldozers in order to save what is rightfully theirs, what we know should be rightfully protected as the Black (and Indigenous) Lives Matter movements start to burn bright around the world.

Maybe this recognition won't make it to the right boardrooms in Sarawak any time soon, but I hope that when I am as old as these women, there will still be birds squabbling over fruit and beasties to chase. For now, we will have to wait and see whether the timber certification body rethinks its motivations and starts to listen to voices on the ground.

Fiona McAlpine is Communications and Project Manager for The Borneo Project, a nonprofit working with Indigenous communities in Malaysian Borneo. Learn more about their work at [borneoproject.org](#).

Banner image: *Flowers in Sarawak, Malaysian Borneo. Photo by Rhett Butler for Mongabay*

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Amid Pandemic, Malaysia Grants Timber Giant Logging Permit on Indigenous Land in Borneo

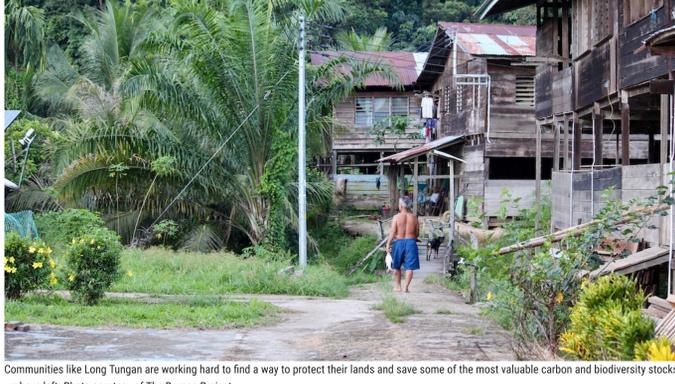
Concession to extract timber from 148,000 hectares in upper Baram was granted despite repeated objections from local communities.

A version of this story originally appeared in [The Borneo Project](#).
FIONA MCALPINE
 July 14, 2020

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[Find more of our Covid-19 coverage.](#)

A wild boar high-tails it into the forest as we approach the village of Long Tungan in Sarawak, Malaysian Borneo, some 556 miles northeast of the state capital, Kuching. In the driver's seat of our pickup truck, Erang Ngang says that if his gun had been within reach he could have given the beastie a run for its money. He is exhausted from our eight-hour drive up the corrugated logging road, but he isn't joking.



Communities like Long Tungan are working hard to find a way to protect their lands and save some of the most valuable carbon and biodiversity stocks we have left. Photo courtesy of The Borneo Project.

It's January 2020, prime fruit and hunting season in the region, so spirits are high and bellies are stuffed with rambutan, roast boar, and crackling. We're here to visit our field technicians for the Baram Heritage Survey — a project that hires indigenous citizen scientists to patrol and monitor their own lands. At Borneo Project, where I work, we are excited about this project that honors indigenous knowledge. In the middle of an extinction crisis and a climate crisis, communities like Long Tungan are working hard to find a way to protect their lands and save some of the most valuable carbon and biodiversity stocks we have left.

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In November last year, I had tagged along with them when they opened their first transect path. I spent most of my time flicking bugs off my tucked-in socks and sliding butt-first downhill when the soil gave way. I spotted precisely zero animals. Apoi and Ngang, on the other hand, pointed out the faint sound of nearby barking deer and showed me the bite marks where a palm civet had munched on some figs.

Field technicians like them, who have lived their entire lives by these forests, see what outsiders are blind to. They have no trouble spotting sun bear claw marks on trees, or mud rubbed on trees as a sign of deer, or pangolin nests. They can distinguish between the sounds of the six different hornbills that live there and can tell if a rambutan was eaten by a binturong or a civet, and of course whose poo belongs to whom.

Ngang and Apoi feed their sightings back to a database using the Baram Heritage Survey smartphone app, and the sightings are then analyzed by local and international researchers. John Jau Sigau, a community leader of Long Tungan, hopes that this baseline data can inform future forest management plans and strengthen their claims against logging. "We are working hard on community conservation to create long-term sustainable jobs in our forests," he told me over WhatsApp in May. "Not to chop it all down for short-term gain."



Octogenarian matriarchs who have lived in Long Tungan their whole lives. It's heartbreaking to think that this magnificent place is scheduled to be scarred by more logging, and that this way of life might be gone within a generation. Photo courtesy of The Borneo Project.

After dinner, we go in search of our favourite octogenarian matriarchs, their ears stretched long with the brass ornaments that represent power and cultural pride. These women have lived in the village their whole lives and although I can't speak a lick of *Kenyah*, we communicate via grin-nodding, handshakes, and rice wine. It's heartbreaking to think that this magnificent place is scheduled to be scarred by more logging, and that this way of life might be gone within a generation.

On April 12, months after I was back in Melbourne, and while Malaysia, like most countries across the world was in lockdown due to the pandemic, the Malaysia Timber Certification Council gave the timber giant Samling permission to extract timber from the 148,000 hectare Geranai Forest Management Unit, a forested area ten times the size of San Francisco. The Jamok community is particularly concerned about its communal forest reserve, a community-protected swath of forest within the logging concession area where no one is allowed to cut any plant or hunt any animal without the express permission of the community. Long Tungan has done everything in its power to fight the Geranai concession, and they don't want to resort to physically stopping the bulldozers, which is what they had to do in 2018 when Samling illegally entered their forest reserve. This time, Samling will have all their paperwork in order.

It's hard to believe that this concession went through during a lockdown despite repeated objections from the village. What is harder to believe, is that the concession was approved without a single person from the logging company or the certification body speaking to a single person from Long Tungan. But our sources in the region say that is exactly what happened.

We are told by other villages in the Geranai concession that even when the company does conduct community consultations, they are totally inadequate. Sometimes they handpick a few people from the village, bring them over to the logging camp, have a chat, and grab some signatures. They can then tick the box that says they obtained free, prior and informed consent.

This lack of real consultation is in direct contravention of the Malaysia Timber Certification Scheme to which Samling is bound. Without the certification, the company can't sell the timber it harvests in international markets. The people of Long Tungan will now have their ancestral carpet ripped out from under them so that we in the West can buy supposedly guilt-free door frames and coffee tables.

"The Malaysian Timber Certification Scheme is supposed to protect indigenous rights," explains Peter Kallang, Chairman of local advocacy group SAVE Rivers. "But the story of Geranai is just one of the many examples that demonstrate how the system is toothless in practice."

I hope that the people of Long Tungan don't need to put bodies in the path of bulldozers again in order to save what is rightfully theirs, what we know should be rightfully protected as the black and indigenous lives matter movements start to burn bright around the world. Maybe this recognition won't make it to the right boardrooms in Sarawak any time soon, but I hope that when I am as old as the matriarchs of Long Tungan there will still be birds squabbling over fruit and beasties to chase. For now, we will have to wait and see whether the timber certification body rethinks its motivations and starts to listen to voices on the ground, to those who know the forest best.

Fiona McAlpine
 Fiona McAlpine is the Communications Manager for [The Borneo Project](#), an Oakland based non-profit that has worked with grassroots activists in Malaysian Borneo for over 25 years. You can find out more about The Borneo Project [here](#) or support their work [here](#). The Borneo Project is a project of Earth Island.

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Hospitality is not consent to chop, NGO tells timber certification body

Sep 15, 2020 @ 14:55



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KUCHING, Sept 15: Save Rivers reminds the Malaysian Timber Certification Council (MTCC) not to mistake the Baram community's kindness and friendliness as consent to harvest trees.

In a press statement to rebut MTCC's statement on its website dated on August 2020, non-governmental organisations (NGO) Save Rivers objected to MTCC's definition of free, prior and informed consent as "A decision-making process that does not involve coercion/undue influence/manipulation (free), is made before activities are undertaken (prior), is founded upon a clear understanding (informed), and involves granting or withholding consent (saying 'yes' or 'no') to an activity, programme or policy (consent). In the FPIC process, consent is to be understood based on the definition of the term 'consensus'."

"Informing a community about a project is not the same thing as consent. Speaking with a handful of representatives from a village is not consensus.

"Folks in the Baram area are culturally hospitable and friendly but don't misinterpret their kindness as consent," Save Rivers asserted.

The NGO quoted villager Danny Lawai from Long Semiyang as saying: "We in Long Semiyang were not consulted. I've asked my fellow villagers, they said that they have not even heard about the proposal for the certification of the Gerenai FMU (forest management unit), let alone being consulted."

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A former headman from Tanjung Tepalit Lepo Gah, James Nyurang was quoted as saying: "Our headman was called for a briefing with the timber company at Kilo (KM) 10. They asked him for cooperation on the certification, but the community was never called or informed.

"A few representatives from the Gerenai management once came to our village. They wanted to meet our headman who was not around. I gathered a few people from the village to discuss with them. We were told that a survey was conducted.

"But we questioned the thoroughness of the survey, as they only identified one salt spring in the whole area. They avoided answering, but instead they told us that our question will be relayed to the higher authority.

"Unfortunately, that was the last time we saw them and till now we have yet to hear anything. We request from the people in charge to meet and consult the people properly and to do an accurate survey of the area."

Save Rivers also quoted John Jau from Long Tungan.

"None of us in Long Tungan were ever visited by anyone from MTCC. We were never consulted from the start and were not aware of this certificate. We are against this but we have difficulty to voice it out. How can they say that we have given our free, prior and informed consent? Who had given them the permission?"

Save Rivers revealed that as the news has been getting a lot of attention, in both local and international news since it was first published, the NGO is now launching an online petition, called "Stop The Chop", to garner support to stop logging in Gerenai. Signup can be done on the Save Rivers website saverivers.org/stopthechop

"As the one who operates this certification, MTCC should be aware that the community is unhappy with the forest management system.

"Even if they claimed that consultations have been conducted, these consultations have been received poorly by the community.

"It is best that the issue be discussed out in the open with all the relevant parties so all questions can be answered and made public," asserted Save Rivers, adding that MTCC and the timber company operating in the area must respect and listen to the locals in the region.

In August 2020, MTCC posted a response on their website to Save Rivers's press release titled "Certification Without Compliance" two months after it was published.

MTCC's response claimed that the report by Save Rivers was false, stating that Save Rivers did not understand the process involved. — DayakDaily

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Peter Kallang, Chairman, Save Rivers Network
21-Sep-20 15:00



Back in June this year, communities in the Baram region in Sarawak, together with the civil society group **Save Rivers**, called for the 148,000 hectare Gerenai forest management unit certification to be cancelled, as they believed that the certification authority and the timber company involved, pushed through the acquirement of the permit during the coronavirus crisis, without proper consultation with objecting communities. Now, the communities involved and Save Rivers are organising a campaign called **Stop The Chop**, to stop the certification of conflict timber in Sarawak. We find out more from Peter Kallang, the Chairman of the Save Rivers Network.

Image Source: Shutterstock

Produced by: Juliet Jacobs
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Tags: **The Bigger Picture**, **Earth Matters**, **Peter Kallang**, **Save Rivers**, **conflict timber**, **#TolakPembalakan** **#StopTheChop**, **Programme for the Endorsement of Forest Certification**, **PEFC**, **Gerenai forest management unit**, **Energy**, **Environment**, **Government/Regulatory/Policy Making**, **Other personality interviews**, **Environment/Sustainability**, **Politics**, **News**, **Current Affairs**

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Civil Society Voices

Baram communities call for an end to certification of conflict timber

By Aliran admin - 30 Sep 2020

112 0



Photo: Save Rivers

Even if those responsible claimed consultations have been conducted, these consultations have been received poorly by the community, **Save Rivers** writes.

In August 2020, the Malaysia Timber Certification Council (MTCC), an organisation that operates the Malaysia timber certification scheme, posted a response on their website to **Save Rivers'** press release "**Certification without compliance**" two months after it was published.

In its article, it claimed **Save Rivers'** report was false, stating that **Save Rivers** does not understand the process involved. The MTCC brushed off community concerns about the certification based on the assertion that it did not receive any complaints from those affected.

Multiple complaints were made by multiple communities in the form of letters to relevant stakeholders. The reason no complaints were made through the MTCC complaints system was that the communities had no idea it existed. Communities have been trying every possible channel to challenge the Gerenal concession, but their complaints have fallen on deaf ears.

In early March, prior to the movement control order, the Long Tungan community wrote a letter addressed to David Marsden, chief forester of Samling, seeking an explanation for the forest management certification.

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Unfortunately, he denied his involvement in the process and did not offer further assistance. Instead, he said, "matters concerning allocation of forest areas, proposed land use, etc, etc, are government issues over which Samling has no jurisdiction. Such matters should be addressed directly to the Director of Forests."

Neither the Forestry Department nor the certification body Sirim, which received copies of the letter to Samling, responded. The MTCC website does not provide a comprehensive complaint mechanism either. Consequently, the communities do not understand to whom a complaint should be addressed.

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The MTCC claims in its statement that 18 out of 22 villages were consulted, but it is unclear how many people were present in each village or what percentage of village inhabitants were consulted.

The timing for consultations is also questionable. The only time the whole village gets together is during a celebration such as Christmas. If consultations were conducted during the non-festive season with only elders left in the villages, then it is doubtful there was a genuine understanding of the situation and whether those who attended understood what they were giving consent to.

The MTCC defines free, prior and informed consent as a decision-making process that does not involve coercion, undue influence manipulation (ie free consent), is made before activities are undertaken (prior consent), is founded upon a clear understanding (informed consent) and involves granting or withholding consent (saying 'yes' or 'no') to an activity, programme or policy (consent).

In the free, prior and informed consent process, consent is to be understood based on the definition of the term consensus. Informing a community about a project is not the same thing as consent. Speaking with a handful of representatives from a village is not consensus. Folks in the Baram area are culturally hospitable and friendly, but don't misinterpret their kindness as consent. Several community members have reached out to **Save Rivers**, stating that consultations were inadequate.

Danny Lawai from Long Semiyang said: "We in Long Semiyang were not consulted. I've asked my fellow villagers, they said that they have not even heard about the proposal for the certification of the Gerenal FMU [forest management unit], let alone being consulted."

READ MORE: [Flawed timber certification process violates indigenous rights](#)

A former headman from Tanjung Tepalit Lepo Gah, James Nyurang, said: "Our headman was called for a briefing with Samling at kilo 10. They asked him for cooperation on the certification, but the community was never called or informed. A few representatives from the Gerenal management once came to our village. They wanted to meet our headman, who was not around. I gathered a few people from the village to discuss with them. We were told that a survey was conducted. But we questioned the thoroughness of the survey, as they only identified one salt spring in the whole area. They avoided answering, but instead they told us that our question will be relayed to the higher authority. Unfortunately, that was the last time we saw them and till now we have yet to hear anything. We request from the people in charge to meet and consult the people properly and to do an accurate survey of the area."

"None of us in Long Tungan were ever visited by anyone from MTCC. We were never consulted from the start and were not aware of this certificate. We are against this but we have difficulty to voice it out. How can they say that we have given our free, prior and informed consent? Who had given them the permission?" lamented John Jau from Long Tungan.

As the news has been getting a lot of attention in both local and international news since it was first published, **Save Rivers** is now launching an online petition, called "Stop the chop", to garner support to stop logging in the Gerenal. Signup can be done on the [Save Rivers website](#), [saverivers.org/stopthechop](#)

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As the one who operates this certification, the MTCC should be aware that the community is unhappy with the forest management system. Even if those responsible claimed consultations have been conducted, these consultations have been received poorly by the community. It is best that the issue be discussed out in the open with all the relevant parties so all questions can be answered and made public.

Whatever the outcome, the MTCC and Samling should respect and listen to local voices in the Baram region.

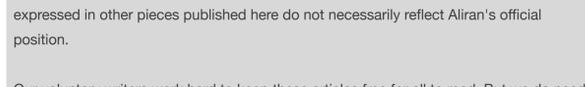
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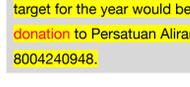
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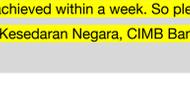
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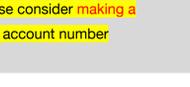
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Contact person:
David Marsden
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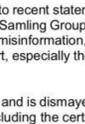
'Eco-Champion' Or Foreign Facilitator? Samling's British Chief Forester

14 October 2020 Like 343

An ugly battle is brewing in Baram between Sarawak's notorious logging giant Samling and local communities who have discovered that during the cover of the Covid crisis the company has been slipped a 'Forest Management Permit' to log 148,000 hectares of native lands.

The campaign group Save Rivers has sounded the alarm on behalf of these vulnerable native groups and their precious landscape. The NGO exposed how Samling in its pitch to gain the accreditation for the area – and crucially to gull foreign buyers – has claimed it has majority community support to log their lands.

After Sarawak Report [related Save Rivers' findings](#) that the logging company has merely got up to its usual notorious tactics (performed the world over for decades) of framing bogus consultations and collaboration with communities [Samling issued a furious rebuttal](#) of several pages, which sent to several parties but not Sarawak Report itself.



Media Release
For immediate release

Samling Group refutes online news reports

7 July 2020, Miri, Sarawak - We refer to recent statements and postings by Sarawak Report, Save Rivers and Borneo Project on the Samling Group's operations in Sarawak, which contain serious inaccuracies, falsehoods and misinformation, intended to cause harm to the Group and the thousands of people we support, especially the indigenous and native communities in the area.

The Group operates in a lawful manner and is dismayed by the allegations made. We observe strict guidelines for all our activities, including the certification process, which is naturally part and parcel of our operational plan towards ensuring responsible management of forest resources. At the outset of our operations, we had engaged the registered local community leaders who have been and remain supportive of our plans and operations.

The false allegations made against the Samling Group

The three online postings referred to above are designed to cast aspersions on the lawful operations of the Group and appear to have been instigated by the same sources.

The first false allegation is the categorisation of the Certificate for Forest Management (Natural Forest) awarded by SIRIM QAS International Sdn. Bhd. as hastily issued during the Covid-19

Four page rebuttal issued in July, but never sent to SR directly

The failure to reply directly to Sarawak Report might be owing to the fact that the claims and rebuttals made in this lengthy and self-justifying press release are highly questionable. This includes their first complaint that the company was unfairly accused of being "hastily" issued with their 'Forest Management' Certificate in the middle of Covid.

However, the certificate was introduced in the middle of lockdown on April 12th. And Sarawak Report did not use the term "hastily".

The point is, whether or not the company had been quietly working to obtain this massive and lucrative concession over a considerable period (which it plainly had), the issuing of the permit hit the majority of the people of the region as a horrible surprise in the middle of Covid. That is according to several leaders, who complained to Save Rivers and Sarawak Report.

Of course, certain people will have been induced to sign various forms. It's how Samling and the other forest raiders have operated over several years. However, the evidence is that communities have not been thoroughly and honestly consulted as they claim (the company's track record speaks amply for itself). Since there is no evident benefit to the local people from this assault on their scarce remaining lands why should they want the logging?

So, whom should onlookers believe? Samling says:

"The allegation that the certification was awarded without the knowledge of local communities in the area is misleading. The Group had followed all due processes to obtain certification, which is naturally part and parcel of our operational plans towards ensuring the responsible management of forest resources. At the outset of operations, Samling had engaged with the local community leaders, who had been duly appointed by the Sarawak state government and registered with the District Office. [See the [Samling Press Release](#)]

Whereas John Jau Sigau, the community spokesman for the Jamok people of Long Tungan and Long Siut in the area, says:

"No one in our community has been consulted about this Forest Management Certificate for Samling and we asked the next door community at Long Semiyang and they were not told either"

Similarly, another leader, Erang Ngang of Long Tungan, protested at a community meeting in Miri last week:

"SIRIM and MTCC acknowledged the shortcomings in Samling's consultation and information policy during the Gerenai certification process. But no one takes the responsibility for it. We have clearly shown that our communities were not consulted, why can no one take action now and revoke the certificate? Samling clearly failed to follow requirements of the MTCS such as obtaining free, prior and informed consent. So, how can they keep the certificate? This renders the MTCS certificate meaningless."
[\[Save Rivers\]](#)

Samling has expressed anger and outrage that Sarawak Report and others have reported these complaints when they and the Malaysian Timber Council should be addressing the concerns.

Who is David Marsden?

In the past days the company issued another rebuff to protesting locals, as revealed by Save Rivers in a [recent further complaint](#) about the dismissive treatment of community representatives when they came to Miri on the invitation of Samling to discuss their concerns. People who ought to have contributed* did not, say Save Rivers.

Observing the proceedings but refusing to answer any of the questions was a key character behind the Samling project, the British Forest expert David Marsden, now employed as the company's Chief Forester.

Prior to taking the direct job with Samling, he ran a lucrative consultancy named Anderson & Marsden (Forestry Consultants Ltd) advising Samling and many other logging concerns in Sarawak over several decades, say those within the industry.

The local people wanted to hear from Mr Marsden, but he refused to speak at the crucial meeting, despite being the author of several key documents outlining the company's strategy and bid for permissions such as this one and acting as the key [contact person for the certification agency Sirim Qas](#) on behalf of the company:

2. GENERAL SUMMARY

2.1 Name, Address and Contact Information of the Certified PFMU

Segan FPMU (Licenced Planted Forest (LPF)/0014)
Samling Timber Sdn Bhd
Wisma Samling
Lot 296 Jalan Temenggong
Datuk Oyong Lawai Jau
P. O. Box 368
98007 Miri, Sarawak
MALAYSIA
Tel : +60(85)413 099
Fax : +60(85)429 073
Contact Person : Mr. David Marsden (Chief Forester)
E-mail : marsdend@samling.com.my

Samling's man on the ground when it comes to dealing with the certifiers

Angry locals say Marsden is a key decision maker at Samling, plainly advising the company where to log and how to present its applications for certification. Yet, when they have written to him with questions and concerns he has rebuffed their complaints, telling them to address their issues elsewhere.

"Because of this curt and dismissive response, communities were keen to speak with Mr Marsden at the briefing last week, but he was never introduced during the meeting.

His lack of participation in the event raised a lot of questions with the community, as he was aware of the complaints made.

No representatives from the Forest Management Unit (FMU) were present during the questions and answers session, highlighting that Samling is not ready to face the community and the seminar was just a facade to fulfil their corporate obligations.

Peter Kallang, speaking on behalf of JOAS, questioned whether Samling really understood what Free, Prior and Informed Consent (FPIC) means in the context of consulting indigenous communities. "If you are only visiting the villages now, with only a few people there, that could not be considered as majority consent." [\[Save Rivers\]](#)



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PUBLIC SUMMARY

Forest Plantation Management Plan
for
LPF/0014 - SEGAN

Edition 3
(Revised 30th October 2019)
Subject to annual review

Revised by:
David Marsden
Chief Forester

British man David Marsden is Samling's top forest fixer in Sarawak

Sarawak Report has researched David Marsden and found the 78 year old has a surprising history based around his lifelong career as a consultant to the major logging companies responsible for destroying the world's oldest rainforests in East Malaysia.

A trained forester he was married for several years to one of Britain's most famous conservationists, Stella Brewer (now deceased) who was decorated for her work helping chimpanzees in Africa.

Yet, although he may continue to bask in that association it appears that this apparent 'tree lover', who ran his consultancy in partnership with the distinguished conservator of forests in Brunei, Rob Anderson, has been involved in destroying habitat for animals and people in East Malaysia and elsewhere since the early 1970s.

Anderson did much to save the Brunei Jungle working for the Sultans, but industry insiders say that over the border Marsden operated the Anderson & Marsden Consultancy on behalf of the forest industry in Sarawak, assisting companies like Samling in identifying where precious timber could be located and best extracted from Sarawak.

He also assisted Samling when it expanded its devastating (and illegal) logging and plantation operations into Papua New Guinea, say those in the know who spoke in confidence to Sarawak Report. After years of this lucrative work the professed conservation expert took a full-time position as the company's Chief Forester managing its logging and plantations.

It is a job that would in principle have brought Marsden bring into considerable contact with the communities he is seeking to mow down.

However, they are right to suspect he regards them with disdain. An associate who wishes to remain anonymous has told Sarawak Report:

"He derides the concept of native rights. He says they have no rights and should clear out of the forest as they are getting in the way of the development of the state. His attitude is that he loves trees, but if he didn't take the profit cutting them all down then someone else would".

One can see why Samling's money men have been keen to engage the pragmatic services of the British trained conservation expert and dismissed environmentalist to help them make more money and to pitch their 'consultation' claims to gain certifications.

However, the people of Baram are right to protest his haughty and dismissive attitude towards them. His wife may have saved chimpanzees, however he has done nothing for the Orang Utan, Proboscis Monkeys and many other endangered species in East Malaysia, let alone its native people in the course of his lucrative career.

Save Rivers has [started a petition to 'Stop The Chop'](#) by Samling and is looking for supporters to sign it.

Meanwhile, David Marsden did not immediately answer our request for comment on the petitions about the company's plan and we will update on any reply.

*Earlier the article suggested Marsden was absent altogether from the meeting.

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Bei Kurau · 13 hours ago

It is not surprising that the world at large do not buy Malaysian timber and crude palm oil as these are obtained by forced and at the expense of the natives . Stop buying oil palm especially from Sarawak including timber. Let the world knows now .

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2 comments

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Ahmad Borhan

The so-called protectors of the Rainforest of Sarawak are themselves the destroyers in the name of certification and what have you. Malaysians we urge you to sign the petition.

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Alison Buda

<https://www.youtube.com/watch?v=rUIMkix7Ypg>

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Iban

Dalam program Radio Free Sarawak lemai tu, kita ngenang pasal Covid ti bendar. Kami bisi berandau enggau Sakai Dawat ti bisi homestay di Bario ti madahka dagang iya balat tasah laban Covid tu. Rayat menua pesisir majak mayuh pindah ngiga pengawa ke mengeri munyi ti ditusui Tr. Ngali Gimani ti sama ngiga pengawa ke mengeri dikena ngidupka diri sebilik. Bala kaban Gerempong Save Rivers diatu kimpin minta mensia mayuh nyain sempekat dikena nagang kompini Samling munaska semua kampung tuai di menua ulu Bram, Peter Kallang madahka Sambling ngena awak atur bekurung endur sida berimba kampung tuai 148 ribu hektar endur ngulihka lumpung batang. Samling madahka deka mutarka pekara nya enggau orang ti menua ulu Bram, tang orang di menua nya nadai nemu pasal pekara nya.

Pendingka semua cherita tu ditusui Radio Free Sarawak online pukul 6 lemai tu...

English

On the Show Tonight: The Reality of Covid. We talk to small business owner Sakai Dawat about the effects of the ongoing lockdown on livelihoods like his 'homestay' business in Bario. And the continuing exodus to the towns and the hardship that can bring is related by Tuai Rumah Ngali Gimani who like so many came looking for work. Also the Save Rivers Campaign are calling for signatures for his latest petition against the ravages of Samling and other logging giants who are destroying Baram - Peter Kallang tells us how the company has used Covid to slip through a permit to log 148 thousand hectares in the region. Samling claims it discussed and cleared the matter with residents, but the residents say they knew nothing about it. So no change there. This and much more online from 6pm.....



NEXT 