



STATEMENT BY THE JURY OF THE RAINFOREST TRIBUNAL
15 AUGUST 2023

The jury finds resource extraction on an unprecedented scale in a relatively short period of time. No other region in the world has seen anything comparable to the rainforest destruction seen in Sarawak: 90% has been destroyed and only 10% of the primary rainforest remains fully intact. By contrast, almost 80% of the Amazon rainforests remain. At its height, Sarawak became the largest timber exporter in the world despite covering only 0.7% of the world's tropical rainforest.

We heard that in the late 1970s, the Sarawak rainforests were considered a model of biodiversity; a place where 120 scientists traveled in order to learn more about the natural world and where hundreds of new species of animals and plants were observed and cataloged for the first time.

We heard how 3000 species of trees are native to Borneo and, in many cases, are present only on the island. We heard that it was here that the secrets of the rainforest were first discovered: the instrumental role of trees, for example, in providing the nutrients needed for biodiversity to grow.

We heard that these trees were not just indispensable to the growth and conservation of biodiversity however; given the way that trees sequester CO₂ from the atmosphere, they play a similarly integral role in the fight against climate change. The deforestation we have seen in Sarawak is not, therefore, just a threat to plants and wildlife; it is a threat to the climate and – by implication – all human life on earth.

We heard how, as a result of the destruction of the rainforest in Sarawak, Borneo now ranks as the most vulnerable biodiversity hotspot in the world. We heard the example of how 62% of dipterocarps are threatened due to illegal logging. We heard how the loss of 90% of the rainforest in Sarawak implies a 50% loss in biodiversity.

We heard that agribusiness has now overtaken logging as the main contributor to deforestation. We heard that palm plantation leads to desertification and that once converted to palm oil plantations there is nothing left of the original rainforest.

We heard about the various impacts on the livelihoods of humans – the problems of child labor, forced labor, pesticide use, pollution of rivers, and of course climate change.

The then-Chief Minister of Sarawak did not heed the calls of the Indigenous peoples to stop robbing their forest and that was why they were forced to put up blockades and seek international help to put pressure on the then-government to listen to them.

The forest was very important for their daily lives. The forest means living and life for the Indigenous peoples. The logging activities gravely impacted the lives of the Indigenous people as they were robbed of their forest and livelihood and there were no jobs for them to sustain their living. They were discriminated against because they were the Penan, who wanted to safeguard their rights to their ancestral lands.

Penan who were offered jobs in the logging industry were paid low wages – not enough to feed their families. The logging projects actually made them poorer.

The government did not recognize their customary land rights and their people were arrested because they protested against the logging activities. However, the arrests made the Penan more determined to continue the fight for their land rights.

The Penan want the government to recognize their ancestral land rights, stop the issuance of timber licenses to logging companies, and stop illegal logging activities.

We heard that Sarawak's natural resources and rainforests have been stolen in huge proportions, the full consequences of which are difficult to quantify, thanks to decades of zero accountability and almost no transparency in government.

We heard that timber has been logged without consultation with the Indigenous communities and timber has been sold wholesale without proper procedures. The trees are gone and the communities are suffering.

We heard that the money is lost. But where is it? Where is the money? We heard that the money has been parked in various parts of the world, in Canada, the United States, Australia, and elsewhere. We heard that many of these companies were found to have been linked to Taib Mahmud and his family members. We heard that one of them is his daughter, Jamliah Taib Murray. It is Jamilah who is carrying out a defamation suit against BMF and its director, Lukas Straumann.

We heard that Taib Mahmud's salary as a Chief Minister has been public information. That after 33 years in power, compared to his salary, the amount of wealth he has amassed is beyond proportion, in the billions. He has gotten away with this because he never saw fit to declare his assets to the Sarawakian people and has used his power as a shield to prosecution.

The local struggles and victimization of the Indigenous peoples must be considered a grand-scale transnational crime. We say this because we know the money has been moved to different parts of the world, and he has used shell companies and offshore accounts to hide the loot, which he gained at their expense.

The next step here is asset recovery. The big challenge now, we know the rainforest is lost forever, but what can be recovered? That, we must track, to return the money to the Indigenous people. The people have been met over and over with multiple layers of abuse of power and conflicts of interest due to Taib's business assets.

Despite his malpractice and corrupt activities, Taib Mahmud has been elevated to become Governor of Sarawak to this day and continues to rule with impunity.

We heard today that the state of the rainforest in Sarawak is historically unprecedented. The actions leading to this state were even labeled as the crime of Ecocide. But this morning, scientists gave us some hope. They said that the forest can come back, but for this, actions and change are needed.

First and foremost, the land rights have to be given back to the Indigenous peoples and they have to be offered just compensation for their services in preserving and restoring the forests. They are the best guardians of the rainforest. They also play a crucial part in maintaining the forest. This will not only benefit the local ecosystems but also the whole planet and humanity in this time of crisis.

But to play this crucial role and to have their rights restored, we heard, they need access. Access to the table, to decision-making processes, and state services like basic amenities, for example, health services. And, we have heard, they need Free, Prior, and Informed Consent (FPIC) for all projects implemented on their ancestral territories.

We heard and saw that much work has been done, for example collecting the traditional ecological knowledge of their ancestors, together with the new scientific literacy of the new generation – like the maps – to build a great and solid foundation. Let's continue to dream of this university of knowledge, where the best of both worlds come together. Let it become a reality.

We heard a vision of proud empowered people, not romanticized, but as agents for change, who are crucial in nation-building. They need a seat at the table, at many tables. The world and leaders need to listen to what they ask for compensation.

We, as the Jury, are of the opinion that Indigenous peoples are the best asset for making that future just and environmentally sustainable. They are not the past, they should lead us into the future.

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