



Forest Issues and Indigenous Peoples in Malaysia

Workshop on Forest Monitoring in Sarawak
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Introduction

- The forest is the source of livelihood for the Indigenous Peoples (IPs)
- The forest defines the identity of the IPs
- The forest shapes the customs and culture of the IPs
- The forest is part of the IPs
- The forests cannot be separated from the IPs



Issues that the IPs faced

- Rights of the IPs to their customary land is not respected
- Logging
- Large scale commercial plantations i.e. oil palm and industrial tree
- Infrastructure development i.e. mega-dams, gas pipelines, roads, etc
- Community forest areas gazetted as forest reserves, protected forests, totally protected areas, etc.
- Different policies and laws in each states



Problems faced by the IPs

- IPs customary rights not respected therefore land grabbing happens
- Destruction and pollution of the natural environment
- IPs source of livelihood destroyed – poverty ↑
- Destruction of property
- Conflict with the companies and government
- Non-meaningful development
- Social problems



Forest Definition

- It is difficult to get good-quality data on the definition of forest in Malaysia
- Most of official data focuses on economic than socio-cultural value of the forests
- Official definition differs from FAO definition whereby FAO's definition excludes areas under agricultural crops
- In Malaysia the definition of forest includes areas under oil palm, rubber and tree crops



Forest Areas in Malaysia

- Malaysia has about 24.8 million hectares or 75.5% under forest or tree cover
 - 19.5 million hectares forest cover
 - 5.3 million hectares tree cover
- Of the total forest cover
 - 9.2 million hectares in Sarawak (47.4%)
 - 5.9 million hectares in Peninsular Malaysia (30.1%)
 - 4.4 million hectares in Sabah (25.5%)

Note: Figures taken from Malaysian Timber Certification Council (MTCC) website



Forest Areas in Malaysia

- Sarawak – 9.2 million hectares (75%)
- Sabah – 4.4 million hectares (60%)
- Peninsular Malaysia – 5.9 million hectares (60%)
- Govt. boast that Malaysia still has a lot of forest areas
- Bear in mind the definition of forest in Malaysia includes oil palm and tree plantation estates

Deforestation and logging in Sarawak

- State Govt. claims that 7.31 million hectares or 59% of the total land area under forest cover
- 12 million cubic meters annual log production, 60% reserve for local processing mills and 40% for export
- The Govt. conceals the fact that 8.8 million hectares has already been licensed out for logging by 1999
- Average of 220,000 hectares logged annually between 1983 – 1990
- By 1999 only 2.26 million hectares of licensed area remain

Note: Figures taken from JOANGO Hutan and Fern Report, Forest Governance in Malaysia: an NGO Perspective

Deforestation and logging in Sarawak

- 2003 – 2005, 139,680 Ha of Permanent Forest Estate (PFE) areas were degazetted
- 2006 – 2008, 18,332 Ha of PFE were degazetted
- Between 2003 – 2008 all license areas exceeded annual allowable cut from 0.97% – 33.8% set by the National Forestry Council
- Auditor General's Report in 2008 admitted that Sarawak's biodiversity will be destroyed sooner or later due to logging

Note: Figures taken from Auditor General's Report 2008

IPs got the blame

- State Govt. is blaming the IPs' practice of shifting cultivation as the main cause of forest loss
- *".... The forest are protected from devastation by the natives because of the destructive way in which they carry out shifting cultivation... The forest were protected so that it can be made available for commercial exploitation"*, JC Fong, former State Attorney General statement on why the state govt. are gazetted protected forest, forest reserves and state owned forest.
- But it has been established that shifting cultivation or swidden agriculture as the causes of forest degradation is minor (Cramb 1989; Jomo et.al. 2004; Nicholas 2003)
- Swidden agriculture has long been an accepted mode among indigenous communities living within or close to forested areas (Nicholas 2003)
- Major causes of deforestation are **commercial logging, agriculture development, dams and resettlement**

“Forest Plantation”

- By mid 2008 the state govt. had issued 40 planted forest licenses to a dozen Sarawak based logging companies
- These licenses cover natural forest cover that typically range from 5,000 – 150,000 hectares and are valid for 60 years (two licenses issued, License to Plant Forest (LPF) or Provisional Lease (PL))
- In total 2.8 million hectares have been licensed (23% of the total land area of Sarawak)
- Forest plantation involves planting exotic to native tree species
- Exotic tree species include acacia and oil palm



Emerging Forest Issues

- Sustainable Forestry
- Forest Certification– MTCC, FSC, PEFC
- VPA FLEGT
- Climate Change

Sustainable Forestry

- Govt. boast that the logging industry in Malaysia is sustainable
- Lim Keng Yaik – Malaysia has implemented sustainable forest practices since the 1980s
- Abdullah Ahmad Badawi – Govt. should restrict the establishment of new logging concessions
- Taib Mahmud – The forest area in Sarawak is getting less therefore forest plantations should be establish
- What is this? At first they say we practice sustainable forestry, then they say our forest are dwindling

Malaysian Timber Certification Scheme (MTCC)

- In Western countries – concerns on illegal and unsustainably sourced timber coming into their market
- The Western countries establish certification bodies/schemes e.g. FSC
- Malaysia wanted their own certification scheme - MTCC was formed in 1999 (formerly known as NTCC)
- Goal of MTCC - Malaysia wants to sell high value timber to the Western market

Weaknesses of MTCC

- Do not respect the IPs rights to their lands and forest
- No meaningful consultation with the IPs
- Not transparent and more inclined towards govt. and logging industries
- Not taking respecting court decisions e.g.: Nor Ak Nyawai, Madeli Salleh, Adong Kuwau
- *Chain-of-Custody* not proper
- IPs attendance at consultations or meetings are a sign of endorsement to MTCC scheme
- Prior decision have been made and only announced to Indigenous Peoples reps
- Little or no Indigenous Peoples reps in the Board of Directors of MTCC
- Not independent

Voluntary Partnership Agreement on Forest Law, Enforcement, Governance and Trade (VPA-FLEGT)

- An initiative of the European Union (EU) to import timber with timber producing countries like Malaysia
- EU does not want to import illegal timber
- A voluntary agreement
- Malaysia has to come up with a definition of “legal” timber before agreement is signed

Weaknesses of VPA-FLEGT

- The definition of legal timber is only confined to licensing issues
- Legal means logs which are felled in licensed areas by a licensed person(s)
- Does not touch on customary rights issues
- No proper consultation with Indigenous Peoples reps
- Not transparent and more inclined towards govt. and logging industries
- Does not take into account decisions of court cases
- Also sees participation of IPs in consultations or meetings as an endorsement to VPA-FLEGT
- Decision already been made and only informed to Indigenous Peoples reps
- IPs recommendations not considered or expunged from proceedings
- No IP reps in the Taskforce to draft the definition of legal timber



Thank You
