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Mr. Yong Teng Koon
Senior Manager (Forest Management)
Malaysian Timber Certification Council (MTCC)
Kuala Lumpur

Dear Mr. Yong,

Re: Article on 'MTCC Ambush' in www.coac.org.my

Thank you for your email of 19 September 2008 explaining the circumstances of the MTCC-linked surprise visit on Kampung Alutok in Sabah as commented on in the online article 'MTCC Ambush' found on our website.

The delay in responding to it has been, in part, due to the need to personally verify the ground circumstances with some of the others who were also there then, which I did during a recent visit to Sabah.

I appreciate your attempt to justify the way you and your team 'ambushed' the village. However, after a careful reading of your explanation, and based on my own enquiries, I conclude that there is no reason for me to retract or correct the article as it truthfully reflects the situation and the feeling of the people then.

On the contrary, I find that your reply does not sufficiently absolve you of the things you try to justify and explain.

Ambushing the headman

For one, you maintain that your "initial arrangement was to see the Headman of Kampong Alutok only". And that it was he who had suggested that the group should meet with the village representatives to get a better idea of their livelihood.

The headman's suggestion is, to me at least, a correct (and obvious) one for anyone wanting to test or find out what the village folk feel about anything. Furthermore, it reflects poorly on your testing methods if you only intended to speak to ONE person to get a feel of what his community – and supposedly by extension of your sampling method, how all other communities as well – feel about whatever you want to test.

Nevertheless, I find your above claim – that your initial arrangement was to see the Headman of Kampong Alutok only – untenable for two reasons.

Firstly, it was reported in Sze Ning's article that one of your team members had said that this is the way (i.e. a surprise village meeting) he would like it "as in a real audit, to check if the operating company is in compliance to the standards and criteria of MTCC, no one would be informed prior to the visit."

He had also said that the visit was just an exercise to get feedback from the *village* (and not just the headman).

(It is however interesting to note that the particular person who made this comment is not listed in your detailed list of team members who made that surprise visit on Kampung Alutok on June 12. I hope you are not going to claim now that he was never there or that he was not part of your group!)

Secondly, even if it is so that your original aim was to meet only the headman, the main argument of our article – that the people's perspective was not respected, nor was advance notice of your arrival given as a normal courtesy – still holds. Your visit was unannounced and was a surprise visit by a big group of outside people, not unlike an ambush.

So, contrary to your claim, the dialogue – whether it was held with the headman only or with the community as it eventually turned out – *was* imposed upon the headman by you and your team.

It is no wonder then that the headman suggested that your big group move to the community hall and for the community members to attend as well. This would be an expected defence strategy of anyone faced with the sudden imposition by a large group of uninvited visitors.

I ask you: Which person in a rural community would not feel this way if 17 outsiders in 4WDs (our count is 18 outsiders) came to his house and said they wanted to engage in a dialogue with him to do some testing on something or other?

Then there is the question of bringing and consuming food only for your own group. I am not sure if you originally intended to have your packed lunch in the headman's house, in front of the headman, but what followed nevertheless revealed your group's insensitivity to the norms about food and food-sharing while in a community.

Those who work with communities know that the non-sharing of food, no matter how little there may be, is the obvious give-away of a person's remoteness and lack of understanding of community norms and etiquette.

Blame it on COAC's non-participation?

In your reply, you allude that the (perceived) inaccuracies in our 'MTCC Ambush' article have been due to our failure to participate in your standard development process of the draft MC&I (Forest Plantations).

It is regrettable to note that till today you fail to appreciate why COAC and the other NGOs and community based organisations (CBOs) aligned to JOANGO-Hutan and JOAS have chosen to withdraw from the MTCC process.

To reiterate: We have chosen to withdraw because, as we have maintained from the beginning, we feel that the MTCC initiative, among other things, has been weighed down by skewed business interests, biased government support and lack of transparency in matters where it matters most.

MTCC is also noted for not defending the truth or at least not correcting the non-truths. For example, it has been almost a year now that the CEO of MTCC has promised to get back to me about the veracity of a claim, made by a member of the timber industry at a national consultation in Sarawak, that no one invited to that meeting had been banned by the Sarawak government from entering the state for anti-logging activities.

Also, for reasons too many to repeat here, MTCC's credibility in our eyes has been at rock bottom for a long time already. This is also the case for the FLEGT process, where MTCC and its officers have their hands in as well. In both these processes, the rights and interests of the indigenous communities have either been ignored, down-played, or even ridiculed at times.

For example, it has taken much debate at no less than four stakeholders' consultations, plus a walkout on our part, before a legal national law – the Aboriginal Peoples Act – was accepted to be included in the TLAS of the FLEGT process, a process that is supposed to look into the criteria for legality of timber extracted and exported.

And after five so-called multi-stakeholder consultations, we now find that the protections and recognitions of indigenous rights accepted and adopted in the Sarawak consultation have now been mysteriously whittled away in the FLEGT-TLAS.

We also have a retired state legal adviser, now a legal consultant in the timber business, advocating his warped and biased interpretation of the law on native customary rights, to the extent of even suggesting that Federal Court decisions can be ignored in favour of other interests. This same person is given disproportionate debate time and allowed to have disproportionate influence in the so-called multi-stakeholder processes.

So I find it very naive on your part to suggest, as you do in your letter, that by participating in all these processes, “COAC would have gained a better understanding of the process and contributed effectively towards the interests of the indigenous communities....”

Just to be sure, allow me to take this opportunity to reiterate once more why we pulled out of the MTCC process a long time ago: MTCC is about the business of selling our timber at a higher price (even while it is on the path to sustainability) whereas we are concerned about the protection of environments where indigenous peoples claim ownership over.

We also want to be assured that timber certified as sustainably-sourced or legal should also be free from aboriginal or native customary claims, or at least have had their free, prior and informed consent for its removal.

Unfortunately, MTCC seems to be pre-occupied with mere timber certification; while we want to see socially responsible and environmentally-sustainable forestry management.

Working towards Sustainable Forestry

The onus should be on ensuring that ALL timber that is extracted from ALL our forests are sustainable, legal and devoid of negative social impacts.

There should be no avenue for MTCC officers, when shown evidence of destructive logging practices, to wash their hands and make statements such as “we only certify timber from Permanent Forests Estates (PFEs) in Forest Management Units (FMUs)” – eventhough for some supposedly clever scientific reason MTCC sees no problem in regarding whole states in the peninsular as FMUs.

Imagine if the food industry is allowed to produce and distribute whatever and however it wanted, and businesses being given the option of certifying their food product if they choose to, in order to get higher prices for it? If people's genuine interests are at stake, no right-thinking government would allow this to happen, let alone would any country want to import our food products, certified or otherwise.

So why can't we insist that only timber that can be extracted sustainably, legally, and free from native interests, be allowed to be extracted? That is to say, why can't we be looking at certifying forestry instead of just the timber?

It is for this reason that we fully supported, and still do, the initiatives of MNS and WWF to replace the MTCC with a truly FSC-compliant system of certifying forestry in Malaysia. Alas, we are still waiting for them to demonstrate their leadership and commitment to the environment in this regard.

We seek change

The ambush in the small village in Sabah is only another manifestation of how the MTCC timber certification process is being developed. Despite stopping their work and hurriedly gathering to cater for the needs of the surprise visitors, the villagers were not given enough time to fully express their views on logging and its effects on their lives.

It was as if the people and their views were merely treated as necessary 'have-to-tick-off' items in your long list of indicators. And if not for the article by Sze Ning, I am sure it would have remained ticked as 'done' without any query or debate.

The issues we face with the timber industry today are grounded in the unhealthy dynamics of the timber politics of our country. It is obvious that MTCC cannot, and does not want to, do anything about it.

On our part, we do not plan to work around or within the existing timber politics and policies. We want to change it.

And as experience has shown us in the case of opposition-held Perak and Selangor, the fastest and most effective way to achieve that change is to change the governments that are the stumbling blocks to socially just, environmentally sustainable and economically equitable forestry.



Colin Nicholas
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Note: The above letter has been uploaded onto the COAC website at www.coac.org.my, together with several relevant links.