ADABOOX

THE POLITICAL ECONOMY OF SARAWAK'S TIMBER INDUSTRY AND ITS IMPACT ON THE INDIGENOUS PEOPLES

PHOA CHUI LEONG

THESIS SUBMITTED IN FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

INSTITUTE OF POSTGRADUATE STUDIES AND RESEARCH UNIVERSITY OF MALAYA KUALA LUMPUR

NOVEMBER 2003



ACKNOWLEDGEMENTS

This academic exercise is the contribution of many people who have in many ways directly or indirectly motivate, challenge and also ensure that I complete this task. I am very grateful to

Firstly to my supervisor, Professor Jomo, for his guidance, support and encouragement until the final submission of this thesis.

The Dean of the Institute of Postgraduate Studies, University of Malaya, YBhg Professor Datin Dr Roziah Omar and Principal Assistant Registrar, Puan Roba'ayah Mohd Ghazali

The librarians in Sarawak Museum, the Sarawak State Assembly, Forest Department Kuching, STIDC hibrary, Department of Labour, Kuching., Zubaidah and Rosli Maidin of IPS

Ex-colleagues and friends in the University Malaysia Sarawak (UNIMAS)

Staff and colleagues in KCJ

IPSP for their fellowship

A family of close friends in Sabah and Sarawak and KL who in many ways sustain my interest in the writing of this thesis.

The indigenous communities in Kapit and Miri Divisions who have shared their information, insights, experiences and suffering of their struggle and who took care of me during the field study

Many friends who provide useful data willingly and who wants to remain anonymous.

The Phoa family

Whatever weaknesses and mistakes remain in this thesis, the responsibility is mine.

i

ABSTRACT

This study attempts to examine two central questions about the timber industry in Sarawak. Firstly, how have the political and economic forces influenced each other in determining the role of timber/logging in the state? Secondly, what has been the impact of this relationship on rural communities?

This study found that the timber industry in Sarawak is dominated by a handful of large companies. These few families, often related, hold majority equity share in these companies through a network of subsidiaries and interlocking directorship. The involvement of political party leaders in equity ownership and directorship suggests that the companies gain access to the state's timber wealth through political linkages.

The Sarawak State Government enjoys higher revenues compared to most State Government and timber revenues have represented the lion's share of its revenue. This revenue can be beneficially used for the development of the state, which is relatively less developed than many other Malaysian states. The poor design of the timber concession system, which leads to low rent capture by the State Government, is a forgone opportunity to improve Sarawak society.

Logging has provided increasing employment opportunities for growing workforce as well as for the foreign workers, particularly from Indonesia, Philippines and Sabah. logging brings cash incomes, with which household can purchase consumer goods on the market. Monetary wage rates and fringe benefits compare favourably with the wage rates in the state. Work is often irregular and is definitely dangerous. Logging accidents, resulting in injuries and death are frequent and much higher compared to the logging industry in developed countries, while existing insurance schemes under the law offer insufficient compensation. Only a small portion of the revenue from timber sales is channeled to workers in the form of wages. The depletion of forest resources of the state implies job insecurity. Many workers leave their families to work in remote logging camps.

As logging threatened their livelihoods and encroached into their customary lands, the indigenous communities attempted to negotiate with the communities and appealed to the government. Failure to achieve satisfactory solutions prompted direct confrontations in the form of blockades as well as international and local campaigns. The state government and loggers colluded and used physical force to contain dissent. Except for the government's reply to appeal from Kampong Opar, Bau, all other letters received no response. Why do the government responses indicate? Firstly these indigenous communities do not threaten the power base of these elites. Secondly, the communities are numerically small minorities, indigenous seriously affected by logging activities and main reside in the Baram parliamentary constituency, which consists of two state constituencies, i.e. the Marudi state constituency and the Telang Usan state constituency. Indigenous blockades and campaigns to protect customary forests have been outlawed and legislation have been enacted to check protests. There has been no legal recourse.

ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
BPP	Borneo Pulp and Paper Sendirian Berhad
DF	Director of Forests
DP	Detailed harvesting plan/topographis workmap
EIA	Environmental Impact Assessment
FAO	Food and Agricultural Organisation
FRU	Federal Reserve Unit, Malaysia
GDP	Gross Domestic Product
GP	General Harvesting Plan
GTZ	Deutsche Gesellschaft fur Technishe Zusammernarbeit
HMDP	Hill Mixed Dipterocarp Forest
IAL	Interior Area Land (a land category under the Land Classification Ordinance of Sarawak, 1948)
IDEAL	Institute for Development and Alternative Living, Sibu, Sarawak
INSAN	Institute of Social Analysis, Petaling Jaya, Malaysia
ISA	Internal Security Act
ITTO	International Tropical Timber Organisation
LCO	Land Classification Ordinance of Sarawak, 1948
NGOs	Non-Government Organisations
NCL	Native Customary Land
NCR	Native Customary Right
PBB	Parti Bumiputra Bersatu (the main ruling party in the Sarawak Ruling Coalition)

PEC	Permit to enter Coupe
PFE	Permanent Forest Estate
PNBS	Panglima Negara Bintang Sarawak (a title/decoration conferred by the Government of Sarawak, which carries the title of "Datuk")
PNG	Papua New Guinea
PPF	Police Field Force, Malaysia
SAM	Sahabat Alam Malaysia, Penang, Malaysia
SFO	State Forest Officer
SNAP	Sarawak National Party (a component party of the Sarawak Ruling Coalition)
SOCSO	Social Security Organisation, Malaysia
STIDC	Sarawak Timber Industries Development Corporation
SUHAKAM	Human Rights Commission of Malaysia
SUPP	Sarawak United People's Party (a componant party of the Sarawak Ruling Coalition)
UMNO	United Malaya National Organisation (the main ruling party in the Malaysian National Coalition, based in Peninsular Malaysia)
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organisation
USNO	United Sabah National Organisation
WWF	International World Wildlife Fund

1

TABLE OF CONTENTS

		Page
ACKN	OWLEDGEMENTS	i
ABSTR	RACT	ii
ABBRI	EVIATIONS	iv
TABLE	OF CONTENTS	vi
LIST O	FTABLES	x
LIST O	FIGURES	xii
CHAP1	TER ONE: INTRODUCTION	1
1.1	STATEMENT OF THE PROBLEM	1
1.2	AIMS AND OBJECTIVES OF THE STUDY	4
1.3	JUSTIFICATION FOR THE STUDY	5
1.4	THESIS OUTLINE	10
СНАРТ	ER TWO: THE FORESTRY SECTOR IN SARAWAK	12
2.1	INTRODUCTION	12
2.2	FOREST LAWS	13
2.3	ENVIRONMENTAL ROLE AND OTHER FUNCTIONS	23
2.4	CONTRIBUTIONS TO GROSS DOMESTIC PRODUCT	31
2.5	EXPORTS	41
2.6	STATE GOVERNMENT FOREST REVENUE	46
2.7	CONCLUSION	48

1

vi

CHAPTI	ER THREE: TIMBER CONCESSION SYSTEM	50
3.1	INTRODUCTION	50
3.2	EXPANSION OF STATE CONTROL UNDER THE COLONIAL ERA	51
3.3	THE PRESENT CONCESSION SYSTEM	54
3.4	CRITERIA FOR AWARDING LICENCES	57
3.5	MANAGEMENT AND CONSERVATION OF FOREST RESOURCES	63
3.6	ENVIRONMENT IMPACT AND DAMAGE	67
3.7	GOVERNMENT REVENUE AND RENT CAPTURE	74
3.7	CONCLUSION	76
CHAPTI LINKAC	ER FOUR: OWNERSHIP PATTERNS AND POLITICAL IES	78
4.1	INTRODUCTION	78
4.2	THE COMPANIES: OWNERSHIP AND CONTROL	85
4.2.1	SAMLING STRATEGIC CORPORATION	85
4.2.2	RIMBUNAN HIJAU SENDIRIAN BERHAD	95
4.2.3	WTK HOLDINGS SENDIRIAN BERHAD	107
4.2.4	KTS HOLDINGS SENDIRAN BERHAD	109
4.2.5	SHIN YANG SENDIRIAN BERHAD	113
4.2.6	PAN-PACIFIC ASIA BERHAD	114
4.2.7	LIMBANG TRADING COMPANY	117
4.3	CONTROL AND POLITICAL LINKAGES	118
4.4	CONTROL OF THE TIMBER TRADE THROUGH SHIPPING	120
4.5	CONCLUSION	132

CHAPTER FIVE: EMPLOYMENT		134
5.1	INTRODUCTION	134
5.2	EMPLOYMENT OPPORTUNITIES	136
5.3	WAGE	139
5.4	LOGGING ACCIDENTS	145
5.5	INSURANCE	149
5.6	SOCIO-CULTURAL ASPECTS	151
5.7	CONCLUSION	152
CHAPTI	ER SIX: TRADITIONAL FOREST USERS VERSUS LOGGING ACTIVITIES	154
6.1	INTRODUCTION	154
6.2	SARAWAK LAND CODE AND FOREST ORDINANCE	154
6.3	INITIAL RESPONSE	161
6.4	CONFRONTATION AND PUBLICITY	166
6.4.1	BLOCKADES	166
6.4.2	INTERNATIONAL AND LOCAL CAMPAIGNS	167
6.5	GOVERNMENT RESPONSE	168
6.6	LEGAL ACTION AND APPEAL TO THE HUMAN RIGHTS COMISSION	177
6.7	CONCLUSION	178
CHAPTE	R SEVEN: SUMMARY AND CONCLUSION	181
7.1	INTRODUCTION '	181
7.2	FINDINGS	182

7.3	NATIVE CUSTOMARY RIGHTS - RECENT LEGAL DEVELOPMENTS	185
7.4	CONCLUSIONS	186
APPEND	ICES	188
BIBLIOG	RAPHY	221

1

ix

LIST OF TABLES

		Page
2.1	Sarawak - Legal Status of Forestlands	19
2.2	Sarawak - Gross Domestic Product in Constant 1978 Prices	27
2.3	Sarawak - Principal Statistics of Major Industries, 1996	33
2.4	Malaysia - Manufacturing Industries, 1994	34
2.5	Sarawak - Principal Exports by Value and Percentage, 1965-1997	37
2.6	Government services as a Proportion of GDP, 1970-1997	47
2.7	Sarawak - Government Expenditure, 1964-1996	48
3.1	Forest Department, Sarawak - Operations Process After Licence Approval	60
3.2	Sarawak - Forest Type and Legal Status, 1996	64
4.1	Sarawak - Area by Division and District	79
4.2	Licences Manufacturers in Sarawak, 1997	81
4.3	Applications for Manufacturing Licences, 1995	84
4.4	Samling Concession Areas	88
4.5	WTK Co and Ltd - Shareholders as at 1977	96
4.6	Concession Areas, Rimbunan Hijau	97
4.7	The Wong Family of WTK Holdings Sendirian Berhad - Timber Concession Obtained in the 1960s	107
4.8	Lau Family of KTS Holdings Sendirian Berhad - Timber Concessions Acquired in the 1960s	109
4.9	Mukah Sawmill (1962) Limited – Timber Concession obtained in the 1960s	116
4.10	List of Taib's Supporters Issued with Timber Licences by Rahman Ya'akub's Group	122

х

4.11	List of Rahman Ya'akub's Supporters Issued with Timber Licences by Taib's Group	127
5.1	Sarawak - Occupational Breakdown in the Logging Industry, 1990	136
5.2	Sarawak Breakdown of Timber Workers According to Place of Origin, 1990	138
5.3	Average Wage Rates for Logging Industry Workers, Miri Division (1992) and Limbang Division (1990)	141
5.4	Sarawak - Wage Rate for Industries in Sarawak, 1992	142
5.5	Wage System for Logging Industry, 1990	144
5.6	Sarawak - Log Production and Logging Accidents, 1973-1998	146
6.1	Arrests of Indigenous Persons, 1987-1994	169
6.2	Appeal Letters to the Chief Minister of Sarawak	176

1

xi

LIST OF FIGURES

1.1	Malaysia - Major Exports, 1990-1999	2
2.1	Forestry and Logging, Sarawak – Gross Domestic Product in Constant 1978 Prices	35
2.2	Sarawak – Log Production and GDP from Forestry and Logging, 1981- 1998	36
2.3	Sarawak – Sawlogs Exports, 1982-1998	39
2.4	Sarawak - Sawn Timber Exports, 1982-1998	40
2.5	Sarawak - Sawlogs Exports by Destination, 1985-1997 (%)	43
2.6	Sarawak - Exports of Sawn Timber by Destination, 1985-1997 (%)	44
2.7	Major Log Producers, 1993-1995	45
3.1	Sarawak - Log Production and Area Logged, 1960-1998	73
4.1	Samling Strategic Corporation - timber businesses only	87
4.2	Rimbunan Hijau Sendirian Berhad	101
4.3	WTK Holdings Sendirian Berhad	106
4.4	KTS Holdings Sendirian Berhad	111
5.1	Sarawak - Employment by Industry, 1980, 1991	135

-

Page