

## **Press release, 22 October 2010**

### **TPAC revises judgement on MTCS**

**Earlier this year, the Timber Procurement Assessment Committee (TPAC) judged that the Malaysian certification system MTCS meets the Dutch Procurement Criteria for timber. Five civil society organizations have filed a notice of objection to this judgement. After careful consideration of this notice of objection, TPAC has revised its judgement and holds that the MTCS does not conform to the Dutch criteria. The Dutch State Secretary for Infrastructure and the Environment, Mr Joop Atsma, will decide whether MTCS-certified timber will be accepted under the Dutch sustainable procurement policy.**

TPAC notes that the Malaysian Timber Certification Council (MTCC) has made vast improvements over the past years, both within its own organization and in the forty thousand square kilometres of MTCS-certified forest. Accordingly, the MTCS conforms to most of the Dutch Procurement Criteria. The main reason for withholding a positive judgement is the overly restrictive interpretation of the rights of the indigenous communities living in the MTCS-certified forests. These forests have been used for centuries by the indigenous peoples of Malaysia – the Orang Asli – for hunting and collecting food, and are an important part of their culture and identity. TPAC is of the opinion that this traditional use confers certain rights on the Orang Asli, such as the right to give permission to log timber and to receive compensation for logging activities where appropriate.

It has become clear from information provided by the civil society organizations in question, and in particular from recently published audit reports, that those Orang Asli rights are not recognized and therefore not always respected in MTCS-certified forests. Because these audit reports were published only very recently, TPAC was only able to take this information into account during the objection procedure.

Another weakness of the MTCS is the conversion of certified natural forest to other forms of land use, such as rubber plantations and infrastructure development. TPAC has already called attention to this conversion problem before. In TPAC's view, the MTCS in its current form offers insufficient protection against this conversion. To ensure effective protection, forest areas that have been converted or that are scheduled for conversion must be placed outside the certified Forest Management Unit (FMU), and there must be a clear and effective cap on conversion.

#### **Objection**

The reason for reassessing the MTCS was the notice of objection to TPAC's judgement on the MTCS, which was filed in April 2010 by Greenpeace, Milieudefensie (Friends of the Earth Netherlands), Wereld Natuur Fonds (WWF Netherlands), ICCO (the Dutch Interchurch Organisation for Development Cooperation) and Nederlands Centrum voor Inheemse Volkeren (Netherlands Centre for Indigenous Peoples, NCIV). TPAC has carefully considered the notice of objection and has heard both the civil society organizations and MTCC at length about the points raised in the notice of objection. TPAC also held a public hearing in The Hague on 14 September 2010 to hear the parties' arguments and to obtain answers to some final questions.

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*The former Dutch Ministry of Housing, Spatial Planning and the Environment has commissioned the Timber Procurement Assessment Committee (TPAC) to assess whether*

*certification systems for timber meet the procurement criteria in the context of the Dutch sustainable procurement policy.*

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