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Richard Pearshouse
Director, Environment and Human Rights Division
Human Rights Watch

25th February 2025

Elaine Pearson
Director, Asia Division
Human Rights Watch

Re: Rumah Jeffery, Anap Muput FMU and Anap Belawit Management Area

We refer to your letter dated 12th February 2025 on your intention to report on Zedtee Sdn Bhd (Zedtee) with respect to the above captioned matter.

1. Preliminary findings on land rights

"Zedtee's leases overlap with Rumah Jeffery's ancestral territory"?

Anap Muput Forest Management Unit (AMFMU). Zedtee is the forest manager of AMFMU under the Timber License T/4317 containing an area of 83,535 hectares of duly constituted Permanent Forest Estate (PFE) mainly within Anap Protected Forest (Anap PF with 76,935 hectares). Anap PF was duly constituted firstly under Gazette Notification **1066** dated **12th August 1937**, with extension under Gazette Notification **1660** dated 15th December 1956 and amalgamation under gazette Notification **587** dated **1st March 1958**. Other notable episodes in the constitution of Anap PF included excisions under Gazette Notification 1394 dated 1st March 1958 and Gazette Notification 1040 dated 30th July 1964.

Anap Belawit Management Area (ABMA) is part of the License for Planted Forest LPF/0039 area issued to Zedtee in 2005. ABMA is situated on Stateland bounded by Batang Anap and one of its tributaries Sungai Belawit.

The **boundary between AMFMU and ABMA** was clearly demarcated along the banks of natural waterways conspicuously painted with officially designated colours for the relevant boundaries, marked with official FD signs and tags to identify the PFE/Anap PF, with substantial and prominent signages posted on the roads traversing AMFMU/ABMA regularly maintained for the benefits of the local community.

ABMA was **first settled** by Ibans from Upper Skrang at Paku via Julau-Entabai-Kanowit-Pelagus at Nanga Takan as **Rumah Mat** in **1964**. It was relocated to Skuau Resettlement Scheme near Sibul under the Rajang Area Security Command in the 1970s and returned to the Nanga Takan site in 1974. Members of Rh Mat separated into four settlements with Rh Entrie anak Anju at the Nanga Takan site, while Mawang anak Mat, Bilong anak Entalang and Gasah anak Sumbang built new settlements on the north bank of Batang Anap within the constituted PFE of Anap PF. Sayong anak Murapi split from Rh Gasah in 1985 to settle on the

south bank of Batang Anap in ABMA. Zedtee assisted Bilong anak Entalang to move out of Anap PF and to relocate in ABMA in 2013. Unfortunately, the agreement to move out of the Anap PF was not fulfilled and the old Rh Bilong site within the Anap PF was taken over by **Philip anak Ngelambai**. Rh Mawang anak Mat was destroyed by fire in January 2018. The Sarawak Forest Department (FDS) approved its relocation to ABMA with the assistance of Zedtee subject to the evacuation of all households from Anap PF. Encik Andrew anak Jaraw however continued to occupy the old Rh Mawang site within Anap PF after Rh Mawang has been rebuilt inside ABMA. The official status of Encik Andrew anak Jaraw and the old settlement site within Anap PF is presently reviewed by the State Natural Resources and Urban Development Ministry.

Migration history and settlements were recorded from anecdotal accounts from consultation with local communities and authorities, MFMA [ITTO Project PD105/90 Rev.1(F) 1994/1995, "Socio-economic Profiling and agroforestry options among communities within and surrounding the Anap Muput Forest Management Unit" by Envisar Sdn Bhd 2007, "Trans-River Migration of Iban and Bekatan to Tatau River Basin in Bintulu" by Yumi Kato *et al* NGINGIT Issue 10 December 2017, and "Multi-ethnic Societies of Central Sarawak" by Yumi Kato *et al* 2019.

There was **no clearing within ABMA** or its adjacent Anap Protected Forest as indicated on Land & Survey (L&S) aerial photograph **1951** (L&S File Ref zt/2715/l&s/py09, Carto Job 356/2009 based on APIS data on 1951-2/112/12 mapsheet) ditto L&S AP **700 22/69** over the Ulu Belawit area. The L&S AP **933 26/69** indicated some clearing within ABMA along the south bank of Batang Anap from Nanga Takan half way to Nanga Belawit. Documentation of land use changes over the area include photomosaics compiled by L&S [42/8-2/87(APIU)Vol.2] (based on photos 094-109 30/75; 166-170 31/75; 185-205 04/77; 131-142 05/77; 046-057 05/83), FAO FIDP (1970-1974) Inventory Unit 4 Land Use Map, ITTO Lands at Imagery 1996, physical observation, demarcation and augmentation with drones and remote sensing tools.

Zedtee judiciously maintained a rigorous **Land and User Documentation (LAUD)** procedure as a key constituent of its **Geographical Information & Biodiversity Database (GIBD)** for the management of AMFMU and ABMA. It is a matter of course to identify, demarcate and excise any established "Native Customary Land" as required by law, and to identify users of land in cleared PFE and Stateland in the respective management plan. The application of LAUD for community development included "Farming Permits" issued by FDS to users of cleared forest in Anap PF on the north bank of Batang Anap to plant rubber for latex and timber with assistance from other agencies under the "Forest Landscape Restoration Programme for Anap Muput FMU" in 2013. Zedtee also proactively established model "Community Forest Plantation Projects" (CFPPs) to plant industrial trees on idle shifting agriculture areas for Tr Pisang anak Adil and Encik Annum anak Lidani at Muput Lemai Management Area (MLMA) and ABMA respectively.

Zedtee consistently complied with the "**Tenure and Use Rights and Responsibilities**" and "**Indigenous Peoples' Rights**" criteria and indicators to maintain forest management certification of AMFMU by Malaysia Timber Certification Council in 2008 and against the PEFC endorsed MTCS since 2012.

Zedtee continuously supported legally recognised mechanisms for resolving land claims and conflict resolution. Zedtee was proponent for the establishment of **Anap Sustainable**

Development Unit (ASDU) as a management framework for AMFMU and LPF/0039 which was approved by FDS in 2010. **ASDU Liaison Committee** includes FDS and all relevant agencies, Penghulu and executive committee for "Conservation & Community Development" (CCD) elected from ASDU members (officially recognised longhouses and settlements with interest on land use within ASDU) as **Community Forest Manager** referred to as **AMC** (for Anap Muput Community). Seven AMC members are elected for a three-year term representing the three clusters of settlements of different lineage and migration routes at Muput, Ulu Anap and Ulu Mukah respectively. They are committed to operate under the commonly endorsed **AMC Charter** with 18 articles including purposes, qualification, entitlement, AMC Fund and enterprise projects etc. AMC is the licensee of the license to extract belian under BT/4472 within ASDU and interactively participate in the implementation of the AMFMU Forest Management Plan. It is also custodian of the documentation of land use changes over ASDU including photomosaics compiled by L&S [42/8-2/87(APIU)Vol.2]. AMC ExCo for Anap cluster of settlements included Tr Anai anak Sain, Tr Marayang anak Gerina and Encik Anum anak Lidam for 2020-2023 term; and Encik Pajih anak Mawang, Charles anak Gasah and Marayang anak Gerina for 2023-2026. ASDULC standard agenda include briefing of latest changes to relevant laws and regulations, revision to Forest Management plan, socio-economic development update, environmental impacts arising from current and planned logging operations, planning of community forest management project and enterprise if any, and report on the AMC Fund utilisation and account. Special agenda include issues escalated by AMC and Zedtee which could not be resolved between them at the local level due to lack of expertise or authority. There were four AMC meetings in 2023, and one ASDULC meeting each in 2023 and 2024.

Zedtee diligently maintained appropriate **Community Relation** to avoid and resolve conflicts. Zedtee Standard Operating Procedure Manual includes a chapter on Community Relation with thirteen modules ranging from LAUD, Community Development Project Planning Process, Process flow to address Grievances/Conflicts (complete with Grievance Form written in Iban as Laporan Rungut/Ribut Serebena), and Conflict Resolution Management to respond in good faith our intention to deal with the complexity of forest management and potential failings of human nature.

Encik Jeffery anak Nang(Jeffery) was a member of Rumah Philip anak Ngelambai who inherited the original Rumah Bilong site near Nanga Takan first established in the early 1980s.

2. Preliminary findings on deforestation

Zedtee was guilty of a lapse in supervision to allow Jeffery and a co-worker while under the employment of Zedtee to **commandeer a logging tractor** for clearing the site at Sungai Sepulau without permission from Zedtee or authorisation from FDS during the period of "Movement Control Order" 2020-2021. His action against Zedtee was tantamount to theft and the clearing in Anap PF contravened Section 26 of the Forest Ordinance 2015.

Jeffery followed a well-known tactic to clear land and claim the surrounding high forests as "**Native Territorial Domain**" (NTD commonly known in Iban as "Pulau Galau and Pemakai Menoa") to seek compensation from the forest manager. His original claim affected forests within blocks 31 and 37 in Coupe 21 of T/4317. With new recruits into his settlement, Jeffery and two others escalated their claims to cover ten blocks within the same coupe and erected

barricade on the access roads to demand payment and compensation for logging in their freshly claimed NTD.

Zedtee did not authorise any personnel to negotiate and compensate Jeffery for operation within his claimed NTD. In fact, his claim of offer by Zedtee **"....in the form of a paved access road and water pipes for the village.....and each family could mark five trees that Zedtee would not cut if the logging was allowed to proceed"** were his demands based on imagination and perceived rights or privileges from their clearing and occupation of the duly constituted PFE of Anap PF under our watch. Zedtee legally could not submit to his demands and abet his actions against the laws. On the other hand, Zedtee would and had complied with the officially approved permit to extract "Kayu ramu" from the PFE under the established standard operating procedure after consultation with AMC.

It is ironic to suggest that **"Rumah Jeffery has lost 19.5 hectares of tree cover...approximately 98 percent of this loss occurred between 2021 and 2022...including areas that overlap with AMFMU"** as the result of clearing the forest for a settlement site by Jeffery and cahoots.

3. Preliminary findings on eviction order

AMFMU has and shall comply with all applicable laws of Malaysia and respect international treaties and agreements including all administrative requirements for compliance with Forest Laws Enforcement and Governance.

Zedtee was duty bound to report any encroachment and illegal settlements within the duly constituted PFE of Anap PF under our watch in accordance with the **"SOP and flowchart for the documentation of unauthorised settlements within the PFE of ASDU"** as approved by FDS[(32)JHS/600-3/7/102/jld.3 dated 10 January 2019].

Jeffery moved into Anap Protected Forest to construct a dwelling at Nanga Sepulau at Ulu Belawit in November 2017. His signed acknowledgement of the person involved in the **"Report of Unauthorised Settlement in PFE"** [Form approved by FDS (56) JHS/600-3/7/102/jld.3 dated 25th January 2019] dated **26th October 2020** was submitted to AMC represented by Encik Jana Anak Kijun on 30th October 2020. The report was duly submitted to the Regional Forest Department on 3rd November 2020 based on the established procedure and CCD term of reference for AMC.

Jeffery clearing and settlement in Anap PF, claim of NTD and blockade of roads was raised for discussion by **ASDU Liaison Committee meeting dated 2nd December 2020**. The meeting was attended by officials from the FDS Head Quarter and Regional Office, Sarawak Forestry Corporation at Bintulu, L&S Bintulu, representatives from the Resident Department & Tatau District Office, Penghulu Michael Agul and all Executive Committee members of AMC. The meeting decided to resolve Jeffery's case following earlier attempts by Encik Chapi to blockade Batang Anap bridge purportedly built over his claimed NTD and to fell trees within the claimed NTD for conversion into lumber for trade, and Gasah Anak Sumbang [Ref. District Office Tatau: PDT/T/4/12 Jld.13(34)] to clear forests for planting oil palm in the PFE.

Zedtee submitted a report to the Director of Forest on **"Illegal settlement in AMFMU under Timber License T/4317"** based on the **"Report of Unauthorised Settlement in PFE"**

acknowledged by Jeffery together with his claim of NTD affecting ten logging blocks in Coupe 21 of T/4317 on 6th December 2021.

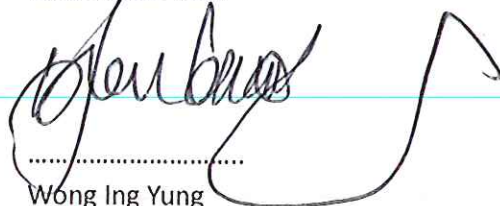
FDS issued the eviction order to Jeffery on 20th October 2022 based on its investigation and not **"eviction requested by Zedtee ...carried out by FDS"** in fulfilment of FDS legal duty to protect and preserve the duly constituted PFE of Anap PF. Jeffery reportedly agreed with Bintulu Regional Forest Department to move out from Anap PF into ABMA but requested for a grace period pending the outcome of his query with L&S Kapit and Bintulu on his "Native Customary Rights" after clearing the forest in Anap PF. As of April 2023, Encik Jeffery anak Nang had reportedly remained in Anap PF awaiting due process.

FDS should be the competent authority to respond to your question on the eviction order.

We hope that we would have answered all your questions that you have raised based on the best of our knowledge and technical contributions from the competent authorities as above. ASDU and its stakeholders learnt good lessons from Jeffery case study to address "Conflicts between Laws, land Use and Claims" to collaborate and conduct concerted "Communication, Education & Public awareness" (CEPA) programmes for sustainable development, Forest Ordinance and constitution, as well as community forest management duties and responsibilities for all the local community in ASDU and extension thereof to all forest management units in Sarawak.

Should you require further clarification and information on ASDU, AMFMU and AMC, please do not hesitate to contact us again.

Yours sincerely,
Zedtee Sdn. Bhd.



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Wong Ing Yung
Director

Cc: Tan Sri Datuk Ling Chiong Ho, Shin Yang Group of Companies

Enclosure:

1. Zedtee letter to FDS dated 6th December 2021
2. Report of Unauthorised Settlement in PFE-Jeffery Anak Nang dated 26th October 2020
3. L&S AP 700 22/69

Public information:

1. www.anapmuputfmu.com
2. FB: anapmuputfmu
3. FB: anapmuputcommunity