

Benita Ferrero-Waldner
Member of the European Commission

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Brussels, 15 December 2007
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Dear Dr. Lucas,

Thank you for your letter of 22nd November concerning the plight of certain tribal people in South Africa and Malaysia.

My colleague, Commissioner Louis Michel, will reply directly to you on the situation of Bushmen in the central Kalahari game reserve since this region falls under his responsibility.

As regards the Penan people in Sarawak, I am well aware of the situation and share your concerns. The State Government of Sarawak considers that Native Customary Rights extend only to land which has been cultivated continuously before January 1958. However, the Penan, who settled after that date, or who are still forest dwellers, believe that their rights extend to a wider domain encompassing the forests that maintain their livelihoods.

The European Commission is committed to support efforts by developing countries to combat illegal logging and to promote legal and sustainable use of forests. In this respect, our key instrument is the European Union's Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan.

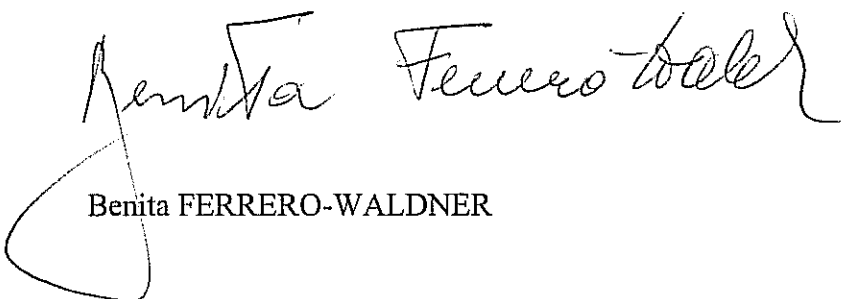
The Commission is currently negotiating Partnership Agreements with a number of timber-producing countries, including Malaysia. The involvement of stakeholders, including indigenous and local communities and consideration of their rights and livelihoods as well as the pertaining national legislation are key issues in the design, establishment and implementation of Partnership Agreements.

Within the framework of the negotiations with Malaysia, the European Commission is raising with the State Governments of Sarawak and Sabah, as well as with the responsible Federal Ministers, the issue of the indigenous peoples' legal status and related native customary rights' (NCR) claims. In this context, the European Community delegation at the FLEGT VPA negotiations has met several times with representatives of the Penan people.

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I can assure you that the Commission will continue to keep a close eye on the situation and make sure that it remains at the forefront of attention of the relevant Malaysian authorities.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Benita Ferrero-Waldner". The signature is written in a cursive style with a large, sweeping initial "B" and a long, trailing flourish at the end. Below the signature is a large, empty, teardrop-shaped outline.

Benita FERRERO-WALDNER