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MIDTERM EVALUATION REPORT

**BORNEO RESOURCES INSTITUTE MALAYSIA SARAWAK
(BRIMAS)**

PROJECT

**ENABLING INDIGENOUS PEOPLES IN CONSERVATION OF
BIODIVERSITY AND SUSTAINABLE USE OF FOREST
RESOURCES IN SARAWAK, MALAYSIA**

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For the
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LIST OF ACRONYMS AND EXPLANATORY NOTES

AIPP	Asia Indigenous Peoples Pact
ASEAN	Association of Southeast Asian Nations
BIIH	Building Initiatives in Indigenous Heritage (Sarawak NGO)
BINS	Borneo Independent News Service
BRIMAS	Borneo Resources Institute, Malaysia Sarawak
CBD	Convention on Biological Diversity
CBO	Community Based Organizations
CICON	Communities Information and Communication Centre
CoP	Conference of the Parties
CPET	Community Paralegal Education and Training Programme
DANIDA	Danish International Development Agency
DAP	Democratic Action Party
Dayak	A general term referring to certain indigenous peoples in Sarawak (Malay Sarawakians are not dayaks although they are considered indigenous)
EIA	Environmental Impact Assessment
FAO	Food and Agriculture Organization
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
IPLAS	Indigenous Peoples' Legal Advocacy Programme
IUCN	International Union for the Conservation of Nature
JOAS	Jaringan_Orang Asal SeMalaysia national NGO
LFA	Logical Framework Approach
MENGO	Malaysian Environmental NGOs (office in Kuala Lumpur)
NCR	Native Customary Rights
NORAD	Norwegian Agency for Development Cooperation
NREB	National Resources & Environment Board, Sarawak
PBB	Parti Pesaka Bumiputera Bersatu
PACOS	Partners in Community Organisations
PKR	Parti Keadilan Rakyat
RFN	Rainforest Foundation Norway
RNIP	Regional Network for Indigenous People
SADIA	Sarawak Dayak Iban Association
SAM	Sahabat Alam Malaysia (Friends of the Earth)
SCANE	Sarawak Conservation Alliance for Natural Environment
SCORE	Sarawak Corridor on Renewal Energy
SIYN	Sarawak Indigenous Youth Network (NGO)
SUHAKAM	Suruhanjaya Hak Asasi Manusia Malaysia (Malaysian Human Rights Commission)
SWWS	Sarawak Women for Women Society (Sarawak NGO)
TAHABAS	Jaringan Tanah Hak Adat Bangsa Asal Sarawak (Native Customary Land Rights Network)
UNDP	United Nations Development Programme
UNEMRIP	United Nations Expert Mechanism on the Rights of Indigenous Peoples
UNPF	United Nations Population Fund
UN-RIPP	United Nations Regional Office for Indigenous Peoples Programme
UNDRIP	United Nations Declaration on Indigenous Peoples Rights
WADESA	Persatuan Wanita Desa Sarawak (Sarawak Rural Women's Association)
WFP	World Food Programme

EXECUTIVE SUMMARY

This is the midterm evaluation of a project carried out by the local NGO, BRIMAS entitled “Enabling Indigenous Peoples in Conservation of Biodiversity and Sustainable Use of Forest Resources in Sarawak, Malaysia”. The evaluation was carried out participatorily with project staff and villagers in October and November 2010. From 17 October until 31 October the evaluators were in Sarawak. For the remainder of the time, until 25 November, they worked from their respective homes.

The evaluators met the 12 BRIMAS staff members as a group and interviewed them individually, usually more than once. They observed staff operations in the BRIMAS office, its training centre, in a Penan community and an Iban longhouse. The evaluators carried out a background study of indigenous peoples in Sarawak as well as a comprehensive review of BRIMAS records, videos, and reports.

BRIMAS is working to safeguard rights to land, forest resources, and livelihood for the indigenous communities in Sarawak. These rights have been threatened by logging, commercial tree plantations, and more recently by dam construction projects. BRIMAS has supported legal cases, documented by community mapping and other evidence, to halt the development. In addition, BRIMAS runs paralegal training and other courses to enable people to defend their rights themselves. Through landmark cases judged in their favour and participation in networks and associations of indigenous people, BRIMAS has become recognized by the indigenous people as an important resource and a source of support in their efforts to protect their rights.

The project under evaluation is very relevant to addressing these issues. The maps are essential to many of the legal cases. The awareness-raising and other activities provide the villagers with skills to protect their rights. Through the landmark cases and consciousness-raising, BRIMAS activities are becoming increasingly effective and making an impact. Members of the community and other NGOs all commended BRIMAS for its dedication and increasingly successful impact.

However, the project document is overly-ambitious, setting some objectives far beyond BRIMAS’ ability to accomplish them. The many activities, quite a few of which comprise ongoing work, are more than the staff can handle (despite their dedication and industriousness). In an attempt to accomplish all the project’s activities, BRIMAS devotes about two-thirds of its budget to staff salaries and related costs. Besides contributing to a confused and overlapping internal management system, by relying on Rainforest Norway for almost all its income puts BRIMAS at risk if something were to happen to the donor’s funding.

The evaluators recommend that a staff retreat be held to rework its structure and project format with a clearly defined and new LFA. Consistent with this, the evaluators recommend a revised project management structure, a consistent salary scale, a documentation and resource section, and a monitoring process. At the same time, the evaluators recommend that RFN participate in defining a clear direction for the project. RFN should continue to support the staff and office expenses of BRIMAS but help publicize conditions on Sarawak as part of the effort to identify new donors for specific projects that will help sustain BRIMAS’ work.

I. INTRODUCTION

1.1. Background and Context

The Borneo Resources Institute was established in Miri in 1993 by two indigenous people, Harrison Ngau Laing and Raymond Abin. Both of them had worked with the Friends of the Earth, an NGO which was established to oppose the increase in rainforest logging in the interior of Sarawak for several years. They left the organization because they had become convinced that its focus on the issue of conservation overlooked issues important to the indigenous people that needed to be addressed.

They established BRIMAS as an indigenous NGO with little funding and a small staff. Initially, BRIMAS acted as a centre for activists and an advocacy support centre. This brought it to the attention of Rainforest Norway (RFN) which began working with it in 1999. Rainforest obtained funding from NORAD to support a project entitled "Indigenous Peoples' Legal Advocacy Programme" that BRIMAS carried out from 1999 to 2007. RFN provided additional support for BRIMAS, from 2002-2004, through the "Community Paralegal Education and Training Programme" (CPET).

The project under evaluation, "Enabling Indigenous Peoples in Conservation Biodiversity and Sustainable Use of Forest Resources in Sarawak, Malaysia" started operations in 2008. This is the midterm evaluation of this project.

The BRIMAS office is on the second floor of a commercial building on Jalan Bulan Sabit in Miri. On the first floor of this building is HNL & Co., the law firm of Harrison Ngau, the legal officer of BRIMAS, one other lawyer, a legal clerk, and an administrative officer. The BRIMAS and HNL & Co. offices are used cooperatively and often interchangeably. The BRIMAS staff of 8 is located on the second floor. While the other 4 staff members are located in HNL & Co. on the first floor. However, since Harrison is one of the founders of BRIMAS and remains integrally involved in its work, there is considerable overlap between the tasks of the BRIMAS staff and the law firm.

The purpose of this evaluation is to examine the mandate, strategies, objectives, relevance, effectiveness, results, impact, sustainability and added value of the work BRIMAS did in this project. This evaluation reviewed the appropriateness of the project design and assessed whether the work of the project met the objectives of the project. The evaluation assessed the sustainability of the interventions and to what degree the outcomes are suitable and (insofar as is now possible) as expected. The evaluation also assessed the relationship between the major donor, Rainforest Norway, and BRIMAS. Recommendations are made that address both BRIMAS and Rainforest Norway.

The evaluation was carried out by two evaluators, Ronald D. Renard and Azrina Abdullah. With the help of BRIMAS staff in Miri and at project sites, they reviewed Project and related documentation at the BRIMAS Office. They visited a field site, sat in on a paralegal training course and also a village seminar, which enabled them to talk to project beneficiaries. The two stayed in Sarawak from 17-31 October and

had a follow up via email and telephone. They completed the write-up cooperatively while at their respective home bases. The final draft was submitted by 15 November 2010 to RFN and the report was finalized on 25 November 2010.

2. ANALYSIS AND MAJOR FINDINGS

A. RELEVANCE AND TIMELINESS OF PROJECT

BRIMAS is working on rights to land, forest resources, and livelihood for the indigenous communities in Sarawak. Legal cases comprise one of the major aspects of what BRIMAS does, having been involved in about 150 cases since its establishment. Currently BRIMAS is involved in about 12 active court cases (heard by courts) regarding logging and oil palm plantations while more than 100 remain pending.

To assess the relevance of what BRIMAS is doing, a review of the situation in Sarawak is necessary. The Eastern Malaysian state of Sarawak, on the northwest of Borneo, has a rich supply of natural resources including oil, gas, timber, and coal. Besides such exploitable resources, the island's biodiversity, which includes some 15,000 flowering plant, 3,000 tree, over 400 bird and more than 200 mammal species, is among the most varied in the world. Until recently there were large areas of tropical rainforest in Sarawak. However, within the last quarter-century, much of this has been logged and planted over for plantations of oil palm and other crops.

There is also considerable ethnic diversity and low population density on Sarawak. Approximately 2.5 million populate a land area of 12.4 million hectares with a population density of about 20 per square kilometre.¹ The indigenous people are known collectively as Dayaks. Among them are many different groups for which social scientists have not agreed on a comprehensive classification system. Nonetheless, the main groups as recognized by the government and most of the local people are Iban, Kayan, Penan, Kelabit, Kenyah, Bidayuh and a number of smaller groups. The Iban, which comprises about one-third of the population, is the largest. These peoples live mainly in the country's interior and formerly lived sustainable lifestyles based on shifting cultivation which they practiced conservatively and in harmony with the environment.

The Iban live closer to coastal areas throughout Sarawak while the others are more inland. In the north, closer to Miri, inland groups such as Kayan (population about 15,000), and Kenyah (population about 22,000), are settled in longhouses mainly on the Baram and Rejang Rivers. More remote are Penan, most of whom live in longhouses. However, a few hundred Penan are nomadic hunters and gatherers.

Until the nineteenth century, there was only a small population of Malays and Chinese living in coastal areas of Sarawak.² But from 1841, when James Brooke became the first of three "White Rajahs" to rule Sarawak and also to expand its territory into large areas of what formerly was the Sultanate of Brunei, many non-natives moved to Sarawak. In-migration accelerated following the discovery of oil in Miri in 1910 and the building of a refinery there four years later and then even more following the withdrawal of the third Brooke, in 1946, when the territory became a British Crown Colony. By the time Sarawak became a state in Eastern Malaysia in 1963, many Chinese, Malays, and others had settled in the coastal areas.

¹ However, with an annual growth rate of over 2 per cent, the population will increase rapidly.

² Occasionally Chinese lived in inland trading settlements, such as at Long Lamar, which is still predominately Chinese and was passed by the evaluators en route to the Para-Legal Training at Long Lutin.

Under the Brookes, land regulations³ were enacted largely by officials who were convinced (incorrectly) that the indigenous people used land and other resources unproductively and that the shifting cultivation they practiced destroyed the forest⁴ and was the basis for their so-called impoverishment. The regulations took increasing control over the land in ways unfamiliar to the local people.

When Sarawak became a part of Malaysia in 1963, it was agreed that land rights would be controlled by the state of Sarawak. This became an issue for indigenous people when forest extraction was identified by the state's leadership as the most lucrative and easiest way for Sarawak to grow economically. This was facilitated by newly devised logging technology such as portable chain saws and better off-road vehicles for working in the terrain commonly found in the interior of Sarawak.

The large income that could be derived from logging tropical hardwoods both encouraged firms to apply for logging licenses and politicized the process. Political influence has grown significantly with the continued hold that the Parti Pesaka Bumiputera Bersatu (PBB) has on power in Sarawak. The current Chief Minister was born in impoverished conditions which may have influenced his belief that logging, and the money it earned for the state, was the most appropriate avenue to develop Sarawak. Although at an early age he believed that indigenous ways of life should be allowed to be practiced, he became convinced at some point in his life that shifting cultivation and the way of life led by the people of Sarawak's interior was backwards and should be changed. In the mid-1980s, at an international conference in Kuching on forest use in Southeast Asia, his response to a query by a Filipino sociologist as to whether the indigenous people had customary rights, was just one word: "irrelevant".

He has now been in office since 1981 and also holds the Finance and the Planning and Resource Management portfolios. His control of the country includes the power to revoke logging licenses unilaterally with the result that timber companies are loyal to him. As he amassed this power, he grew increasingly accustomed to using that power. His personal and family wealth is now immense resulting in many allegations of corruption and cronyism being levelled against him.⁵

The strong connection between political power and the timber companies is cited by many as the basis of his wealth. Constituencies have been divided up by companies based on patronage; when the ruling party wins a seat new provisional licenses are awarded to companies such as Samling, Shin Yang and Rimbunan Hijau (each now with over 200 subsidiaries). These companies now also possess ample financial resources, considerable influence, and close ties to the Chief Minister.

All of this works to the disadvantage of indigenous people. Concessions began to be issued faster than land title could be surveyed. When disagreements arose over the boundary lines between Native Customary Land and concession land, the state government generally made it the responsibility of the indigenous people to prove that they had been using the land. Since they were unfamiliar with surveying techniques and lacked access to expert assistance, decisions by the State and also

³Explained in detail in the evaluation by Sandbukt and Syaf, 2004, pp. 6-9.

⁴ This was the view of most Europeans at this time who were subscribing to the new "scientific" logging pioneered by Germans which aimed at maximizing commercial output.

⁵ His family owns considerable amounts of real estate in North America, including, it seems, the building in which the American FBI is housed.

by the courts almost always went against the local people. The situation of the indigenous population was complicated further because the extent of land holdings by shifting cultivators is often unclear since they often do not use the same fields from cycle to cycle. Furthermore, when the local people asked the government to recognise their local land rights the government refused because of the lack of proper documentation.

As the logging increased, opposition grew in the late-1980s. One international INGO, Friends of the Earth, became prominent in countering the loggers. Its main local chapter, Sahabat Alam Malaysia (SAM) is in Penang, with an office in Sarawak, SAM brought the rapid growth of logging into the international spotlight. Attention was also raised by a Swiss writer and activist, Bruno Manser, who lived in the interior with the Penan, one of the more remote group, some of whom are still hunters and gatherers, for several years in the late-1980s. Despite efforts by organizations such as Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) to introduce sustainable ways of carrying out commercial logging, the timber companies continue logging the interior as licenses are granted by the government.

Other indigenous groups including Penan, Kayan, and Kenyah, began resisting such as by setting up roadblocks especially in the Upper Baram River. While the government suppressed the protests so that the logging continued, resistance to it also continued. Indigenous people joined SAM and among them were some who, while agreeing that logging was severely damaging the environment, were convinced the organization paid too little attention to problems of the people.

In ensuing years, the State drew up a plan for wider development as the most lucrative timber was being extracted and logging areas were targeted for agricultural production. Bearing in mind that Sarawak has an area of 12,400,000 hectares, the plan is nothing but overambitious and leaves no room for indigenous settlements. There are also reports of a secret plan by the State to construct 52 dams, the reservoirs of which might easily flood more than the 3 million hectares planned. Already, 15,000 people have been forced off their land by the Bakun Dam.⁶ It is expected that 20,000 people will be displaced by the Baram Dam, which is 60 kilometres from Bakun Dam and is in the process of being built.

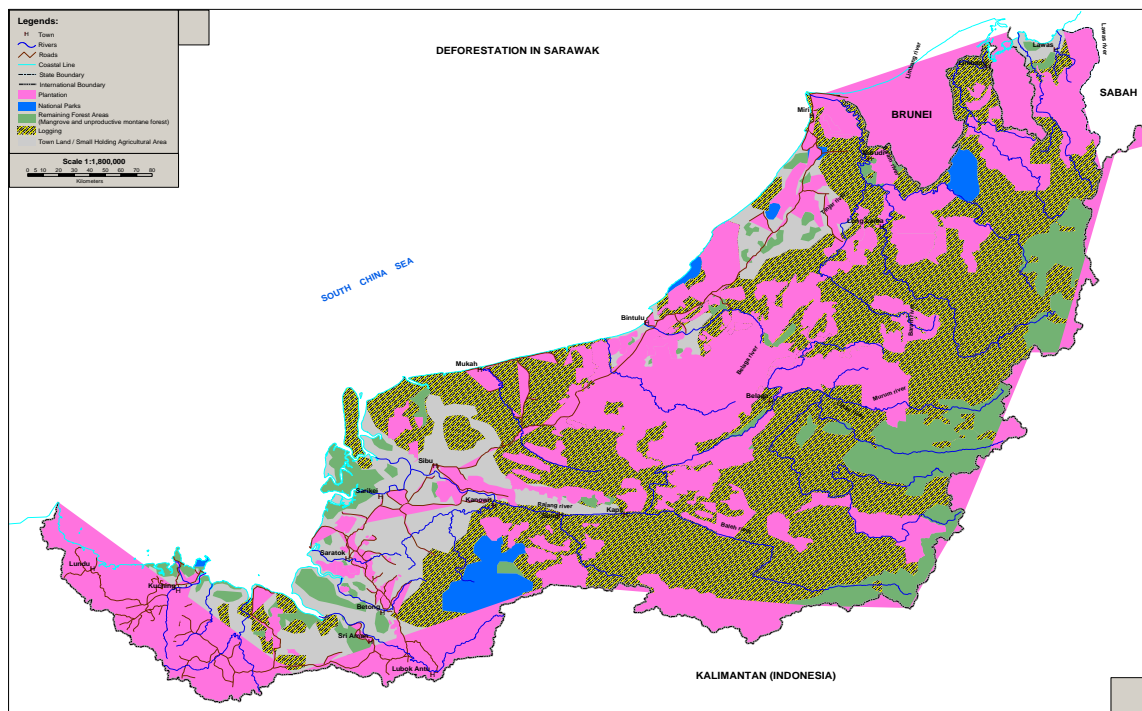
TABLE 1

SARAWAK STATE LAND USE PLANS	
Industrial Trees	3,000,000 ha
Protected Areas	7,000,000 ha
Dams and Reservoirs	3,000,000 ha

The following map, with data current to 2008, shows the extent to which changes in land use have occurred. Approximately 85 per cent of the land has been logged commercially including almost all land on which indigenous people live. The only significant areas not yet logged are far in the interior near the border with Kalimantan, Indonesia.

⁶ About 100 families remain within the reservoir area. They are moving up as the water level rises due to the impoundment of water.

More recently Sarawak has experienced a rapid growth of oil palm cultivation and commercial forestry through the planting of fast-growing timber species such as *acacia mangium*, grown in 2009 on 3,700 hectares of land. While this causes indigenous people hardships, at least they maintain control of their land. More oil palm plantations can be expected since it is now Sarawak's biggest commercial income earner. Last year Sarawak exported 270,761 tonnes of palm oil products was a total value of RM333.64 million.



The Role of BRIMAS

The massive if not rapacious state planning completely disrupts the indigenous way of life. Concerns over the plight of the local people led two members of SAM, Harrison Ngau (at that time an elected member of Parliament representing Baram) and Raymond Abin, in 1993 to establish an organization to defend the rights of the indigenous people. With an office in Miri, BRIMAS came to serve as a focal point for persons helping indigenous people claim their rights to heir land and practice a traditional way of life.

For the first few years, BRIMAS operated with short-term funding to raise awareness about logging and the growth of oil palm plantations and the damage this caused the local people in the inland of Sarawak. With the assistance of local lawyers, they represented indigenous people in land rights cases, conducted campaigns, and carried out awareness-raising initiatives among the indigenous people.

Efforts to obtain funding included the preparation of proposals, one of which was submitted to Rainforest England, which was forwarded to Rainforest Foundation Norway (RFN). Following a fact-finding mission to Sarawak, this led to RFN agreeing in 1999 to fund the "Indigenous Peoples Legal Advocacy Programme" (IPLAS). Three years later, RFN funded the "Community Paralegal Education and

Training Programme” (CPET). In 2002 RFN obtained funding from another source, the Norwegian Operation Day’s Work by which a nationwide campaign among secondary school students raises money for projects proposed by NGOs. Rainforest Foundation won the competition in 2001 with a project entitled “To Hell with the Rain Forest—or Save the Rest!” by which it raised additional funds for agencies RFN supports in Indonesia, Malaysia, and Papua New Guinea.

The Rainforest Foundation’s support for BRIMAS is comprehensive, aiming to support the organization in its activities but without specifying an exact amount. In this regard, the evaluation of BRIMAS conducted in 2004 on IPLAS does not discuss funding.

The work carried out by BRIMAS grew with Harrison Ngau’s studying law and admission to the bar in 2003. When he began practicing law, Harrison established a law firm which is now located in the same building as BRIMAS. Harrison’s law firm and BRIMAS now operate cooperatively, sharing resources, equipment, and personnel. It is through this law office that the legal cases have been supported.

In addition to the office, BRIMAS obtained (at an inexpensive price following a bank foreclosure in 1997) a house in a suburb known as Ocean Park and located a few kilometres west of Miri. This is used as a training centre (such as the one observed by the evaluation team on 26 October). Two staff members live in the house and help maintain it.

From the start in 1993, BRIMAS had been registered as a company. This was done to avoid the lengthy application process required to be registered as a society which otherwise might have been more appropriate. By operating in this way, BRIMAS is able to avoid strict scrutiny by the government that the staff feels could interfere with its activities.

According to the organizational structure of BRIMAS (see Annex 3), which has not changed significantly since the time of IPLAS, there is an Advisory Board. This is comprised of a mixture of 7 community leaders and private sector professionals who are supposed to meet three times a year depending on the need to clarify issues or solve problems. However, the Board has not acted pro-actively and has only met once in 2008. Policy and workplans are set by the executive director as well as other senior members of the organization.

BRIMAS staff provides support for Harrison in his cases which mainly involve the land rights of indigenous people. BRIMAS surveys areas under dispute and produces maps and other materials he needs in supporting his clients’ claims. At the same time, Harrison assists BRIMAS by helping determining policy and identifying areas in which BRIMAS should become involved.

At the end of IPLAS, BRIMAS wrote that the programme had “benefitted the indigenous Dayak communities in many ways mainly through community education and legal support.” However, since BRIMAS did not compile a final report and RFN did not send a terminal evaluation team, summarizing the exact outputs and accomplishments is difficult. BRIMAS documentation does indicate that there were 150 court cases state-wide regarding indigenous land rights, the great majority having Harrison’s law firm involved either directly or indirectly.

Community mapping carried out by BRIMAS staff with local leaders often provided evidence crucial to the outcome of the cases. Mapping capabilities have increased significantly during the last ten years. These maps, which are now done to international standards and surveyed with GPS instruments, have provided crucial support for cases. The government has recognised that these maps are better than its own maps as many of them used for provisional leases are sketches. A measure of their effectiveness is the fact that the State government outlawed community mapping in 2001 under the State Land Code. However, since the government has not enforced this, community mapping has been able to proceed and the maps used in court (see Annex 4 for an example).

BRIMAS also encourages local leaders to bring or otherwise support cases against logging companies encroaching on their land. BRIMAS tries to overcome the reluctance of government-appointed longhouse chiefs to take on these companies. In the past, elders were appointed by the community as their chiefs but at present the State appoints them and gives them a monthly stipend. Since the State has terminated appointments of chiefs who have taken it to court, other often do not want to risk this happening to them.

In the present project, BRIMAS signed a five-year agreement with RFN in 2008. This continues the work of IPLAS.

Since RFN receives most of the funding earmarked for BRIMAS from the Norwegian Agency for Development Aid (NORAD), an amount which cannot be guaranteed, it works out budgetary support for BRIMAS on an annual basis. When BRIMAS submitted the five year project proposal in 2008, it also submitted a budget and workplan for 2008. According to RFN, the amount provided in each year is generally the same or slightly higher than the year before. Below is the amount of funding that RFN has provided BRIMAS under the current project. In the proposal submitted to RFN, BRIMAS set a total budget of RM3,457,018, of which RM1,303,430 remains. As of October 2010, when the exchange rate was MYR1.86 to the Kroner, this is approximately NOK2,428,090.

TABLE 2 RFN Budget Allocation for BRIMAS

2008	NOK 1,126,980	MYR 683,018
2009	NOK 1,350,000	MYR 710,525
2010	NOK 1,292,000	MYR 760,045
Total to date	NOK 3,768,980	MYR 2,153,588

This funding is to support BRIMAS as an organization and its activities. According to the BRIMAS Multiple Year Application, the scope is as follows:

Overall Goal: “The biodiversity of Sarawak’s forests is conserved and improved by the indigenous Dayak community”.

Indicator: “About 25% of Sarawak forest areas are protected and conserved by the indigenous Dayak community”

Project Purpose:

(i) “The capacity and rights of the indigenous Dayak especially the forest dependent community is strengthened through education, training and legal advocacy.

(ii) “The indigenous Dayak community are able to exercise their rights to manage and conserve their biodiversity and forest resources sustainably within their native customary land”

Indicator: “80% of the expected results of this project have been achieved”.

For the reasons stated above, the project is very relevant to the protection of indigenous land rights. The maps prepared by BRIMAS staff with input from the community are essential to many of the cases. The awareness-raising and other activities of BRIMAS help provide the villagers with the skills to protect their rights.

Thus, BRIMAS’s project is very relevant to the protection of IP land rights, as outlined in UNDRIP which Malaysia is signatory to. Community mapping was made illegal by the state government in 2001 under the State Land Code but this has not been enforced by the government. Most of the legal cases handled by BRIMAS are using maps prepared by the communities, assisted by BRIMAS. The government has also recognised that community maps are better than government maps as many of them used for Provisional Leases (PL) are sketches.

B. EFFECTIVENESS IN ACHIEVING RESULTS

This relevance is shown through the landmark court cases that BRIMAS has begun winning. These have led to the recognition of native customary rights.

In the Nor ak Nyawai case in 2001, the court held that these rights had never been extinguished. The court ruled that the community had rights to land based on native customary rights. However, the Government appealed to the Court of Appeal which ruled that the disputed area was virgin jungle over which the community could not acquire rights. Although Grand Perfect Sdn. Bhd. (a consortium of major timber companies such as Samling, Shin Yang and KTS) took over the land and used it for acacia tree plantation, the precedent had been set in court upholding the principle of native customary land rights.

A second landmark case is in Tinjau. The Greenwood Company had planned to sell its shares to the IOI Company to develop land in Tinjau. Before the purchase was completed, IOI asked for advice from the Chief Minister and J.C. Fong, then the Attorney-General of Sarawak. Fong replied that the transaction could be completed because the land in question was a protected forest and that the government had never given a permit to the local Kayan and Kenyah community to settle there. BRIMAS intervened on the side of the villagers by showing that even though the community had only settled here in 1962, the land had previously belonged to a Berawan community from another longhouse. The Baram District Council had then encouraged the Kayan and Kenyah to settle on the land. The community was granted subsidies to cultivate the land, the government built a school and clinics as well as a water system, and the local council collected house assessment payments annually. In accordance with the Natural Resources Ordinance (Section 11a) anyone

clearing an area of more than 500 hectares requires an Environmental Impact Assessment to be conducted. IOI engaged a consultant who reported that the Berawan had lived there since before the arrival of the Brookes and that in 1951 this area had been gazetted as a protected forest. The report, which recommended that the land should not be disturbed, was then approved by the Natural Resources and Environment Board (NREB). The plaintiff (with support from BRIMAS) argued that the defendant's actions contradicted the government's actions. The judge agreed that the community had native customary rights over the land and that the government had created a legitimate expectation for the Kayan and Kenyah community that they could continue living on the land. The court then declared the provisional lease that had been issued null and void and that the company was trespassing. The State Government is currently appealing this case.

Because of cases such as this and other pressure BRIMAS and like-minded agencies have brought to bear, the Chief Judge for Sabah and Sarawak is working towards simplifying the legal process to make it easier for the local people to assert their land rights. He organized a talk in Sarawak in 2009 inviting judiciary members from Papua New Guinea, where customary land rights are better defined and easier to uphold, to share their experiences.

Despite the landmark cases, BRIMAS feels that legal discourse has only had limited success. It has taken more than a decade for decisions in the landmark cases to be made. Other approaches which BRIMAS uses are lobbying the government, organising dialogues with relevant government departments, requesting the Malaysian Human Rights Commission (SUHAKAM) to hold meetings and sometimes, 'gatecrashing' government departments to meet Ministers. These approaches too have had limited results since they mainly only meet junior officers, who cannot make decisions themselves. This often will result in no action being taken by the government. BRIMAS feels that SUHAKAM has improved as they have appointed indigenous representatives as commissioners, rather than only government retirees. Since one commissioner, Jennie Lasimbang, is also attached to the UN Expert Mechanism for the Rights of Indigenous Peoples (UN EMRIP), BRIMAS hopes that this might provide a better means to raise IP issues.

BRIMAS, however, feels there are other ways to achieve the project objectives. BRIMAS has utilised federal policies and programmes supporting native customary rights to approach the State government regarding NCR issues as well as supporting political change.

In this regard, support for opposition parties is growing. Rural communities are increasingly backing the Parti Keadilan Rakyat (PKR) and urban people are gradually supporting the Democratic Action Party (DAP). The latter recently won the state seat in Sibuan, a key city in terms of its timber and port businesses, a shock for the ruling party that had campaigned relentlessly. One main issue affecting the voting by the Chinese, the majority in Sibuan, was the reduction of land leases from 99 to 60 years causing them to worry over whether their businesses could continue beyond the lease period. Another factor was that although the government announced a RM20 million assistance for Sarawak to survey NCR areas, this was not allocated under Budget 2011 thus arousing scepticism over the government's sincerity.

Campaigns might work but these needs to be more aggressive. Legal action is one

way of securing NCR but for it to be more effective, the benefits filing cases in court can obtain need to be further publicised among the indigenous people. This will help get more communities to fight for their rights and think of how to get the support of other communities too, such as the Chinese. One example given is that the need to make non indigenous communities aware that NCR will not affect them in a negative way and not all land in Sarawak will be claimed by indigenous peoples (IPs). If the policy is clear, then non IP communities do not have anything to fear. This has been discussed by TAHABAS and in some cases, where plantation companies are operating and community has filed action, they have come to an agreement (out of court settlement) to forego certain part of the land with adequate compensation including setting aside a piece land under the provisional lease (PL) given to them. TAHABAS is a core community organising programme of BRIMAS, which is dependent on BRIMAS for a lot of its activities. It is a loose coalition of longhouse communities that have filed land rights actions in courts, with the main objective of being a major force in leading the community movement on customary land rights issues in Sarawak. Some areas are successful such as raising awareness among their community members but need more leaders who are committed to the cause. The organisation is not registered due to the concern that it is not yet strong enough as an organisation. As it is now, TAHABAS is known state wide for their stand on land rights issues through legal cases and in some areas where they operate are active raising awareness on rights and struggles of IPs.

Most of the activities in the proposal have been implemented according to plan. However, the BRIMAS workplan for 2008-2010 does not show the impacts and challenges in implementing the activities, and the annual report did not describe activities in any detail. Furthermore, the reporting format provided by Rainforest Norway (RFN) does not allow for each activity to be discussed in depth, particularly on the impact the activities had on target communities and how the many challenges are being addressed.

As a result, the evaluators interviewed every staff member to get a detailed description of activities and results. The evaluators also interviewed villagers and members of other indigenous NGOs for the same purpose. This enabled the interviewers to conclude that most activities in the proposal have been implemented according to the plan.

C. EFFICIENCY

The staff of twelve has many tasks to perform according to the ambitious project objectives. BRIMAS is rightfully concerned over the loss of land by the indigenous people. However, the project area which seems to be all of Sarawak and the project goals are so unrealistically comprehensive that there is no chance that BRIMAS can accomplish all of them.

The workplans are drawn up in line with the project objectives. The plan for 2010, for example, aims to solve a wide range of issues. The workplan lists 45 activities, some comprising multiple events, so many so that they cannot even be counted accurately. Here is an approximate summary of the amount of work set out for the staff just in the workplan for this year.

TABLE 3: Activities for 2010

Trainings	12
Internal Meetings	52
Meetings, Dialogues, Seminars, Exhibits	24
Newsletters, Report Statements	6
Press Conferences	2
Gathering Evidence	3
Field Visits	2
Reports, videos, websites, blogs, flyers, DVDs, fact sheets, posters, t-shirts, etc.	many

Even if this does not seem sufficiently daunting, the indicators for some activities are multifold. Several meetings are for 100 or more persons and in one case, a TAHABAS dinner cum seminar, 500. BRIMAS is also supporting the 50 or so legal cases which require collecting sometimes very specific information. The project design places an enormous burden on the BRIMAS staff.

The project area is left undefined but is meant to cover the whole of Sarawak. In fact activities are limited to the area in the north of the state, around Miri and in the upper reaches of the Baram and Rejang Rivers where Kayan, Kenyah, and Penan predominate.

Despite these grand ambitions, in the interviews, most of the staff did not seem to feel that they were overstretched. For example, the staff member responsible for gathering details for evidence in legal cases felt that he has adequate time for his activities which includes paralegal training, conducting workshops on human rights, federal and state laws, and NCR laws, writing letters to government departments on non-identification of IPs and health issues, and training them on hygiene and cleanliness. He added that the only obstacle he faced was the lack of budget that constrained him from doing more. This attitude, shared by others, is encouraging, considering that on paper the expected activities and results to be achieved seems far beyond the available capacity of BRIMAS.

It appears that BRIMAS is utilising its limited resources to obtain maximum impact. However, given the diverse activities and the amount of work some of them require, BRIMAS is not particularly efficient in spending its funds. Due to the nature of the project, many of the staff needs training and exposure to enhance skills, including presentation abilities, advanced mapping techniques and communication skills.

Building up these skills has required a considerable of in-house training, often carried out informally and on the job. One effort to build up the staff' capacity involves compiling information on territory, social aspects and biodiversity of the Penans and Dayaks. These two tasks were merged in 2009, to enable a more focused effort. The 'sustainable resource management and conservation of biodiversity programme' was replaced by 'Community based mapping programme' to reflect a more useful need for the project beneficiaries.

The budgets for 2008, 2009 and 2010 were reviewed. Table 4 shows the annual breakdown of the budget according to activities.

Table 4 Budget Breakdown and Activities

	2008	%	2009	%	2010	%
1	Personnel	63	Personnel	73	Personnel	67
2	Community Organising	7	Administration costs	4.4	Community organising	5.5
3	Legal Support Programme	5.4	Community organising	3.8	Advocacy and campaigns	5.1
4	Infrastructure	4.4	Legal Support Programme	3.4	Administration costs	4.3
5	Administration Costs	4.1	Advocacy and Campaigns	3.1	Compilation of info on territory (Penan and Dayak)	3.4
6	Advocacy and Campaigns	3.7	Rent	3.0	Legal support programme	2.9
7	Rent	3.2	Compilation of info on the territory (Penan and Dayak)	2.6	Community education and training programme	2.8
8	Compilation of info. on territory, etc (Penan)	2.8	Community Education and Programme	2.4	Rent	2.8
9	Community education and training	2.0	Infrastructure	2.1	Infrastructure	2.5
10	Compilation of info. on territory, etc (Dayak)	1.6	Maintenance	1.1	Community based mapping programme	1.5
11	Maintenance	1.1	Community mapping programme	0.6	Networking	0.9
12	Networking	0.7	Networking	0.4	Maintenance of infrastructure	0.8
13	Sustainable resource mgt. and conservation	0.5	Recruitment and staff training	0.1	Project monitoring	0.4
14	Recruitment and staff training	0.3	Project monitoring	0	Recruitment and staff training	0.1
15	Project monitoring	0.2				

Much of the funds have gone towards salaries, followed by allowances and bonuses and social costs. The compilation of information on territory, social aspects and biodiversity of the Penans and Dayaks were merged in 2009, to enable a more focused effort and the 'sustainable resource management and conservation of biodiversity programme' was replaced by 'Community based mapping programme' to reflect a more useful need for the project beneficiaries. However, the small percentages of the funds allocated to key activities is a matter which both BRIMAS

and RFN should seriously look into, and immediately.

This raises concern for the future. Due to the declining value of the Norwegian Kroner against the US Dollar, the next round of funds available to BRIMAS might just be able to cover salaries of staff. This will have significant impact on the implementation of the activities. In addition, part of the available funds were allocated towards conducting an internal evaluation but the results are not available. Had this evaluation been organized, BRIMAS would have learned more readily that there is an urgent need of funds in order to diversify its donors so that its activities are not disrupted by the lack of funds.

The tasks are many and staff numbers are small. Sarawak's indigenous people face more problems than even a much larger organisation could cope with. BRIMAS is trying to accomplish as much as possible by using most of its budget for personnel--totalling over half the total amount for the life of the project.

The rush to do so much has left some staff members feeling sidelined even though they might be also working hard continually on various activities. The evaluators are also concerned that the staff could easily be 'burnt out'. It seems to the evaluators that some activities should be implemented not just for the sake of the project but for the staff in order for them to feel they are making a vital contribution to BRIMAS' cause.

The crucial decision for BRIMAS is either to reduce the number of staff or reduce its activities to fit with RFN's budget if no attempt is made to apply for funds from other donors immediately to continue its activities.

D. IMPACT

As the court cases and landmark decisions discussed above show, BRIMAS is growing more efficient in achieving its results. An increasing number of communities are approaching BRIMAS to request assistance in challenging the state government in court to protect their NCR. In total, BRIMAS is currently handling about 80 legal cases across Sarawak including Miri, Sibü and Bintulu with 12 cases active and being heard this year.

Another measure of the impact BRIMAS is making is how the State government follows its activities. During the evaluation, BRIMAS held a press conference at which the problems caused by the construction of the Baram Dam and other dams. The Iban chief of Rumah Ampau, where the evaluators observed a seminar on issues related to dam construction and related matters, was adamant in his support for BRIMAS and is frustrated that other chiefs did not share his views. However, discussions with community members in several places reveal that BRIMAS has begun to change the mindset of communities regarding their rights. It was not a coincidence that the next day the Chief Minister issued a statement saying that all 12 dams planned must be completed by 2020.

The impact BRIMAS is making can also be seen negatively. Even with only limited success, there are now communities who have been asking BRIMAS staff to leave. Communities who strongly support the ruling government often look at BRIMAS as anti-government oppositionists and trouble makers. Sometimes this is because the longhouse chiefs fear that their government stipends will be revoked. Other times this opposition is because the community and its leaders accept the government's

view of the future.

BRIMAS has made much progress on NCR. In recent years, land rights have come to be seen by many as a serious issue. More communities have been made more aware of this through BRIMAS activities. BRIMAS has helped raise the awareness among communities about how the government, logging companies, and their lawyers have been manipulating them. This has broadened the understanding of communities and NGOs regarding NCR.

More communities now recognize that land right is a fundamental issue that needs to be protected. The work of BRIMAS strengthens communities in getting their rights recognised. BRIMAS also believes that their work has begun making politicians take the NCR issue seriously based on some of their comments. However, the staff admit that more needs to be done as many see NCR as a political mileage for the state government, which do not have the political will to solve this problem.

NCR has become politicised. The Land Survey Department will not be able to solve the problem as long as it remains under the Chief Minister's jurisdiction. In the long term, BRIMAS wants a land rights commission for Sarawak which will have the right to decide, arbitrate and issue land titles. The commission must be independent free of influence by the state government, which in the current political climate is impossible.

To change the government's policy, BRIMAS feels that it needs political influence. Some progress has been made but BRIMAS needs to look at the gaps in its approach. BRIMAS is strong at the community level, having built up influence over several years, but it lacks the ability to influence intellectual thinking. Approaches have been made with lawyers and the ex-commissioner of SUHAKAM to raise IP rights issues, with the latter supporting BRIMAS' work to the point where the state government sees SUHAKAM and BRIMAS as one. Youth involvement from nearby Niah district has been carried out but efforts seem to have lapsed since many of those who supported BRIMAS' cause are either no longer around or inactive.

BRIMAS has also received some substantial media coverage for their work including Malaysiakini.com, *The Star*, *Utusan Borneo*, *Borneo Post*, Al-Jazeera TV and BBC News. In addition, its press releases have been featured on several blogs such as The Broken Shield, Hornbill Unleashed, and Dayak Nation.

Feedback from other NGOs

BRIMAS has a strong grassroots network. Other NGOs rely on this for their work in North Sarawak, BRIMAS' stronghold. Some see BRIMAS supporting TAHABAS to further the latter's cause, particularly on community organisation. TAHABAS is now functioning independently with its own objectives. Although community mapping is an important role for BRIMAS, some of their partners felt that BRIMAS should expand its community organising efforts and focus on documenting evidence for NCR claims. They would like BRIMAS to develop itself as the main resource centre for NCR matters in Sarawak since BRIMAS already produces and keeps much of the documentation.

E. SUSTAINABILITY

- *Target Communities and Beneficiaries*

The transfer of knowledge from BRIMAS staff to the community members appears efficient. Based on the interviews and observations of the trainings conducted, BRIMAS has good support from their target communities. The subjects of the training courses are relevant to the participants. The participants believe that the BRIMAS staff can give useful information, and they appear enthusiastic during the training. They are keen to learn and expand their knowledge. Based on feedback from community members, the GPS training has a high degree of success and members of the community now able to map their NCR areas and provide the documentation needed for legal cases.

Similarly, the paralegal training in Long Lutin,⁷ Baram, that the evaluators observed, were enthusiastic and appeared to understand the information given to them by BRIMAS. Many accepted the need for trainings and, towards the end, requested BRIMAS to assist in their fight to claim their NCR. This is the first training for the Long Lutin community, and it was received well. Over 30 participants attended including about 10 women. The use of role playing made the training more effective with participants remembering what was taught. The main concern for the paralegal training is that it is measured based on the number of people trained rather than on how well they understand the material presented and improved their skills and knowledge.

The evaluators observed one seminar in an Iban longhouse, Rumah Ampau, where topics such as dam construction were discussed. Although the BRIMAS staff is fairly evenly divided between men and women, all the speakers in Rumah Ampau were men. Almost all those in the audience were men.

It should be noted that TAHABAS was also present at Rumah Ampau and one of its aims was to encourage the longhouse members to vote for the opposition party. However, the women in the community were overlooked while the men talked with each other. Three women from the BRIMAS staff, who are active members of WADESA, were present and did not address the community from the podium. In this way, TAHABAS is overlooking a potential source of support in its efforts.

- *BRIMAS*

Several issues threaten the sustainability of BRIMAS. Although the work done is quite satisfactory, administrative, budgetary, and managerial aspects of BRIMAS need immediate attention.

First, RFN is the only donor for BRIMAS and this is a major concern. This has been raised with RFN but no detailed discussion has been held regarding new donors which BRIMAS can approach, with RFN's assistance. BRIMAS has considered working with local universities and getting RFN to introduce donors but nothing substantial has occurred yet. BRIMAS' main concern is not the funding of activities but covering the organisational costs. Many donors now do not cover this component and many, such as EU and US government

⁷ When the Baram Dam is constructed, Long Lutin will be 60 meters under water.

grants only allow a 20 (or even 12) per cent. If anything should happen to RFN, i.e. political change that would reduce or cut funding for BRIMAS, there would be insufficient funds to cover salaries which would lead to the discontinuation of many activities and the loss of the staff which is now highly trained and motivated.

Such a situation might also threaten support for legal cases since it now mainly comes from RFN, especially the salaries of the 2 lawyers. Payment by communities is negligible and sometimes is made with their handicrafts. Malaysia is not a priority country for Norway and any political changes can affect the funding to BRIMAS, something that is acknowledged by BRIMAS.

Besides the problem of relying only on one donor, BRIMAS has management and organisational practices that do not appear sustainable. Although the staff seems content with their work with BRIMAS and have the dedication, passion and enthusiasm for its cause, some indicated that they do not have proper TOR for their work, and no clear guidance of their role in the project. Other concerns included the lack of annual evaluations, a salary scale, unhappiness over the balance between salaries and the amount of work conducted, mismatches of designation in the organisational structure with the actual work done and the non-increment of salaries over the past 2 years.

F. PROJECT MANAGEMENT AND ORGANIZATION

Internal Operations

This is closely linked to BRIMAS' organisational capacity and sustainability, discussed above. The proposal submitted to RFN for 2008-2012 shows impressive outputs that BRIMAS intends to achieve by 2012. However, after reviewing the staff capacity to implement the activities and achieve the desired outputs, the proposal appear overly ambitious and lacks the focus BRIMAS needs to ensure the outputs and project results can be realistically achieved.

BRIMAS has detailed annual plans. We reviewed the 2008 and 2009 plans which showed the activity, location, target group, and responsible staff. Although staff members contend they are not overstretched, there were some who stated that they are doing so much they cannot focus. Although this is a common problem for any organisation, it needs to be addressed.

Even though 7 new staff joined BRIMAS in 2008 for this project, there still appear to be an unbalanced allocation of work. There seem to be an overlap between office responsibilities and project responsibilities. Staff are also holding key posts in different CBOs such as WADESA, TAHABAS and the Sarawak Youth Network. Some interviews with the staff seem to indicate that the division of work is *ad hoc*, and some strengths are not being tapped. Although it is understandable that with any job, a person need to multitask, BRIMAS' definition of multi tasking is extreme.

A good example is the Publicity, Documentation and Field Officer. He manages 3 blogs, manages the photography and videos (6 so far) on campaigns, publishes newsletters, serves as secretary for the Sarawak Indigenous Youth Network, has designed 6 posters and publicity materials for BRIMAS and the SCANE, facilitator, documentor/rapporteur, and also other tasks including Internet searches for IP

articles and then translates them.

The management procedures in BRIMAS is be lacking in key areas, including annual evaluations, salary increments, absence of a salary scale, regular staff meetings and the overlapping of project work and office matters. Although there is a well written Strategy Plan 2006-2015 which addresses staff welfare, project implementation and expanding networks with other NGOs, there are no mechanisms for monitoring implementation of the Plan or reviewing its progress. The Plan also lacks a strategy to diversify BRIMAS' donor base to ensure its sustainability. The lack of increments in salary seem to be a demotivating factor for the staff as they feel they have gone beyond their respective TORs while conducting their jobs well.

It was observed that only a few BRIMAS staff attends meetings, workshops and seminars, particularly at the international level. BRIMAS should consider exposing more staff to regional and international forums to enhance their network and gain international experience. Furthermore, there is an absence of a system whereby the staff attending the event shares experience with other staff. This is useful for the staff who should have a copy each to keep up to date with the movement of staff.

An advisory board was appointed in 2008, following the recommendations by the evaluation team in 2004. It has 6 members from NGOs and the private sector. Unfortunately, it has only convened one meeting since its formation, and there were no minutes of the meeting. However, we were informed that the discussions were on the roles and functions of the Advisory Board. A properly function advisory board can provide guidance and support BRIMAS. The Plan listed the establishment of a management committee consisting of key management staff but it was not clear on how this functioned. It was suggested that between Advisory Board meetings, this committee would meet at least once every two months. Its role would be to ensure implementation of recommendations made by the Advisory Board, to monitor the activities and their progress, and to facilitate effective management of BRIMAS.

It was observed that different personnel in the office held different documents such as minutes of meetings, lease agreements, and mid-year evaluation reports. This sometimes took time for the personnel to produce and many of the documents which should be documented, such as staff meeting minutes and internal evaluations, were sometimes absent. For the former, staff meetings are minuted on a rotational basis and the keeping of these documents depends on whether the staff submits their notes on time. The last documented staff meeting was for 19 August 2009, with subsequent meetings left undocumented. There was no evidence that any staff member followed up whether all meetings were documented and filed.

Relationship with RFN

As the donor, RFN monitors activities and provides advice on project management as well as evaluating progress. Through phone contacts, emails, and visits, as well as by reading reports, RFN has the responsibility of following the activities of BRIMAS and helping it when it encounters problems.

Up until 2009, this was the case. The responsible individual visited Sarawak 2-3 times a year. Perhaps this was because this individual had local experience working with Orang Asli in Peninsular Malaysia. This person also worked with BRIMAS on

the proposal, the budget, and in recommending certain items be deleted from the project when it seemed too ambitious.⁸ Payment in 2010 has been delayed; instead of the three normal payments, funds have only been transferred to BRIMAS twice. BRIMAS felt this was due to their being told that the mid-year report, which was due on 31 August, could be submitted in September. However, RFN felt the report had been submitted late which resulted in the delay.

The current RFN officer handling the BRIMAS project is new to this responsibility. Furthermore, he lost time due to a 3-month paternity which has led to him trying to catch up with the BRIMAS and other projects rapidly. Perhaps this is why he has not been as active in communicating via emails and phone calls with BRIMAS as his predecessor. This had the unfortunate result that some BRIMAS staff felt that the new officer was too quiet and unfamiliar with the situation in Sarawak as well as with the needs of BRIMAS and what it has been doing.

RFN admit to shortcomings with their supervision and guidance to BRIMAS this past year due to changing of staff and staff leave. They admitted that they could have pushed BRIMAS harder on reporting. Complicating difficulties in reporting is also contributed by the fact that RFN format is vague and does not allow the real situation to be described accurately.

This supervision will be useful to help BRIMAS, which is an action-oriented organization. Its schedule is filled with para-legal training sessions, mapping to provide evidence in court cases, fact-finding missions, and other surveys. Villagers come to the office or get in touch with BRIMAS staff for help in court cases or maintaining control of their land and resources on a daily basis. All the staff multitasks regularly and with the exception of the legal assistant, have helped with the training and workshops. This approach has contributed to BRIMAS' position in the community and also the recognition by the government that it is a force to be reckoned with.

However, this pro-active approach has been accomplished without sufficient record-keeping and compilation of data (outside of that used in the mapping). BRIMAS lacks adequate data on the extent of forest destruction, oil palm and *acacia mangium* plantations, and other commercial developments in the interior of Sarawak. In the same way, BRIMAS lacks information on its own activities. Besides there being no formal final report for IPLAS, meeting reports, assessments of training sessions, and items otherwise considered routine types of recordkeeping are often lacking due to late (or non-) preparation and then sometimes kept well-organized.

This contributes to project document (as presented in the Multiple Year Application) being ill-defined and rambling. Take for example, the project indicator of "about 25 per cent of Sarawak forest areas are protected and conserved by the indigenous Dayak community". There are several problems with this.

First, there is no definition of "forest" in the application. It is unclear if this refers to primary forest, logged forest, or something else even including the government definition of oil palm plantation as forested.⁹ Since this is unclear, this makes it almost impossible for BRIMAS to accomplish the goal of the project.

⁸For example, community-based natural resource management.

⁹This is based on the FAO definition of forest which calls for "a threshold of 10 percent minimum crown cover...(and) includes both natural forests and forest plantations" (FAO 2000, p. xxi).

Second, this indicator of arranging for local people to be protecting 25 per cent of the forest is enormous by any standard. There are approximately one million indigenous people in Sarawak. BRIMAS has a staff of twelve eleven. Arranging for this output is clearly beyond the capacity of an organization several times the size of BRIMAS.

Third, it is not clear what “protected and conserved” means. Although we can guess, based on the project purpose that it refers to the indigenous people being able to live in the area and engage in rural-based agricultural livelihoods while also making use of forest resources, this is not obvious.

Then, for the project purpose, there is an indicator that “80 per cent of the expected results of this project have been achieved.” This makes the goal confusing since it might refer to 80 per cent of 25 per cent of the forest or 80 per cent of the nine results listed for 2008.

Beyond this, regarding the section on what the conditions in the project area will be like when the project purpose has been achieved, many are beyond the control of BRIMAS or else not quantifiable. It is too much to expect that BRIMAS can get Malaysia to comply with international treaties, conventions, and agreements on indigenous people. The project also calls for a ban of logging or plantation activities in communal forest areas. This also is beyond the ability of BRIMAS to bring about.

There are other items in the document that could be cited but this is sufficient to show that the document leaves too much undefined. Furthermore, the lack of a monitoring system leaves it open for the action-oriented staff to spend most of its time doing useful things but in an unconnected way with no clear target.

Not only does operating in this manner divert the attention of the staff from the long-term goals but it does not facilitate recording verified achievements that will help them expand support from the donor community. If they can do this, for example by obtaining funding for specific projects, it will enable BRIMAS to reduce the imbalance in the budget of which approximately two-thirds covers personnel costs

Following are specific recommendations for BRIMAS and RFN. While the evaluators are convinced that BRIMAS is making an impressive impact on local conditions and has become well-respected among the indigenous people, it should be able to operate at a more effective and efficient level. The first step is to clear up confusion over its role, establish realistic goals, and maximize its strengths so that BRIMAS can make the largest impact possible.

3. RECOMMENDATIONS

Now in its second decade, BRIMAS has established itself as the most important focal point for indigenous issues in Miri. With its combined approach of training/education and providing legal support to indigenous people regarding land rights, BRIMAS has become well known and trusted by much of the local population.

BRIMAS MANAGEMENT

- Hold Annual Retreats to Review the Strategy Plan and Devise 3-Year Action Plan. This Plan needs achievable results and specific deadlines linked to the Strategy Plan and a monitoring system involving all the staff.
 - In the first retreat, which should be in early-2011, the staff must identify the most important parts of its programme that it can achieve. This will form the basis of a forward-thinking Plan and revision of its LFA that should be conducted together with RFN (discussed below).
 - The retreats must be run in a positive manner so the staff can openly discuss concerns regarding BRIMAS. A neutral facilitator¹⁰ familiar with development work and the logframe approach should conduct the retreats in order to maximize the benefits for the staff and for BRIMAS. This will help ensure that BRIMAS achieves its objectives.
 - This Plan should aim to improve relationships with the government. The newly established committee in SUHAKAM to look into the issues of IPs could well be a platform for BRIMAS to raise NCR issues to the government.
 - The Plan should include an action plan for each of the 6 focal programmes listed in the 10 year Strategy Plan and also a management plan as an annex with clear deadlines and identify who is responsible for implementing each activity. This action plan should be incorporated into BRIMAS's annual requests to RFN.
 - Discussions should include 'weaning' BRIMAS from communities so that they gain the ability to manage and apply the knowledge gained from BRIMAS themselves. This is vital due to the increasing demands by communities on the small BRIMAS staff. Training modules need to be revised to facilitate community members gaining the ability to take the lead in fighting for their NCR in a short space of time. The issues raised at the staff meeting on 25 June 2009 (staff minutes, p. 2), should be revisited as this provides a good basis for discussions to assess whether BRIMAS is going in the desired direction.
 - Make Office Management More Efficient by implementing the following:

¹⁰ Management consultancies in Malaysia can provide these services.

- Institute the Position of Office Manager. This person will be responsible for finances, scheduling meetings, ensuring donor reports and proposals are submitted on time, maintaining a computerised administrative system to record staff movement and leaves, database on legal cases, a contact list, petty cash, drafting and issuance of staff contracts, as well as monitoring implementation of the Strategy Plan, and keeping minutes. The Office Manager should implement an oversee a rotational system by which each staff take minutes to be submitted to the Director for approval within a week, the contents of which will be reviewed at the next meeting and follow up documentation prepared. The office manager should be empowered to make decisions on administrative matters when the Director is out of the office.
- Change Harrison and Abun's Positions to be 'Legal Advisers'. To be clear in assigning responsibilities, Harrison and Abun's positions should be solely on legal cases. While Harrison will remain a valuable advisor to the policies and activities of BRIMAS, his (and Abun's) job description should only comprise the legal work. At the same time, BRIMAS should provide necessary support in the preparation of their cases.
- Give More Importance to Publicity. Considering there is much good information and many lessons learnt from the RFN project, the officer (Serengeh) can focus on the publicity and dissemination of this information with feedback from other field officers. This would give him the opportunity to highlight BRIMAS's successes and update blogs and BRIMAS' website regularly. This is one of BRIMAS's strengths and should be maximised in two ways:
 - To the outside world so that awareness of the problems facing the indigenous peoples can be raised. Not only should this be directed in political ways but also in the general living conditions of the people, such as public health facilities, the lack of clean drinking water in villages, and so on that comprise standard rural development throughout the world.
 - To the indigenous people so they can become aware of how court cases and going to the polls can be helpful to them. Special attention needs to be given to women and youth because they are generally less politically aware and whose active participation could make a strong impact.
- Prepare Proper and Up to Date Contracts for Entire Staff that has a clear Terms of Reference. This should be followed by an **annual evaluation** for each of the staff to determine the level of salary increment they will receive and discuss overall performance. Each staff member should have a face-to- face discussion with their

respective supervisor as part of this evaluation. This would also give an opportunity to the staff to raise any concerns they may have with their supervisor, and how these can be addressed.

- Hold Monthly Staff Meetings. This will keep discussions on current issues alive and also keep the staff informed of each other's activities.
- Time Should be Given for Personal Growth. Employees are supposed to be allowed time for this and it will help them focus on what they are really interested in. These can include courses for staff to enhance their skills and knowledge, and expand their networks with those in similar fields.
- Establish a Salary Scale. This will ensure that staff are paid fairly and according to their qualifications. Having a salary scale will provide a basis for justification when deciding a salary for a new staff or increment for an existing one. For example, the salary scale can be divided into these following categories below (on a monthly basis):

Director – RM 4000 – 7000

Manager – RM 2000 – 5500

Co-ordinator – RM 3500 – 5000

Senior Field Officer – RM 1200 – 3500

Junior Field Officer – RM 1000 – 1999

Senior Administration – RM1500 – 4500

Junior Administration – RM 700 – 1499

The increment scale for staff should also be considered, as follows: 10% (excellent), 7 % (satisfactory), 4% (average), no increment (unsatisfactory).

- Hiring Interns Should be Considered. Interns can assist in either the day-to-day running of the office or implementation of field work by which they can help overcome staff shortages. To identify qualified individuals, notices can be sent to international and local universities via their website to request interns to be based in BRIMAS for a stipulated period, depending on the type of work needed. BRIMAS's involvement in many regional and international meetings opens up a great opportunity to meet potential organisations that can assist in identifying interns for BRIMAS.
- Paralegal Training Should Be Divided into 3 levels: basic, intermediate and advanced. BRIMAS should select those who have great potential and interest to continue to the next level of training. This may not show great numbers as

an output in the report but it would ensure quality as training is focused on key members. In the long run, those who achieve the advance level of the training can, in turn, train their community members without relying on BRIMAS for assistance and thus enhance the sustainability of operations.

- Require Staff Attending Conferences/Meetings/Seminars to Submit Mission Reports to inform other staff of the discussions and BRIMAS' contribution at the event. The reports should include the title of the event, date, name of BRIMAS representative, purpose of the event, what BRIMAS contributed, benefit of attending the event, and follow up. The report can also identify opportunities such as for financial aid and future training. The reports will be stored in the BRIMAS documentation section. This is an important exercise which enables the whole office to learn from one another. These reports will also be useful in assessing the importance of attending future events.
- Rework BRIMAS' Network: BRIMAS belongs to many committees, associations, and coalitions, including JOAS, MENGO, SCANE, SIYN, TAHABAS, WADESA, focal points for ASEAN on IP rights and UNDRIP. A few staff have attended international meetings such as of CoP CBD, UNPF, AIPP and RNIP. Involvement should be prioritised according to what benefits BRIMAS the most. To help the limited number of staff to focus on and strategise activities, the following should be considered.
 - Increase Use of Social Networks. such as Facebook and Borneo Independent News Services (BINS) as well as the BRIMAS' website, by which the staff will not have to attend so many meetings that otherwise distracts them from BRIMAS' main tasks.
 - Work With Non-Traditional NCR NGOs. In achieving its objectives and to strengthen cases, BRIMAS should consider working with non traditional NCR NGOs. For example, organisations such as Mongabay and Nature Alert can be approached to support BRIMAS' objectives. Although these two organisations are wildlife focused, their objective, which is saving areas of high biodiversity, can be utilised by BRIMAS where NCR and biodiversity overlap. BRIMAS can approach universities, such as Oxford, which has scientists working on saving Borneo wildlife to collaborate with BRIMAS. The 'killing two birds with one stone' strategy will widen BRIMAS's networks and reach beyond the community level, whilst highlighting NCR issues to other networks.
- Increase Political Influence with Middle Class and Women. There is a need to work more with the middle class and professionals. This is an opportunity for BRIMAS to tap into its Advisory Board members to get the middle class and professionals to support BRIMAS' work. There is a big need also to reach out to women in the communities especially regarding their potentially important political role. WADESA appears to be a useful platform for BRIMAS to increase women's involvement in politics and land rights matters. However,

seeing that BRIMAS is short staffed and need to focus on its core work, it is recommended that BRIMAS play the role of Advisor to WADESA rather than hold active posts. This will create an opportunity for potential women leaders from the different villages to play a more proactive role and be responsible in getting their communities to participate in forums and discussions regarding their rights.

- Upgrade Documentation Section

- Document Achievements. Create a single reference file managed by one person. As BRIMAS achieves more successes, they can be used for campaigning and fund-raising. The system can provide resources for proposal writing, media awareness materials and publicity. Having one person in charge creates a systematic way to manage the information and eliminates the need to ask several staff for information. The system can be based on a simple Excel sheet format, with each sheet divided into categories such as landmark cases, maps generated, and trainings conducted. This will act as a 'one-stop shop' for anyone wanting to know about BRIMAS's work for easy retrieval. Documents related to each of the successes should have a link to a folder containing all the relevant information for easy accessibility.
- Set Up Resource Data Base. To complement the collection of data on BRIMAS' activities, materials on the historical background, settlement history, and culture of IPs as well as the state of the environment should be kept. Besides providing data that could be crucial to court cases and measuring the accomplishments of BRIMAS, this material would assist in the preservation of interesting aspects of local culture. Not only is this appropriate for an organization named a Resource Centre, but this will increase outside interest in BRIMAS and indirectly support public relations and fund-raising.

- Increase Fund-Raising Efforts

- Draw Up a Fund-Raising Plan. Both to give BRIMAS the financial security by reducing its present dependence on a single donor and to address its budgetary imbalance weighted heavily towards personnel, a plan is needed to support the many activities it would like to do but cannot at present. With help from Rainforest Norway and its network, specific projects (including some perhaps outside the traditional scope of BRIMAS to target public health and other issues among the local people)¹¹ should be identified and sent to donors with interests in those areas. The budgets of these projects should cover mainly activity costs so as to create the overall balance between personnel and activity costs appropriate for an NGO such as BRIMAS.

¹¹Compared with rural areas in other Southeast Asian areas, such as poor villages in Laos, public health facilities in the interior of Sarawak seem to be lagging behind, a situation that ought to attract project funding for BRIMAS.

- Hire a Consultant to Draft Proposals. The consultant needs to be familiar with BRIMAS' work and local issues. Many NGOs, both local and international ones, practice this method as a consultant only involve a one-off payment, and does not incur expenses such as pension, insurance, and training. The consultant should be able to identify suitable potential donors in order to write proposals that can target the donor's needs. The consultant should fully utilise the documentation developed by BRIMAS and success stories under the RFN project.
- The Advisory Board Needs to Play a More Active Role. **BRIMAS should take the initiative to call for a Board meeting at least 3 times a year.** Since private sector individuals are on the Board, they should be utilised to help BRIMAS target the middle class section of the community and professionals to diversify financial and other support for BRIMAS' work. In addition, each Board member should be issued a letter of appointment specifying the length of time to serve as a Board member, with a clear Terms of Reference. Regular meetings must be held with a structured agenda in order for BRIMAS to effectively benefit from the experience of the board members. Community representatives can be invited but this might also pose a problem as they may not understand the administrative functions of BRIMAS. The establishment of a Management Committee need to be discussed more thoroughly as BRIMAS need to prioritise its financial sustainability and address internal matters with existing staff before adding another level of management in the running of BRIMAS.

RFN and BRIMAS Working Relationship

- RFN need to revise the format of its proposal and annual reporting so as to enable their grantees to report their outputs qualitatively as well as quantitatively. This is especially important at the mid-point of the project for both RFN and BRIMAS to review whether the trainings have the potential to make long term impacts on the community, as well as which and how much more assistance the communities will need from BRIMAS.
- RFN Should Facilitate a Complementary Strategy for its Grantees in Malaysia RFN needs to assess overlapping issues among their grantees in Malaysia and be more strategic in encouraging them to be complementary rather than competing. RFN needs to ensure that everyone is clear on what each group does so that the groups will not fall into the culture of trying to outwit each other.
- RFN Should Organise a Lessons Learnt Regional Seminar/Workshop for Their Grantees to Share Experiences. Similar to the RFN-supported seminar held in 2004 in Padang, this was found to be useful for grantees to share ideas and exchange experiences, a meeting of Rainforest Norway's three

Malaysian grantees (BRIMAS, JOAS, and SAM) would help them collectively meet the challenges they face. This will help each organization define its role and how RFN can best assist it. In addition, through quality face-to-face time with the grantee staffs and community leaders, RFN will better understand the challenges their grantees face in implementing activities and the bigger picture of environmental conservation in Malaysia.

- RFN Should Regularly Visit BRIMAS to Monitor Activities and Provide Guidance. As a follow up to the seminar/workshop, RFN's officer responsible for BRIMAS should (especially because he is new and the issues are complicated) attend workshops and trainings in interior areas to observe the response of the communities to BRIMAS' activities and make recommendations as appropriate. This will help RFN highlight good project practices on RFN's website for publicity and for other grantees to learn about and contact BRIMAS. This will strengthen the network among RFN grantees and encourage them to share experiences.
- RFN and BRIMAS Should Cooperatively Prepare a Clear Proposal for What BRIMAS Will Do and How it Will be Monitored
 - Develop a More Practical Log Frame Analysis (LFA). The sample LFA from DANIDA¹² is a guide to encouraging practical and realistic achievements and is a tool for monitoring progress.
 - Use the First Retreat to Make BRIMAS' Workplan Realistic. In order to remove the unrealistic ambitions in BRIMAS' plan and focus on what BRIMAS does best, RFN and BRIMAS—in tandem—should first agree on priorities for BRIMAS. The two organizations should agree on what the outcome of the project should be and how this impact should be measured (indicators). Then and only then the most efficient and sustainable activities should be agreed on. If these steps are taken, BRIMAS will have a clear focus, a sharper image, and more appeal to other donors that will only increase the good work this partnership has been carrying out so far.

¹²A good example of an LFA, prepared by DANIDA, can be found at the following website: <http://amg.um.dk/en/menu/TechnicalGuidelines/LogicalFrameworkApproach/LogicalFrameworkApproach.htm>)

Annex 1: TERMS OF REFERENCE

1. Background

Borneo Resources Institute (BRIMAS) was established in an attempt to resist the current pattern of resource extraction and development activities as propagated by Sarawak State Government, and its adverse impact on the indigenous communities of the state. BRIMAS was established in July 1993 as a non-profit indigenous organisation based in Miri, northern region of Sarawak. The organization was formed with the purpose of educating and training indigenous communities about their rights and promote community-based sustainable resource management and conservation to improve the socio-economic, political and environmental conditions of Dayak communities, by securing their rights to land and resources that will guarantee them a sustainable livelihood and right to determine their own future.

BRIMAS' main objectives are to:

- 1) Undertake education and training programs for communities in relation to Indigenous Peoples rights, human rights, environmental laws and sustainable development policies;
- 2) Promote sustainable livelihoods through community-based development initiatives in management and conservation of biological diversity and sustainable utilisation of natural resources;
- 3) Support indigenous communities in their efforts to assert, defend and secure full recognition of their rights to customary lands and forests and the protection of environment
- 4) Strengthen cooperation and solidarity among indigenous communities, Indigenous Peoples' Organizations (IPOs) and NGOs in Sarawak and collaborate with other like-minded organisations at national, regional and international level.

BRIMAS and Rainforest Foundation Norway (RFN) entered into partnership in 1999, and with funding from Norad (Norwegian Agency for Development Cooperation), a project known as "Indigenous Peoples' Legal Advocacy Programme (IPLAS) was supported from 1999 to 2007. In 2002, RFN extended its financial support to BRIMAS with funding made available through the Operation Day's Work, for a project entitled "Community Paralegal Education and Training (CPET) Programme". The CPET project was implemented over a period of 2 years, and ended in December 2004.

In 2008 RFN and BRIMAS went into another phase of cooperation. The project, still ongoing, is known as "Enabling Indigenous Peoples in Conservation of Biodiversity and Sustainable use of Forest Resources in Sarawak, Malaysia". The overall goal of the project is that the biodiversity of Sarawak's forests is conserved sustainably by the indigenous Dayak communities especially within their native customary right land.

The purpose of the project is to strengthen the indigenous Dayaks especially the forest dependent communities' rights through capacity building and legal advocacy.

An external evaluation on BRIMAS was conducted by RFN in year 2004. Time is now ripe for a new evaluation. The evaluation will assess BRIMAS' project and strategies in dealing with the multi-issues affecting the indigenous Dayak communities across the State of Sarawak, with a view to drawing lessons for BRIMAS and RFN toward advocating and redressing the issues of Indigenous Peoples rights, land rights, biodiversity conservation and protection of rainforest in future work.

2. Evaluation purpose

The main purpose of the evaluation is to document and learn from past and current activities, processes and achievements of BRIMAS' work. The evaluation has the following objectives:

- To assess the relevance, effectiveness, efficiency, impact and sustainability of BRIMAS' project in Sarawak.
- To provide an overview of the strengths, weaknesses, challenges and gaps in project implementation, and recommendations for how weaknesses can be addressed.
- To provide an overview of strengths and weaknesses in internal management, and recommendations for how challenges can be addressed and the organisation can improve.

Within the overall framework of assessing BRIMAS and their project, it is anticipated that the evaluation

will contribute to strengthening the organisational capacity of BRIMAS, as well as increasing their ability to identify and address internal problems and issues in their fields of activity, including external factors and challenges. It is also anticipated that recommendations from the evaluation and lessons learned will assist both RFN and BRIMAS to build their capacities into future programming in order to support indigenous communities to better cope with human rights and environmental issues, and to enable a timely and appropriate action to redress these issues in the future. Lessons drawn from BRIMAS project experience will provide input to reviews of the RFN support and program planning for Sarawak/Malaysia. The evaluation report may be informed to the NGO community by RFN through NORAD so that lessons learned can be utilized to improve more widely program performance and reporting

3. Scope of the evaluation

In order to produce relevant information for the above mentioned objectives and results, the project will be assessed based on its own performance criteria (i.e. those specified in the project design documents). The main focus of the evaluation would be on the project implementation, outputs and impact during the period of 2008 to 2010

The key words to be used assessing the project are to be understood as follows:

- 1 **Relevance** - the extent to which the project conforms to the needs and priorities of the target groups, as well as in relation to national development priorities.
- 2 **Effectiveness** - the extent to which the purpose has been achieved, and whether this can be expected to happen on the basis of the outputs of the project.
- 3 **Efficiency** - how the results stand in relation to the effort expended. Comparing inputs with outputs, how economically inputs are converted to outputs. Whether the same results could have been achieved in another way. To what degree do the outputs achieved derive from efficient use of financial, human and material resources.
- 4 **Impact** - the changes, positive and negative, planned and unforeseen of the project, seen in relation to target groups and others who are affected.
- 5 **Sustainability** - an assessment of the extent to which the positive effects of the project will still continue after external assistance has been concluded.

Some specific areas which the evaluation should examine include:

1. Relevance and timeliness of the project

- Are the project objectives clear, realistic and measurable?
- Are the objectives appropriate and relevant to the existing (particular development) situation?
- Project implementation, progress and development in a long term perspective
- Protection of community rights, native customary rights land and conservation of biodiversity as well as sustainable use of forest resources

2. Effectiveness in achieving results

- To look at the extent to which BRIMAS' project achieves its objectives, results and outputs
- To assess the activities carried out as originally planned, the achievements and non-achievement of objectives, the shortcomings in implementation and steps to overcoming them.

3. Efficiency

- What are the outputs (both qualitative and quantitative) in relation to the inputs?
- Is BRIMAS' project cost effective: project operational, implementation and human resources (staff capacity)?
- Looking at the utilization of resources that support the operational of the project that is in relation to outputs, both qualitative and quantitative.

4. Impact

- To look at the wider effects of the project – on target groups, communities, people organizations (POs) and NGOs in Sarawak.

- Looking at the impact of BRIMAS project in terms of human/social rights, legal rights and native customary rights to land, natural resources and environment
- Assessment of the extent to which community representative legal actions (e.g., land rights cases) and other legal cases were applied and their impact: intended and unintended, positive and negative, macro (state) and micro (community).

5. Sustainability

Sustainability with regard to target community/beneficiaries:

- What is the sustainability of benefits to the target community/beneficiaries? Does the project have the necessary support from beneficiaries, for example, in the form of participatory support in activity, legal assistance and services?
- Are the target communities likely to have sufficient improved knowledge, skills and resources to maintain a the system of benefits for themselves that they have acquired from the project?

Sustainability with regard to BRIMAS:

- Have the management and organizational capacity of BRIMAS, including the POs and community activists, been strengthened in a sustainable way?
- Assessment and recommendations towards project outcomes/results that may have potential of sustainability
- Recommendations for taking the project into next phase on onwards towards future development?

6. Project management & organization

- To what extent does BRIMAS have the capacity, systems and procedures, sufficient human resources and appropriate level of skills/expertise to implement the project?
- The respective roles and responsibilities of project staff: definition, scope, appropriate and workable?
- Looking at roles of advisors
- Recommendations for improvement of organization and project management.
- An assessment of the partnership between RFN and BRIMAS, and to what extent this is of benefit to BRIMAS. Recommendations on how to realize the potential of the partnership

5. Evaluation Methodology

The evaluation will include a combination of a review of BRIMAS documentation, field travel, key informant interviews and focus group discussions with BRIMAS staff.

The methodology to be adopted during the evaluation should include:

- Literature review – project documents, news articles, reports and court cases.
- Discussions with BRIMAS staff members, local POs/CBOs and other NGO's.
- Discussions with lawyers, community leaders & members and community activists.
- Field visits - traveling to the communities, villages/longhouses and observing BRIMAS carrying out activities. Holding discussions with members of the village/longhouses.
- Presentation of findings – the evaluation shall facilitate a workshop for the staff of BRIMAS before leaving Sarawak where preliminary findings of the evaluation are presented. This will give the staff an opportunity to provide feedback, for the evaluation team to validate findings.
- The writing of a final detailed report, including a summary.

Confidentiality of information: all documents and data collected from interviews will be treated as confidential and used solely to facilitate analysis. Interviewees will not be quoted in the reports without their permission.

7. Evaluation Team

A team of two independent consultants will conduct the evaluation. The evaluation team will consist of Ronald D. Renard, an independent development consultant based in Thailand, and Lizuryaty Azrina Abdullah, fellow researcher at Center for Malaysian Indigenous Studies at University of Malaya. The team has thorough experience in matters relating to indigenous peoples, environmental issues and NGOs.

8. Timing and reporting

The evaluation will last for approximately five weeks. This includes one week of preparation and document review for the evaluation team, two weeks of fieldwork in Sarawak, and two weeks to prepare the written report.

The fieldwork in Sarawak starts on October 18th and ends on October 31st. The evaluation team shall facilitate a workshop for the staff of BRIMAS on the October 31st where preliminary findings are presented. A detailed schedule for the fieldwork is attached in appendix 1.

A draft report shall be submitted to RFN no later than November 15th for comments.

The final report shall be submitted to RFN no later than November 25th.

Annex 2: ORGANIZATIONS AND PLACES VISITED AND PERSONS INTERVIEWED

17 October January 2010 (Sunday)

Both evaluators travel to Miri, staying at Park Hotel

18 October 2010 (Monday)

BRIMAS Office, Introduction to BRIMAS, meet staff as a group in meeting arranged by Mark Bujang

19 October 2010 (Tuesday)

Discussions with Mark Bujang, Flora Tebiang, Serengeh Usek, Goh Fung Yian, and Bruka ak Laku

20 October 2010 (Wednesday)

Discussions with Harrison Ngau and Raymond Abin
SKYPE conference with Diweng Bakir (BIIH)

21 October 2010 (Thursday)

Travel to Long Lutin (Penan community).

22 October 2010 (Friday)

Observe Para-legal Training in Long Lutin
Discussions with Long Lutin community and others participating in training
View video programs on dam building and government resettlement schemes, prepared by BRIMAS

23 October 2010 (Saturday)

Observe conclusion of Para-legal Training in Long Lutin
Discussion with Philip Jau, Deputy Director of TAHABAS
Return to Miri.

24 October 2010 (Sunday)

Rest, checking notes

25 October 2010 (Monday)

Discussions with Abun Sui Anyit, Roseline Lahung, and Merin Rayong
Discussion with Thomas Jalong, CICON

26 October 2010 (Tuesday)

Observe training at BRIMAS Training Center, Ocean Park (outside of Miri)—training on dam awareness for Penan and residents of the Baram Watershed which will be flooded if the dam is completed

27 October 2010 (Wednesday)

Report writing and preparation for seminar.

28 October 2010 (Thursday)

Preparing presentation of Staff workshop

29 October 2010 (Friday)

Preparing for workshop. Observing BRIMAS seminar at Niah.

30 October 2010 (Saturday)

Workshop with staff to present preliminary evaluation report

31 October 2010 (Sunday)

Rest, Azrina returns to Kuala Lumpur
RRenard visits Niah and discusses BRIMAS with a volunteer helping BRIMAS, Dennis Along

1 November 2010 (Monday)

RRenard returns to Kuala Lumpur

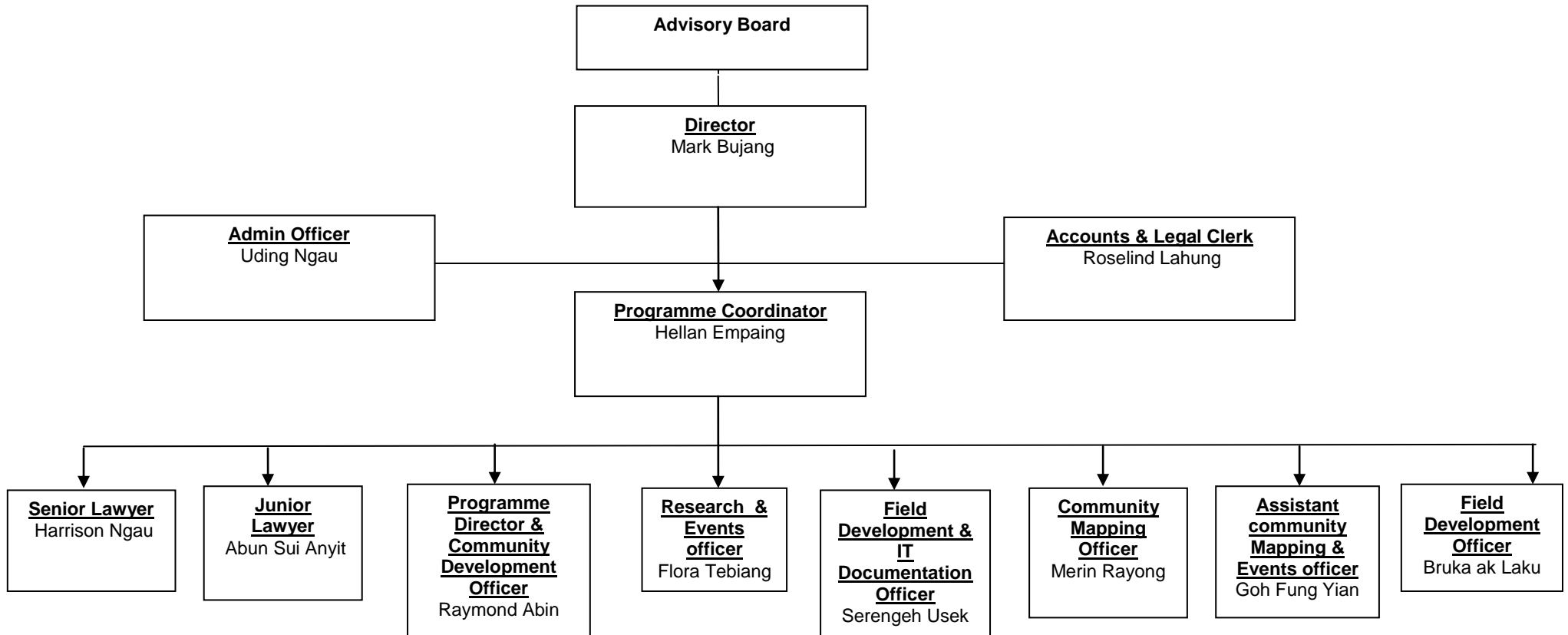
2-14 November 2010 (Tuesday)

report writing of draft evaluation.

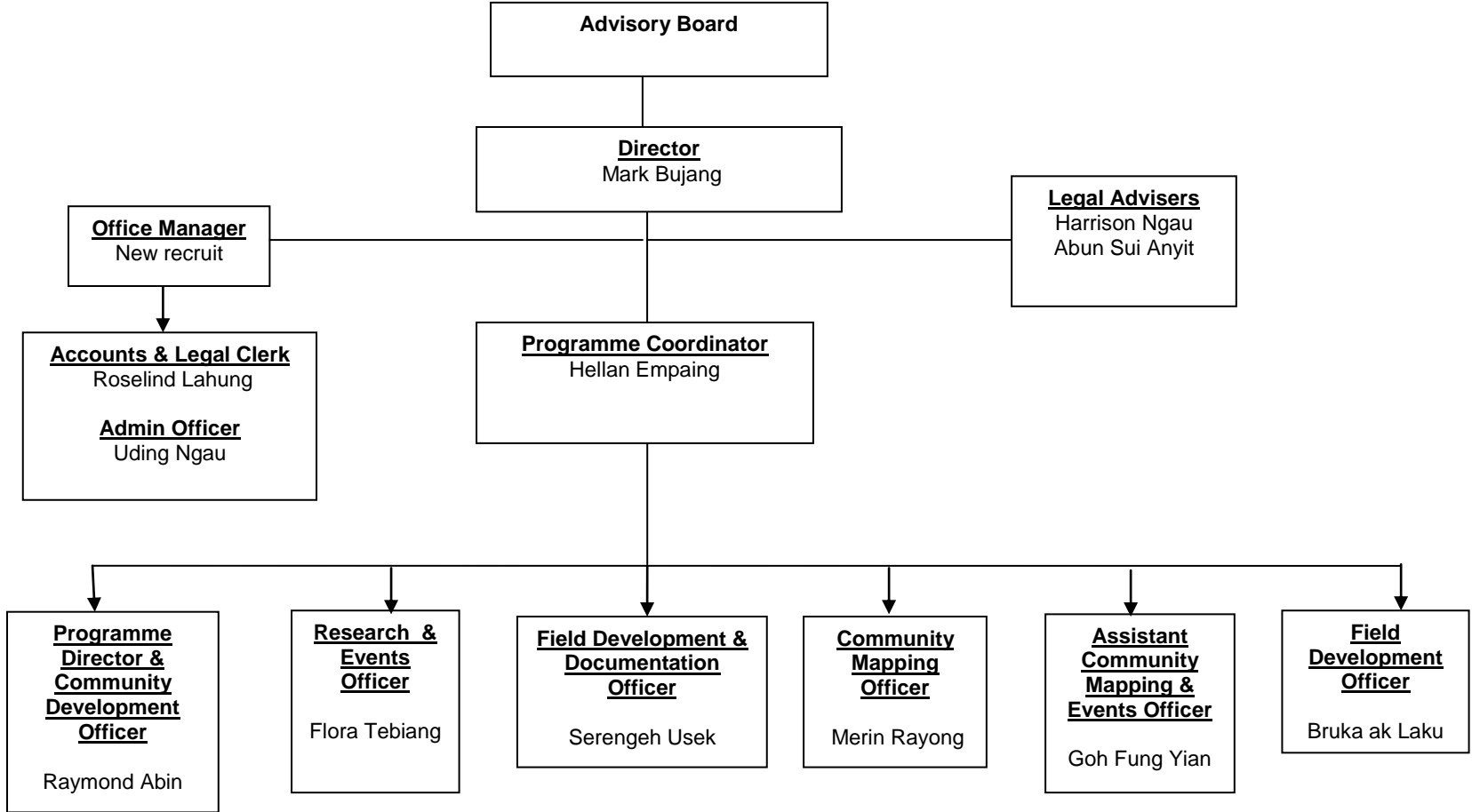
15-30 November 2010

Finalization of evaluation integrating comments from BRIMAS and RFN.

Annex 3: Present BRIMAS Structure

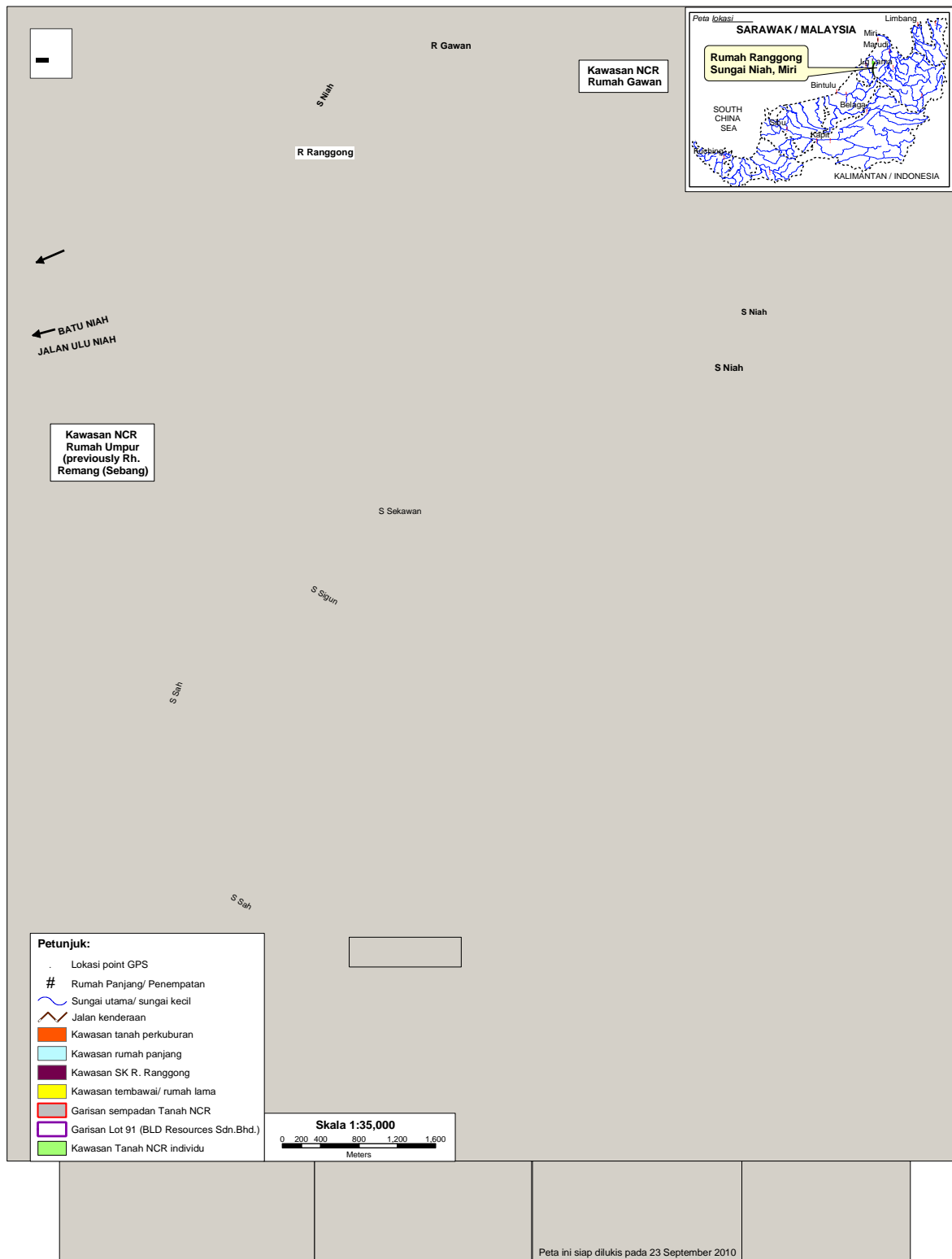


Proposed BRIMAS structure



Annex 4: Sample Community Map Prepared by BRIMAS

PETA MENUNJUKKAN KAWASAN SEMPADAN TANAH HAK ADAT BUMIPUTRA (NCR) MASYARAKAT IBAN RUMAH RANGGONG, ULU SUNGAI NIAH, BAHAGIAN MIRI, SARAWAK.



Annex 5: Workplans 2008-2010

2008	RESULT	PROJECT ACTIVITIES	INDICATORS	ASSUMPTIONS
	1. The capacity of BRIMAS as an organisation is enhanced	1.1 Recruitment of 7 additional staff members – 2 Research Officers, 2 Field Officers, 1 Assistant Field Officer and 2 Mapping Officers 1.2 In-house training of staff members 1.3 Sending staff on exposure trips and trainings organised by other organisations	<ul style="list-style-type: none"> Interviews conducted with 7 new staff members taken in Staff members attend in-house training Staff members went for exposure trips and trainings organised by different organisations 	<ul style="list-style-type: none"> Interested applicants with suitable credentials attend job interview Staff are able to do tasks assigned with the trainings and exposure they received
The capacity and rights of the indigenous Dayak especially the forest dependent community is strengthened through education, training and legal advocacy.	2. The indigenous Dayak community are better organised with capable leaders to lead them	2.1 Field trips/visit & community meetings conducted each month to establish contacts with villagers starting in March – areas are Miri, mid and upper Baram, upper Limbang, Belaga, Bintulu and Sibu 2.2 Conduct (1) community workshop amongst the Penans on logging and the emerging threat of plantations 2.3 TAHABAS convenes one (1) state level workshop for POs workshop to plan for TAHABAS yearly activities and elect new committee members 2.4 Joint statement / memorandum drafted and sent to the Government on the situation of the Dayak rights and their demands	<ul style="list-style-type: none"> 20 participants attended the community workshop TAHABAS have elected new committee members and planned their yearly activities Joint statement / memorandum received by the Government – PM, CM, relevant Govt. departments and SUHAKAM Internal reports submitted by staff 	<ul style="list-style-type: none"> The Dayak community are interested to send their representative to the workshops POs are committed to work together within the TAHABAS network The Dayak community agree to draft a joint statement memorandum
	3. The Indigenous Dayak community are able to exercise their rights	3.1 Conduct 2 paralegal trainings, one for the TAHABAS network members and the other for the Penans 3.2 Drafting of letters / petitions to be sent to the Government	<ul style="list-style-type: none"> 20 paralegal trainees trained of which 10 are Penans through the 2 paralegal trainings Letters / petitions received by the Government Internal reports submitted by staff 	<ul style="list-style-type: none"> The Dayak community are interested to send their representative to the trainings Para-legal trainees are able to complete the courses The Dayak community voiced out their concerns, demands and recommendations

	<p>4. Increased legal support from lawyers for the indigenous Dayak community</p>	<p>4.1 Identifying communities for support and organising them for legal representative action 4.2 Identifying lawyers that agree to take up the cases 4.3 Field research & gathering of evidence to support the lawyers 4.4 Attending Pre-Trial Case Management (PTCM), hearings / trial 4.5 Documenting existing cases with updates of its status 4.6 IPs reps hold one (1) meeting with SILA in March</p>	<ul style="list-style-type: none"> • Communities identified for support based on a set of criteria and guidelines • 1 new case filed in court • Other new cases filed by different lawyers • Evidence gathered and submitted to the lawyers • The court proceeds with PTCM, hearings / trials • Compilation of existing cases • Indigenous reps, IPs lawyers & SILA held meeting on the legality definition of legal timber 	<ul style="list-style-type: none"> • The Dayak community are willing to cooperate with the lawyers • Lawyers feel obliged to assist in community cases • Court decides in favour of the Dayak community • More indigenous lawyers support and join SILA
	<p>5. Information compiled on the territory, the social aspects and biodiversity of the indigenous Dayak community</p>	<p>5.1 Gathering information on issues affecting the Dayaks with regards to their land rights through the monthly field trip by field staffs and secondary information. 5.2 Develop questionnaires for preliminary studies of project area to be used as guidelines for staff to ask questions 5.3 Produce a basic / general map of the project area</p>	<ul style="list-style-type: none"> • Information on the Dayaks compiled to form a community profile for use in campaign activities or write-up of case studies • Basic / general map of project area printed showing native customary land boundaries, important landmarks, rivers and roads/trails 	<ul style="list-style-type: none"> • The Dayaks in the project area will cooperate and work together with BRIMAS in carrying out the planned activities
<p>The indigenous Dayak community are able to exercise their rights to manage and conserve their biodiversity and forest resources sustainably</p>	<p>6. Information compiled on the territory, the social aspects and biodiversity of the Penans in the project area</p>	<p>6.1 Gathering information on Penans with regards to their land rights and the state of their environment through the monthly field trip by field staffs and secondary information. 6.2 Develop questionnaires for preliminary studies of project area to be used as guidelines for staff to ask questions 6.3 Start preliminary studies in Upper Baram, Upper Limbang and Belaga 6.4 Produce a basic / general map of the project area</p>	<ul style="list-style-type: none"> • Information on Penans compiled to form a community profile for use in campaign activities or write-up of case studies • Preliminary studies ongoing • Basic / general map of project area printed showing native customary land boundaries, important landmarks, rivers and roads/trails 	<ul style="list-style-type: none"> • The Penans in the project area will cooperate and work together with BRIMAS in carrying out the planned activities

	<p>7. The Indigenous community's capacity and knowledge on sustainable management & conservation of biodiversity and forest resources strengthened</p>	<p>7.1 Develop materials for community based resource management (CBRM) programme</p>	<ul style="list-style-type: none"> Materials for CBRM programme compiled and ready for use 	<ul style="list-style-type: none"> Availability of secondary information relating to CBRM
	<p>8. General public are aware of the indigenous peoples and biodiversity issues</p>	<p>8.1 Conduct 1 public seminar in conjunction with IPs Day celebration (Gawai Nerabai Menoa) 8.2 Draft 6 press releases 8.3 Develop campaign materials – case studies, leaflets, posters and T-shirts 8.4 Produce at least 3 newsletters 8.5 Upgrade and maintain website</p>	<ul style="list-style-type: none"> IPs throughout the state attended the IPs Day celebration The press received the news release and carried it The Government received the letters / petitions / memorandums Campaign materials and newsletters disseminated Website updated regularly 	<ul style="list-style-type: none"> Overwhelming response on IPs Day celebration Press interested in the issues The government will not hinder the activities planned by BRIMAS Staff are able to contribute articles to newsletter Request for leaflets, posters and T-shirts Website receive a lot of hits
	<p>9. Networking with CSOs / NGOs / CBOs / IPOs developed and strengthened</p>	<p>7.1 Conduct 1 state level NGOs / CBOs / IPOs consultation meeting to strategise and synergise common activities 7.2 Participating in national, regional and international level activities to increase network and contacts</p>	<ul style="list-style-type: none"> NGOs / CBOs / IPOs attended the consultation meeting Follow-up on network activities 	<ul style="list-style-type: none"> NGOs / CBOs / IPOs are willing to cooperate and work together
<p>Project Input / Resource</p>		<p><u>Human resources: 8 Personnel</u> - 1 Lawyer - 1 Director - 1 Program Coordinator - 7 Program Officers - 2 Admin. staff - Community activists/interns</p>	<ul style="list-style-type: none"> Staff assigned: 12 personnel - 1 Lawyer, Harrison Ngau - 1 Director, Mark Bujang - 1 Program Coordinator, Hellan Empaing - 7 Program Officers, Suzanna John, Flora Tebiang and 5 others that are yet to join BRIMAS - 2 Admin. Staffs, Uding Ngau and Roselind Lahung - Community activists/interns, from trainers that we have trained or interns that are interested to volunteer 	<ul style="list-style-type: none"> Minimal staff turnover within the project period Job applicants with suitable credentials attend job interview

2009	RESULT	PROJECT ACTIVITIES	INDICATORS	ASSUMPTIONS
The indigenous Dayak especially the forest dependent communities' rights are strengthened through capacity building and legal advocacy	1.The capacity of BRIMAS is enhance	1.1 Conduct in-house training at least once each week on community organising, video and audio editing, photo editing, journalism, GPS and GIS, blogging and website design 1.2 Staff attend trainings, workshops, seminars and conferences organised by other organisations	<ul style="list-style-type: none"> • In-house training conducted • Staff participated in external trainings, workshops, seminars and conferences 	<ul style="list-style-type: none"> • Staff are able to understand and apply what is learnt to carry out tasks • Able to get resource persons to conduct trainings
	2.The indigenous communities are better organised	2.1 Conduct 1 field visit each month and hold a meeting with the community visited 2.2 Conduct 4 community workshops with focus on the youths 2.3 Conduct 2 exchange visits for youths 2.4 Facilitate and support TAHABAS to convene 2 state level meetings 2.5 Facilitate and support WADESA to conduct 2 community workshops for women 2.6 Facilitate communities to draft joint statement / memorandum and sent to the Government and other relevant parties	<ul style="list-style-type: none"> • Reports and minutes from field visit • 80 participants attended the community workshop • 20 youths participated in exchange visits • POs attended the TAHABAS state level workshop • 40 women participants attended WADESA's community workshops • 10 potential leaders identified for further training • 5 villages formed their own PO • 2 nomadic Penan groups formed their land action committee • Joint statement / memorandum received by the Government and relevant parties 	<ul style="list-style-type: none"> • The Dayak community are interested to send their representative to meetings and workshops • The Dayak community voiced out their concerns, demands and recommendations • POs are committed to work together within the TAHABAS and WADESA network • Villagers are united to form their PO • The Dayak community agree to draft a joint statement / memorandum
	3. The Indigenous Dayak community are able to exercise their rights	3.1 Conduct 4 para-legal trainings 3.2 Conduct 1 advance para-legal training for identified community activists	<ul style="list-style-type: none"> • 20 new paralegal trainees trained of which 10 are Penans • 6 trainees trained to become community para-legal trainers 	<ul style="list-style-type: none"> • The Dayak community are interested to send their representative to the trainings • Para-legal trainees are able to understand and complete the courses • Community para-legal trainers are willing to train their community
	4. Increased legal support from lawyers for the indigenous Dayak community	4.1 Identifying communities for support and organising them for legal representative action 4.2 Identifying lawyers that agree to take up the cases 4.3 Gathering of evidence to support the lawyers 4.4 Attending PTCM, hearings / trial 4.5 Documenting existing cases with updates of its status 4.6 Have 1 meeting with SILA	<ul style="list-style-type: none"> • Communities identified for support • 1 new case filed in court • Other new cases filed by different lawyers • Evidence gathered and submitted to the lawyers • The court proceeds with PTCM, hearings / trials • Compilation of existing cases • Minutes and plan of action with SILA 	<ul style="list-style-type: none"> • The Dayak community are willing to cooperate with the lawyers • Lawyers obliged to assist in community cases • Court decides in favour of the Dayak community • More indigenous lawyers support and join SILA

	<p>5. Information compiled on the territory, the social aspects and biodiversity of the indigenous Dayak community especially the Penans in the project area</p>	<p>5.1 Conduct field research on at least 6 Penan areas and 6 other Dayak areas especially communities affected by the 12 dams 5.2 Gathering information on Penans and the other Dayaks 5.3 Produce a basic / general map of the area researched</p>	<ul style="list-style-type: none"> • Report of field visit • Information on Penans and the other Dayaks compiled • Preliminary studies ongoing • Basic / general map of project area printed 	<ul style="list-style-type: none"> • The IPs in the project area will cooperate and work together with BRIMAS in carrying out the planned activities • Staff are able to obtain information needed for their research
	<p>6. Customary land demarcation exercises increased</p>	<p>6.1 Conduct 2 community mapping and GPS trainings 6.2 Conduct 1 GIS training</p>	<ul style="list-style-type: none"> • 20 participants trained on community mapping and usage of GPS • 5 participants trained on using GIS 	<ul style="list-style-type: none"> • The Dayak community are interested to send their representatives to the training • The trainees are able to understand and complete the training
	<p>7. General public are aware of the indigenous peoples and biodiversity issues</p>	<p>7.1 Hold 1 TAHABAS dinner cum seminar 7.2 Conduct 1 public seminar in conjunction with IPs Day celebration 7.3 Hold 1 exhibition on IPs rights and biodiversity issues 7.4 Publish 3 issues of Sebana Menoa newsletter 7.5 Publish 1 annual report on community legal cases 7.6 Upgrade and update BRIMAS website and Sebana Menoa blog 7.7 Draft at least 6 press releases 7.8 Call for 2 press conferences 7.9 Send community letters / petitions / memorandums to the media 7.10 Produce questions for elected representatives to be brought into debate in the State Legislative Assembly and Parliament 7.11 Produce flyers, posters, T-shirts, stickers, CDs/DVDs and audio cassettes as campaign materials</p>	<ul style="list-style-type: none"> • At least 200 IPs representatives attend TAHABAS dinner cum seminar • At least 500 people attend the IPs Day celebration • Newsletter published and disseminated • An annual report on community legal cases published and disseminated • Hit counter of website and blog • The press attends press conference and received the news release and carry the story • Community letters / petitions / memorandums highlighted in the media • Elected representatives in the State Legislative Assembly and Parliament debates indigenous peoples and biodiversity issues • Campaign materials disseminated 	<ul style="list-style-type: none"> • Overwhelming response on IPs Day celebration and TAHABAS dinner • Media interested in the issues and highlight it • Newsletter and annual report read widely • Website and blog received plenty of hits • Elected representatives are willing to debate • The government will not hinder the activities planned by BRIMAS
	<p>8. Networking with CSOs / NGOs / CBOs / IPOs developed and strengthened</p>	<p>7.3 Conduct 1 state level NGOs / CBOs / IPOs consultation meeting 7.4 Participating in national, regional and international level activities</p>	<ul style="list-style-type: none"> • NGOs / CBOs / IPOs attended the consultation meeting • Follow-up activities 	<ul style="list-style-type: none"> • NGOs / CBOs / IPOs are willing to cooperate and work together

Project Input		Human resources: 13 Personnel - 1 Lawyer - 1 Assistant Lawyer - 1 Executive Director - 1 Program Coordinator - 7 Program Officers - 2 Admin. staff - Community activists/interns	1. Staff assigned: 13 personnel - 1 Lawyer - 1 Assistant Lawyer - 1 Executive Director - 1 Program Coordinator - 7 Program Officers - 2 Admin. Staffs - Community activists/interns	<ul style="list-style-type: none"> BRIMAS staff members are ready and able to implement the project BRIMAS has engaged additional new project personnel.
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2010	RESULT	PROJECT ACTIVITIES	INDICATORS	ASSUMPTIONS
The indigenous Dayak especially the forest dependent communities' rights are strengthened through capacity building and legal advocacy	1. The capacity of BRIMAS is enhanced	1.3 Conduct in-house training during first quarter on LFA and SWOT analysis 1.4 Hold internal meetings every week 1.5 Staff attend trainings, workshops, seminars and conferences organised by other organisations	<ul style="list-style-type: none"> In-house training conducted Minutes of staff meetings Staff participated in external trainings, workshops, seminars and conferences 	<ul style="list-style-type: none"> Staff are able to understand and apply what is learnt to carry out tasks Internal meetings acts to steer BRIMAS' programmes Able to get resource persons to conduct trainings
	2. The indigenous communities are better organised	2.7 Conduct 1 field visit to the focused areas at least each month and hold a meeting with the community visited 2.8 Conduct 2 leadership workshops with TAHABAS and WADESA members 2.9 Facilitate TAHABAS to convened 4 meetings 2.10 Facilitate WADESA to conduct 2 community workshops 2.11 Conduct 1 seminar for indigenous youths 2.12 Conduct 1 exchange visits for youths 2.13 Facilitate Sarawak Conservation Alliance for Natural Environment (SCANE) to conduct at least 2 coordination meetings on dam issues 2.14 Hold 1 briefing with elected representatives 2.15 Facilitate communities to draft joint statement / memorandum and sent to the Government and other relevant parties	<ul style="list-style-type: none"> Reports and minutes from field visits 40 participants participated in leadership workshops with 10 potential leaders groomed TAHABAS and SCANE minutes of meetings and action plans 40 participants attended WADESA's community workshops 50 youths participated in youth seminar 10 youths participated in exchange visits 5 more villages formed PO 2 more nomadic Penan groups formed land action committee A joint action committee on dams and tree plantation formed Elected representatives attended briefing Joint statement / memorandum received by the Government Communities mobilised to hold peaceful demonstrations 	<ul style="list-style-type: none"> The Dayak community especially the youth and women are interested to send their representative to meetings and workshops The Dayak community voiced out their concerns, demands and recommendations POs are committed to work together within the TAHABAS, SCANE and WADESA network Villagers are united to form their PO and respective joint action committee The groomed community leaders have the confidence to lead their community The Dayak community agree to draft a joint statement / memorandum Authorities agree to look into the community's demands

<p>3. The Indigenous Dayak community are able to exercise their rights</p>	<p>3.3 Conduct 4 para-legal trainings 3.4 Conduct 2 advance para-legal trainings 3.5 Hold 2 dialogues with relevant government agencies one in Kuching and one in KL</p>	<ul style="list-style-type: none"> • 40 new paralegal trainees trained of which 10 are Penans • 12 trainees trained to become community para-legal trainers • Community leaders and activists able to lobby and assert their rights during dialogues with government agencies and companies • Community leaders and activists able to demand for their rights through letter / memorandum 	<ul style="list-style-type: none"> • The Dayak community are interested to send their representative to the trainings • Para-legal trainees are able to understand and complete the courses • Community para-legal trainers are willing to train their community
<p>4. Increased legal support from lawyers for the indigenous Dayak community</p>	<p>4.7 Identifying communities for support and organising them for legal representative action 4.8 Identifying lawyers that agree to take up the cases 4.9 Gathering of evidence to support the lawyers 4.10 Attending PTCM, hearings / trial 4.11 Documenting existing cases with updates of its status 4.12 Conduct 1 meeting with SILA</p>	<ul style="list-style-type: none"> • Communities identified for support • 1 new case filed in court • Other new cases filed by different lawyers • Evidence gathered and submitted to the lawyers • The court proceeds with PTCM, hearings / trials • Compilation of existing cases • Minutes and plan of action with SILA 	<ul style="list-style-type: none"> • The Dayak community are willing to cooperate with the lawyers • Lawyers obliged to assist in community cases • Court decides in favour of the Dayak community • More indigenous lawyers support and join SILA
<p>5. Compilation of information on the territory, the social aspects and biodiversity of the Penans and other Dayak communities</p>	<p>5.4 Compiling and writing report on baseline studies 5.5 Compilation of video materials on indigenous rights 5.6 Produce a basic / general map of the area researched</p>	<ul style="list-style-type: none"> • Report on baseline studies produced • A video documentary on indigenous rights produced • Basic / general map of project area printed 	<ul style="list-style-type: none"> • The IPs in the project area will cooperate and work together with BRIMAS in carrying out the planned activities • Staff are able to obtain information and materials needed for their research
<p>6. Customary land demarcation exercises increased</p>	<p>6.3 Conduct 2 community mapping and GPS trainings 6.4 Conduct 2 GIS trainings 6.5 Conduct 1 3D model map training</p>	<ul style="list-style-type: none"> • 20 participants trained on community mapping and usage of GPS • 5 participants trained on using GIS • 1 3D model map produced for 1 Penan community 	<ul style="list-style-type: none"> • The Dayak community are interested to send their representatives to the training • The trainees are able to understand and complete the training • Trainees will map out their customary land territories

	<p>7. General public are aware of the indigenous peoples and biodiversity issues</p>	<p>7.12 Hold 1 TAHABAS dinner cum seminar 7.13 Conduct 1 public seminar in conjunction with IPs Day celebration 7.14 Conduct 1 public forum on dam issues 7.15 Conduct 1 public forum on tree plantation issues 7.16 Hold 1 exhibition on IPs rights and biodiversity issues 7.17 Publish 3 issues of Sevana Menoa newsletter 7.18 Publish 1 annual report on community legal cases 7.19 Upgrade and update BRIMAS website and Sevana Menoa blog 7.20 Release at least 1 press statement a month 7.21 Call for 2 press conferences 7.22 Send community letters / petitions / memorandums to the media 7.23 Produce questions for elected representatives to be brought into debate in the State Legislative Assembly and Parliament 7.24 Produce flyers, posters, fact sheets, T-shirts, stickers, CDs/DVDs and audio cassettes for anti-dam and anti-tree plantation campaign 7.25 Support SCANE and TAHABAS on signature campaign on anti-dam and anti-tree plantation</p>	<ul style="list-style-type: none"> • About 500 IPs representatives attend TAHABAS dinner cum seminar • About 100 people attend public seminar on World IPs Day • About 100 people attended public forum on dam issues • About 100 people attended public forum on tree plantation issues • Exhibition held in one shopping mall • Newsletter published and disseminated • An annual report on community legal cases published and disseminated • Increase number of hits of website and blog • Print and electronic media highlight the IPs and biodiversity issues • Elected representatives in the State Legislative Assembly and Parliament debates IPs and biodiversity issues • Campaign materials produced and disseminated • Obtained at least 5,000 signatures for anti-dam and anti-tree plantation campaign 	<ul style="list-style-type: none"> • Overwhelming response on IPs Day celebration, public forum, exhibition and TAHABAS dinner • Media interested in the issues and highlights it • Newsletter and annual report read widely • Public are interested to read the website and blog • Elected representatives are willing to debate • The government will not hinder the activities planned by BRIMAS
	<p>8. Networking with CSOs / NGOs / CBOs / IPOs developed and strengthened</p>	<p>8.1 Conduct 2 state level NGOs / CBOs / IPOs consultation meetings 8.2 Participating in national, regional and international level activities</p>	<ul style="list-style-type: none"> • Representatives of NGOs / CBOs / IPOs attended the consultation meetings • Follow-up activities 	<ul style="list-style-type: none"> • NGOs / CBOs / IPOs are willing to cooperate and work together
<p>Project Input</p>		<p><u>Human resources: 11 Personnel</u> - 1 Lawyer - 1 Assistant Lawyer - 1 Executive Director - 1 Program Coordinator - 5 Program Officers - 2 Admin. staffs - 5 Community activists</p>	<p>1. Staff assigned: 11 personnel - 1 Lawyer - 1 Assistant Lawyer - 1 Executive Director - 1 Program Coordinator - 5 Program Officers - 2 Admin. staffs - 5 Community activists</p>	<ul style="list-style-type: none"> • BRIMAS staff members are ready and able to implement the project • BRIMAS has engaged additional community activists to work at the grassroots

Annex 6: References

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