
[Malaysia: The true responsible for the 'Penan problem' in Sarawak](#)

Nowadays only about 10,000 Penans remain in Sarawak and very few of them are still able to carry out their nomadic lifestyles. As well as other Dayak people, they have been and still are the victims of all kinds of abuses by the State police and the timber companies themselves. That of the Penans indigenous people in Sarawak is a paradigmatic example of a long and unsolved conflict involving territorial rights. To the official viewpoint there is a 'Penan problem' originated by the resistance the Penans have opposed to the destruction of their lands and rainforests, setting up blockades to prevent the transit of logging machinery and trucks. Nevertheless, this approach ignores the root of the problem, which lies in the non recognition by the government of the indigenous peoples' rights over their lands and resources.

During a panel discussion that took place in the framework of the NGO national conference on "People Before Profits: Development For Communities", held on November 4th and 5th 2000 in Kuala Lumpur, Balang Nalan --member of the delegation of the Penans of Ulu Raram-- expressed that his people consider the forest a "God's gift, which serves as our source of life", and wondered: "Why have we Penans set up blockades during the last 20 years? Because we want to destroy the forest?". Balang was responding to the FOMISS Project representative who had claimed that Penan people, who rejected that project, do not know how to manage the forest sustainably. This initiative was a bilateral technical cooperation programme between the German Development Agency (GTZ) and the government of Malaysia, launched in 1995 allegedly to introduce Sustainable Forest Management (SFM) in Sarawak. In the real world, this nice wording just meant the opening of 169,000 hectares of forests in the Upper Baram Region of northern Sarawak to Samling Strategic Corporation, one of the major and most influential timber companies in the country. After a strong resistance to the project by the Penans, who feared that it would restrict hunting and food gathering activities that constitute the livelihoods of the Penan population, and confronted with the reluctance of the Malaysian authorities to address the socioeconomic component of the project, GTZ decided to withdraw from the project (see WRM Bulletin 33).

For the Penans the forest is their home and store. Their harvesting strategy is based on the concept of 'molong', which means the fostering of a variety of forest resources for the future. This concept is at odds with large-scale logging operations and for years the Penan have been opposing them through different means, of which the most widespread has been that of blockading roads leading to the forest.

"The government does not acknowledge that logging companies are destroying the forest and our lives, as they penetrate further into the interior. Instead, government officials blame us for obstructing the activities of logging companies and arrested many of us. But our blockades have continued," voiced out the Ulu Baram delegates at press conferences and dialogues with NGOs during the national conference.

Logging companies have the capacity and resources to obtain timber permits from the Sarawak state government, who has the ultimate right to issue these permits to companies to take timber or undertake development schemes. At the same time, the government has the capacity to pass laws to

protect the companies' interests against the rights of the local peoples.

In this respect, legislations hastily implemented or amended without any consultation with the Penans and other ethnic groups have been passed to curtail indigenous land and forest rights as, for instance, the Sarawak Forest Ordinance 1953 (amended 1987), Section 90 (B) (1). These amendments make it a criminal offence to set up a blockade on any road constructed or maintained by the holder of a licence or permit and/or preventing any forest or police officer, or licence or permit holder, from removing the blockade. The punishment for an offender is a jail sentence of up to two years and a fine of RM6,000 and a further fine of RM50 for every subsequent offence.

The so called 'Penan problem' is thus not a product of the indigenous peoples' activities and resistance. The 'problem' only began when logging companies invaded their ancestral lands and started the devastation of the forests on a massive scale. Timber corporations, the government and foreign "development" agencies --all of whom sharing the view of forests as a mere source of roundwood-- are the true and sole problem.

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