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A TRIP TO ULU BARAM

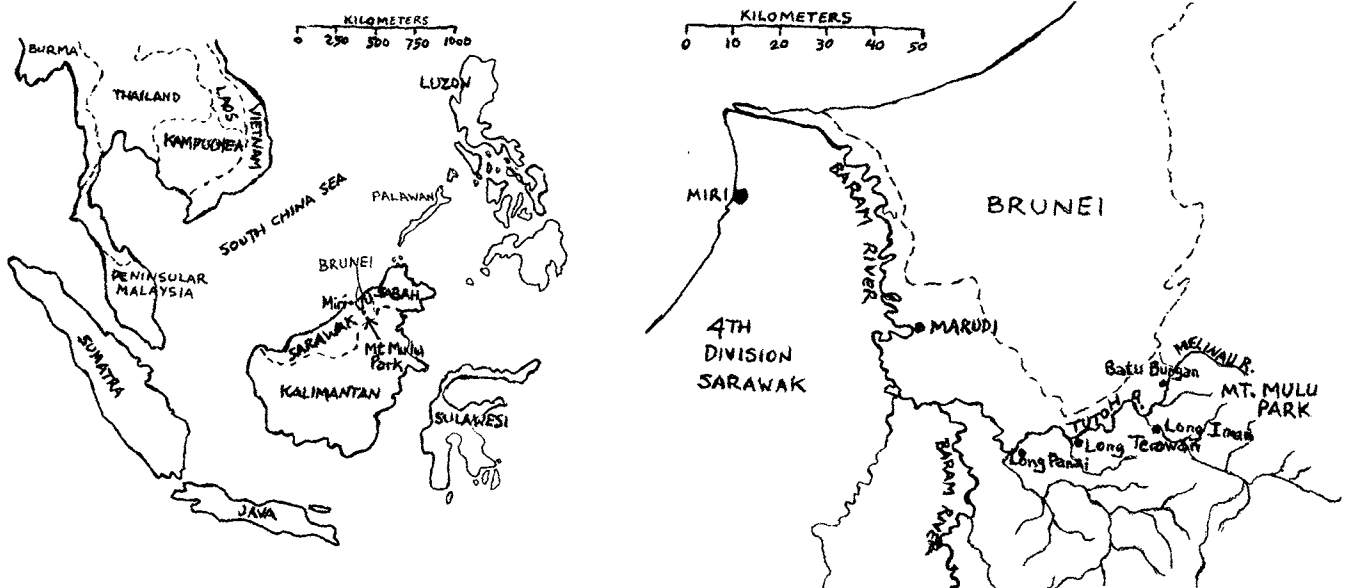
Miri, Sarawak
East Malaysia
10th May 1987

Mr. Peter Bird Martin
Executive Director
Institute of Current World Affairs
4 West Wheelock Street
Hanover, NH 03755 U.S.A

Dear Peter,

Logging is big business in Sarawak. Since 1979, when the timber boom hit Malaysia's largest state, logging has exhausted most of the easily accessible timber in lowland dipterocarp forests of the lower reaches of Sarawak's largest river systems. The industry is rapidly moving on to the middle reaches and upper tributaries -- the "Ulu" -- as well as upland areas and traditional lands claimed by many of Sarawak's indigenous peoples.

In this April's bitterly fought elections for State Assembly, political control of timber concessions was a major issue. In the middle of the month-long campaign period, opposition to logging exploded in a series of tribal blockades at new logging camps in the upper Baram and Tutoh Rivers. These areas are the home and hunting grounds of the semi-nomadic Penan people surrounding Mulu National Park on Sarawak's border with Brunei.

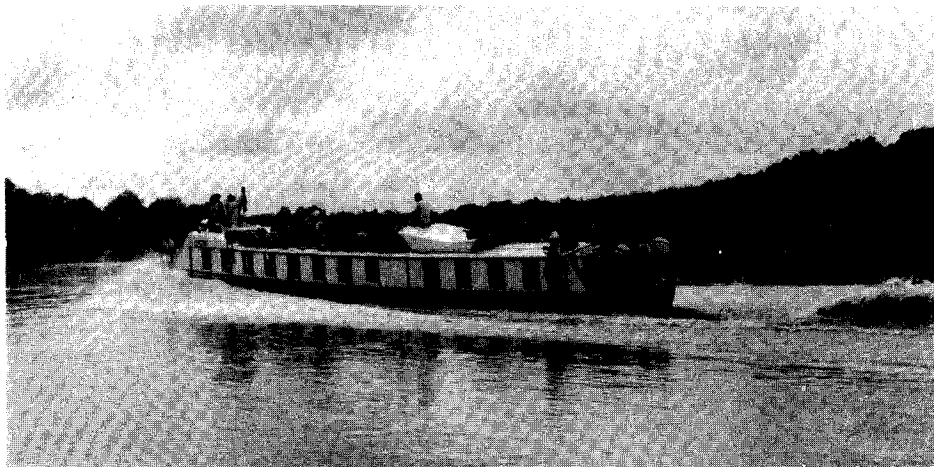


Adapted from Sarawak Land and Survey Department Map, 1986

Judith Mayer is an Institute Fellow studying environmental protection, conservation, and sustainable development issues in Southeast Asia.

I travelled up the Baram and Tutoh rivers to the "Ulu" (upriver areas) around Mulu in late April and early May, expecting to learn about shifting cultivation and forestry techniques as well as seeing the wonders of the park. The trip brought me face to face with more environmental management and political controversy than I had expected. In the Ulu, the economics of logging are confronting local traditions of forest use and land rights, forcing into public discussion questions of whether some of the areas being opened to timber harvesting should be logged at all. Issues of sound forestry and land use planning are often congruent to issues of community viability in the region, where social impacts of forest policy can't be ignored.

Travel to Mulu from the coast begins with a bus from Miri, a coastal oil boom town, and an express boat from the mouth of the river to Marudi, the Baram's major city. The trip is a three-hour speed rush at 25 knots in a streamlined diesel craft more like a Greyhound bus than the plodding river boats of the not-too-distant past. With a place for all personality types, passengers can sprawl among cargo on the boat's narrow roof or sit more sedately in the cabin to watch videos of American "Championship Wrestling", ubiquitous entertainment where there's electricity in Sarawak.



Express boat on the Baram

Signs of the enormous volume of logging in the Baram system are unmistakable in the first 100 kilometers of river, which flows bright yellow-brown with silt. Dozens of log stacks line the banks for the first 20 kilometers, with many logs well over a meter across and 10 meters long. Parked in the water wait booms of de-barked logs, ready for export or conversion to plywood and chips. Between the mouth of the Baram and Marudi we passed no less than 30 moving barges stacked with about 100 logs each, and an equal number of 200-log rafts tugged downriver. The three dozen logging camps we passed were in various stages of evolution. Some were hopping; others seemed rusted and abandoned. They were all set up in a similar manner, with a docked

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boat and washing/toilet raft, a bank of 1500 gallons fuel tanks, various log-moving equipment (Caterpillars predominating), workers' barracks on stilts, and Chinese contractor's sign.

For three days I stayed in Marudi, a frontier town of district government officers, branch banks, logging contractors, Chinese shop-houses, and regional tribal and community organizations. A row of lively coffee shops (topped by lodging houses of various degrees of propriety) lines the business street and provides an efficient setting for lightning-quick transmission of river news and gossip.

When I arrived, the talk focused on the blockades at over 13 logging sites by Penan men, women and children. They demanded that the government stop all logging operations in areas they use for hunting, fishing, and burial sites. After three weeks, contractors based in Marudi were getting nervous that similar action could stop work at other sites or spread to ethnic groups other than the Penan, mainly the Kenyah, Kayan, and Kelabit of the Ulu and its longhouses.

Rumor had it that a team of state officials, including the Miri Resident (the highest official in Sarawak's 4th Division, where the Baram is located) and representatives of the State Planning office, was finally on its way to consider the Penan demands. Although the team was reputed to be sympathetic to the Penan, no compromise was in sight. The Penan on the blockades wanted the loggers out of all lands where Penan hunt, fish, gather fruits and edible plants, tap wild sago, and find rattan, resins, medicines, and the sap used to make poison for their hunting darts. Some of the blockade leaders, elders from three groups of semi-settled Penan, claimed they would rather die than give up their struggle to maintain their way of life in the forest.

On the other side, the logging contractors had a job to do. They were only cutting trees where they had been hired to; they had schedules and payrolls to meet and creditors to satisfy.

There are between 5,000 and 6,000 Penan in Sarawak, according to various estimates, with perhaps an equal number elsewhere in the interior of Borneo. Most of Sarawak's Penan live in small family bands in the Baram district. Those who have not settled move every few weeks when their wild sago is used up, going to areas where the sago they left several years before has had time to mature. They are among the last true hunter/gatherer people remaining in the world's tropical forests. Borneo's other indigenous ethnic groups recognize the Penan's understanding of the jungle, and ask their help in overland travel and in collecting many forest products only the Penan can find.

The Penan don't quite fit into the government's development plans. One Miri official complained that it's not that the state begrudges them anything -- the Penan don't want any development! And they contribute "nothing" to the economy.

Penan blockade leaders from the more settled groups say that they do not reject all change, but insist that it must come voluntarily and gradually. In fact, requests from these leaders have included pleas

for health services and resumption of periodic trading events where Penan could have some regular contact with the government and trade their forest products for salt, cloth, and other things they don't make themselves.



Photo by Dennis Lau. From E. Hong, Natives of Sarawak

A nomadic Penan settlement in Ulu Baram

The Penan's frustration over the perceived invasion of their home forest by logging is an extreme example of situations that have grown increasingly common as the timber industry moves upriver. Because the Penan generally do not have permanent residences and do not cultivate fields, they have few legally sanctioned land rights under Sarawak law. However, settled agricultural longhouse communities in the Baram and Tutoh Ulu have also had problems keeping logging away from lands they claim under customary law (adat).

In theory, logging concession areas are supposed to exclude land where an individual or longhouse community has established use rights or actual title; since Sarawak's land laws recognize many aspects of traditional tenure systems. However, Sarawak's adat generally developed around conditions of shifting cultivation and hunting, where cleared fields are allowed to revert to jungle for long periods to rebuild their fertility. Later, the secondary forest is cleared again, and the field is burned and cultivated. Problems have arisen in verifying customary land rights because the state's land laws and survey procedures recognize only rights to lands currently under-cultivated or fallow lands that still have fruit trees growing on them. Fallow cycle lands where a family or longhouse has use rights

under adat are often not recognized as private or communal lands under state laws. (I apologize for this oversimplification to those who have studied adat and land laws in detail).

This disparity reflects the state's strong discouragement of shifting cultivation. The state has taken control of large areas of fallow land that natives had assumed were theirs to use under adat, but state laws determine to be vacant. Much of this land has recently been given out in long-term timber concessions. Sometimes the logging companies themselves provide compensation to nearby longhouses when they move into an area, to avoid problems with their neighbors. Payments of cash and goods often go directly to the house elder or government-appointed community head, who may or may not pass these gifts on to the community as a whole. No law requires logging companies to make such payments, although they are increasingly demanded by longhouses affected by timber concessions.

Because of the limited resources of the state Land and Survey Department and the extremely long process necessary to verify legal title or use rights for fallow lands in particular, the state has generally not surveyed lands claimed under adat unless they are up for timber concessions, or if the state wants to take them for development projects (overriding customary rights), or if there are conflicting claims to them by two communities. A senior official from the Department of Information (an agency responsible for explaining government policy to the public) freely admitted that this has resulted in loggers starting work on land claimed by a community without the community ever being informed that its adat rights had been "extinguished." While new timber concessions must be published in the state gazette, few people in the remote areas where logging is now beginning have any way to keep track of such things.

Public officials who spoke with me about these issues did not generally want to be identified in a newsletter. Three nongovernment workers in Marudi not shy in pointing out impacts of logging on the Ulu were Harrison Ngau and Thomas Jalong, conservation and tribal rights workers associated with Sahabat Alam Malaysia (Friends of the Earth) and Evelyne Hong, an anthropologist whose recent critique of Sarawak-style land development, Natives of Sarawak: Survival in Borneo's Vanishing Forests, is rapidly becoming a best-seller. Jalong and Hong had just returned from a two-week journey to Ulu Baram and Ulu Tutoh, where they met with Penan and longhouse people (Kenyah, Kayan, and Kelabit) in blockade areas and where logging was just beginning.

They present another side of the forest rights picture. There is a provision in Sarawak's Forest Ordinance that allows communities claiming land under adat to be granted "Community Forests." This gives the community legal control and use rights over forest lands as long as they will not be used for commercial logging. But the total amount of designated Community Forest land in Sarawak has actually fallen in recent years. Ngau and Jalong, who keep track of the status of Community Forest applications in Ulu Baram and Ulu Tutoh, have found that of at least 19 applications for Community Forests by

longhouses, all have been turned down. Many of these same lands have later been granted as concessions for commercial logging against formal requests and pleas by nearby communities.

When I asked an official of the State Planning office (which is under close control of the Chief Minister), how decisions are made on granting Community Forest status, he answered candidly, "That's a decision made upstairs, on the 32nd floor." (There's no 32 storey state office building in Sarawak...)

Ngau, Jalong, and Hong believe that only a strong prohibition against commercial logging of lands traditionally held by longhouse communities or used by the Penan will avert ecological and social disaster in the Ulu. They explain that even replacing subsistence in the jungle economy and shifting cultivation with government-sponsored padi and cash crop estate (plantation) schemes (state planners' ideal of what to do with forests that have been logged or cultivated to the point where natural reforestation no longer occurs) will not allow the upriver peoples to continue a way of life that makes sense to them. Population growth combined with logging on lands that may be claimed by local communities has pushed shifting cultivation into constricted areas, and shortened fallow cycles to the point where the fertility of land is not restored before it must be cut again or more mature old forest must be cleared. Recent Department of Agriculture estimates have found that about a quarter of all land in Sarawak has been under cultivation at some point. As one Ulu Tutoh woman explained to me later, "Let the government show us how to grow these cash crops on our own land. If there's profit in it, maybe we'll convert some of our land ourselves."

Prepared to find massive deforestation in the Ulu, I left Marudi for Mulu. First there's another three-hour express journey to Long Panai, a major modern longhouse on the Baram. From there, travellers up the Tutoh River and its tributaries switch to progressively smaller longboats -- dugout canoes with added boards to build up the sides. The first boat, zooming two hours to Long Terawan, had two 40-horsepower Yamaha outboard motors.

Between Marudi and Long Terawan were another few dozen logging camps, many quite large and adjacent to longhouses. All the camps appeared active, and many of the boat's passengers were returning to them carrying fresh fruits and vegetables, canned goods, spare machine parts, transistor radios, T.V.s, and quite a few guitars.

I was surprised to find that Long Terawan, the last longhouse before Mulu National Park, is new, built all at once and painted aqua, much like a row of urban shophouses. There is no traditional longhouse gallery, and the place appeared largely deserted.

Mothers, sisters, brothers, and cousins of some of the people who had been on the boat from Long Panai came out to chat while a few of us arranged for another boat to take us up the Melinau River to the park. They told me that the community's old longhouse had been inside the borders of the park, and that they had been relocated after the park was designated, in 1974. Few men actually lived full-time in the

new longhouse. They were away tending swidden fields or building individual houses near them. Many of the young men worked in the Miri oil industry, and a few worked for the newly arrived logging companies. Since Long Terawan people know parts of the park better than anyone but the Penan, many have been hired as park employees.

Above Long Terawan, the Tutoh River narrows and clears, the air cools, and the fresh scents of the rainforest replace the pungent, burnt downriver odors. Scrubby secondary forest gives way to old stands of buttress-root trees alternating with lush swidden fields.



Trunks of rainforest trees

My companions in the new boat (this time the size of an American canoe with one 25-horsepower outboard) commented on the river level, and seemed delighted that it was high. As I wondered why there were no logs in the water if there was so much new logging in the area, the reason became abruptly clear. Rapids!

In the next two hair-raising hours to the confluence with the Melanau River, I counted 13 rapids that only a maniac would attempt to mount in America, and then only with airbags, life-jackets, and helmets. Between rapids, the other passengers pointed out new logging roads along the ridges on either side of the river. The hillsides near the older portions already showed gullies. But the river water remained clear, perhaps due to the cleansing effects of the rapids.

I spent the next week in Mulu and its surroundings. Only the southwest corner of the park is accessible by river or established trail. Park staff rely on Penan and Long Terawan expertise to find their way in the rest of the park.

Mike Meredith, a British warden who participated in several of the exploratory expeditions when the park was established, explained that staff were urgently re-surveying and marking park borders because logging was approaching on all sides. Commercial loggers had "mistakenly" cut well within the park's border on several occasions, claiming to have seen no markers.

The best thing about the park is its wildness. All visitors are required to be accompanied by authorized guides, as much to keep them from getting lost as to protect the park. I spent the next few days climbing a portion of Mt. Mulu (until it got too muddy for my very amateurish boots) and exploring some of the park's spectacular caves. (Sarawak's National Parks may be the topic of the future newsletter.) The group accompanied by our guide, Laing Ang, was happy to see some of his favorite places in the park, where we spotted six different kinds of hornbills and numerous varieties of bats. I was also glad for an excuse to leave the park and mount more Tutoh rapids to Long Terawan favorite fishing spots, where even I learned how to cast a weighted fishing net, much to everyone's amusement.

We visited some of the oldest permanent Penan settlements, Batu Bungan and Long Iman, on the way back from fishing. I had been told in Marudi that both settlements were "troubled". Laing was a frequent visitor, and had learned much of the Penan language as a child, visiting these settlements with his father to trade.

Both settlements appeared to have an enormous number of very young children. Batu Bungan appeared to be entirely women, children, and very old men. The young men were off hunting. But the men were very much present at Long Iman. We learn that a logging road had been completed to a point just above the village a few weeks before, and residents understood that the neighboring forest would soon be cut. The manager of the new logging camp down the road was coming that afternoon with some workers to discuss grievances with the Penan.

I thought we should leave the village before they arrived, due to high sensitivity in the Baram about foreigners involved in Penan issues. Bruno Manser, a Swiss artist with a long-expired visa, is living with the Penan for the last three years and is reputed to have

incited the logging blockades. Although people who have met him say he may have suggested coordinated nonviolent action against logging to several Penan groups, he is certainly not "orchestrating" the blockades, as initially suggested by the Sarawak press. At this point, his presence does a great deal to discredit the blockades as a "legitimate" response.



Batu Bungan woman takes a break from pounding rice to joke with Laing. Rice is replacing wild Sago in settled Penan's diets.

No one seemed to mind our presence though, as long as I did not try to take pictures once the loggers arrived. Four beefy Chinese men came down from the camp, armed with a couple of hunting rifles which they left propped beside the Penan blowpipes below the half-finished building where the meeting took place. Laing and I also stayed below with a group of young Penan men from other areas who had come to see what would happen. Laing loosely translated the shrill-pitched proceedings into a mixture of English and Malay. While virtually the entire settlement attended the meeting, only old men spoke, one after another. (I never found out if anyone was translating for the loggers, but presumably this was happening quietly above.)

The men were angry at the loggers for not telling them the road was coming. They were afraid the road and log skids would cause landslides. They wanted to show the loggers their fruit trees, herbs, roots, the rattan the women collect, and where the birds and fish live. They asked if the loggers could cut trees without hurting these things. They warned that if any of them were damaged, the community would ask the loggers for compensation. If more birds, boars, and fish disappeared from the area because of the noise of machines and the soil in the water, the settlement would demand compensation. If the loggers cut one more tree without promising to protect these things, the people of Long Iman would block the road to the new

logging camp. The loggers seemed to them seriously. The camp manager said in Malay that he could not promise anything without first talking to his boss. After a couple of hours there was a pause.

Concerned about the fish in the boat under the afternoon sun, Laing and I left. (The small fish were fine and cool in water that had leaked into the bottom. Both of the tree-kilo ikan semah, Sarawak's state fish, were gone.)

Back in Marudi, I had coffee with Mike Meredith from the park and one of the state planners who had just come down from discussions with Penan on the blockades further upriver. They seemed optimistic that the state may be able to set aside a large area of forest where the Penan could live freely and logging would be prohibited. There were areas in Ulu Baram and Ulu Tutoh that had not yet been licensed, and others where licenses had recently been revoked. (The revocations were weapons in the political feud between the Chief Minister and his uncle, a former Chief Minister and state Governor.) A decision would be made soon in Kuching, the state capitol.

Once the state guaranteed a date when it would respond to the Penan, the leaders of the blockades from three settlements agreed to allow loggers to move already-cut logs out of the camps, and to allow loggers to come and go freely as long as no new trees are felled. The moratorium will last two weeks, when a decision on the Penan demands is expected from Kuching.

No one knows what will happen. But the incidents of opposition to wholesale logging over the past month, especially during the State Assembly election campaign seem to have promoted freer discussion of fundamental questions on the extent to which timber interests should influence state policy. Development planning and land use decisions may make the difference between maintaining viable traditional life and requiring radical changes in the relationship of many Ulu peoples to their environment. The government's response to the Penan will be a test of the extent to which it is willing to recognize traditional forest rights -- whether or not they are embodied in the letter of state land laws in the face of commercial logging pressure.

Sincerely yours,

Judith Meyer

Received in Hanover 6/3/87

SATURDAY, May 16, 1987

The Borneo Bulletin

State slams the Penan 'pirates'

SARAWAK's State Secretary, Datuk Haji Bujang Nor, this week accused the timber-blocking Penans of "behaving like pirates."

"The government is being held to ransom," he said in an interview with the Bulletin.

And Datuk Bujang warned that the administration would not let the Penans push things too far.

The government was prepared to listen to the nomadic Penans and the cabinet would be called to give a final decision on the crisis he disclosed.

But action would be taken if the government lost its patience with the natives.

The State Secretary accused the natives of taking the law into their own hands by blockading timber camps in Sarawak's ulu Baram and ulu Limbang.

"The police will have to take action if they defy government attempts to resolve the problem," he said.

The deadlock was broken a fortnight ago after a two-day meeting

of government officials led by the Miri Division Resident Enck Stephen Jussen, and Penans whose blockades had kept dozens of timber workers pinned in their camps for over a month.

The natives gave the loggers a 15-day reprieve and lifted road blocks across routes leading to the Layun timber camp, allowing logs to be transported downriver.

Blockades remained across roads leading to two other camps in Limbang although attempts to seek a settlement were expected soon.

The Penans have said they will resume all blockades when the 15-day deadline expires this week.

Datuk Bujang said he will call a meeting of government officials to study the findings of the Miri Resident.

"After that, we will submit our recommendations to the State cabinet for a final decision."

No decision was likely though, before the end of the truce period.

The Miri Resident would be sent back to inform the natives that the government would communicate with them soon.

Datuk Bujang said the government was

also hoping to secure a similar truce with the Penans who have blocked timber operations in ulu Limbang.

"Both the Miri and Limbang Residents were asked to talk to the Penans, but I'm still waiting to hear from the Limbang end," Datuk Bujang said.

The final decision had to come from the cabinet, because the Penans' demands included an end to logging and the creation of forest reserves.

"They have been given the idea that the forest belongs to them and that whoever works in there must obtain their permission," Datuk Bujang said.

He suspected there was a group of people stirring up the natives besides Bruno Manser, the Swiss artist who has been living with the Penans since 1984.

breaking immigration rules by over-staying.

"The idea to oppose loggers must have been planted by Bruno Manser, but he alone could not have achieved all that has taken place," Datuk Bujang said.

"There must have also been help from educated locals."

The State Secretary said although the Penans led simple lives, they were now demanding money from timber companies, were able to write "beautiful letters in English" and even knew how other natives are being compensated by logging companies elsewhere.

"I have a feeling someone else will benefit from this and not the Penans," Datuk Bujang added.

The Penans say logging has destroyed their hunting grounds and timbermen have bulldozed their way through their homelands running over burial grounds.

These reports appeared in this morning's newspaper, which I read on the way to sending this newsletter from the Miri post office. I had second thoughts, as I imagined Sarawak Immigration stamping my passport with "Meddling Cultural Tourist"....

Govt wary of provoking clash with Penans

Police go easy in hunt for Manser

by GEORGE KANAVATHI

FEARS of a bloody clash with the Penans have stopped Sarawak government moving against Bruno Manser, Datuk Bujang disclosed.

"But our reluctance to act must not be seen as a sign of weakness," he warned.

"The police are not scared, but wary that if they force their way into the jungle, the Penans, who have been protecting Manser, may retaliate."

This could lead to the loss of innocent lives if the Penans were caught between the police and Manser, Datuk Bujang said.

"This explains why

the police have been cautious all along, but the fact remains that the amnesty granted to Manser by the government is over," he said.

The government earlier this year said that if Manser left the country, no action would be taken against him. But no specific grace period was mentioned.

If Manser was arrested, he would be dealt with like any other illegal immigrant, Datuk Bujang said.

The Swiss fugitive could also be charged with inciting the Penans if there was ample evidence, he added. The State Government had earlier sought the help of the Swiss Embassy to get Manser out of Sarawak, but Manser did

not respond.

The government could not allow illegal immigrants to remain in Sarawak, the State Secretary said.

And foreigners were being barred from entering the troubled Baram and Limbang areas in case they joined Manser.

The government, however, did not know of any other Europeans involved in similar activities in Sarawak.

Datuk Bujang said he had received appeals from organisations in Switzerland, Australia and the United States, for the State Government to stop logging to ensure the survival of the Penans.

"Foreigners want the Penans to stay where they are so that they

can study them, pursue their theses and other academic exercises," he said.

"It's ridiculous that they don't want the Penans to progress like all other communities," he added.

Problems affecting the Penan tribe, he said would only be solved if they changed their lifestyle.

As long as they continue their foraging habits it would be difficult to bring them into the mainstream of progress.

Datuk Bujang said government resettlement efforts had not been successful simply because the Penans were not prepared to lead settled lives.