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SARAWAK UPDATE

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Dear Peter and Friends,

I recently returned to Sarawak for a few weeks' visit and tried to put together a picture of developments there with regard to the "logging issue" since I left East Malaysia in July 1987. Other than letters and occasional clippings, news of Sarawak is hard to come by in Kalimantan. The lack of information exchange between the Malaysian and Indonesian sides of the island of Borneo is more than just a reflection of general disinterest and a sense of the enormous distances involved with very little transportation in the interior and only limited contacts along the coasts. It embodies a vague mutual mistrust lingering from the 1960s jungle war sparked by Indonesia's challenge of the Bornean states' joining the newly constituted Malaysian federation.

On this return trip, I gave up early on interviewing and asking for information from government staff who had been helpful when I was in Sarawak before. Government servants in Sarawak have been sternly warned away from foreigners without official sponsorship looking for information on forest or land policy. So this "Sarawak update" is not a review of developments in state policies on forest, land use, or the environment, but of happenings in the confrontation between native groups, logging companies, Sarawak state and Malaysian federal governments.

"The basic issue," explained an activists lawyer I spoke with in Miri, near the mouth of the Baram River, "is a matter of sovereignty. Who will control the land? Who will benefit from our natural resources?" and later, "who will determine how we native people live?"

Traveling in the Baram River area, I heard repeatedly that the growing opposition to the heavy logging there is prompted by more than just the environmental effects of logging itself. These already cause hardship to local people by polluting water supplies and reducing or eliminating opportunities for hunting and for gathering forest products from the severely disturbed forests in and near logging concessions. There is also a strong sense that the government's disregard for native land claims and its reactions to protests against logging are previews of even more drastic policies to come. The government's imperative to open and "develop" land in Sarawak is a "given" in the state's land use planning. Even more than the negative side effects of selective logging, land clearing and large scale plantation development schemes haunt many Sarawakians' visions of the future

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Since 1925 the Institute of Current World Affairs (the Crane-Rogers Foundation) has provided long-term fellowships to enable outstanding young adults to live outside the United States and write about international areas and issues. Endowed by the late Charles R. Crane, the Institute is also supported by contributions from like-minded individuals and foundations.

of the logged-over forests and of their own customary rights land. Concerns about damage caused by logging are intimately linked with the need to confirm strong and clear native land rights.

Two years ago, I arrived in Sarawak in the midst of a vicious and chaotic state electoral campaign that returned Chief Minister Taib Mahmud's somewhat reshuffled ruling coalition to power. In late March of 1987, just before I arrived in Sarawak, several Penan communities in the Baram and Limbang regions in the north of Sarawak blocked logging roads to prevent further destruction of forests they depend on for hunting and gathering, their main subsistence. (The Penan are thought to be among the last hunting and gathering groups in Asia. Though many have settled and begun to cultivate crops, all remain highly dependent on the forest for their basic needs.) The Penan were soon joined by protesters from other Dayak communities in the upriver region, who blocked logging roads on or near their customary rights land to prevent companies from moving logs that had already cut, and to prevent them from bringing in supplies to continue logging in the area. Demands varied from one blockade to another, but all insisted on at least a halt to logging in particular areas, and most called on timber companies to compensate native communities for damage already done on forest land they claimed within their sempadan, the traditional boundaries of customary rights land. The fact that the Penan were clearly seen as the principal blockaders was especially significant. As hunters and gatherers who do not, as a matter of preference, usually clear forests for shifting cultivation, they are more completely dependent on healthy forest for their survival than other ethnic groups, and also more vulnerable to the effects of the degradation of the forest caused by logging. While several politicians claimed that protesters from other groups were really interested in getting compensation money rather than stopping logging, it was very difficult to make such claims with regard to the Penan, whose entire way of life was more clearly at stake.

The series of blockades in Baram and Limbang spread and intensified over the next 6 months. At the height of the protests, logging or log movement had ground to a halt at 22 sites in the region. In some areas, blockaders and loggers went through round after round of negotiations. They resulted in settlements and the ends of blockades in a few cases. In most cases, however, protesters insisted that they were simply protecting their property from abuse and destruction, a right guaranteed by law, and the blockades continued. Because of the plausibility of this assertion, the government found it difficult to build a strong case for forcibly dismantling barriers constantly guarded, or forcibly removing protesters who promised to re-block roads until their demands were met.

But timber company owners and managers wanted decisive action from the government. They called for the arrest of blockaders and government support for the dismantling of blockades. The state government was in an embarrassing position. If it ordered the arrest of protesters, the opposition could claim that with so many members of the government holding lucrative logging concessions (either directly or through relatives) attacking the most vulnerable Sarawakians, the Penan, was a cowardly way to protect their own vested interests. As a result of ambivalence and the fear of violent repercussions, for several months while state policy clearly supported the loggers, police kept "hands off" the blockades and native protesters beyond constant surveillance and mainly verbal harassment.

A major strength of the nonviolent protesters was their vulnerability. Having armed police attack groups of barefoot men in loincloths and women nursing babies would have been a ludicrous move for a government wishing to maintain public support by portraying itself as paternalistic protector of all Sarawakians. But it seemed all sides were aware of the potential for violence. The Penan

reputation for hunting skill using blowpipes with poison darts must have made loggers and police nervous. And I heard several stories of logging companies hiring private security forces and dressing them in military-style uniforms. The distinction between a government soldier and the private version was often difficult for protesters to discern.

Early on, the Malaysian federal government appeared to stay very much out of the picture with regard to Sarawak's logging blockades. Forest and land rights, the issues at stake, were areas completely under Sarawak state jurisdiction rather than federal control, based on Sarawak's constitution and the conditions under which Sarawak joined Malaysia.

In June 1987, a group of native leaders hoped to appeal to the federal government by discussing their grievances about logging in Sarawak with federal ministers and officials in Kuala Lumpur. They hoped for some federal action, presenting their case as a human rights issue. The 12-man delegation included representatives of Penan, Kayan, Kenyah, Kelabit, Lun Bawang, and Iban groups, accompanied by Harrison Ngau, Friends of the Earth (Sahabat Alam Malaysia) organizer in Marudi, the Baram River's major town. The Sarawakians, several straight from the jungle with Dayak haircuts, stretched earlobes, loincloths and rattan leg bands, brought their case before the Malaysian people in several made-to-order media events for a sensation-hungry press. But the federal government, itself increasingly torn by ethnic conflict and factional rivalries, continued to maintain that it could take no part in state land or forest matters.

The protests seemed to have reached a stalemate in the face of no positive government response. Especially among the Penan, who had little surplus food to support people at the blockades, exhaustion and hunger threatened. Some aid from sympathetic individuals and groups, both in Sarawak and abroad, helped in emergencies, but the forest-based way of life depends on providing food for widely scattered groups, and many men were drawn back to hunt in the deeper, as-yet undisturbed forest.

In mid-July 1987, people from 27 Baram and Limbang communities met in Marudi to discuss what to do next. The meeting produced a statement demanding that the state government confirm land rights for communal forests and customary rights land, and that land boundaries of every longhouse community in Sarawak be surveyed and delineated in detail. The meeting also demanded that forest areas should be officially designated and protected for Penan communities without longhouses (i.e., without fixed settlements). Within all of these boundaries, the native communities should have absolute rights to use lands and forests "according to ways which protect the environment." The meeting affirmed a desire for development, if development meant clean water supplies, clinics and schools, firm land rights, and an end to logging on native lands, but rejected any attempt to deal with land conflicts through resettlement and land development schemes. Finally, the statement asked police not to arrest people on the blockades, and denied that protesters' actions were directed by "outsiders, foreigners, and politicians," an insulting allegation made frequently in officials' press statements.

The issue of outside or foreign assistance, instigation, or support for the Sarawak blockades has always been touchy. The key role of Sahabat Alam Malaysia, in particular cannot be denied. The group's activities supporting the protests became a thorn in the government's side, setting up meetings, publishing its own reports and issuing press releases, and linking native activists and communities with an international network. In the views of some government authorities, this high level of moral support verges on instigation. Certainly, the attention from

the outside made it impossible for the government in Sarawak to sweep the "Penan issue" and the logging policy controversies that had prompted the protests under the rug.

In September 1987, another meeting was held in Marudi, almost 6 months after the blockades had begun. The Penan participants formed an association to cater to the welfare of Penan communities in Sarawak, who have even less legal protection than the other native groups. Since most Penan communities did not have permanent settlements until recently and some remain entirely nomadic, they do not have the history of agriculture-based land claims that the settled longhouse communities do. The Penan association was also, presumably, to be a body able to communicate with the government regarding the best interests of the Penan groups represented.

As the blockades continued, the Sarawak state government set up a high-level committee to make recommendations for assisting the Penan population. But the committee's mandate avoided any direct consideration of land rights. And for almost 2 years after its formation, native leaders insisted they had seen no concrete action from the committee in terms of providing Penan communities with material assistance, services long promised, or significant changes in policies.

Meanwhile, Malaysian politics were heating up in general. Prime Minister Mahathir Mohammed, whose government had been formed under a shaky electoral mandate, decided that interracial tensions were rising to a dangerous level, threatening to break out in inter-communal violence as it had in 1969. In a nation where political alliances are formed mainly along racial or "communal" lines, and where one party, the United Malay National Organisation, had formed all governments since Independence, this mounting tension was an excuse for a crackdown on the Prime Minister's political opponents on all fronts.

At the end of October 1987, the government invoked Malaysia's Internal Security Act to arrest over 100 political opponents. People detained included several prominent opposition parliament members, leaders of religious fringe groups, as well as activists in many of Malaysia's progressive organizations, including several environmental groups. (Many people interpreted this as a measure of how effective these progressive groups have been in changing Malaysia's overall political climate.) The arrests largely avoided East Malaysia, but Harrison Ngau was imprisoned. (The Internal Security Act is a remnant of the British colonial era and allows the government to arrest suspected subversives without charge and hold them for up to 2 months, initially, with 2-year extensions afterwards, enabling indefinite detention of people the government puts away.)

Almost immediately after the Internal Security Act sweep, the Sarawak State Assembly amended the state's forest ordinance to call for the arrest of anyone blocking logging roads or preventing forest or police officers from taking down barriers. Under the amendments, these crimes carry a penalty of 2 years in prison and a fine of M\$ 6000 (then US\$ 2400) with an added fine of M\$ 50 for every day a barrier ordered to be taken down remains.

The amendments gave logging concession-holders specific rights to take down barriers with an order from a high Forest Department official. Any forest officer would be able to arrest anyone concerned with erecting a blockade of a logging site, and calling on the regular police for help. The new law gave the Forest Department and police a clear legal authority to end the blockades.

Though the law officially went into effect in late November, police, forest officers, and company men started dismantling barriers in October, and threatening Penan and other blockaders with arrest. Some blockades reappeared at other points along logging roads, but the new law had its desired effect. Police toting M16s swooped down by helicopter to chop apart and burn blockades at several locations. When one group refused to abandon a blockade, 42 Kayan protesters from one longhouse, Uma Bawang, were arrested. For weeks, until early January 1988, police camped near Penan settlements throughout the Baram, including Batu Bungan and Long Iman, villages I had visited in April, just before these communities began blocking nearby logging roads (See JHM-3). The trial date for the Uma Bawang people was set for late 1988, over a year in the future. As far as I've been able to find out, during late 1987 after the arrests, no new blockades were raised. Harrison Ngau was released from prison in late December, long before many of the other Internal Security Act detainees.

Environmental and human rights organizations, acting in a rapid-response network, had mounted a massive international petition and letter-writing drive to free Ngau and other detainees, and to protest the arrest of the Sarawak blockaders. The effort was boosted by the timely broadcasts of Australian and British-produced documentaries about Sarawak, logging, the Penan, Bruno Manser (the Swiss jungle-dweller who government officials often blamed for instigating the blockades), and the Sarawak and Malaysian political situations in general. The international image of the protesters was one of determined nonviolence; there were no reports that any protesters on the blockades had ever attacked police or loggers. But there was some sabotage. No press release from the environmental groups mentioned the Penan men who had been arrested at the height of the blockades on suspicion of burning logging bridges.

By May 1988, blockades were mounted again in Limbang by Penan and Kelabit protesters. Rather than arresting the protesters, the government set a series of ultimatum dates for the blockades to be taken down. This pattern continued through mid-1988. There were few arrests.

During this period, international attention to logging issues in Sarawak did more than just fill Malaysian politicians' mail boxes. In July 1988, a motion was brought before the European Parliament calling for all member countries to ban wood imports from Sarawak until it could be shown that logging there does not cause unnecessary environmental damage or threaten the way of life of indigenous people. The timber import ban did not pass, but came close enough to scare Malaysian officials and timber promoters. At nearly the same time, Australian port workers also threatened to refuse to unload any Malaysian timber cargoes. A few municipal councils in the Netherlands began declining to approve building plans that specify use of certain tropical woods, and some large furniture companies in Britain announced that they would no longer use certain tropical woods. The pressure was on in Europe, the United States, and elsewhere to avoid rainforest woods. In Japan, rainforest activists' research even revealed an embarrassing foreign aid contribution to Malaysia that ultimately ended up assisting the timber company of Sarawak's outspoken Minister of Environment and Tourism, James Wong, whose logging sites were among those being blocked.

The Malaysian government reacted unambiguously to the campaign to boycott tropical woods, and those from Sarawak in particular. In late October 1988, when the Uma Bawang Kayans arrested the year before were due to be tried, environmental groups staged demonstrations at 9 (perhaps more) Malaysian embassies around the world in support of the Kayan protesters and against Sarawak logging. These demonstrations were reported in the Malaysian press, and studied by logging

promoters in and outside of the government. Although the timber boycott calls had not noticeably hurt Malaysian timber sales, according to the Primary Industries Ministry, they tarnished Malaysia's image abroad. (Malaysia's image was already suffering from international attention and reactions to the Internal Security Act crackdown.)

The Malaysian government has become extremely sensitive to consumer or public interest groups' attention to Malaysian export products. The country's timber trade associations found similarities between the anti-tropical oil campaign, particularly strong in cholesterol-conscious America, and the anti-tropical timber campaign. In the same way that Malaysians trace the bad press for high-cholesterol palm and coconut oil to the American Soybean Association, the Malaysian trade associations and government searched for vested foreign timber industries' influence behind the moves to boycott Malaysian wood. The Primary Industries Ministry and timber trade associations have recently launched an intensive campaign to "clear any misconception on Malaysia's timber industry," highlighting conservation programs, though ironically, those they chose to explain were only being pursued in West Malaysia, rather than in Sarawak, where most of the criticism was aimed.

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The tension in Sarawak is rising again. When I arrived there at the end of February, 105 Penan had just been released from prison after having been arrested at 5 separate blockades in January. Ten of them had been asked to produce M\$ 1000 cash bail when their village head insisted they had done nothing wrong in blocking a logging site, and would blockade again as long as their complaints against the logging company they blocked were not resolved. Eventually, these men were released without the bail, after much public outcry.

With arrests continuing and court cases beginning to come up for trial, public attention was focused on the blockade issues, the question of how much damage is done by Sarawak-style logging, and to whom. State and finally federal commissions continue to dismiss Penan and other native claims of damage from logging (often appealing to the people employed in the industry and pointing out the state's dependence on logging revenues). The commissions have suggested programs planned to "look after" the Penan and provide minimum social services to them and other natives. They refer to a M\$ 1 million per year fund to develop schools, clinic, and agricultural services for the Penan in 3 locations. (They do not refer to the embarrassment that the fund was originally announced 2 years ago, but no money from it had produced the promised facilities by early this year.)

Over the past 2 years, the Forest Department and Chief Minister of Sarawak (who also holds the Forestry and Resource Planning portfolios for the state) have maintained a consistent position in response to demands that logging stop on lands claimed under native customary rights. There has been no systematic move speed up surveys of native lands where claims conflict with timber concessions, to modify concession boundaries or road alignments, or cancel concessions where conflicts are most severe.

However, there are now hints that even the government has found the wild rate of logging in Sarawak to be too high. The Forest Department has announced that current logging rates of about 170,000 hectares per year will be reduced by half over the next decade. At 85,000 hectares, this is still a hefty portion of Sarawak's remaining primary forest, now estimated at well under 4 million hectares.

The state of Sarawak gets over half of its revenue from logging royalties. (However, tax rates are set low; this benefits logging companies and makes prices of Sarawak timber extremely attractive on the international market.) At lower rate of logging, revenue and wages from the timber sector could be maintained through the development of wood processing industries. The switch from exporting logs to exporting "downstream" wood products has become a standard recipe in the timber producing world for countries to reduce logging rates without cutting jobs or state revenues. Ironically, Sarawak's logging boom over the past 5 years has been sustained largely by strong wood processing development/value-added policies in neighboring Southeast Asian countries, especially Indonesia, formerly a log-export competitor, which banned exports of unprocessed logs in 1982.

Another positive move on the forest conservation front is the decision to almost double the extent of Sarawak's legally constituted wildlife sanctuaries, forest reserves, and national parks. Expanding from 225,000 to 445,000 hectares, the added reserved land would mean that Sarawak would have more area under such protection than the rest of Malaysia altogether. (Penan would presumably retain hunting and fishing rights in such areas, as they have in Mulu National Park.)

The Forest Department has also accelerated its very small tree planting program, and given increasing attention to restoration of logged-over lands. But these developments do little to address the basic complaints of the native anti-logging movement.

When I was in Sarawak, it seemed that the cycle of blockades, arrests, negotiations, and new blockades would continue long into the future. Native rights activists I spoke with in March believed that judges would postpone trial dates as long as possible to avoid giving protesters a platform from which to present their case. In the meantime, they were scrambling to find Sarawak-registered lawyers willing to risk their careers in a tiny and highly politicized judicial system by defending the people arrested on the blockades. Shortly after I left Sarawak, the trial date of the 42 Kayans arrested in 1987 came up, in April. At the last minute, a lawyer able to practice in Sarawak was found in Brunei. But ironically, the government's prosecutor moved that the charges against the Kayan protesters from Uma Bawang be dropped! The case was dismissed, and the natives' lawyer was not even allowed to make a statement. A few international observers went to Sarawak to observe the expected trial, and demonstrations in support of the blockaders, small, but reported in the Malaysian press, were staged at Malaysian embassies abroad.

Since April, there is news that blockades have continued to be erected, more protesters have been arrested, but the hardship of even a short prison detention is enough to keep many others from risking arrest. As the opposition to logging in Sarawak become increasingly organized and the general public increasingly polarized on "the issue," (after all, a good portion of Sarawakians support themselves through some connection with logging and spin-off industries) I wonder how long the current stalemate can last. Logging opponents are grim, as yet seeing no sign of the slowing of logging rates. In a sense, the government's refusal even to try those it has arrested shows the utmost disdain for them. How long will the stalemate last? Several Sarawakians respond, "until the best forests are gone."

Sincerely,

Judith Meyer