

The Canberra Times

Forum

GOLDEN PATH TO VAREKAI

Cirque du Soleil to shine on Canberra

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NEW PLANS STIR UP LAKE VIEWS

Albert Hall proposal raises residents' ire

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Saturday, March 10, 2007

THE BLOCKADE the Penan had erected looked pitiful in the rain, a few bamboo poles strung together across the muddy logging road that cuts through the rainforest near Long Benalih in the upper Baram River region of Malaysian Sarawak, near the Kalimantan border in Borneo.

No one was in sight to man the blockade, nor was there any sign of the police who had knocked it down days earlier, or the men from the giant multinational logging company, Samling, on whose behalf they had acted.

Just as well. My guides were worried, frightened that Samling men or the police might catch us looking at the site or taking photos.

This flimsy structure was never going to stop Samling, with its fleets of bulldozers and trucks, from entering the region. But for almost exactly three years, since February 2004, the barricade had stood at the end of the road, symbolically blocking entry to the last remaining stand of the Penan's ancestral rainforest land. Steadily the loggers have moved east from the Sarawak coast and now they are at the last blockade.

In October 1987 the Penan, Kayan and Kelabit communities erected their first barriers, shutting down roads at over 20 sites in the Baram and Limbang river districts, about 100km to the west of the current barrier. About 2500 Penan took part in the eight-month-long protests, enduring harsh conditions and harassment from the logging industry, but maintaining a peaceful campaign.

After a Kayan man charged with obstructing a public thoroughfare was acquitted because the magistrate ruled that the road was part of customary land, the Sarawak Government made it an offence for any person to obstruct the flow of traffic along any road. Nevertheless the protests continued, with many people, mostly Penan, being arrested. Steadily the blockades have been knocked down, and loggers have ripped into the forest. In the early 1970s about 70 per cent of Sarawak's total area was covered by relatively undisturbed rainforest.

Now the coastal strip is largely oil-palm plantations; the next strip inland is being prepared for oil palms or looks like wasteland; and the third is a mix of previously logged areas, choked with creeper overgrowth, recently logged areas and areas about to be logged.

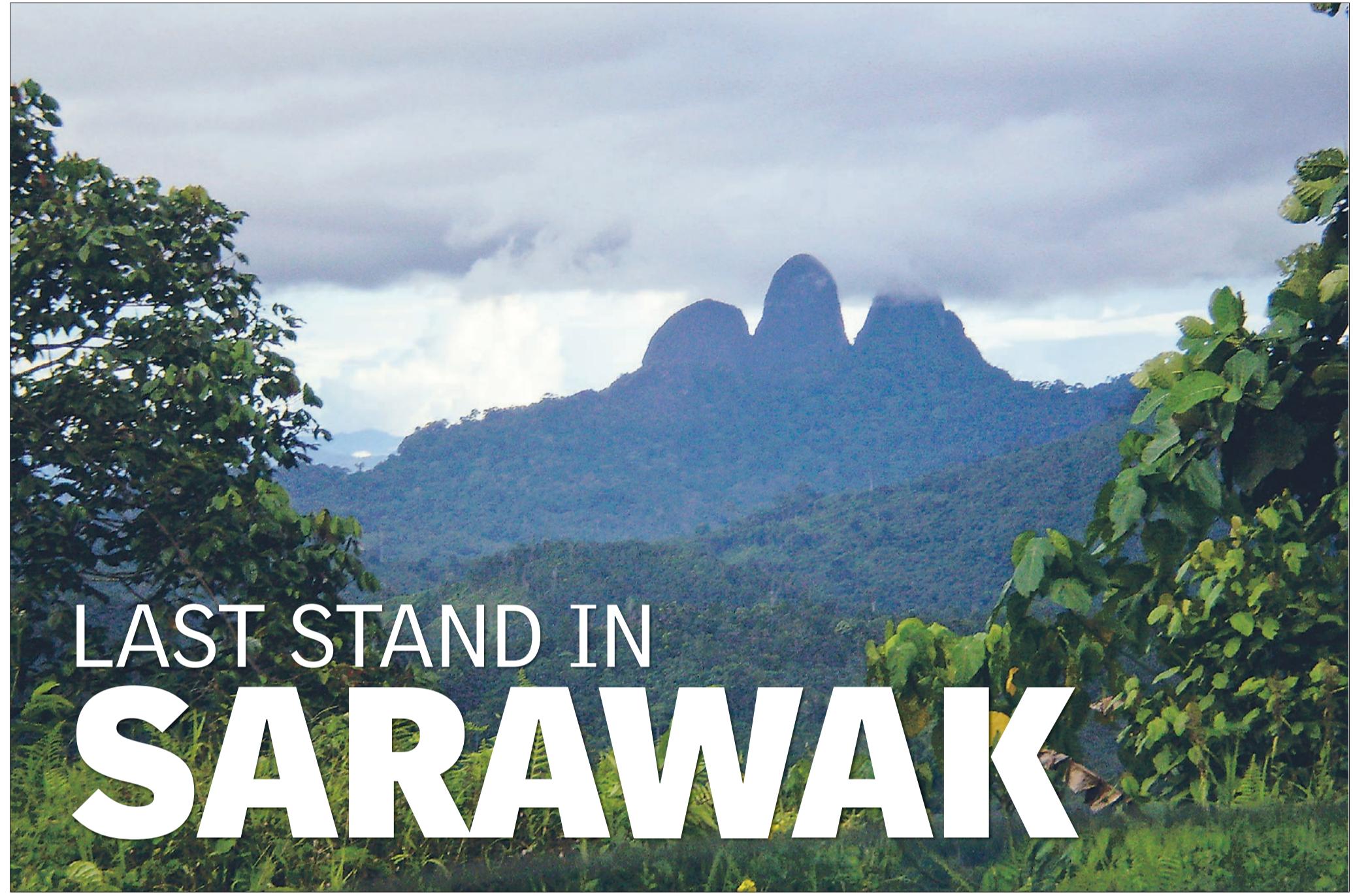
Samling controls a 70km-long road that cuts west through to the latest blockade site at Long Benalih. Loggers fan out from the road to feed the timber jinkers that run non-stop, taking huge trees to the staging post of Lapok on the Tinjar River. Bulldozers and graders try to maintain the road, which in parts is deeply rutted and periodically collapses into ravines.

Imported Samling workers now hunt in the forests, making it more difficult for the Penan to find their keenly sought wild boar and other game. Representatives of some tribes have accepted payments for their land along the way but the Penan – the original forest nomads – have refused any offers. Their last stand is a claim on the 30km by 20km stretch of pristine forest around the Selungo River, covering such settlements as Long Kerong, Long Benalih and Long Sait.

Samling has been accused in the past, by no less than the World Bank, of carrying out harvesting haphazardly and with unnecessary and excessive damage to the forest. Yet the company has been granted the Malaysian Timber Certification Council's sustainable-logging concessions over most of this claim, though the Penan have never given their consent to logging.

On the internet Samling proudly says that it has major interests in plantations and is involved in property development, rubber product manufacturing and quarrying. But its plantations cannot replace native rainforest.

In response to questions from *The Canberra Times*, Samling said it operated strictly within the law and subscribed to sustainable forestry management guidelines. In Malaysia



The Penan of Borneo are fighting a losing battle for the last of their ancestral forests. PAUL MALONE meets them.



SYMBOL OF DEFiance: Penan people at the flimsy blockade before it was destroyed near Long Benalih. Pictures: PAUL MALONE

SAMPLING: THE FOREST FELLERS

The website for the Samling Group of companies opens with beautiful forests, flowers and dragonflies. It belies the real nature of the company's operations – the destruction of this flora and fauna.

The Malaysian-based company, which exports timber products to more than 30 countries including Japan, the US, Europe, China and India, has been the centre of controversy since its formation in the 1960s.

The group started with three Malaysian concessions. It now has a logging empire which controls 3.4 million hectares of forest and 470,000ha of plantations. The group, founded in the small Sarawak town of Miri, is controlled by the Yaw family.

Critics say the company has a poor

environmental and social record in its countries of operation, including Malaysia, Guyana, China and New Zealand. It is said to have left a trail of destruction in the forests of Cambodia and Papua New Guinea.

A group of non-government organisations launched a campaign this week against Samling's efforts to arrange a global share offering. Among those companies assisting Samling in this float is the Australian-based Macquarie Securities.

Samling has close relations with the Sarawak state Government and has also found support from the Malaysian Government.

In 1998 the Cambodian Government increased the timber royalty rate that the 21 companies which controlled the

bulk of Cambodia's forests were paying. Samling, the most important member of the Cambodian Timber Association, reacted by halting operations and refusing to pay the \$US4 million due on its stockpile. The Malaysian Primary Industries Minister flew to Cambodia to push the company's case.

The British-based NGO Global Witness observed that it was ironic that the concessionaires which had presided over unprecedented forest destruction, complained the minute the Government tried to put the forest in order. Many NGOs urge governments to reject the Malaysian Timber Certification Scheme as a guarantee of sustainable or legal forest management because it doesn't respect indigenous rights.

As the lead signatory to the 1998 land-rights case in the High Court, Kelesau is the Eddie Mabo of Malaysian indigenous land claims. Just as Mabo campaigned to overturn the legal fiction of *terra nullius* in Australia, Kelesau and the other six headmen who took the case to the High Court are campaigning to overturn the Malaysian fiction that, because they were nomads, they did not own and use the land. Samling says the High Court case is an

ongoing dispute between the Government and "certain natives". The company had voluntarily ceased harvesting activities in the areas under dispute, pending the outcome of proceedings.

Because of where they work, some Penan cannot speak on the record but one said that if they did not stop the loggers now all the remaining forest in the Upper Baram area would be gone within two years.

One young man who spoke good

native peoples had arrived. He was adamant that the Penan did not want money in compensation for their homeland, as other tribes had accepted. They wanted the land to keep everything in it, the sago, the rattan, the medicines, the fruit and the animals. "We have to object [to the logging] because this is our area," he said.

The destruction of the blockade would not stop them and they would re-erect it, he said.

One young man who spoke good English said they wanted the area to be saved from the loggers. They did not want it to be turned into a national park managed by the Government. They wanted it to be their land, which they would manage and where people could come and see the Penan's real way of life. Tourists would be able to see much wildlife and many beautiful waterfalls.

My first evening interview with Kelesau was not a great success. The local translators had limited English and my questions were too complex, or required details he could not recall. Kelesau recognised this as much as I did and the next morning decided to take me to meet another old man, Kelasih Payah, who had had long been involved in protests to save the forest and had been jailed in the past for his efforts.

Kelasih would add to the answers of the previous night, provide details on the history of the campaign and explain why the Penan were still trying to blockade the road near Long Benalih. After an hour-long trek through the rainforest we arrived at Kelasih's lean-to and found that he was not home. Whooping calls did not raise him.

After we had eaten, Kelesau cut a sapling down and slashed it in a number of places and stuck it in the ground. He placed a stick at the base, four small twigs in one slash, a folded sago leaf in another and various other items along the pole, topping it with a partly stripped fern leaf pointing like an arrow.

The stick read, "Don't be afraid. We are your friends. We came to visit you. We were hungry. We cooked your sago. We have gone off in the direction of the arrow."

On the way back, Kelesau, who must be in his 70s, quickly left me and my guide well behind. When we caught up with him he was high in a rambutan tree. I could not see how he had managed to get up there. There were no branches, or anything to grip on to for well over 15m. My guide explained that he had gone up a smaller tree – also with no branches lower than 15m – and had crossed at the canopy. Fruit-laden rambutan branches rained down on us.

In the evening Kelasih Payah arrived, and a long boat which had been sent down the river returned

with a new interpreter. Kelasih said they wanted to have authority in their land to follow their own rules. They didn't want other people coming and telling them what to do in their land.

Even though the Penan now live in villages and hamlets they were not the same as people who had always been settled, such as the Kenya and Iban. The Kenya, Kayan and Iban wanted money from the logging company in exchange for land. But the Penan just wanted their own area, away from the Kayan or the Kenya, who always wanted to fight.

The Penan did not want to be located with them because they were not the same and did not want to fight. The Kenya and Kayan did not walk in the jungle, as the Penan did. The Penan always went to the jungle and picked things that were important to them.

Communication across the Penan region, and with the outside world, is difficult, making it hard for the Penan to make their views known and respond to allegations made against them. The official Malaysian media did not report any comment from the supporters of the blockade in their accounts of the police action in knocking it down.

One hamlet has a satellite phone but that does not even help within the region where it can take a 1½-day walk through jungle to reach another village. The poor communication makes it well nigh impossible for the Penan to respond to sometimes wild allegations made against them such as that they are anti-education or opposed to the use of electricity.

At Long Kerong the Penan I interviewed, who were staunchly opposed to logging, were equally keen to see their children educated and happily used electricity – one electric light bulb lit the room in which I interviewed leaders and, during the day, I observed one man using an electric power tool.

More seriously there have been complaints from the Kelabit community at Long Lellang, that the blockade has prevented them from getting essential supplies. When asked about this, Kelesau said the forest land was Penan land. The Kelabit were more recent arrivals from Indonesia who were willing to accept payment from the loggers for the land.

The difficulties faced by nomadic people claiming an area is illustrated by the fact that Kelabit say that the settlements established by the Penans are on land opened and used by Kelabits.

Interestingly there is another logging road into Long Lellang which could have been used to supply the village, but according to a statement provided by Samling this road is now unusable and is not maintained by the loggers.

The travel agent in Miri had challenged me, "Why would you want to go up the Baram River? There's nothing there to see."

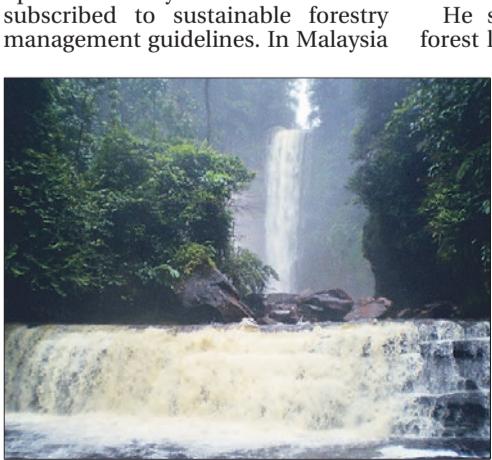
Nothing to see? In 1974 when I first went up the river it was a tourist paradise – a huge river with banks of variety of bird life. Beyond Marudi you could travel by longboat, periodically forced to walk around the rapids as the boatmen gunned their Mercury outboard motors, and Penan, Kenya or Kayan men poled or pulled the boat upstream.

Longhouses still held bags of shrunken heads from the warlike days of the Dayak tribes and some had ancient narrow-necked 1m-long canons tied to their posts.

You won't find any cannon now, my guide told me as I instead went up the Limbang River. Chinese traders have been up and down the rivers and bought them all. Sure enough, at the very first longhouse we visited the headman told us that he once had had a cannon but he had sold it some years back. This was something he now very much regretted.

And in the lower Baram I wouldn't find any forest either. There the loggers had been through, changing the life of the longhouse people forever.

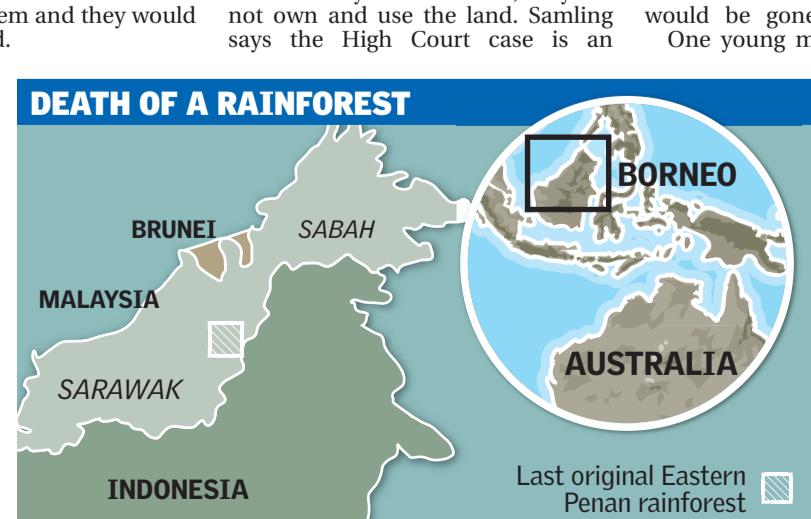
It is only in the upper Baram, where the Penan still hold out, that the forest, and a unique lifestyle that goes with it, still survives.



SCENIC BEAUTY: Tekiwit waterfall on the upper Sela'an River, near the blockade.



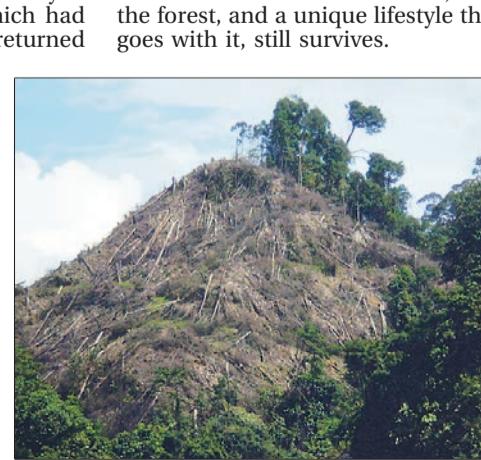
ELDERS: The headman of Long Kerong, Kelesau Naan, left, Kelasih Payah and Tungiang Mela.



Last original Eastern Penan rainforest



NON-STOP TRAFFIC: A heavily loaded logging truck on its way to Lapok.



ALMOST DENUDED: A hill almost cleared of trees the Penan are trying to save.