

Forest based communities &
their struggles for survival in modern Malaysia

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Malaysia has an outstanding track record in poverty eradication and socio economic upliftment. Poverty data indicates that only 3.6% of the households are currently below the poverty line in Malaysia. Low poverty figures are largely due to macro economic policies which has facilitated economic development with equitable distribution. The figures are staggering and Malaysia is often referred to by international bodies such as World Bank as a success story.

Furthermore poverty figures are also low because of the way poverty is measured in Malaysia. We are still using the indicator of a minium basket of goods similarly used by the poorest nations in the world and not the indicators of quality of life as the basic bench mark as used by development nations. If our bench mark is very low then we are doing very well but if we raise the bench mark then we will see many new poor emerging like the urban poor and other deprived communities.

While the success story is true at the national level when average statistical data is used however at the micro community level there are examples of socio economic deprivation, injustice and exploitation. Public policy target must not be political slogans of 'zero poverty' as the poor will always be with us but the way we redefine it to capture the real struggles of ordinary people at the bottom of the development pyramid.

One such community at the bottom of Malaysia's success story, who are experiencing alienation from mainstream development are forest based communities. Other micro poor communities are fishing communities. However the focus of our reflection is on forest communities.

People of the forest

Forest based communities are people still living in the forest and are dependent on forest products for their livelihood support. Some are settled communities cultivating the land and still foraging of the land. A small section continues to be nomadic and totally dependent of the forest for their survival. The life in comparison to other Malaysians is very basic and can be regarded as still

primitive.

Statistically these communities are small communities like the Orang Asli community of Peninsular Malaya who make up of about 150,000 or the Penan community of Sarawak in the island of Borneo who comprise only of about 15,000 people. Both Sabah and Sarawak have many other sub ethnic indigenous groups who are forest based. Their struggles are similar to the Penans.

The forest communities' fight for survival in modern Malaysia is real due to conflicting interest. The state operates under the current laws which define ownership in a way which does not give adequate respect to customary ownership. The state tends to lease out the forest to private sector companies for the wider good of the state to generate economic wealth.

However native and indigenous people claim that the state has no rights to take their land as they have occupied it for generations. Most often these communities who are still forest based do not have the political power or the economic base to fight the dominant force of the state and private sector in making legal claim for their traditional lands.

Living for generations in the forest

The forest and the land is the identity of these people. They have been living in the forest for generations. The American anthropologist Prof Dr Peter Brosius in undertaking his doctoral research lived for three years between 1984 and 1987 and documented the movements of the Penan communities in the Belaga district over seven generations. This is an amazing study through oral tradition which describes in detail concerning the Penan community and their land.

The work of Prof Brosius shows that while they may not have legal documentation of land ownership, however they have resided on it for generations. It is in this land that they have their history, their burial grounds, their hunting and foraging land. It is their heritage and identity.

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These lands which were customarily and traditionally indigenous land are currently legal battle grounds on ownership especially when the state is giving these lands to private sector companies for timber harvesting or plantation development or for dam developments. Blockades and dynamic civil society mobilisation has kept the plight of forest based communities in the forefront of public advocacy as human rights violations of indigenous people in Malaysia.

On August 12, 2008 when the Human Rights Commission of Malaysia held a dialogues session, talk and launch of a legal study by Prof Dr Ramy Bulan of the Law Faculty, University Malaya on native customary land rights in Sarawak at Kuching over 100 rural community leaders came and made a case for the state government of Sarawak to recognise their customary rights to their traditional land. They were uncompromising in their demand for justice.

People mobilisation

Local village communities and families are being mobilised through empowerment programmes which creates awareness and consciousness in standing up for your rights. Local communities are losing trust in their politicians who are holding public office. Locals are feeling that the state is protecting their interest in a conflicting situation. These local leaders are now directly entering public policy forums to champion their rights and needs.

Unfortunately because state governments have failed to recognise the land claims of forest based communities, these communities continue to remain in a state of poverty. No amount of 'a welfare approach or hand out method' can empower their communities.

The state must work with these communities recognising their claim to the land and working in partnership with the local leaders to bring them out of poverty. This last frontier will not be easy for the state to eradicate. The structural injustices must be first set right before wholistic development can take place.

First Hand Exposure of Abject Poverty

I had an opportunity to see for myself in the interiors of Sarawak how the forest was being totally cleared for plantation development and how the Penans were being displaced in their own traditional lands.

Although I made the visit in September of 2006 I can still remember the long drive on a timber company's road in Sarawak. We drove for more than two hours from the main road before we came to the Penan community settlement. All along the way it was like a narrow highway. Traffic was heavy with lot of lorries', with the ones coming in empty but the ones going out loaded with timber.

During the visits to their long houses one sees their poverty, their simple house structures with no modern assets, they have no water or electricity. Access to health care and primary education is quite a distance away. Using the minimum development index of the Millennium Development Goals these forest based communities have very little access to poverty eradication programmes, education or health care.

Another major problem which was highlighted by local natives was the problems associated with the registration of births and securing their identification cards. This is the most basic for with out an identification card, forest communities will not be able to travel to town for fear of being detained as illegal immigrants or exercise their legal rights to make claims for their land or even participate in elections. This matter must be addressed through a national comprehensive registration exercise to document all forest based communities in Malaysia.

On one spot we stopped and viewed the scenery and there were no trees left. It was like driving through desert land. It was a devastation of the forest. We also saw indigenous people walking alongside the road, others waiting for a lift from the timber lorry or timber company van.

Penans are dependent on the forest for gathering of forest products for sale and dependent on the forest for food. With this displacement through deforestation, plantation or dam developments their livelihood means is totally destroyed. This is a violation of human rights as starvation and further marginalisation of these communities will take place.

They do not have any alternative means of earning an income. They have not been trained to cultivate the land as small oil palm holders or other cash crops. The preparation for transition through mind set change and skills training cannot take place overnight. The state and its agencies must work with the people who love their forest to ensure their development takes into account the need to integrate their development line with their wishes.

Forced relocation or displacement without taking the human rights and dignity of these communities is indeed an inhuman and unjust act. We in Malaysia must not go down in history in a similar way as many other developed countries who have robbed the natives of their land. Malaysia has the opportunity to deal fairly and justly the forest based communities in our own land.

Pathway towards self determination

At the heart of the forest based communities struggle for self determination is this right to their land. This is the case for the Orang Aslis of Peninsular Malaysia and similar to other indigenous communities both in Sabah and Sarawak.

The UN Declaration on the Rights of Indigenous People which was adopted by the UN General Assembly on September 13, 2007. Malaysia was among 143 countries which voted in favour. Although it is non binding text, nonetheless it provides nation states which an international benchmark to examine their national legislations and procedures. Article 26 of this declaration calls on states to give legal recognition and protection to lands by giving due respect to the

customs, traditions and land tenure systems of the indigenous people concerned.

In addition to right to land the right development is imperative. Prof Amartya Sen developed the notion that poverty is a deprivation of basic capabilities rather than merely low income. He says "deprivation of elementary capabilities can be reflected in premature mortality, significant undernourishment (especially of children), persistent morbidity, widespread illiteracy and other failures". These basic needs must become basic rights to forest communities and it is the duty and responsibility of the state that no section of Malaysian society remain a state of deprivation.

Malaysia must ensure that there are concerted efforts towards this end which will recognise their ownership to land, respect them as fellow human beings and citizens. We must ensure that they too will have a share in the economic success of Malaysia becoming a development nation by 2020.

Suhakam publications for further study:

Penan in Ulu Belaga: Right to Land and Socio-Economic Development (2007)