

tong tana

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A land rights claim against the government of Sarawak and the Limbang Trading and Lee Ling Timber companies has been submitted to the High Court of Miri (Sarawak) by Penan headman Along Sega.

Penan Headman Along Sega: “I will take them to court.”

Nomads from the Long Adang rain forest area are launching a land rights claim

“Chief Minister Taib Mamud lied to us when he promised to establish a biosphere reserve for the Penan. It is one great fraud.” Along Sega, headman of the nomadic Penan living in the Long Adang area in the north of Sarawak is furious with the government. For the last twenty years he has been erecting roadblocks to stop the loggers in his forest. And has been arrested twice for doing so. But in spite of all of the opposition, the leader of this group of 45 rain forest nomads has achieved almost no results. Year after year, the bulldozers have pushed further into his territory and destroyed the little remaining primeval forest in the Malaysian part of Borneo.

Now, the man who hosted Bruno Manser (see Interview) will go before court to fight the loggers with legal means. He sees it as the last chance to protect the forests in his area. Before the end of this year, Along Sega will submit a landrights claim to the High Court in Miri. It was issued against the government of Sarawak, and Limbang Trading and Lee Ling Timber, the logging companies that have been granted concessions by the government. The Penan nomads are demanding that an area of 255 square kilometres at the foot of the Batu Lawi mountain be recognised as their Native Customary Rights (NCR) area.

Filing a lawsuit is a sign of significant progress for “Community Mapping”, a project of the Bruno Manser Fonds that has been in progress since 2002. The maps that have been made as part of the surveying project serve as a basis for Segá’s claims. The community of Long Lamai, where settled Penan are living, will also submit a landrights claim this autumn. Success was made possible thanks to the financial support of “Kunst für den Tropenwald” [Art for the Rainforest], a foundation established by the Basel gallery owner Ernst Beyeler.

Lost Paradise

“When I was a child, my father carved a blowpipe for me from a piece of bamboo. As soon as I could hit a target, he let me shoot at birds. Later he gave me a spear so that I could hunt larger animals, and he showed me how to use sago palms.” Along Segá likes to remember his childhood, when the jungle was intact and the world for the Penan was still in order. His memories go back to the British Colonial period when the present Queen Elisabeth was still a princess. It is difficult for him to estimate his age. “My birth was never registered. I can only say that today I am certainly more than 60 years old.”

As a young man, Segá regularly took part in the Tamu trade meetings where chosen dealers were allowed to trade with the Penan under the eyes of the colonial officials. “We sold rattan fibres to make mattresses, resins such as Nyateng (a fuel) and the beak of the hornbill that was used as jewellery. The gallstones of monkeys were especially in demand. They play an important role in Chinese medicine.” The Penan, for their part, bought cooking utensils and tools, and even once an expensive gun. “My father used it for years to hunt boar. When he died, we buried it with him.”

Recollections as court evidence

All of these recollections could provide important support for the court proceedings that Along Segá is seeking. In order to claim landrights, the Penan must prove that they were already settled in their area prior to the new Land Code of 1958. In addition to maps, on which cultural sites such as graves are indicated, the court also admits statements by contemporary witnesses as judicial evidence. In the case of the Penan, the fact that there is almost no written evidence of their past makes it especially difficult.

Harrison Ngau, the indigenous lawyer who was awarded the Right Livelihood Award (“alternative Nobel Prize”) in 1988 for his engagement, will represent the Penan in court. In spite of the difficult conditions with regard to evidence, it is clear for him: “We must urgently file this lawsuit now as long as some of the forest is still left. If we wait, the Penan nomads will have no chance of continuing their way of life in the forest.”

Lukas Straumann

Taib Mamud’s empty promise

At the beginning of the 1990’s, Sarawak’s Chief Minister Taib Mamud, promised to protect 30,000 hectares of forest as a biosphere reserve for the Penan nomads. Of these, 5’000 hectares were to be in the Long Adang area of Along Segá’s group. It has proven to be nothing more than an empty promise. It has been shown by satellite images on which numerous logging roads are visible in this particular area. In answer to a question posed by lawyer Harrison Ngau in June 2005, the government of Sarawak made it clear: “The Penans have no native customary rights over the areas where they used to carry on or practise their nomadic way of life. It is the Government’s legal position that your clients do not have any basis upon which they could claim native titles to the areas (...). Any claims by your clients will have to be resisted.”





Bruno Manser and Along Sega in 1996. Bruno lived from 1987 until 1990 with the nomad group of Along Sega in the Long Adang area.

“We know that many people wanted to kill Bruno”

In an interview, headman Along Sega talks about his meeting with Bruno Manser

Tong Tana: Along Sega, when did you meet Bruno Manser for the first time?

Along Sega: Bruno was introduced to me by a friend in the village of Long Napir. He said: ‘I am Bruno. Can I come to your area and live with your group in the forest?’ I answered: ‘If you want to share our life, then you are welcome.’ That was at a time when Bruno had already lived with other Penan downstream for three years (editor’s note: 1987).

Tong Tana: How long did he stay with your group?

Along Sega: Bruno stayed with us for three years. It was when we were erecting the first blockades of the logging roads together with the Kelabit from Long Napir. He encouraged us in our opposition and took up contact abroad.

Tong Tana: Were there roadblocks before he lived with you?

Along Sega: No. The reason was that the logging companies only began to cut timber in our area after Bruno’s arrival. That all started after he came to us.

Tong Tana: What do you think happened to Bruno Manser?

Along Sega: That is a great riddle for us. He lived for six years with the Penan and then he disappeared without leaving a trace. I can’t blame anyone because I didn’t see anything. We know that there were many people who were furious with him and wanted to kill him. We were also continuously threatened. Only recently, one of the workers of the logging company threatened to kill my son Menit.

Tong Tana: What does Bruno Manser’s disappearance mean for the Penan?

Along Sega: When Bruno was living with us, he helped us to protect the forest. Now we have to fight for ourselves. Without help from the outside, it is very difficult.



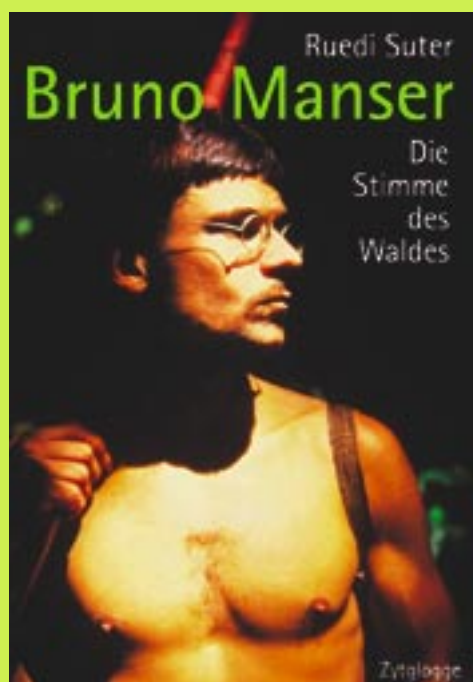
Nomad camp of Along Sega close to Long Pusit in the spring of 2005. At present, there are about 45 Penan living with the group of Sega and his wife Yut Beluluk.

◀ Since the timber companies forced their way into the Long Adang area in the 1980s, the life of the Penan has strongly changed. Along Sega must often go great distances along the logging roads simply to find food and water.

News in brief

Zytglogge to publish Bruno Manser biography

After almost two years of work, Ruedi Suter has finished writing his biography of Bruno Manser. Those who are interested are invited to the vernissage for the book and a reading that will take place at the Jäggi bookstore in Basel, Freiestrasse 32, on Monday, 28 November 2005 at 8:00 p.m.



Pulong-Tau-Nationalpark: Penan demand respect for their rights

40 Penan leaders have addressed a joint letter to those responsible for the planned Pulong Tau National Park in Sarawak. In it, the Penan state that they are in favour of the preservation of the unique flora and fauna in the Kelabit highlands, but insist that their traditional Penan rights must be respected. "We, the Penan are in favour of the biodiversity conservation effort being made which acknowledges the proposed area as a vital watershed. We ask the project management to respect the traditional rights of our people to the area in conjunction with other native rights. We regret the fact that Penan communities have not been consulted prior to the creation of the National Park project." The Penan settlements of Ba Tik, Long Lobang and Long Sabai in particular fear that hunting

and agriculture could be forbidden in parts of their settlement area and have invited the people responsible for the project to visit their villages. The Pulong Tau National Park is being co-financed by the Swiss federal government within the context of Swiss membership in ITTO, the tropical timber organisation. The park, that was announced by the government of Sarawak many years ago, will probably be officially launched at the beginning of 2006. Tong Tana will return to this subject in a later issue.

Prominent support for Penan court case

The landrights claim on the part of four Penan settlements in the Selungo area, that has been pending since 1998, (see Tong Tana January 2005) has received prominent support. One of the world's best known anthropologists, the emeritus Oxford professor Rodney Needham, has signed an affidavit in favour of the Penan. Needham lived in Sarawak in 1951-1952 and wrote his doctoral dissertation on the then largely unknown indigenous people. He can well remember the time he spent doing research in Borneo, and he is now providing Penan lawyers with maps, lists of names and scientific publications as evidence for the court proceedings expected in 2006. BMF Director Lukas Straumann visited the 82 year old professor last April at his home in Oxford.



MTCC Campaign continues

The campaign against the certification of Samling by the Malaysian Timber Certification Council (Tong Tana April 2005) is continuing. At a meeting on 18 August 2005, the headmen of the affected Penan settlements reaffirmed their resistance to all logging in their area. In the meantime, Global Response, an organisation domiciled in the USA, has launched an international letter and e-mail campaign on the subject in cooperation with the Bruno Manser Fonds. For further information see: www.globalresponse.org.

Impressum

Tong Tana means "forest" in the language of the indigenous Penan living in the rainforest of Sarawak (Malaysia)

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