Malaysia: Sabah indigenous communities' struggle against logging and oil palm plantations

Representatives of the Murut, the Kadazandusun, and the Rungus, and some 30 more tribes coming from the remote region of Tongod, traversed in July of this year northern Borneo to reach the gleaming office of Sabah's Deputy Chief Minister of Land, Datuk Lajim Haji Ukin at the capital city of Kota Kinabalu.

The group was there to demand the government to abide by its own laws, recognize native rights to protect and manage their natural resources, and halt reallocation of lands to logging and plantation corporations.

In Tongod and across Sabah, entire villages have been resettled against their will. Vast areas of rainforests and farms have been clearcut, and burial sites and fruit orchards have been destroyed. Replanting in oil palm monocultures is causing massive erosion, landslides, river siltation, and contamination from pesticides, herbicides, and fertilizers. The loss of wild foods, shelter, building materials, and medicinal plants causes economic hardship unlike anything the indigenous people have faced before. Peaceful protests have resulted in both government silence and police repression.

Village headman Wilster L. made a passionate speech but it fell on unsympathetic ears. "We need this kind of development," the Deputy Minister said, "so that infrastructure such as roads in the area will be more practical."

Frustration and despair are running high in Tongod. As Naomi, a woman from Wilster's village reflected, the loss of the forests is also a loss of her home and identity. "How can they come here and take our land and cut the trees my father's father planted? This must be illegal. They cannot treat us this way."

With the assistance of community support organizations, Wilster and others from Tongod are now trying a new strategy --they've filed a court case against the State and two plantation companies: Hup Seng Consolidated Berhad and Asiatic Development Berhad. The case is the first deliberate test of Sabah's land tenure laws with regards to indigenous peoples.

Residents of Tongod were encouraged by a landmark case in neighboring Sarawak, in which the Malaysian Judge Ian Chan expanded the definition of native customary lands from just farmlands actively cultivated by villagers to include streams, forests, and traditional hunting grounds used by the community, and thus ruled that indigenous people from the village of Rumah Nor held customary rights that trumped government concession-granting. This decision stopped Borneo Pulp and Paper company bulldozers in their tracks.

Since the legal victory at Rumah Nor, dozens of indigenous communities in Sarawak have flooded the courts with similar cases against encroaching plantation developers. However, they face difficulties: legal proceedings in other Malaysian states are painfully slow, and also there is a risk of losing rights in hostile court decisions.

Once again, the mainstream kind of development is at odds with the welfare of the people and the environment.

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