
Malaysia: Oil palm development generates violence in Sarawak

Two weeks ago, nineteen persons, including a 17-year old, all Iban, from two long-houses in the Niah area, were provisionally charged with murder under Section 302 of the Penal Code. The charge carries a mandatory death sentence if convicted.

All 19 were charged with four offences each, for each of four persons killed in a conflict between their long-houses and contractors for Sarawak Oil Palm (SOP), a joint venture between the Sarawak state government and one of Sarawak's main logging companies, Shin Yang. The SOP board is chaired by the State Secretary, Hamid Bugo.

According to the long-house residents, the Sarawak government had issued a provisional lease to SOP for land inhabited by them under native customary rights (NCRs). They had used the land to cultivate pepper, fruit trees, rice, vegetables, etc. - which form the main source of their livelihood.

SOP had engaged a contractor to clear their land. The long-house residents had brought their grievances to the notice of the local authorities, including the state assemblyman and the police, some say as long as four years ago, but nothing had been done to resolve their grievances with the company. They even tried to meet with the Chief Minister and other ministers in Kuching, sending representatives there at their own expense. However, none of the big-shots would meet with them.

The people allege that the persons killed and injured in the clash were, in Sarawak Malay, apek bayat, i.e. gangsters, who were armed with samurai swords and other weapons to threaten and intimidate them into letting their land be cleared. Previous reports to the police at Batu Niah on the apek bayat threats had resulted in no action from the police.

According to their accounts, shortly before the day of the clash which resulted in the deaths, an Iban woman attempted to defend her durian tree by standing in front of it. The Iban allege that the contractor's men caught hold of her and held her under the bulldozer threatening to run her over.

They allege that on 1 September 1999, they discovered workers of the company, accompanied by apek bayat, bulldozing their land and gardens near one of the two long-houses. They asked that the work be stopped, but their appeal was not only ignored; instead, they were attacked. In defending themselves, seven of the gangsters were injured, four fatally.

This is not the first such conflict between long-house natives and companies over the use of native land by oil palm plantations, nor is it the first resulting in fatalities. In December 1997, three members of an Iban long-house were shot by the police, one fatally. In that instance, they had attempted to obstruct the progress of land clearing. The company had apparently lodged a report against them, and the police had gone to arrest them; by contrast, in the present case, the people had lodged reports, which had been ignored.

There have also been conflicts elsewhere, mostly unreported. In many instances, people have just passively accepted their fate, feeling powerless to go against a government intent on implementing policies against their will.

The cause of these recent conflicts is encroachment upon the last natural resource still under the control of Sarawak natives, their customary land. As Sarawak timber resources have started diminishing, many logging companies and others have started switching to plantation agriculture. While some of this is occurring on logged-over forest land, much more is taking place or is planned to take place on native customary land. The reason for this is simple: despite the vast amount of land in Sarawak, much of it is actually not suitable for agriculture, and much of what is suitable is under native customary rights.

Beginning with the colonial authorities, the definition of what is accepted by the authorities as native customary land has been progressively narrowed and undermined. Still, until recently, because of remoteness, inaccessibility and lack of interest, there wasn't much attempt to encroach onto their lands. Today, the state authorities are engaged in a process which amounts to the de facto dispossession of the natives, but disguised as development. While some, including some natives, will become wealthy from this process, the majority will end up worse off.

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