

Penan Peace Park: A community initiative in managing the commons

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Abstract:

The Penan people of Sarawak, Malaysia began to do farming only about half a century ago. Today, some of them are semi nomadic while all of them depend heavily on forest for sustenance. The concept of tana' pengurip, ie the Penan communal rights to forests for hunting and gathering and customary rights to land, ancestral burial grounds, rivers, etc are of vital important to them as a people of cultural identification.

Though native customary rights is enshrined in the national constitution, the state administration continues to deny them by leasing out concessions for logging on the communal forests or commons for the tribe, without their Free, Prior and Informed Consent. Over the last 25 years, the Penans have been wholeheartedly protecting their communal forest with human barricade. To date, they are successful in stopping the logging concessionary from entering their territories.

In late 2009, eighteen communities of around two thousand Penans in the upper Baram District decided to manage their communal forest by taking along the conservation concept similar to the Biosphere Reserve. This paper explores the potentials of the Peace Park that initially opens for cultural and natural tourism to further expend for biodiversity prospecting and other economic benefits.

The author contends that by applying the peace concept to counter commercial logging that has been destructive both environmentally and socially, the community are in a stronger position to obtain official legal recognition of their commons

Key words: *self-determination, sustainability, rainforest protection, community empowerment, peace charter.*

Introduction

The Penan Peace Park (PPP) is a proposal of the Penans, one of the indigenous ethnics of the upper Baram region of Sarawak in Malaysia.

The concept being conceived upon a series of discussion among the eighteen villages engaged in struggles to protect their forestlands, particularly against the intrusion of the logging companies.

According to a local community organizer, PPP is a continuation of their forestland struggles started in early 1990s with logging blockades. The collective action was followed by court case filing. In order to break the deadlock of these both legal and extralegal measures, the communities began to look for long-term solution. After two

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decades of exhaustive efforts, many of the other ethnic communities lost strength due to non ending corporate 'threats and bribes' tactics, corruptions, and the State's pro-logging policy which disabled them in sustaining their struggle.

In 2009, the leaders of the 18 Penan communities began to put their minds together and after some rounds of meetings, they concluded that they must do something else rather than passively waiting for the court's decisions, appeals after appeals that do not seem to have an end. These village headmen further affirm that no one is allowed to trade away their communal forest with outsiders.²

As the leaders/community representatives returned to their respective villages, they further discussed with the villagers about the concept of PPP. This concept has eventually become communities' bottom-up collective proposal.

Objectives of the Penan Peace Park (*Tana' Pengidah Pengurip*³ Penan)

The Penan Peace Park is set to aim at improvement for the communities in three main areas, i.e. to safe-guard indigenous rights and self-determination; to respect and protect the natural environment and to capture economic development opportunities. These are based on the core values of the United Nations Declarations on the Rights of Indigenous Peoples, which Malaysia has subscribed to. (see Appendix 1 The Penan Peace Charter)

The proposal⁴ states,

"The PPP is prospected to be a place where humanity and nature are living in harmony, where the quality of life and livelihood are secured for both present and future generations, and a place where economic and human development are socio-culturally and ecologically sustainable."

For the Penan, the idea of sustainability is derived from the concept of *molong*, which means: 1) to lay a claim on a particular resource, such as a sago grove, a fruit tree or a rattan stand; and 2) to foster these resources for future use. "In order for the forest to retain its capacity to keep the essential resources, the Penans employ an ecologically sound harvesting strategy of sustained yield management." (Jayl Langub 2007)

In order to realise the vision of the PPP, a total of four programs and 16 projects have been proposed. Six projects are for Conservation of the Penan cultural heritage, six projects for Conservation of Nature and Biodiversity, two projects for Economic Development and a final two projects for Institutional development. (see appendix 2 Vision, programs and components)

These Penan communities have collectively decided to be pro-active in determining their lives and the lives of their children as well as their children's children. They are

² Personal interview with the community organizer, who identifies himself as Joe, on 24 March 2013.

³ *Tana'*=land and forest, *pengidah*=peace, and *pengurip*, from the word *urip*=life in the Penan language.

⁴ Executive Summary, Penan Peace Park Proposal 2012-2016:P.2.

taking a lead to demonstrate their wisdom and responsibilities to the state and the nation as a whole.

A broad perspective

The local organizer explained that during the initial inception period, other ethnic neighbouring communities had been invited to the meetings. The concerns were shared among communities of similar situation to allow them to take references as well as to contribute their inputs. Eventually, the PPP is launched with only those communities that are ready to participate. These 18 founding communities of the Upper Baram have expressed willingness to share their knowledge and experiences with others who would like to do the same in the future.

Moreover PPP is also a concept that goes beyond the local communities as its proposal suggests: Penans self determining for the benefits of all

“...the proposed PPP provides important opportunities for partnership and we actively seek potential partners, especially the governments of Sarawak and Malaysia, and those who wish to support us, to create history in Sarawak for a Community-Public-Private partnership on our collective future.”

The Location and the forests

The Penan Peace Park lies between 2°50'0" and 3°30'0" N and 114°50'0" and 115°30'0" E. It is located within the mountainous part of the Miri Division, one of the eleven administrative divisions of Sarawak. The mountainous topography ranges from an altitude of 154 to 2086 meters above sea level. (see map at Appendix 3)

The Park covers an area of 1628 square kilometres. In a natural state, the lowland primary tropical rainforest (lowland and hill dipterocarp forest types) would cover about 63% or 1022 square kilometres, the most dominant forest formation within the PPP. The lower montane primary tropical rainforest would cover about 36% or 591 square kilometres. With just 15 square kilometres or 1%, the smallest forest formation is the upper montane primary tropical rainforest.

In 2007, about 56% of the PPP area was covered with primary tropical rainforest (31% lowland, 24% lower montane, 1% upper montane). The primary tropical lowland rainforest is the most endangered. The remaining 44% of the PPP area are covered with secondary tropical rainforest (27% has been transformed by logging, 12% by farming and 5% by forest fire). (see map at Appendix 4)

The proposed PPP and its surroundings are rich in biodiversity and play a very important role with regard to fauna. According to a survey done by International Tropical Timber Organization (ITTO) for the Pulong Tau National Park, which is adjacent to the PPP, it represents a “biological hotspot”. There are more than 300 species found; these include fish, amphibians, mammals, birds and many more. At least 56 of the documented animal species are endemic in Borneo and 52 are listed on the IUCN Red List of Threatened Species.⁵

⁵ Executive Summary, Penan Peace Park Proposal 2012-2016: P.4

The whole PPP area covers the living space of 18 Penan villages with a total population of approximately 1800 people.

The Context of Penan struggle

Deforestation in Sarawak has increased at an alarming rate since the 1980s, and hastened establishment of oil palm plantations by corporate bodies has caused many disputes. The disputes between the State and these landowners primarily centred on the non-recognition of Native Customary Rights (NCR) lands and selective and reduced recognition of NCR lands which confines basically to indigenous farm land by the State⁶ while the NCR landowners stand on their customary law (*adet*) that native customary rights includes farmlands, traditional hunting and gathering grounds, and burial grounds forming the ancestral domain known as *pengurip* in the Panan language.

While many of the remaining forest communities struggle to use their remaining natural resources in a sustainable way, they are at the same time putting in great effort to protect the forest with its high biodiversity. This is not so with the private logging and plantation companies. They exploit the forests for short-term gain and do not benefit the NCR landowners other than the logging road access. Despite the government of Malaysia has acknowledged the importance of indigenous rights and signed the “United Nations Declaration on the Rights of Indigenous Peoples”, indigenous communities of Sarawak continue to be marginalized in the name of state-sponsored development.

It has been argued that this declaration should clearly reflect the commitment of Malaysia and Sarawak to support the empowerment of indigenous communities for a better future.

These communities also known as Eastern Penans⁷ sum up their struggle experience in the proposal:

“We, the Penan Selungo of Sarawak, are indigenous peoples who have been most affected by the forced destruction and transformation of our land. Our ancestors were nomadic hunter gatherers and we have only recently started to settle down and learn farming. Even if our lifestyle has changed a lot over the last decades, we remain faithful to our tradition and we still want to live in harmony with our forest. We have tried many times to protect our land rights, but our blowpipes and our culture are non aggressive compare to the bulldozers of the companies. The destruction of our forest takes place in front of our eyes.”⁸

⁶ According the land law of Sarawak, the creation of native customary land is limited to those done prior to 1st of January 1958 and most Penan started farming only around or after that date.

⁷ See <http://intercontinentalcry.org/peoples/penan/>, also Rodney Needham (1972) *Ethnic Groups in Insular Southeast Asia, Vol. I Indonesia*. New Haven: Human Relation Area Files Press, pp, 176-180], for the classification of Eastern Penan and Western Penan.

⁸ Executive Summary, Penan Peace Park Proposal 2012-2016, P.3

Over the last two decades, the social, economic and ecological impacts of this un-ruling exploitation of natural resources have been disastrous. The disappearance of local food source, medicinal and other plants and animal species, the pollution of soil and drinking water resources, soil destabilization through the destruction of natural forests has caused great harm to the health and social welfare of the local inhabitants.

Furthermore, the humanistic cost is of grave concern,

“..... we have had un-investigated death(s) [cases] and our young girls and women had been raped. We continue to be in such grave situation unless structural changes take place within our areas.”⁹

Since the 1990s a number of Penan leaders were suspected being murdered for their opposition to loggers¹⁰, many have been imprisoned, and there are reports of Penan girls being sexually abused by loggers. In 2008, the Malaysian Ministry for Women, Family and Community Development found at least eight cases of sexual abuse of Penan girls and women by logging company workers and that several of the victims were schoolgirls as young as 10.¹¹

Proclamation and Submission of Proposal

In late November 2009, Penan Peace Park was first proclaimed at the interior village of Long Ajeng. The following month, as the world leaders gathered at the UN climate talks in Copenhagen negotiating a deal to protect tropical forests in a new REDD (Reducing Emissions from Deforestation and Degradation) agreement, with the aim of enhancing forest carbon stocks in tropical countries, Sarawak authorities were making it clear that they do not intend to change their approach in dealing with forest matters and native rights. As the proposed Peace Park areas are being licensed for timber concession, classified as Permanent Forest Estate (PFE), the state forest director and Acting Permanent Secretary to the Ministry of Planning and Resource Management, Len Talif Salleh, refutes the attempts of indigenous Penan communities to protect their last remaining primary forests in Sarawak's Upper Baram region.¹²

In May 2012, a nine-member delegation of native Penan presented the Penan Peace Park Proposal at the state assembly in Kuching, the capital of Sarawak. The Penan leaders called on the Sarawak state government to become their partner in the realization of the Penan Peace Park.

Again, Sarawak government, which has been under the 31 years long-serving Chief Minister Abdul Taib Mahmud, rejects the Penan's vision for a self-determined future. None of the state's ruling coalition representative attended the Penan's presentation and left it to opposition politicians from the Justice Party (PKR) and the Democratic

⁹ Executive Summary, Penan Peace Park Proposal 2012-2016, P.3

¹⁰ That includes the death of the Penan Chief Kelasau Naan in late 2007. See <http://www.bmf.ch/en/news/?show=86>

¹¹ See <http://www.bmf.ch/en/news/?show=168>

¹² <http://www.bmf.ch/en/news/?show=187>

Action Party (DAP) to encourage the Penan leaders by endorsing their plan for a better future.¹³

Subsequently, in February 2013, a group of Penans led by Pada Jutang the headman of Long Pakan raised again the issue of the setting up of Penan Peace Park with the state authorities. They went to several government department offices. Unfortunately, their appeal was ignored and their attempts to meet the Minister of Resource Planning and Environment were turned down.¹⁴

Is legal Recognition Really Needed?

When asked about the importance of obtaining state's recognition or legal status of PPP, the local organizer said, "We make our appeal with the state authority as law binding citizen, just like we need to obtain a license to own a shot gun". "However, we do not need any license for using our blowpipe to hunt for food." He added.¹⁵

This is the most interesting concept of the Penan. Way back in the late 1980s when the logging blockade first took place in the interior of Sarawak. A film named, 'blowpipe vs. bulldozer' was shown widely among the international communities that brought the indigenous people of Sarawak into the world map of rainforest protection.

The logging companies own official licences to cut trees in Penan's area. In order to survive the local communities used their traditional tool, a simple but very effective for harvesting of wild games in a sustainable way, to protect their forest. The blowpipe's poisonous dart can also serve as a warning sign to intruders though fall short of any definition of a weapon.

Under the Malaysian plural legal systems, customary laws (*adet*) are safeguarded by the federal constitution. Therefore, to the Penans, proclamation of the peace park over their ancestral lands and forests is not only legitimate but legal as well. The Penans consider themselves one of the first peoples living in this part of the Borneo Island as their oral history dated back to more than ten generations.¹⁶

International laws, such as UN Declarations for the Rights of Indigenous Peoples article 26 states,

1. *Indigenous peoples have the right to lands, territories and resources traditionally owned, occupied or used or acquired.*
2. *Indigenous peoples have the right to possess, use, develop and control the lands, territories and resources which they possess because they own or occupy or use, as well as those they have acquired.*

The organizer continued, "Therefore, we are not waiting for the decision or approval from the authority. We, Penans will take hold of the forest resources to perform the role of a steward or caretaker." Perhaps, the Penans living in the interior are also

¹³ <http://www.bmf.ch/en/news/?show=305>

¹⁴ <http://www.theborneopost.com/2013/02/22/penans-reiterate-call-for-peace-park/#ixzz2LgjEVvuQ>

¹⁵ Personal interview with Joe on 24 March 2013.

¹⁶ Personal interview with Joe on 3 April 2013.

following the current national political mood that a new government is expected to come into power in the near future, and hope that things will change for better.¹⁷

State Cooperation

The organizer further explained that the communities have no intention to go against the state but rather seeking for its cooperation; that the Penans are peaceful people and the government should not arrest them or jail them as they have experienced at the events of logging blockading. He said, “We consider our act legal on the protection of our forest. For instance, the native bird, hornbills (*Bucerotidae*) is a protected species, which need natural forest (with old death tree for nesting). It is taken as the symbol of the state or the state bird. However, cutting down the trees will destroy the habitat of the hornbill and would eventually kill the bird”. In the view of the communities, logging in the Penan forest is unlawful and illegitimate.

Based on these words of the organizer it looks like the communities do not expect much assistance from the state. The proposal demonstrates that the Penans are resourceful with the support NGOs particularly the Switzerland based Brunor Manser Funds (BMF).¹⁸

Grassroots Conceptualisation and Assistance Rendered

The Penan communities of Upper Baram demonstrate a unique case among all the struggles of the various indigenous communities in Sarawak. They are consistence in the demand that is, “do not cut our forest since money can be printed but not the forest”. They do not want monetary reward in exchange for allowing logging in their forests.

Similarly, the PPP has exhibits the united thinking and hearts of the community members. Earlier on, there were a few Penan headmen who were pro logging thus caused a split in these communities. One of the split villages is Long Mubui which later had that leader voted out and the community re-joined the other 17 communities of the PPP.

The local organizer considers the training of community organising (CO) that he received in the early 1990s has been extremely helpful. He said the knowledge and praxis of CO enable him to get the Penan communities better organised.

When asked about the ‘secret’ of staying united, the organizer revealed that they conduct thorough discussion at the village level until a consensus is reached. The process is always tedious and time consuming. However, it has been a long cultural practice of the Penans in decision making on matters concerning the community. The organizer commented on the failure in the protection of indigenous rights over the native territories of many other indigenous communities is attributed to lack of grassroots consensus and inconsistent demands. In his view, many NGOs’ efforts are too ‘high flung’ that cannot be grasped by the villagers. He said, NGOs’ agenda

¹⁷ Current Malaysian ruling coalition, Barisan National has been in power since its formation in 1963.

¹⁸ Named after the Swiss nationality who spent 6 years with the Penans in the 1980s and continued with further visits despite being banned by the Sarawak Authority, until 2002 when he was mysteriously disappeared in the deep rainforest of Sarawak.

always go beyond the understandings of the community and therefore, tends to end up in a state of condition which the community is not able to comprehend. He gave an example of the recent anti-Baram Dam campaign which has gone national and overseas¹⁹ but lacks of grassroots dynamics among the affected communities. He lamented that the campaigners did not spend enough time with the communities which include some Penan villages outside of the PPP.

The organizer further illustrated that campaign or awareness education at the grassroots has to be practical and down-to-earth. For him, photos, maps and local languages are some of the keys communication tools.

Concerning the matters of support, since its formation in early 1990s Bruno Manser Fund has become a long term partner of the Eastern Penan. The organisation's campaign works abroad as well as technical and financial aids enabled the Penans to sustain their struggles. A significant effort is the research and documentation in relation to court case filing²⁰ particularly on oral history recording and community mappings. In this process of community enabling works, other local and international environmental and human right organisations²¹ have also contributed greatly.

Achievability

To an ordinary audience, the PPP seen to be very ambitious which would lead to the question: Are the objectives achievable?

In answering the question, the organizer said, "Our community map serves as the shield that defences the house (home), and the community is the house. Our strength lies on the resources of the forest". He further elaborated that *parang* or swords and *kapak* or axes are the keys to open the door of the house. With this illustration, we began to understand better what he means by 'down-to-earth'.

Their community maps have been produced with the use of advance technology of GPS and GIS, and it serves as a cartographical language that can communicate their forest rights in court while previously they cannot do so with their customary words of mouth. Community map has become an important shield in protecting their forest.²²

The first chapter of PPP (see Appendix 2) on 'Indigenous Rights and Self-Determination' is actually an ongoing effort. Without doubt that traditional knowledge that goes along with cultural practices can be enhanced with the secured forests around them. Transmission of traditions has been carried out by organizing annual culture festival event, and by teaching the younger generation in the community.

¹⁹ The Anti-Baram Dam campaign has carried out national road show as well as lobbying the green party in Australia in October 2012.

²⁰ To date, three of the communal forest areas namely Selongo (Long Spigen, Long Kerong, long Sait and Long Ajeng), Long Lamai, and Ba Jawi have filed in the Court of Malaysia in against the logging company and the state government for granting logging concession.

²¹ Such as Sarawak Access (SACCESS) and Institute for Development of Alternative Living (IDEAL).

²² The Malaysian Courts accept community maps as evidence of customary claims.

On the Penan language promotion, it has been an effort for the last two decades. The Penans have concerted to teach their youngsters the importance of their mother tongue. With the assistance of an anthropologist and linguistic expert, they compiled a Penan dictionary in 2001.²³ It is believed that revitalizing their language can certainly be a powerful tool for the Penan to assert their rights and the pride of an indigenous tribe.

Recording of oral history has been carried out with all the 18 communities. These include all myths, legends, stories, chants and belief systems contributed significantly by the Penan elders in each community. The work started in the 1990s and the process is still continuing to further enrich the collections.

The second chapter, 'Respect and Protection of the PPP at Ecological Level' certainly requires more work. There are three components namely protection of the remaining primary forest areas, and sustainable management of secondary forests as well as conservation of watersheds.

The projects for the first component are, inventory of flora, fauna and an evaluation of natural and cultural heritage, followed with workshops for learning and exchange ideas about environmental issues.

For the second component, the development of sustainable management methods for these areas is seen as of crucial importance. Two projects on 'rehabilitation and restoration of secondary forests' and 'promoting sustainable management of agricultural land'. It can be seen that these projects will be a major challenge, since some of the farm slopes have been damaged due to an earlier forest fire and unsustainable farming practices.²⁴

As for the third component, conservation of watersheds by 'securing water quality' and 'restoration and rehabilitation of rivers' are equally challenging that depends very much on government's assistance with pipe water supply²⁵ and provided that the logging activities will be refrained at the catchment areas.

The third chapter of 'Economic Development' is part and parcel of the proposal that the PPP is considered as an instrument for economic and social development based on legitimate income. The component for development of alternative income possibilities has two projects namely 'Development of Non Timber Forest Products (NTFPs)' and 'Development of Community Based Tourism'.

Penan's rainforest contains an abundance of NTFPs. Medicinal and edible plants; fruits, nuts, resins, latex, essential oils, fibre, fodder, fungi and animals are some examples of the possibilities. In the last decade the community activists had documented a full list of medicinal plants that the Penans used traditionally. The organizer said the herbal knowledge is a 'secret' that will pass on to the younger

²³ Ian Machenzie. Preliminary Version-May 2001.

²⁴ Since the Penans are new agriculturalists and their farms are created on steep hills that need longer fallow periods for the regeneration of soil fertility. However, due to settlement and population pressure they are less mobile to clear new lands that are too far from their village.

²⁵ Current government is not very friendly to the 'rebellious' Penan even in obtaining pipe water would take a very long process.

generations. There is probably a great opportunity that based on their traditional knowledge to further prospect the herbs with national and international efforts for the benefit of humanity. This has to ensure that the traditional knowledge and rights are properly appreciated and respected.

Cash income can be generated through marketing of NTFPs provided favourable market conditions can be created. At present, the Penans continue to extract *gaharu* or eagle-wood (*Lignum aquila* also known as sandal-wood) from the forest which cater to good market prices. According to the organizer the eagle wood extraction is carried out together with other forest produces (such as rattan) whenever the household need cash.²⁶ Normally a person can gather an average amount worth two to three hundred ringgit (approximately \$65 to \$97) in a day's work. For some smarter and luckier persons the reward could be as high as a thousand ringgit or more. This is obviously a steady source of cash income and the community impose regulations to ensure sustainable harvest.

On the development of the community based tourism, the PPP has already attracted some tourists especially those forest adventurers and nature lovers based on home-stay program. There is a support group called Adventurers Alternatives which has been supporting the Penan people in recent years by helping to develop the community cooperatives as well as setting up tree nurseries for forest rehabilitation.²⁷ However, the community's management skills need to be further developed in order to further hosting visitors, and also careful control of visitor's number is necessary in order to avoid any negative impact.

The last two projects of institutional development to build community level capacities are, 'strengthening of local institutions at the community level', and 'official recognition of the PPP at the local, state and international level'. They propose a committee in each village and a committee for the entire PPP. They both need functioning capacities to form strong foundations at the village level. This is an area that needs further supports from NGOs for the empowerment of local institutions.

To have strong institutions they must obtain official recognition, including to ensure each person of the PPP possesses an identity card,²⁸ then that all the headmen of their villages are officially recognized at State level and that their village committees are acknowledged. An eventual outcome will be that the PPP and its committees shall gain official recognition and receive support from the government of Sarawak and other institutions.

Benefits for all

Besides contributes to Reduce Emission from Deforestation and Forest Degradation (REDD) for not felling the forest, the organizer belief the PPP can benefit the society at large in the fields of knowledge, leisure, appreciation and conservation of Biodiversity.

²⁶ Cash needs especially for children's education and for going to hospital for medical treatment.

²⁷ See <http://adventurealternative.wordpress.com/2012/11/29/supporting-the-penan/>

²⁸ Identity card is very important for Malaysian citizen for obtaining national education and to be a voter among others. Unfortunate many Penans do not own one due to administrative problems.

The organizer said PPP welcome researchers for doing rainforest study or for writing their thesis. "Tourists can come to see and to learn about our forest's biodiversity, which include animals, fishes, insects, and plants. The whole range of nature for appreciation is made available to everyone, disregards one's nationality or race. We will host those who come and stay with us provided they do not destroy our forest." he added. Joe, the organizer, believes that PPP would gain a name for conservation not just for the Penans but also for the nation. For him, the Penans can demonstrate a leading role in forest protection, he said rather proudly. "The state authorities should apologise for enforcing bad laws on people who do good for the environment." He refers to the harassments and arrests of indigenous peoples of Sarawak for the road blockade in late 1980s and early 1990s as well as 'punishments' such as termination of the flying doctor schedule ²⁹ after a major blockade at Long Sebatu for seven months in 1993. (IDEAL [undated] pp 5 &6)

The peace park projects, when implemented, would provide social and environmental services beyond the 18 communities and its neighbourhoods to the nation and the global climate by tapping on the UN climate change mechanism, REDD that will possibly yield greater overall shared benefits than the mere economic gains of cutting down the trees.

Malaysia's REDD+ Readiness Project has launched in 2012. With the '+' added to REDD, indicates that the role of conservation, sustainable management of forests and enhancement of forest carbon stocks is emphasized, being identified as essential to achieve the goal of reduced emissions. As the project aims at developing a national framework includes the policy, legal and institutional components for REDD+, the PPP would possibly stand a better chance to obtain official recognition.

Obstacles and difficulties

The Penan villagers believe that if they are alert like they used to do to safeguard their forest they can keep the intruder away. Currently a major part of their forests within PPP remain intact or undisturbed, even though a large portion of them were licensed for logging in 1980s. The organizer said that the communities have lots of confidence to implement the PPP projects. And to the Penan communities logging concessionaries must be revolted as they are issued without their free, prior and informed consent (FPIC) in accordance with the UNDRIP.

We can expect that PPP will face some difficulties including winning the court case and gaining the official recognition. One of the first legal cases filed in 1998 by the Selungo Penan ³⁰ is still pending. The delay of the court procedure is partly due to the neighbouring Kenyah community who have been incited by the defendants to make counter claims on some of the same forest area. Therefore, a native court decision is needed and that procedure could take a very long time. According to the

²⁹ Flying Doctor is a Malaysian medical service rendered to the interior area.

³⁰ Malaysian Court Suit no. 22-46-1998 (MR), Kelasau Naan (deceased), Jawa Nyipa & 2 Others vs Sarawak State Government, Samling Plywood & others

native customary laws inter ethnic mutual claim of a forest area is normal as their customs allow sharing of a same hunting and gathering ground.³¹

As for gaining official recognition and corporation, it seems rather difficult at this moment for the current government to change their forest management policy. As the general election is taking place in May 2013, there is a high hope among the civil society and many rural communities that a change of the federal government is coming in the way. However, forest and land are the juridical power of the state government of which Sarawak has its current term expires only in 2016.

Concluding remarks

The Penan Peace Park is a proactive effort for conservation of both the culture and nature of the 18 Penan communities in the Sarawak's Upper Baram area. These communities have been struggling for native customary rights for about a quarter of a century. They managed to effectively stop the logging companies from intrusion. These experiences provide the Penans with much strength and lots of confidence in the implementation of the peace park projects. The PPP is seen as the extension of their struggle and it aims to safeguard a long term security of their forest-based rights.

In proclaiming a community peace park which goes beyond the conventional concept of managing the commons, the Penans are certainly setting a wonderful example. With the assistance of international and local NGOs, the three components of the proposal on conservation of cultural heritage, protection of natural environment and biodiversity, and promotion of economic development will realize their aims of affirming indigenous rights and self-determination. Penan Peace Park and its bottom-up approach may be more effective in reducing deforestation at the national scale.

One encouraging news for the PPP was that on October 2, 2012, Malaysia's highest judicial court, the Federal Court, ruled that the Penan of the Long Lamai region (part of the proposed Penan Peace Park) have the right to present a claim for their land. A veteran land rights lawyer will represent the Penan in their land rights litigation against logging company, in this case, Samling Global³², which currently owns logging concessions on the disputed forest. The Penans have high hope that if they win, it will be a huge step forward for indigenous rights in Sarawak.³³

The success of the Penan Peace Park will demonstrate an integrated approach in managing a forest commons for the benefits of all, as claimed by its proposal. This is something we can look up for!

³¹ Personal interview with Joe on 24 March 2013.

³² The Company is a subsidiary of Samling Strategic Corporation that operates as a holding company, through its subsidiaries, engages in forest resource management, wood products, plantations, and properties.

³³ www.barubian.net/2013/04/the-penan-peace-park-bornean-tribes.html

Literatures

Ian Machenzie. Preliminary Version-May 2001. Explanatory-Combinatorial Dictionary: Including a Grammar and an English-Penan Index. [unpublished]

IDEAL.2000. *“Not Development, but Theft”*: The testimony of Penan communities in Sarawak. Sibuh: Ideal Time Sdn Bhd.

Jayl Langub.2007.*Native Customary Rights Land: Indigenous Perspectives*, paper presented at Malaysian Forest Dialogue, 22-23 October 2007, Kuala Lumpur.

Rodney Needham (1972),[“Punan-Penan”, in LeBar (ed.), *Ethnic Groups in Insular Southeast Asia, Vol. I Indonesia*. New Haven: Human Relation Area Files Press, pp, 176-180], for the classification of Eastern Penan and Western Penan.

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