

ORAL SUBMISSION TO THE 1987 SESSION OF THE WORKING GROUP ON INDIGENOUS POPULATIONS ON THE DEVELOPMENT OF STANDARDS

Submission made by the International Union for the Conservation of Nature and Natural Resources, together with Clem Chantiar of the Metis Nation

Madame Chairman, members of the Working Group,

With respect to the development of standards, we feel that particular attention should be drawn to the right of Indigenous Peoples to their lands and natural resources.

In many places in South East Asia, Central & South America and Central Africa the tropical rainforests in which indigenous peoples live are being savagely destroyed.

With particular reference to Sarawak, which is a state of the Federation of Malaysia, in the NW part of the island Borneo, the rationale or desirability for such a standard will become evident.

According to the 1958 'Land Code' the greater part of the indigenous traditional lands are defined as State-owned, placing severe legal restrictions on the pursuit of the indigenous peoples traditionally mixed economies of hunting, fishing, gathering and shifting cultivation. The majority of indigenous people in Sarawak are thus, technically at least, 'squatters' on their own, traditional lands.

Logging now represents the single greatest threat to the survival of these peoples. Some 30% of Sarawak's unique tropical forests have already been logged and at present rates the entire forested area of the State will have been logged by the turn of the century.

Logging licences are granted by the State Government to timber companies without any consultation with the indigenous peoples whose traditional lands these are, on the grounds that these are State-owned lands. In February of this year the Penan, a hunter-gatherer people whose way of life is wholly dependent on the forest, made this appeal to the State Government::

'Stop destroying the forest or we will be forced to protect it. The forest is our livelihood. We have lived here before any of you outsiders came. We made our sago meat and ate fruit of the trees. Our life was not easy, but we lived it in content. Now the logging companies turn rivers into muddy streams and the jungle into devastation. The fish cannot survive in dirty rivers and wild animals will not live in devastated forests. You took advantage of our trusting nature and cheated us into unfair deals. You take away our livelihood and threaten our very lives. You make our people discontent. We want our ancestral land, the land we live of, back. We can use it in a wiser way. When you come to us, come as guests, with respect.'

The Penan's appeal went unheeded. Consequently, finding their rights unprotected, several thousand indigenous people from over 30 communities in the headwaters of Sarawak's Baram and Limbang rivers have halted the logging operations by their own means. Penan and Dayak have manned barricades across the logging companies' roads and have called on the government to halt the felling of their trees. Logging operations in 17 camps have now been halted.

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A number of international human rights and environmentalist organisations, including Survival International and the International Union for the Conservation of Nature and Natural Resources (IUCN), has made interventions with the Sarawak Government to seek a speedy and peaceful resolution to the conflict. The organisations have also urged that the licenses of the logging companies working on native lands be withdrawn and that the rights of the indigenous peoples to the ownership and use of their traditional lands be respected.

The Working Group should take note that these principles have been substantially endorsed by the United Nations' World Commission on Environment and Development, which in its concluding report noted:

'Tribal and indigenous peoples will need special attention as the forces of economic development disrupt their traditional life-styles that can offer modern societies many lessons in the management of resources in complex forest, mountain-and-dryland ecosystems. Some are threatened with virtual extinction by insensitive development over which they have no control. Their traditional rights should be recognised and they should be given a decisive voice in formulating policies about resource development in their areas.'

The presentors of this submission are doing so based on the urgent appeals received from the indigenous peoples of Sarawak, a copy of one such appeal being appended to this submission. We urge that both the Malaysian government and the Working Group on Indigenous Populations take speedy measures to ensure the application of these principles.
