

State of Belonging: Engaging the State in Borneo

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ABSTRACT

The Penan argue that their rights and attachment to the land are more than the mere felling of trees to open up land areas for cultivation to create native customary rights land. Their relationship with the landscape have turned hilltops and depressions between two connecting hills into campsites, thus giving these spaces a sense of residence. Their relationship with their rivers and streams is reflected through the naming of these tributary systems, names that are imbued with rooted histories and events narrated over generations. This paper provides an overview on how the Penan constantly navigate the values governing their ever-changing landscapes brought by external forces. In doing so, it charts the history of Penan struggles with state policies, logging activities, and how they assert their rights to their landscape by engaging with not only the state but also environmental and human rights activists, international non-governmental organisations, and other local grassroots organisations. Engagements with these state and non-state institutions and organisations have enabled the Penan to articulate their identities and rights to their resources. Based on these engagements, this paper argues that the Penan rights and way of life is closely related to particular spaces in the landscape, their space of belonging.

Keywords: *Blockades, landscapes, Penan, space, state*

INTRODUCTION

In March 1987 indigenous peoples of Sarawak, largely Penan¹ people, put up a number of barricades across logging roads in various parts of Baram and Limbang districts where logging was at its heaviest². Altogether 25 blockades were set up, comprising logs or frail wooden structures put across the roads, together with scores of men, women and children sitting across the roads, preventing timber lorries from passing through. These blockades marked Penan continuing engagements with the state to assert their rights to areas they currently occupy. Described as ‘meek’, ‘inoffensive’, ‘peaceful’ and ‘politically irrelevant’ it is remarkable that such a people challenged the might of the state.

¹ On the basis of dialect, Rodney Needham (1972) divides the Penan population into Eastern and Western Penan. The Eastern Penan comprise all those Penan living roughly to the east of the Baram River while the Western Penan are located around the watershed of the Rejang River, and along the Silat River in Baram District. There are also some Penan settlements along the Tinjar River in Baram District, the Jelalong River and coastal area of Bintulu District, and in the Suai-Niah area of Miri District. In linguistic term, these groups appear to be closely related to the Western Penan. There are some minor differences between the two divisions, but broadly speaking in way of life and socio-economic terms they are very similar and consider themselves and are recognized by others as the same people.

² For detail see World Forest Movement and Sahabat Alam Malaysia, *The Battle for Sarawak's Forest* (New Edition), Penang, Malaysia, 1990.

Unlike such groups as the Hmong, Kachin and Karen who pre-1945 had the political choice to keep the state at bay or escape beyond its reach to a zone of refuge (Scott 2010)³, the Penan have no other choice but to confront the state. The following pages are an attempt to describe this confrontation, and the reasons behind the steps taken.

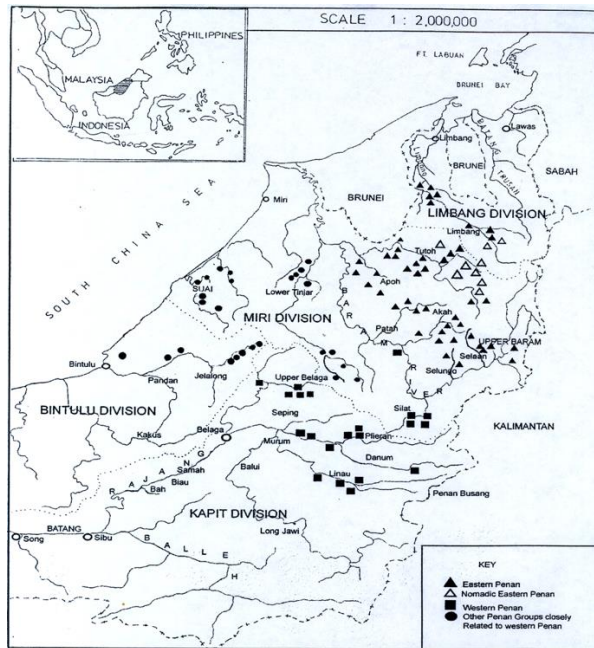
PENAN IN PERSPECTIVE

Traditionally a hunting-gathering people, the Penan occupy a specific niche as a major supplier of jungle products⁴ (Brosius 1999:350), which they traded with longhouse-dwelling swidden agriculturalists for export overseas, thus linking them to global trade. Today, they number some 16,000 people occupying the most interior of northern Sarawak in the headwaters of its two biggest rivers, the Rejang and Baram (see Map 1). The first group to settle down did so in the first quarter of the 1800s (Needham 1965)⁵, with the majority settling down in the 1960s and 1970s. Although largely sedentary today, the majority of them still depend on the forest for food: wild sago, game, fish, and jungle vegetables. The forest is also a source of cash income: rattan which they weave into mats and baskets for the market, and trade items such as *gaharu* (incense wood) and *ketipe* (a wild rubber), a popular item their neighbours need for gluing.

³ Scott's (2010:19) book, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* is an analysis of the hill populations of Zomia who prior to 1945 "actively resisted incorporation into the framework of classical state, the colonial state, and independent nation-state". He uses the term Zomia to describe this zone of refuge for the aforementioned groups, a geographical area comprising northeast India, Bangladesh, the adjacent parts of China/Tibet and all of mainland Southeast Asia.

⁴ In the past camphor, *jelutong* (a type of latex), *dammar* (a resin), bezoar stones, and rhinoceros horn were important trade items the Penan exchanged with their neighbours for salt, cloth, tobacco, cooking utensils, metal, and other essential items.

⁵ These groups are today's Penan residing in the Suai-Niah area of Miri District, the Jelalong and Labang rivers of Bintulu District, and Tinjar River, Baram District. According to Needham the Penan at Suai settled in the first quarter of the nineteenth century, Jelalong in 1820, Labang 1885, and Tinjar in the early and middle nineteenth century.



Map 1 Showing Distribution of Penan in Sarawak (Langub, 2004)

A browse through the brief history of Sarawak might be useful as this has a bearing on the Penan relationship with each successive government, which in turn has ramification on their protest against logging. The modern history of Sarawak begins with the founding of the Brooke Raj in 1841, lasting 100 years with three successive leaders: James Brooke (1841-1868), Charles Brooke (1868-1917), and Vyner Brooke (1917-1941). James Brooke laid the foundation of the Brooke government, Charles Brooke expanded, stabilized and increased the prosperity of the state, and Vyner Brooke continued the work of his two predecessors until the Japanese invasion in 1941⁶. From 1941 to 1945, Sarawak was under Japanese Occupation. In 1946 Sarawak became a colony of Britain and gained independence within Malaysia in 1963.

As mentioned earlier, the Penan have, for many years, barter-traded with their longhouse neighbours. In these trades they were unfairly exploited, with their trading partners making huge profits of 600 to 1000% (Ermen 1927:185). A shy and peaceful people, the Penan were also sometimes victims of headhunting raids⁷. From their earliest encounters with Penan, Brooke officials had voiced concern and a desire to protect them from exploitation. Thus, in 1906 a regular government-supervised trade meeting known as *tamu* was established between the Penan and longhouse traders to ensure fair trade. These meetings were held three or four times a year at mutually agreed locations. Fifty three years later a British anthropologist, Rodney Needham (1959:5 para. 22) commented that:

⁶ For detail account of this historical period, see S. Runciman, *The White Rajah: A History of Sarawak from 1841 to 1946*, Cambridge University Press, 1960; R. Pringle, *Rajahs and Rebels: The Ibans of Sarawak Under Brooke Rule, 1941 to 1941*, London: MacMillan, 1970; and Naimah S. Talib, *Administrators and Their Service Under the Brooke Rajahs and British Colonial Rule*, Kuala Lumpur: Oxford University Press, 1999.

⁷ Charles Hose (*Natural Man: A Record From Borneo*. Singapore: Oxford University Press, 1988, p. 35) considers the Penan as the earliest people to inhabit the island of Borneo, and did not indulge in headhunting, but would retaliate if attacked. The *Sarawak Gazette* January 1, 1905 Vol. 35(469) p. 35 reports that the Penan Bunut in the interior of Belaga District were attacked by Iban resource collectors resulting in several people killed, but the Penan succeeded in beating off the Iban, killing Tedong, the attackers' leader.

...[T]he government goes on to quite extraordinary lengths to protect the Penan, who on the whole receive as fair a deal as they might hope for. I cannot imagine the Indonesian government for example, putting itself to such expense and constant concern on behalf of such a tiny, dispersed, and politically irrelevant people as the Penan.

'Illegal' trading was seen as a threat to *tamu*, and the idea of fair trade for the Penan. A District Officer made it known that there was a considerable number of 'illegal' trading without official supervision going on upriver. In an official memorandum ref. 108 in D. O. 10 dated July 4, 1957, to the Resident, 4th Division Miri, the District Officer, Baram wrote:

From all sorts of sources I hear traders go off into jungle and trade with Penans offering ridiculously low prices for Penans' produce and insisting on criminally high ones for articles sold to them. Many traders will find a Penan in the jungle and tell him "you owe me so and so, therefore now hand over to me the jungle produce you have so far collected". This happens both with Nomadic Penans and relatively long settled one as are those in the ulu Tinjar.

Concerned with the situation, Needham (1959:7-8 para. 30) makes the following comments:

I was unable to obtain any confirmation of this in my recent visit, but I know that some went on in 1951-2. A specific case is Oyau Lejau of Long San, whom I actually met in the forest two days walk from the river, en route to the Penan. The difficulties of any extensive illegal trade are, I think, too great for any constant threat to the Penan or the Administration's arrangement to persist.

Despite setbacks, the *tamu* system lasted some 70 years. The last was held in 1976, some thirteen years after Sarawak's independence within Malaysia (Langub 1984:12). The reason for its discontinuance is unclear. Notwithstanding the clandestine and unsupervised trade meetings in the forest, the Brooke policy of providing protection to the Penan in bringing about fair trade, was in some ways successful. *Tamu* was a clever way out to get longhouse traders to trade honestly and honourably, without interfering with the way they traditionally relate with the Penan. Needham (1959:6, para. 23) who witnessed one such trade meeting has the following comments on how a young Sarawak Administrative Officer conducted transactions:

...I should particularly like to put on record my admiration for the conscientious way in which he conducted the trading and constantly guarded the interests of the Penan. It would be very easy, I suppose, for a young and junior officer on distant duty, working with a people who can hardly be provoked to complaint, and facing river personalities who can be redoubtable, to be suborned into careless ineffectiveness; but it would be difficult to imagine that anyone without the District Officer's final authority in the area could have run the meetings better. If conscientious and responsible supervision were enough the Penan could hardly be in a safer position than they are today.

At the end of World War II, Vyner Brooke, the third and last Rajah Brooke handed Sarawak to Britain as a crown colony. This event marked a change in policy on indigenous peoples from one of preservation and protection to that of social transformation. For the Penan it meant a transformation from a nomadic to a settled life. With regard to this rapid transformation, Needham (1959:12, para 42) expresses his astonishment thus:

I was astonished to see the rate at which the Penan of both tribes have been settling in the last few years, in the Silat, the headwaters of the Baram, and the ulu Akah. Had I been asked to make a prediction six years ago I should have proclaimed it very unlikely. The Western Penan in effect live in villages in the forest which they occupy for some years, so it is not so surprising when they settled; but it is quite remarkable that the Eastern Penan should also be showing a tendency to settle.

When Sarawak gained independence, there was a further shift in policy: an emphasis on large development projects, such as extraction of timbers and plantations. Since independence Sarawak has made remarkable economic progress with export of timber playing a significant role. But large-scale development projects are not of much help to the Penan as they struggle to adjust to the settled life. The majority of them are settled only in name, as they spend much of their time in the forest processing sago, hunting, fishing and collecting jungle products (Brosius 1999:353).

By the 1980s Sarawak was a major supplier of tropical hardwood, most of which came from areas occupied by Penan. Logging brought serious consequences to both the environment and people living in the area of operation. It opened the canopy and increased the volume of erosion. Riverbanks and ridges were bulldozed for roads causing massive landslides, choking rivers with silt. Wild sago palms (staple food of the Penan), rattan (source of income), fruit trees, trees that provide poison for blowpipe darts for hunting, and other essential plants were uprooted and felled. Game disappeared, and massive river pollution and siltation killed fish. For the Penan, nomadic or settled, logging means hunger and impoverishment. Of concern to the Penan most is the total alteration of the landscape in which they live. As Brosius notes (2006:288):

Where once the forest floor was relatively open, an impenetrable mass of thorny vines and shrubs becomes established. Recognizable viewpoints are transformed, if not obliterated, and movement over the landscape becomes difficult. In this way, the cultural density of the landscape – all the sites with biographical, social, and historical significance – is transfigured. Thus, logging not only undermines the basis of Penan subsistence, but destroys those places that are iconic of their very existence as a society.

BLOCKADES

The basis of Penan unhappiness is that timber companies have penetrated areas they consider their ancestral land, causing hardship and destruction to resources upon which they survive. The Penan made known their plight to both timber companies and the government. They talked to camp managers, and company officials higher up the hierarchy, and wrote them letters. They pleaded with the local district officers and sought the help of local NGOs to write letters and petitions to government officials. Their pleas fell on deaf ears, their letters if answered, contained vague explanations. After a long wait, the Penan, in March 1987, decided to erect barricades across logging roads at various locations.

The immediate response of the government was to send groups of senior civil servants to the logging sites to persuade the Penan to dismantle the blockades. Penan were told they have no customary rights to the land, and that logging is done on state land, a point I will return to later. A law was passed to make it illegal to erect blockades on logging roads. Scores of Penan blockaders were arrested, including an eleven-year-old boy charged with burning some bridges belonging to a timber company. Following a report commissioned by the State Minister in-charge of Penan Affairs in October 1987, the government

built a number of service centres, comprising a primary school, health clinic, and an agriculture station⁸. In addition, the Penan Volunteer Corps was established to help Penan adjust to the settled life⁹. The government also provided building materials for housing, and timber companies helped build longhouses for some groups of Penan.

The Penan, of course, recognize the importance of the service centre and volunteer corps, but that did not prevent them from criticizing the programmes as mere window dressing exercises. They charge that only four centres were implemented, hardly sufficient to cover the over one hundred Penan settlements spread in the interior of Baram and Belaga districts, and in none of the centres is the promised agriculture extension worker provided to help Penan in food cultivation. The idea of a service centre is not new. It had been providing services long enjoyed by other communities, long overdue to the Penan. With regard to the volunteer corps programme, it was half-heartedly implemented, with lack of supervision and no commitment from government agencies responsible for its implementation. Today, the volunteer corps programme is inactive, practically useless, and exists only in name.

International NGOs from Europe and North America have played no small part in the Penan struggle against logging. Bruno Manser who lived with the Penan for six and a half years helped spread the news of the Penan struggle through letters and films made by western filmmakers visiting him in the deep forest of Sarawak. These NGOs were banking on the issues of environment and rights of indigenous peoples to generate interest. Personalities such as Al Gore and Prince Charles and others joined the bandwagon to condemn Malaysia on its treatment of indigenous peoples and destruction of the environment. Malaysia countered by saying that western nations such as the US and Australia are no better in their records on issues of the environment and treatment of indigenous peoples. European and North American NGOs are accused of confusing the Penan and instigating them to protest against logging.

Penan insist that they are not instigated: they protest on their own accord though with support of NGOs, both local and international, precisely because of loss of livelihood and way of life. These problems, they argue, are tied to land given to timber companies at the expense of their customary rights to the land and its resources. They look at the whole situation as a form of exploitation similar to that when they were exploited in barter-trade during the Brooke era. Not being protected like in the days of the Brookes, they protested against the state. Disappointed with the attitude of the state, which they accuse of siding with timber companies, older Penan express a wish for the return of either the Brooke or colonial government. One Penan elder expressed his community's view of the Brooke or colonial government as "*peritah eh mejam mengen urip kelunan*" or "a government that understands how to take care of its citizens"¹⁰. It is here that Needham's comments on the Brooke policy of protecting the Penan are of considerable interest to the present situation. In "Further Notes on the Welfare and Administration of the Penan" which he submitted to the Colonial Government in 1959, Needham (1959:16 para. 54) expresses his concern for the future of the community thus:

⁸ Five service centers were initially proposed, but only four implemented: three in Baram District, located at Long Kevok, in the Apoh-Tutoh area, Batu Bungan, in the vicinity of the Mulu National Park, Long Jekitan in the Silat River; and one in Belaga District at Lusong Laku in the Linau River.

⁹ The Editorial column of the *Sarawak Gazette* 117(1514), 1990, pp. 1-2 mentions that the first batch of volunteers comprised 15 Penan youths of both sexes, and the number increased considerably over the years. Initially, the programme achieved some success in community hygiene, fruit orchards, and kindergarten, largely due to three capable officers based at the Resident Office in Miri, District Office, Marudi, and District Office, Belaga who monitored the programme closely and made field visits to settlements where the volunteers were posted. When the three officers were transferred, their successors did not continue the work left by their predecessors.

¹⁰ Interview with a Penan elder at Long Nen, Layun River, Baram District, March 11, 2010.

I have remarked on the Penan's need for protection and careful guidance and have praised the care devoted to them by the Government; but this very protection may eventually prove to the disadvantage of the Penan in the future unless the transition to membership of a Sarawak society is effected fairly soon...I have said the above that I could not conceive a certain other government taking such expensive care of the Penan; and from my experience in Malaya I am sure that peoples similar to the Penan there cannot hope for consideration that Penan receive in Sarawak...If independence...comes in anything like fifteen years then increased efforts will be needed to bring the Penan through this period of transition in such a way as to enter the new political status with some chance of effective citizenship. They may be a small and unimportant group, but their development seems to me one of Sarawak Government's moral responsibilities.

Prophetic as Needham's observations are to the existing situation of the Penan, it is remarkable that the vacuum left by the Brookes' policy of protecting the Penan is in ways being filled by NGOs, local and international. It would be hard to imagine the Penan success in engaging with the state alone without the assistance and support of NGOs.

One often-used interpretation of what constitutes native customary rights is confined to cultivated land as contained in the 1958 Land Code (Cap. 81) section 5(2). According to this interpretation, the first person to fell an area of land before 1958 for the purpose of cultivation secures rights to the land, inheritable by succeeding generations of heirs. The mere felling of trees and opening up the land for cultivation secures rights of access and ownership. However, before 1958 Penan were largely nomadic and did not fell trees for cultivation. Despite this fact, Penan insist that they do have rights to land they occupy under section 5(2) which provides various "methods by which native customary rights may be acquired" as below:

- the felling of virgin jungle and occupation of the land thereby cleared;
- the planting of land with fruit trees;
- the occupation or cultivation of land;
- the use of land for burial ground or shrine;
- the use of land of any class for rights of way; or
- any other lawful method.

Penan argue that their rights come under section 5(2)(f) – "any other lawful method" – of the 1958 Land Code (Cap. 81). However, in 2000 the Land Code was amended, altering the contents of section 5. Some lawyers told the Penan that amendment has no retrospective power, and that whatever they were entitled to before 1958 under section 5(2)(f) of the Land Code (Cap. 81) still stands.

THE LANDSCAPE

Since the first blockades of 1987 and despite being told they do not have customary rights to the land, the Penan have not abandoned the idea of blockading timber roads as a way of engaging the state to negotiate their customary rights to land they occupy. They are convinced of their stand on moral grounds, the basis of which is the way they relate to the landscape. Penan argue that the way they relate to the landscape is by sculpting it in the process to make a living and maintain a long-term relationship

(Langub 2007; 2010). As they move across the landscape, they establish a series of campsites (*lamin*)¹¹ which they leave behind as *la'a*¹² (old campsites) representing their 'footprints' (*uban*)¹³. The *la'a*, often associated with events, such as deaths, births, even humorous occurrences, become significant *uban* of both the group and individuals linked to these episodes. Movements across the landscape within an area or specific river systems are motivated by the cycle of resource availability. As they harvest resources, they establish tenure (*olong*) over them to ensure systematic management, husbandry, and inheritance to future generations. Thus, what appears as a natural environment is, in fact, one that has undergone the process of human activities by way of methodological sculpting. As Brosius (1986:174-178; 2001:134-139) noted among the Western Penan some years ago, what appears to be empty space is instead a landscape that encapsulates history and a way of life. Penan often express the view that they are part of the landscape as much as the landscape is part of them; thus, what is territory is space of belonging, our space, *okoo ami'*.

In terms of right to the land they occupy, the Penan relationship with the landscape is consistent with article 26(1) and (2) of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007 of which Malaysia is one of the signatories, that reads as follows:

- (1) Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- (2) Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

Furthermore, article 26(3) outlines the responsibility and role of the State toward right of the indigenous peoples to land thus:

- (3) States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect of the customs, traditions, and land tenure systems of the indigenous people concerned.

It is within this human-environment interaction that the Penan, notably Eastern Penan, establish their sense of belonging to the place they call *ukoo bu'un* or place of origin, to be discussed in some detail later. In some ways, the Penan relationship with the landscape is similar to the way the Western Apache of Arizona relate to theirs. As Basso (1996:76) puts it, "[b]ecause of their inseparable connection to

¹¹ *Lamin* refers to any dwelling place; it also refers to a nomadic camp comprising several family huts or lean-tos.

¹² *La'a* in Eastern Penan (*laa lamin* in Western Penan) refers to a former site of a *lamin tana'* or nomadic camp. A *lamin tana'* may be occupied for a period of several weeks or months depending on the amount of food resources in the surrounding area. During that occupation Penan would have eaten all sorts of fruits and the seeds thrown all over the camp. When these seeds grow and become fruit trees, ownership resides with the group as a community. These trees also help future generations to identify former *lamin* sites or *la'a* occupied by their ancestors.

¹³ Writing about *uban* in the case of Western Penan, Brosius (2001:138) says that: "In its broadest sense, *uban* refers to an empty place left behind by the withdrawal of an object or being. For instance, pig tracks are referred to as *uban mabui*, young men often speak of former lovers as their *uban*, and an empty place in a hut left by someone who is away or has died is referred to as that person's *uban*. In the later case, and in reference to former *lamin* sites or other places where past events occurred, *uban* is an evocative and emotionally laden word". With regard to Eastern Penan, *uban* carries the same meaning as described by Brosius for the Western Penan. However, there are two other meanings of *uban* in Eastern Penan. First, it means "because", for example, *akeu'be'omok tai Marudi uban be'pu'un ligit* (I can't go to Marudi **because** I don't have money). Second, it means "why", as in the following example, *Uban ineu'kau be'tai Marudi?* (**Why** are you not going to Marudi?).

specific localities, place-names may be used to summon forth an enormous range of mental and emotional association – association of time, space, of history and events, of persons and social activities, of oneself and stages in one’s life”. This sense of belonging is greater than legal rights to the land.

Surrounding the *la’a* is what the Penan call *tana’ pengurip*¹⁴, the land that provides them the essentials of life: food and other resources they collect for barter trade or convert into handicrafts for domestic use and for sale. In the *tana’ pengurip* Penan stake a claim to forest resources such as wild sago, rattan, and various species of trees for different uses. In the *la’a* may be found fruit trees growing from seeds that their ancestors ate. Such fruit trees become common property of the group and are inherited by its descendants. Ancestral graves may be found in the vicinity of the *la’a*. All these serves as evidence of former occupation and rights to the area and resources therein.

As the *tana’ pengurip* was first utilized and taken care of by their ancestors, Penan sometimes refer to it as *tana’ pohoo* or ancestral land to which they are the rightful heirs. Penan say that their *adet* (custom) is different from their neighbours, Kayan, Kenyah, Kelabit or Iban. Their neighbours cut the forest and create what is known in Sarawak as native customary rights land. However, the Penan create *la’a* in the landscape and stake claim to resources in the surrounding area, which they refer to as *tana’ pengurip* or *tana’ pohoo*. When groups of Penan settle down part of the *tana’ pengurip* or *tana’ pohoo* is cultivated with food crops such as rice and cassava, sugar cane, fruit trees etc, and the remainder conserved for regeneration of resources such as sago, rattan, wild fruit trees to complement cultivated crops.

With regard to Eastern Penan each group refer to specific areas as *okoo bu’un* or place of origin, from the words *okoo*=place, and *bu’un*=beginning. *Okoo bu’un* is used to assert one’s rights to places one’s parents or apical ancestors were born in; and one can trace one’s ancestral roots to other places and establish relationship.

MOLONG

Article 36(1) of UNDRIP stipulates that, “Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and resources.” The Penan strategy of resource use and practice of laying a claim to resource is known as *molong*. *Molong* is not only to lay a claim to a resource, but most importantly it means to foster it for the future. For example, when an individual *molong* a wild sago, he extracts the mature tree and conserve the bud for the future. They also rotate their harvest of sago from one clump to another such that it allows for regeneration of previously harvested clumps. A Western Penan illustrates this harvesting strategy thus:

If we harvest the Ulu Jek first and finish the *nangah* (mature sago) there, we *molong* [preserve] the *uvud* [the young sago]. When it is finished in Ulu Jek, we go to Ulu Seping. We harvest the *nangah*, and *molong* the *uvud*; just the *nangah* we harvest and just the *uvud* we *molong*. Then, when the mature sago there is finished we go to Ulu Kelatong, to Ulu Utan, Ulu Igam. As we harvest the *nangah*, we *molong* the *uvud*. After two or three years mature sago will grow out of the young sago that we preserve. Then we go back to Ulu Jek, Ulu Seping, Ulu Kelatong, Ulu Utan, Ulu Igam. *Molong*

¹⁴ *Tana’*=land and forest, and *pengurip*, from the root word *urip*=life. Therefore, *tana’ pengurip* means land that provides food and essential resources for survival, in other words, foraging area. *Tana’ pengurip* conveys the same meaning with that of the Iban *pemakai menua* described by Gerunsin Lembat (1974) which is recognized by a court judgement as encompassing the notion of customary rights land (Nor Anak Nyawai & ors vs Borneo Pulp Plantation Sdn. Bhd. & ors, the High Court Sabah & Sarawak, Kuching [Suit No. 22-28-99-1] 12 May, Ian H. C. Chin, *J Current Legal Journal* 2001, p. 797).

is a very important concept to us Penan. If we don't *molong*, if we finish all the sago off, we won't have anything to eat. That is why we *molong uvud*.¹⁵

With regard to the harvest of rattan the Penan utilize the same management strategy similar to that of sago. The same Western Penan explains the harvesting strategy this way:

It is the same with sago. We go to get rattan at the Payao River. If it is finished there, we move to get it elsewhere. A long time after, we can get it at the Payao River again – 1 year, 2 years, 3 years, 4 years, it is large again. Then we go back (to collect it), like when we were at the Payao River. It is like sago because we wait for it to live. That is why when we get the rattan, we don't cut the young plants, the offspring of the rattan, its children. We can't kill the offspring. We *molong* the offspring, so that we can get them later. It is the same meaning as with sago. If there is a small sago, we don't kill it. We don't kill the *uvud*. After a long time, when the *uvud* become sago, we extract it. It is the same with rattan. After a while it will be long. We will get rattan for mats, baskets, for us to get money.¹⁶

Molong has two obvious functions. First, it serves as a monitoring device to account for the quantity of resources over vast tracts of forest area where Penan exercise stewardship. Second, it serves to prevent over-exploitation of these resources. These two functions are extremely important to hunter-gatherers for the simple reason that long-term availability of resources is crucial to the survival of succeeding generations. When Penan think of long-term availability of resources, they not only think of their children and children's children but beyond.

Molong is well documented by Brosius (1986, 1989, 1990, 1991, 1997) and Langub (1988, 1989, 1993) for the Western Penan. It is the same with Eastern Penan. When an Eastern Penan *molong* a resource, a sago clump or a rattan stand, for instance, he places an *olong oroo* (to claim a mark or sign) on it to indicate 'ownership'. Once an individual *molong* a resource, he is responsible for its upkeep and sustainable management. He establishes exclusive rights to the resource. These rights are heritable and pass down from one generation to the next of household members. Other members of the community may harvest the resource with permission of the person who *molong* it. *Molong* can be done individually or communally; the basic principle is the same. Penan rights to the land are also established through *molong*, a form of resource tenure similar to the Iban tree tenure system described by Clifford Sather (1990).¹⁷

Emphasizing their intimate relationship with the landscape, the Penan say that there are two land features of importance: *berusu* (hilltop) and *sawa'* (a depression between and connecting two hills). Eastern Penan like to build their *lamin* (camp huts) on hilltops for several reasons. The trees are shorter and sparse with less danger of branches falling down on the huts or people. It is a location that is cooler and breezy, with spectacular view. One early morning while we were sitting around the fire in a camp hut

¹⁵ See Langub (1993 p. 103), "Hunting and Gathering: A View From Within", in Vinson H. Sutlive (ed.) *Change and Development in Borneo* (Selected Papers from the First Extraordinary Conference of The Borneo Research Council held in Kuching, Sarawak, Malaysia, August 4-9, 1990), published by the *Borneo Research Council, Inc.* Phillips, ME, USA.

¹⁶ *Ibid.*, p. 104.

¹⁷ For the Iban, Sather (1990 pp. 31 and 32) says that claims to trees are created in two ways. First, the first person to find a tree claims it by clearing the undergrowth around its base. When this act is drawn to public attention, the claimant establishes exclusive rights over the tree. Such rights are heritable and pass down to descendants of the claimant. Second, a tree is planted and the planter establishes rights to it which is inherited by his future descendants.

in the Puak watershed, a gibbon called from a distance. An old man sitting next to me remarked: “It’s so lovely to hear the call of the gibbon in the early morning when you are on the top of a hill”.

Nomadic Penan like to keep a number of monkeys as pets. They are taken when young after they are separated from their mothers. They are very well looked after and tied to trees around the huts. These monkeys are very sensitive to movements around the camp and alert the people in the camp that there are people around or visitors on their way to the camp. Older people say that in the past monkeys were used to warn people of enemies coming to attack.

The disadvantage of a camp on the hill is that one is far from the source of water. I remember going down for a bath in the stream at the foot of the hill, only to find out when I returned to the camp that I needed another bath!

If there is no suitable hilltop in the area, the other choice is the *sawa*’. The advantage of the *sawa*’ is that it is at a lower elevation and close to water sources. One is spared the torture of carrying a heavy wild boar or other load up and down the hill. But as soon as there is a hilltop with enough space for a camp, the Eastern Penan would build their camp on a *berusu*’ rather than a *sawa*’.

Berusu and *sawa*’ are significant to Penan as they often become burial sites for individuals who died there. Some *berusu* and *sawa*’ are named after persons who died there or are remembered in their deaths by the name of the landmarks. The designation of place names for the names of the deceased or vice versa is used as an idiom for historical and genealogical information linking descendants to the landscape. Kin living in different settlements, far from each other, establish social relationship by tracing their common ancestors buried at particular river systems or land features. Burial places are not simply landmarks to identify where dead ancestors are buried, but more importantly they serve to establish rights to exploit resources in a given area (Brosius 1986:175).

As Brosius (1986:174-175; 2001:134-135) tells us of the Penan Gang, rivers are an important aspect of the landscape as they provide the framework by which all manners of information are organized, historical, cultural, and ecological. I have observed similar relationship between Eastern Penan and rivers in that it is via the complex system of rivers that they organize the geography of the landscape. This experience is not unique to Penan as other Bornean interior groups share similar affinity with the landscape. Penan knowledge of rivers is phenomenal, and practically all rivers and streams, big or small are known and named. They know which rivers and streams share watersheds, and the direction they flow into other bigger rivers.

Rivers or streams are named after features of the landscape, such as trees or plants that grow along river or stream banks, animals, birds, and events. For instance, a tributary of the Ubong is named Ba’ Batu Bala, river of red stones, after the colour of stones in it; a true left bank of the tributary of the Marong is named Ba’ Jakah as there are *jakah* palms (*Arenga undulatifolia*) growing abundantly along its banks; two stream upriver is Ba’ Bavui Megut, named after a hairless wild boar caught there some generations ago; and a right hand tributary of the same Marong River is named Ba’ Tevaun after the number of helmeted hornbills that frequent the area. A right bank tributary of the Marong is named Ba’Pepak Telo (Broken Quiver River) after the quiver of a hunter mysteriously disintegrated. In neighbouring Apoh River, the Penan of Long Belok named a tributary below their longhouse Ba’Adin¹⁸ (Hudden River), after Donald Hudden¹⁹, a popular District Officer, Baram during the reign of Vyner Brooke. Ancestors of the Penan of Long Belok were camped at that river when Hudden paid them an official visit. Oral

¹⁸ Penan pronounce Donald Hudden’s name as Adin or Tuen Adin.

¹⁹ Alastair Morrison (1993) writes glowingly of Donald Hudden in *Fair Land Sarawak: Some Reflections of an Expatriate Official*, Cornell University, Southeast Asia Program, Studies on Southeast Asia No. 13, pp. 82-3.

narratives suggest that it was an ordinary visit by a government official, but because of the man Hudden was, their ancestor decided to name the river after him. Years later, the event of the District Officer's visit was used by the Penan to assert territorial rights to the area, in a dispute with a neighbouring longhouse.

Parts of rivers such as rapids (*diham*), pools (*levahau*) and so on are given particular names. For instance, just below the confluence of Kuba'an and Tutoh is a lovely pool with lots of fish. The Penan in the area named it after a high-ranking government official who they chanced to see cast his fishing net there.

Apart from rivers and particular land features, there are numerous man-made jungle trails (*jalan toto*) in areas occupied by Penan, linking various settlements. These trails continue to be used today when, for example, visiting relatives in other settlements. Along these trails are found resting places (*lasan*) located on hilltops or knolls. In some of these *lasan*, wooden benches have been prepared for passers-by to sit on. When one feels tired after walking a long distance, the *lasan* is a welcome site, and one normally gets a good view of the landscape below.

Strewn across the Penan landscape are the sign-sticks, *oroo*²⁰. They are used as a mean of communicating between individuals and groups of families camped in different parts of the landscape, or on a lengthy hunting trip. Messages are given by sticks planted in the ground, supporting symbols made of leaves, stalks, roots etc. inserted in the notches along the length of the sticks, being conventional symbols that communicate messages to someone or individuals following from behind.

Each *oroo* conveys a different meaning. The following are some examples: 1) *oroo sakit* placed on the foot path indicates danger, for instance, a wasp nest in front, and a diversion path is indicated in the message; 2) *oroo penusa* indicates that some one in the pointed direction is sick or in distress; if he is hungry *oroo la'u* is added to indicate he needs food; 3) *oroo tebai* indicate an invitation to a pointed direction, probably to eat wild boar that has been caught in a nearby hunting hut; and 4) *oroo meta* indicates a warning. I have seen an *oroo meta* in the Puak River with a piece of rock hung onto the stick to indicate the seriousness of the warning.

The Penan have a word *tawai* that expresses in a particular way their sentiment to the landscape. *Tawai* is an expression of nostalgia, fondness and longing for the landscape, its wholeness and memory of events, important or inconsequential, that took place there, of group activities, of life in general, with food aplenty or not, successful hunt or not, sad times or happy times. At Long Nen, in the Layun River, Baram District, a story was told of Ayat Lirong who at 80 plus years in 2008 climbed Sawa' Anau, a hill not far from the village with plenty of sago, rattan, and fruit trees, to collect shoots for the family meal. Sawa' Anau has numerous *la'a* or former camp sites. Villagers often go there to collect food resource, rattan, and fruit. On his trip there Ayat fell off a cliff and was found lying down on the ground two days later. Miraculously he survived. Asked why he made the trip there alone in his advanced years, his reply was "*tawai*", nostalgia, a longing for the place. Ayat also has a past personal story of himself associated with the hill, Sawa' Anau. Many years ago, when his group was camped there – he was about six years old – he lost a toenail due to misadventure. He was severely rebuked by the elders for being naughty, but the memory of that event is used by the present community as a mark of their link and

²⁰ There are two interesting articles on sign sticks, one by Guy Arnold "Nomads of the Upper Rejang (Plieran), Sarawak" *Journal of the Malayan Branch of the Royal Asiatic Society* 1958, 31(1):40-82, and the other by Tom Harrisson "Three 'Secret' Communication Systems Among Borneo Nomads (and Their Dogs)" *Journal of the Malayan Branch of the Royal Asiatic Society* 1965, 38(2):67-86.

attachment to the hill and surrounding area. The recent event of Ayat Lirong's fall strengthens further the community attachment to the hill, Sawa' Anau²¹.

Penan insist that *tawai* differentiates their relationship with the landscape from others who relate to the same. For instance, a timber company and its workers do not have *tawai* for the land. Once they get what they want, they leave, leaving no feeling for the place. The Penan feeling for the land is told and retold in *tesok* (oral narratives) to succeeding generations. It is also expressed in *sinui* (Western Penan) and *jajan* (Eastern Penan) sung for entertainment²².

CONCLUDING REMARKS

Penan argue that their rights and attachment to the land are more solid than the mere felling of trees to open up land for cultivation to create native customary rights land. In their relationship with the landscape, they have turned hilltops and depressions between and connecting two hills into campsites giving a sense of residence. Clusters of wild sago, rattan stands and wild fruit orchards in the vicinity of campsites which they nature are their supermarkets. Through a series of former campsites (*la'a*) and the system of resource tenure they have in fact turned the landscape into a series of 'forest farms', providing them with their basic needs. Criss-crossing the length and breadth of their landscape are man-made jungle tracks and nicely kept resting places (*lasan*) which not only make walking through the forest comfortable but create a sense of 'kinship' with the environment.

All the above ways in which they relate to the landscape and stake claims to resources, comprise the moral basis upon which Penan continue to engage the state by way of blockading timber roads. The Penan literally walk as one with the natural landscape they inherited which is expressed in their concept of *tawai*. They are convinced that their stand falls within various articles of the United Nations Declaration on the Rights of Indigenous Peoples especially Article 26(1) which states that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired", and Malaysia is a signatory to this Declaration.

The Penan relationship with the state through historical period differed, from the 1840's, markedly with those of the hill tribes described by Scott (2010) in Zomia. While hill tribes in Zomia evaded the grasp of the state from tyranny, slavery, corvée, taxation, conscription, and warfare (Scott 2010:76), the Penan were enjoying the protection of the state under the Brooke regime and colonial rule from headhunting raid (Sarawak Gazette 1905 vol. 35(469):35) and trade exploitation by their powerful neighbours (Ermen 1927:185, Needham 1959:5 para. 22). However, when Sarawak became an independent state within the Federation of Malaysia in 1963, areas occupied by the Penan were found to be lucrative for timber exploitation at the expense of Penan livelihood. As the state ignored their rights to the land, the Penan accused it of siding with timber companies. With no place of refuge, the Penan have no choice but to stay put on the land, engaging the state through non-violent means which included among other

²¹ Among the Western Apache of Arizona, United States of America, described by Keith H. Basso(1996) in *Wisdom Sits in Places: Landscape and Language Among the Western Apache*, Albuquerque: University of New Mexico Press, story-telling is a powerful tool to establish bonds between people and the landscape. Oral histories connect them and their cultural roots to their historical environments.

²² *Sinui* is a popular tune sung by the Western Penan in Belaga District and Silat River, Baram District. Singing without instrumentation, the main singer sings an impromptu narrative in poetic rhyme that is accompanied by a form of choral 'harmony'. *Sinui* often expresses feelings of love, happiness, merriment, sadness, loneliness or grief in praise of or remembrance of a person, an event or a landscape. The beauty of the sentiment expressed in rhyme and narrative is often equally matched by the vocal style. The incredible skill of the lead singer's improvised story-telling and rhyming have no match in the modern or western musical world. The Eastern Penan *jajan* is a vehicle for an individual to express his or her feelings on any topic, including the landscape.

actions, erecting timber blockades²³. Gaining public sympathy and support especially from groups of NGOs, local and international, timber blockades have become a moral weapon to defend their rights. Moreover, the aftermath of World War II paved the way for the formation of the United Nations, which amongst others changed, the internal political landscape of nation states with legal provisions associated with universal human rights such as the United Nations Declaration on the Rights of Indigenous Peoples to protect the rights of such peoples. This gave the Penan confidence to engage with the state for their rights.

As recently as September 2, 2010, some 150 Penan representing settlements from different parts of Baram and Limbang districts gathered at a Penan village in the Apoh area of Baram District not only to commemorate the anniversary of various blockades held the previous year, but more importantly to honour three decades of struggle against what they consider a violation of their native customary rights to land²⁴. It was held as a reminder to the people to appreciate their rights and way of life, closely tied to a particular space in the landscape, the space of belonging.

²³ Interview with a Penan elder at Long Nen, Layun River, Baram District, March 11, 2010.

²⁴ Conversation with a Penan headman in Miri, September 21, 2010.

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