

**Why Pakatan must defend native land rights**  
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**Keruah Usit**

PAS is the lynchpin of the Pakatan Rakyat. There can be no hope of a change in government over the next few years without a resounding PAS success in the national election.

PAS has made considerable strides towards this goal of sharing federal government responsibilities with PKR and DAP.

Pakatan, despite its myriad internal contradictions, has grown to offer a clear alternative to the BN and Umno.

Last year, PAS elected an unprecedented number of leaders well-versed in pluralism. The party embraced the vision of a welfare state, without giving up the religious basis for its existence.

This has, naturally, led to conflict in the party, but as Canadian poet Leonard Cohen put it: there is a crack in everything - that's how the light gets in.

The Islamic party has stayed intact, despite feverish efforts by Umno to provoke an irrevocable split in PAS.

One such tactic was the pedestrian and unoriginal sodomy charge against Anwar Ibrahim, the only leader capable of rallying Pakatan around him.

Another scheme was the staged 'sex video', boasting a chubby protagonist bearing a closer resemblance to Homer Simpson than to Anwar Ibrahim.

Both 'scandals' failed to break PAS. PAS has moved to the centre, even as Umno has shifted to the right.

PAS has become a torchbearer for devout Muslim voters disillusioned with the decadence of the Umno elite and their over-inflated wives.

Instead of imploding, PAS has even shored up the ranks of NGOs in recent battles for civil rights.

Bersih 2.0, for example, became a watershed in Malaysian politics thanks in large part to support from PAS.

These developments bode well for the party's image as a government-in-waiting.

PAS fails the Orang Asli

Unfortunately, PAS has now scrawled graffiti over its progressive image, by badly mishandling a Temiar blockade in Gua Musang, Kelantan.

kelantan temiar orang asli set road blockade 290112 3Police arrested 14 people, including a lawyer acting for the Temiar, at a peaceful blockade across a logging access road.

The blockades, first set up on Jan 4, comprised hundreds of Temiar families standing behind makeshift wooden barricades.

These protests have been inspired by the hundreds of blockades that have been erected, over the years, across logging roads by Iban, Bidayuh and Orang Ulu in Sarawak, and the KadazanDusunMurut in Sabah.

The police arrested the protesters on Jan 28 and released them the same night. The police torched the wooden barricades, as well as simple thatched huts beside the barricades, set up by the protesters as shelter from the elements.

These acts were clearly meant to intimidate the Temiar. They appear to have backfired, by drawing media attention to the protests.

Following the arrests, human rights lawyer Edmund Bon wrote contemptuously that the arrests had proven that talk of greater freedom and democratic space under the newly passed, so-called Peaceful Assembly Bill, was "nonsense".

kelantan temiar orang asli set road blockade 290112 4Bon was furious that Siti Zabedah Kasim, lawyer for the Temiar, had been arrested and separated from the other 13 detainees, thereby preventing her from representing them.

"Ask yourself if our system of representative democracy is working. How many (Orang Asli) MPs are in Parliament? How many are assemblypersons?" Bon asked.

Land rights and historical wrongs

Kelantan Menteri Besar Nik Aziz Nik Mat met Temiar leaders from the area last March, and promised he would look into the influx of loggers into the forests claimed by the Temiar.

The Temiar say they need the forests for food, water, their culture - for their very survival.

However, the lobbying of the corporate logging interests in Gua Musang seems to have won the day.

Nik Aziz has now been quoted as saying that forests that have never been gazetted as native land is automatically constituted as state land.

This is a facile argument, also trotted out by Sarawak's government, under Chief Minister Abdul Taib Mahmud, during similar disputes between state-backed logging concessionaires and Dayak natives.

In both Sarawak and Peninsular Malaysia, the vast majority of native customary land has never been gazetted by the authorities, thanks either to incompetence or sheer corporate greed. This makes a mockery of the state governments' arguments.

The Bar Council has reminded the Kelantan government that the famous Appeals Court judgment on Sagong Tasi in Selangor established clearly that native customary land must be respected, even if the native land has never been gazetted.

In addition, Malaysia has ratified the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This means natives must give free, prior and informed consent before 'development', such as logging, takes place on their land. Gua Musang is no exception to this global undertaking.

In Sarawak, the state authorities have been forced to eat the humble pie, losing numerous court cases to Dayak landowners. If history repeats itself in Kelantan, it appears the Temiar will eventually have a high chance of winning their case in court.

But, in the meantime, just as in Sabah and Sarawak, more confrontations loom at the blockades, as the Temiar attempt to stop the bulldozers.

The loggers in Gua Musang, angered at the loss of income from the blockades, may then behave like their counterparts in East Malaysia. This would mean more police will be brought in, and perhaps hired thugs, to threaten the Temiar with brutality.

Can PAS stomach the prospect of watching such violence on the peace-loving Orang Asli?

kelantan temiar orang asli set road blockade 290112 2If the PAS state government continues to side with the wealthy timber tycoons against some of the poorest people in Malaysia, then its promise of a welfare state will look decidedly shaky.

Kelantan's government might even face a rising tide of protest, every bit as potent as PAS' own highly laudable rallies for free elections.

Pakatan must create a new nich

The Islamic party's partners in Pakatan, PKR and DAP, have spoken out for native land rights in Sarawak and Sabah.

PKR Sarawak has two state assembly representatives and lawyers, state leader Baru Bian and See Chee How, representing more than 100 land rights cases.

The post-2008 PKR Selangor government, too, got off to a good start when it allowed the Sagong Tasi landmark court decision to proceed without contest.

Pakatan must build on these achievements. Pakatan must understand it needs to side with the most marginalised Malaysians, if it is to distinguish itself from the BN.

By doing so, Pakatan can capture the imagination of the voting public - particularly the young - in the coming general election.

However, if the Temiar standoff continues, any short-term boost from the support of rich timber tycoons would be poor compensation indeed for the long-term damage from the loss of voters' goodwill.

We certainly do not expect to hear the language of political reform from corporate interests, with their snouts on the trough.

The respected NGO, Centre for Orang Asli Concerns (COAC), posted a video recording of Temiar leader Pak Chik Arong, shortly before the police carted him off from the blockade on Jan 28.

Pak Chik Arong spoke defiantly, sending a withering gaze on the clearly uncomfortable police officers nearby.

"Orang Asli have been deprived of our rights to land and our customary territories all this time (since independence) - for 54 years! Orang Asli have been living in ever worsening poverty... because people discriminate against us, cheat us, trespass on our land."

Is PAS listening?

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