

Malaysia: Eviction of vegetable farmers in Perak: Why the generosity towards developers?

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KUALA LUMPUR - 26 APRIL 2022: “Why is the Perak state government so generous towards private developers but harsh in its treatment of the market gardeners in Perak?” This is the question raised by Dr. Jeyakumar Devaraj, Parti Sosialis Malaysia’s (PSM) national chairman, in a special press conference held today in the KL Selangor Chinese Assembly Hall to expose the issues of the continual grabbing of farm land in Perak which is destroying the source of income of small farmers and is threatening our nation’s food security.

According to Dr. Jeyakumar, PSM is currently helping small vegetable farmers in 11 areas in Perak who are currently facing forced eviction. These areas include Kanthan, Chemor, Chepor Impian, Chepor Sentosa, Pusing, Kuala Kampar, Mambang Diawan, Sungai Bali and 2 areas in Tanah Hitam.

Many of the aforementioned farming areas were developed by small farmers as far back as 1939, before World War II. These farmers initially built their homes on their farms, but were required to relocate to the New Villages in the 1950s under the Briggs Plan during the Malayan Emergency. However, they were allowed to work on their farms during daytime.

“Whoever says that these small farmers are illegal trespassers are incorrect in terms of historical facts!”

In 1974, Malaysia’s prime minister at that time — the late Tun Abdul Razak, launched the Green Book Plan (popularly known as Rancangan Buku Hijau in Malay) to increase food supply within the nation. He encouraged Malaysians to plant vegetables in available vacant land. The Green Book Plan emphasizes the use of land for farming food products instead of prioritizing land ownership rights. Thus, the previous government endorsed starting farming activities on any vacant land, as long as they could produce food — regardless of whoever has ownership rights to the lands. The government machinery, including the Land Office, was directed to help and incentivize farmers to do exactly that. “Therefore, the accusation that farmers who do not possess land ownership rights are equivalent to land trespassers is nonsensical.” explained Dr. Jeyakumar. “Whoever says that these small farmers are intruders are incorrect in terms of historical facts!”

Local farmers applied for land but the land ownership rights were eventually given to property developers from outside.

The vegetable farmers behind Chemor town have been tilling their farms since the 1930s. In the mid 1980s, the Kinta Land Office offered them leases to the land they were tilling as a piece of a project to boost vegetable production. Many of the farmers there submitted their application to participate in that project. Unfortunately, the project was not implemented. Instead, they received a letter from

a lawyer representing the Kinding Maju Sdn Bhd in March 2022. The lawyer stated that the farmers are required to vacate their farms within 3 months, as the land's rights are owned by Kinding Maju.

The farmers in Sungai Bali, Kuala Kuang applied several times for Temporary Occupation Licences (TOL) from the Land Office in the 1980s and 1990s — but were not given approval. Instead, that land was given to a developer from Kuala Lumpur under Bukit Aneka Sdn Bhd. This company dragged the farmers to court by filing an application for Order 89 of the Rules of Court to clear the land. Fortunately, that action was defeated by the farmers' lawyers. At the time of writing, the developer company has filed a writ of summons (a type of writ that is issued to begin civil proceedings) and the case is ongoing in the High Court of Ipoh.

From the evidence revealed in today's press conference, it should be clear that the accusations against the small farmers claiming that they are looking to use the land for free and do not want to pay rent, are absolutely untrue. From early on, they were prepared to pay the government rental/land tax. Though in most cases, the Land Office refused to approve of their applications and instead awarded land ownership to a third-party which had never utilized that land before.

In the case of the Kanthan area, Chemor, Perbadanan Kemajuan Negeri Perak (PKNP or State Economic Development Corporation) was awarded ownership rights for an area comprising 3,350 acres. Initially, in 2012, PKNP offered land leases for 30 years to the 132 farmers tilling 1200 acres in that site. The offer was attractive, as the PKNP was then prepared to allow the farmers to continue cultivating the farms that they had established decades earlier, and pay a rental based on the size of the land. Almost all the Kanthan farmers accepted that offer, and even signed the agreement documents. However, PKNP did not follow through with that offer. 14 Kanthan farmers filed a suit in the Ipoh High Court to obtain a court order requiring PKNP to award them the land lease as promised, due to PKNP delaying the offer process. A 'consent agreement' was achieved in which the farmers were given permission to continue their farming activities on that land, with the assurance that alternative lands as replacements will have to be provided if they are required to vacate their current farms in the future.

Consequently in May 2021, PKNP and the Land and Mining Office (PTG) offered 41 farmers in Kanthan an alternative site with a lot size of 2 acres for each farmer and told them to vacate their farms within a month. Upon visiting the alternative site, the farmers discovered that the replacement land was located on a hilly area and had insufficient water supply. Hence, it was not conducive for planting vegetables. Furthermore, there were several fish ponds belonging to the village residents surrounding the base of the hills. Should the farmers decide to farm there, there would be a dangerous risk of those fishes getting poisoned from fertilizers and pesticides. The farmers gave their feedback through a letter to PKNP to request clarification and further discussion regarding the issues they brought up. Despite that, PKNP did not provide any answers, nor did they contact the farmers for discussion — instead, they chose to send threats of eviction with a lawyer's letter in December 2021.

"This shows the highly arrogant behavior of PKNP," said Dr. Jeyakumar. "PKNP perceives themselves as the boss and refuses to engage in discussions with the farmers, and is prepared to evict them by force."

TOL given but later rescinded

In the case of Tanah Hitam, 14 farmers who tilled the land next to Kampung Baru Tanah Hitam were requested to vacate their land in 2001 because that land had been awarded to a private developer. These farmers pleaded to the then Perak Menteri Besar, Tajol Rosli, and he approved TOL (Temporary Occupation License) for 1 acre plots of land for each of the affected farmers on the slope

of a hill situated next to their original location. Since the new approved area was not conducive for planting vegetables, the farmers switched to planting oil palm and they paid TOL each year. However, after a few years, the Land Office refused to accept any TOL payments from them. A few years later, that land was alienated to Saujana Amanjaya Properties Sdn Bhd (a private developer company) and the farmers duly received letters from the company's lawyer requesting them to clear that land.

Suspicion of irregularities

In handling these issues of evictions faced by farmers from different areas, PSM has come across suspicious elements in some of these cases.

For example, in the case involving land next to Taman Chepor Sentosa, PKNP sold land measuring 48.3 acres for RM4.8 million to Company A on 2nd of March 2020. On the very next day, Company A sold that land to Company B, a housing developer — at the price of RM5.8 million. Apart from the RM1 million quick money acquired by Company A, the strange thing in this land deal is that the actual value for that 48.3 acres of land is about RM15 million.

“Why did PKNP sell land with a market value of about RM15 million for only RM4.8 million? Why was PKNP so generous to this private developer?” Dr. Jeyakumar asked. “You give land to a developer with such a big discount and then you want to chase out the farmers who are producing vegetables for our population. Another thing is, if you want to sell that land, why sell it in two stages, whereby the first company which bought the land can then sell it within a day's time to another company to get a profit of RM1 million?”

“This is an example of how the land in Perak is being mismanaged by State GLCs. Are the powers given to PKNP, a Government Linked Corporation (GLC), being utilized for the benefit of the general population of Perak?” Dr Jeyakumar asked. “Is there abuse of power?”

“What was the great contribution of this tycoon, that he deserves to be gifted land worth RM25 million?”

The farmers in Pusing area who are facing eviction proceedings discovered that the 103 acres of land they had been cultivating for 50 years had been “gifted” by the government to Tee Yam Holdings in August 2017. The aforementioned company is owned by a tycoon from Kuala Lumpur. Tee Yam then sold the land in December 2017 to 2 other individuals for an advance payment of RM2.5 million. If that advance payment is equivalent to 10% of the actual selling price based on normal practices, then the value of that land is RM25 million. “The question here is, why was Tee Yam gifted land worth RM25 million just like that when there were 14 farmers actively farming on that land? What was the contribution of Dato Tee Yam that justifies such a generous present from the Perak state government? We need an explanation regarding this,” said Dr. Jeyakumar.

“We have made a complaint about these cases at the Suruhanjaya Pencegahan Rasuah Malaysia (SPRM - Malaysian Anti Corruption Commission). Maybe the private developer company had previously made some major contribution to the Perak community and thus deserves such a generous award. But we do not know. This needs to be investigated. If there is a good reason, then there is no issue. But if there is no good reason, then what actually happened? You (the State Authorities) have been entrusted to take care of state land, but why sell that land for such low prices or give it for free?” added Dr. Jeyakumar.

This is not a question of race

Responding to the perceptions of certain people who view the small farmers' issue through a racial lens, Dr. Jeyakumar said — "In the eviction case in Chepor Sentosa, those who faced eviction were ethnically Chinese small farmers, but the private development company which received a huge discount in the purchase of that land was also Chinese. How is the Malay marhaen benefited when small Chinese farmers are dispossessed and their land is handed over to rich Chinese businessmen? This could maybe help enrich the few Malays who approved this alienation, but it definitely does not help the poor Malays. Those receiving the benefits are only the upper elite class; The elite class controlling the land and the elite class planning on developing the land for profit. Those in the elite class help themselves, but the lower classes are the ones who suffer. So, this is not an ethnic issue."

"How can the Malay marhaen be helped by grabbing land from the Chinese marhaen to then be given to rich Chinese businessmen?"

Dr. Jeyakumar also provided facts that the land lots cultivated by small farmers in Perak are actually not large. From the survey conducted by PKNP on the 132 farmers who farmed the Kanthan area, one third were on plots of less than 4 acres, while another third cultivated land measuring between 4 acres to 7 acres. Only a third of these farmers cultivated land more than 7 acres, and only 2% of them cultivated land bigger than 10 acres. Therefore, they are not big-time farmers who are very wealthy. They have worked hard to develop their land and have grown food for the country. They are decent people engaged in an honourable occupation. They are in no way criminals who are destroying the country.

The narrative propagated by some people that these small farmers are selfish, rich, trespassers on government land is one that enables the process of dispossessing these farmers to generate quick returns for the economic and political elite. This narrative is not only racist, but more importantly, it greatly helps those who are looking to generate quick returns for themselves from alienating government land to developers.

This is not only a farmers' issue, but a problem for all Malaysians

According to Dr. Jeyakumar, about 25% of land in Malaysia equivalent to 8 million hectares is used for agricultural purposes. Of that amount, oil palm plantations take up 5.5 million hectares and rubber about 1 million hectares; resulting in more than 80% of agricultural land being used for commodity production. Another 0.7 million hectares of land is used for paddy cultivation. Only 0.8 million hectares (10% of all agricultural land) is used for all other crops — pepper, cocoa, coconut, orchards, animal husbandry, freshwater fish rearing and vegetable farming. In other words, the amount of land used to grow vegetables is very small and probably only about 5% of total agricultural land in Malaysia. Even so, at this moment this meagre land is being grabbed by the State and destroyed by developers.

"So, this is not only a problem of the farmers. It is related to food security for the people all over our country," explained Dr. Jeyakumar. "If we let the authorities continue grabbing land and destroy our capacity to produce vegetables for ourselves, what will happen in the future? Will we need to import all our food? We are already spending RM 60 billion a year on food imports. If our currency value drops, food prices will increase drastically. If the climate crisis worsens, we will face the problem of food shortages."

Farmers' demands

The Perak farmers have listed their demands as follows:

- Maintain all agricultural land which produces food. Do not evict farmers by force.

- Give land leases for a period of 10-20 years to small farmers. Establish conditions that if the leased land is not cultivated for 2 years, the government is allowed to cancel that lease and offer it to another farmer. Small farmers are not requesting permanent land ownership rights – they just want assurances to allow them to continue their agricultural activities without the threat of eviction.
- Use plantation land for housing and industrial purposes. Do not disrupt food producing land.
- The Standard Operating Procedures (SOP) of the Perak state government regarding land alienation have to be amended to protect small farmers who are cultivating food products.
- Establish a check-and-balance mechanism for the process of land alienation. Establish a committee which has veto powers to stop land alienation if it adversely impacts poor communities or reduces food production.

The Perak farmers submitted their demands to the Perak state government in September 2021 and requested for a discussion regarding these suggestions. However, they still have not received any invitation for a discussion with the authorities until now. Therefore, PSM, together with the Perak farmers, have decided to bring this issue to the attention of the general public to mobilize general opinion and apply pressure on the authorities to do the right thing.

“The land being used for food production should not be sold off by certain parties to reap huge profits. It appears that some key people in the land administration system see this as a way to get quick returns. We need to amend the existing laws. Malaysians have to champion the changing of these laws together with the farmers,” said Dr. Jeyakumar. “If we remain silent, this will result in severe consequences for our future. The people have to realize that if the farmers continue to be evicted from the land they are cultivating, Malaysians will not have enough food in the future!”

Choo Chon Kai Central Committee, Parti Sosialis Malaysia

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