

**International cry for indigenous land rights**  
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**Beh Lih Yi**

An international fact-finding team has called on the government to recognise the indigenous people's native customary rights (NCR) to land and livelihood as it concluded its six-day-long mission in Sarawak.  
MCPX

At a press conference in Kuala Lumpur today to present the findings, the team reaffirmed that the community has the rights to the NCR land as it found through interviews with the locals, documented evidence and evidence in the form of graves, fruit trees and cultivated land.

ncr land international fact finding mission 240408 speakers "There is a pre-existing right," said Irene Fernandez, who heads migrant rights group Tenaganita, as she briefed the media on behalf of the three-member mission's findings.

"The team is of the opinion that since the lands are NCR lands through continuous customary practices of cultivation generations, the land cannot be taken away from the indigenous peoples by the state government nor be leased out to private companies for plantations.

"This strategy and action constitutes gross violation of indigenous people's rights to NCR land," the labour activist added.

ncr land international fact finding mission 240408 team Tenaganita is one of the four organisers of the fact-finding mission. The others are Sarawak Dayak Iban Association (Sadia), Pesticide Action Network Asia & the Pacific (PAN-AP) and People's Coalition on Food Sovereignty (PCFS).

The fact-finding team consisted of retired Indian supreme court judge Pana Chand Jain who is from the Centre for Community Economics and Development Consultants Society, Ravadee Prasertcharoensuk of Thailand's Sustainable Development Foundation and Debra Erenberg from the Rainforest Action Network in the United States.

**'We're not anti-development'**

The six-day mission has covered various parts of Sarawak where there have been reported NCR land disputes between the native landowners, companies and state authorities regarding encroachment of NCR land and violation of human rights.

The team also visited over 19 communities consisting of 70 villages and longhouses, met with more than 800 people and found "continued and systemic organised aggression on indigenous people's land and rights".

taib mahmud 03 About 2.8 million hectares of NCR land are subject to NCR claims but many provisional leases issued by the state government headed by Chief Minister Abdul Taib Mahmud cover overlapping areas, hence giving rise to conflicts and dispute on the grounds.

At present, there are more than 170 NCR land cases brought to court by native landowners, mainly against oil palm growers and mills.

"The state can no longer lease out indigenous people's land for plantations or contract farming to companies," Fernandez urged, stressing that the community's livelihood is affected when their lands are taken away.

She expressed concern on the increased violence and harassment on the indigenous communities, which she said must be stopped immediately.

ncr land international fact finding mission 240408 siba bunsuAlso present at the press conference was Siba Bunsu (left), a headman from an indigenous community in Kampung Semilah Jauh, near Bintulu.

He said the community is not anti-development but that the land is their main livelihood. He also cried foul over the double standard of the police in handling the land dispute, which he claimed also favours the plantation companies.

Erenberg pointed out the community's plight even though they have taken their case to court.

"The court cases continue to be dragged on while the plantation companies continue to operate on the land... (but) the community is denied access to the land," she told reporters, adding that the community faced numerous pressures and harassment to make them give up the land.

The activist also said many Americans are not aware of the abuses that are happening in Sarawak.

"A lot of palm oil my country is using is from Malaysia, therefore it is very important to make known these abuses and Rainforest will advocate for the use of palm oil from companies that respect the community's rights," she added.

### **No government response**

Fernandez however acknowledged there is a "gap" in the fact-finding mission as it could not obtain an explanation from a state government agency and the state Land Development Minister Dr James Masing.

This came after the Sarawak Land Consolidation and Rehabilitation Authority declined to meet with the international team despite having confirmed the meeting earlier as claimed by Sadia.

In its recommendations, the international team among others has urged the federal government to revise inconsistent existing laws in order to comply with the community's constitutional right to life.

It also wanted the Sarawak state government to cease the issuance of provisional leases for NCR disputed land with immediate effect, to provide protection for the safety of the community and to obtain their informed consent over land commercial development which affect them.

Also present at the press conference include PAN-AP executive director and PCFS co-director Sarojeni Rengam and Sadia secretary-general Nicholas Mujah.

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