

Ongkili Disagrees With Sabah AG's Interpretation Of NCR Land Status
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KOTA KINABALU, Feb 10 (Bernama) -- Parti Bersatu Sabah (PBS) deputy president Datuk Seri Dr Maximus Ongkili said today he disagreed with State Attorney-General Datuk Roderic Fernandez's interpretation of the Native Customer Rights (NCR) provision in the Sabah Land Ordinance (SLO) that there is "no NCR land after 1930".

Describing it as a wrong interpretation, he said that unlike in Sarawak, there is no cut-off point with regard to NCR land in the context of Sabah.

"If you look at the State Land Ordinance very clearly, it does not say that. I'm not a lawyer by training but I have some basic law training and I think it is a wrong interpretation because the judgements of the High Court of Borneo over the years have recognised the basis of NCR land established in Sabah.

"I think it is sad. That is a dangerous statement. Of course it is for the courts to decide when the matter comes up to the court but previous decisions that I have got from the Court of Borneo have been consistent that the customary rights can be established within the land ordinance ... otherwise all decisions of the court would have been wrong," he told reporters after attending a briefing on the progress of the Sabah Development Corridor at the Sabah Economic Development and Investment Authority (SEDIA), here.

Ongkili, who is Minister of Science, Technology and Innovation, was asked to comment on Fernandez's statement yesterday that no fresh NCR land could be created as only land "still" occupied by natives prior to the date when the SLO came into force are recognised with the status.

Fernandez was also quoted as saying that there is no provision in the SLO for natives to go into occupation after 1930 and claim NCR on it, and "a claimant for NCR today must show occupation of the land prior to 1931".

"I don't know how he came up with it but all I can say on behalf of PBS, and I'm sure the Barisan Nasional will also do so, if he is right as proven in a court of law, then I think Sabah BN will make sure that we amend the ordinance to protect NCR land in Sabah.

"If he is correct, PBS will immediately move that the BN government amend the Sabah Land Ordinance to protect the rights of the natives of Sabah," he said.

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