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Press Statement

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State legislature needs to question NCR violations in Marudi and Tinjar, Baram

In Miri today, SAM arranged for two groups of indigenous communities from Marudi and Tinjar, Baram, to meet Sarawak state assemblypersons with the aim of halting the violations of their native customary rights (NCR) by oil palm plantation projects.

The first group comprises the Iban community members of Marudi. In August this year, SAM released a statement in an effort to assist the community. Although at least 20 Iban villages may be affected by this oil palm plantation project, its information transparency has been very poor. The statement revealed that in February, the affected villagers had already sent a letter with over 30 signatories, to the Chief Minister of Sarawak, the Sarawak Land Custody and Development Authority (LCDA) and the Sarawak Ministry of Modernisation of Agriculture, Native Land and Regional Development, to protest against the project. However until today, the community has yet to receive any response from the state authorities.

This statement also requested for more information on the nature of the project, including as to whether or not the project is part of the *konsep baru* development model, which the villagers had rejected, after being briefed by state government agencies a few years earlier. However since last year, the Marudi community began to be visited by parties claiming to have received the licence to develop an oil palm plantation on their NCR territories. The people also reported on the development of a nursery and attempts to construct an access road to the project site. Today, there are two blockades that have been erected by the villages to halt the construction of the said access road.

Similarly, the second Iban community of Nanga Seridan in Tinjar, is also asking the same question, as to whether or not the oil palm plantation project affecting their NCR territory is part of the *konsep baru* development model. They too have written a letter in April to LCDA to raise their objections against the project. They too have yet to receive any response from the state authorities. They too have witnessed attempts to construct an access road, despite the absence of community consent.

The protests of the two communities also raise another important issue. The recent amendments to the Land Code 1958 refer to the NCR as a mere usufructuary right, in contradiction to the judicial declaration that such rights are vested with proprietary interest in the land, protected as a right to property under Article 13 of the Federal Constitution. There is also attempt to limit the size of NCR territories, despite the fact that the judiciary has clearly ruled that such rights owe their existence to customs instead of legislation.

However, with pulp and paper and oil palm plantation licences being freely issued without community consent in Sarawak since the late 1990s, many native communities in the state today have in fact lost and will continue to lose, access to and control over their customary territories. It is then quite an irony to encourage the Sarawak native communities to register their customary land under a communal title, or any other legal process, when

the size of land which they continue to have access to and control over, has been in a state of progressive decline.

Therefore, issues such as community consent, the lack of information for affected communities, including maps and the nature of the proposed projects and the progressive intensification of the obstacles faced by native communities today in their effort to have full access to and control over their land, must be seriously discussed by the Sarawak state legislature in November.

SAM believes adequate responses must be sought by the Sarawak state legislature from the state executive on the continued violations of the NCR by monoculture plantations. Likewise, the Sarawak state executive must be held equally responsible in providing comprehensive and transparent responses to its legislature. This is how the new Malaysia must work.

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President
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