

**THE EXPERIENCES OF BIDAYUH IN THE DEVELOPMENT OF NATIVE
CUSTOMARY RIGHTS LAND IN SINGAI**



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1. Letter of Report Submission

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Prof Dr Abu Bakar Abdul Majeed
Assistance Vice Chancellor (Research)
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Dear Professor

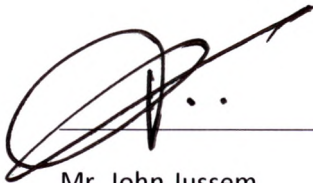
Re: Submission of final Research Report

Respectfully referring to the above matter.

Please find herewith two (2) hard copies and one (1) soft copy of the final report entitled “**The Experiences of Bidayuh in the Development of Native Customary Rights land in Singai**” for your record and necessary action please.

Thank you.

Yours faithfully



Mr. John Jussem
Project Leader

5.0 Report

5.1 Proposed Executive Summary

Native customary rights to land issues are normally controversial. Tensions exist when the State, in pursuit of development, and the natives both claim, among others, ownership of the land. Ngidang (2005) identifies colonial legacy as one of the issues. Perera (2009) argues method of development, while Bulan (2009) elucidates human rights violations. In various parts of Sarawak, some of the tensions manifest themselves in Court cases filed by the natives against either the State government and commercial logging or palm oil companies. In essence, Ngidang, Perera and Bulan argue that present land tenure system is not working. Not all the natives in Sarawak share and experience the state of heightened tension between the development stakeholders. In Singai, Bau district, the Singai natives are able to maintain their natives customary rights to land in the face of development. The study covers the area of Singai in Bau, Sarawak. The objectives of this study are to look at locally specific customary land tenure in Singai and, based on this land tenure system, how the natives respond to land development policies. Methodology of this study will be done in a qualitative and quantitative manner whereby structured questionnaires coupled with interviews will be made. Data will also be collected from district offices and Land & Survey offices in Bau and Kuching, REDEEMS and DBNA. Literature review and secondary data will be employed. Upon collection of data, analysis will be done using the SPSS software as well as drawing findings from empirical evidences. It is hoped that with this study, the concept of customary land tenure will be better understood; and useful for scholars and policy makers as well as assisting other group of natives to ride the unpredictable pace of development.

5.2 Enhanced Executive summary

The objectives of this study are twofold. Firstly, the study identifies locally specific native customary land tenure in Singai. Secondly, based on this land tenure system, the study examines how the natives respond to land development policies. Methodology of this study was done in a qualitative and quantitative manner whereby structured questionnaires coupled with interviews were conducted. Literature review and secondary data were also employed. Upon collection of data, analysis was done using the SPSS software as well as drawing findings from

empirical evidences. The findings, among others, suggest that native customary rights land in Singai has been preserved by the practise of traditional land tenure. The native customary rights to land cover what the natives themselves refer to *as topat pimuung, damun, and obut*. Their perseverance to hang on to their native customary rights has seen many of them rejecting often used model of NCR land development, preferring instead to an alternative method of NCR land development. The alternative method has spawned a community based organisation called REDEEMS which the native Singai hoped to use in order to ride the waves of unpredictable development.

5.3 Introduction

The pursuit of development by the government and companies has increased the demand for native customary land in Sarawak. This demand has seen tremendous impact on the natives of Sarawak. The impact has seen the State claiming that the development of NCR land is for the general good of the natives whereas the natives on other hand claim otherwise. The demand has also created tensions between the natives, the state and the company. The relationship between these three stakeholders of NCR lands is, at best, testy which resulted in conflict. NCR land development has spawned many controversies and a myriad of issues. Common controversial issues centre around, but not limited to, ownership, encroachment of land and water sources, environmental destruction and human rights abuses of the natives. Natives in asserting their rights have turned to the Courts by filling legal actions albeit with mixed results. The State and logging and/or plantation companies meanwhile continue with their respective method of development, which the natives detest, while trying at the same time to avoid controversies where possible.

Current health of tense relationship however is not felt by all the natives of Sarawak. In Bau, Singai, the subject of this research, the Bidayuh are able to avoid the controversies usually associated with NCR land developments and seems to be able to withstand the onslaught of NCR development as well as preserving their NCR lands at the same time. How the Bidayuh Singai is able to this will be the backbone philosophy of this research paper.