

All hope is not lost for Sabah's natives

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KOTA KINABALU: There is still hope for indigenous people in this State compared to other Asean countries as far as Native Customary Rights (NCR) are concerned, said UMS Associate Professor Dr. Fadzilah Majid Cooke.

Fadzilah who is a professor in environmental sociology at the School of Social Sciences, said that indigenous people here still have hope because the issue of debts do not arise.

"The issue concerning debts among land owners is what burdens indigenous people from other Asean countries but it doesn't arise here, the only issue faced here is loss of land," she said.

"These could be due to the smaller population in Sabah compared to Javanese and Sulawesi places.

"But if we do not take care of our orientation on how we manage our land then perhaps in future we will not only lose our land but the issue of debts would also arise," she said.

She said this in response to a question posed by Suhakam Chairman Tan Sri Hasmy Agam who asked where does NCR in Malaysia stand compared to other Asean countries during the fourth-day of the National Inquiry on Land Rights of Indigenous People in Malaysia at Wisma Sedco, Thursday.

"Perhaps other countries recognise indigenous rights to land but in terms of policy and action taken by the government it actually gives a negative effect.

"This is because despite it being recognised there, their actual action does not show that they recognise the rights of indigenous people," she said.

She cited countries like Indonesia and Cambodia where their indigenous people continue to be put into a situation like 'throwing sheep to the wolves', where they are put into debt and are eventually forced to sell off their land, hence resulting in the issue of debts.

On a question posed by Commissioner Muhamad Sha'ani on whether there were any vested interests involved in the NCR conflict, she said: "Yes there are a lot of vested interest, that's why there are conflicts.

Muhamad explained that Suhakam has received many com-



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plaints from the local communities regarding the matter and wanted her personal view on it.

She replied that she doesn't blame anyone but based on their research there are some levels of vested interest, in terms of politics, bureaucracy and from the community themselves.

"But the one caught in the middle are bureaucrats, they are the ones who manage the land and forest, and because they also want to survive, they sometimes dance to the tune played by those at the top level.

"They are also controlled by old Acts, for example the Sabah Land Ordinance 1930 was created even before the colonial times, in fact it already existed during the North Borneo Company era.

"The colonial thinking at that time was not amended due to respect for the Ordinance, but the question we need to ask is, why is this colonial thinking still practised now," she asked, citing colonial thinking was such that land rights were only recognised when there was a land title.

"Why do we as an independent country, do not amend this or question this Act?

She went on to explain that the 1930 Ordinance was created with vested interest that supported the North Borneo Company in terms of plantation interest.

"The land ordinance was created because of plantation interest which creates zones where agriculture should be, where village land should be and also because of the Torrens system, these are all colonial.

"Until today the effect is clear, why don't we as an independent country question this colonial system which has caused indigenous people to wait for years to get their land title approved?

"So here issues of vested interest arise again," said Fadzilah who was giving her personal view.

"Coming back to the question, yes bureaucrats are stuck because of conflicting interest from the top and bottom level which needs to be coordinated but the bureaucrats also do not question the colonial system the influence of which is still strong," she said.