

Looking into actual status of native rights after 50 yrs

DE 3.9.13 4

Larry Ralon

KOTA KINABALU: What is the actual status of native rights and does the non-native respect the Native Court today, after 50 years of Sabah's independence through the formation of Malaysia, are the two main issues being deliberated in the two-day Symposium on Sabah Native Customary Rights held at Universiti Malaysia Sabah (UMS) since Monday.

UMS Vice Chancellor Prof. Datuk Dr Mohd Harun Abdullah, who highlighted this in his address at the opening of this symposium, said its theme of "Native Rights After 50 Years of Independence" is very significant.

He said this is because it is being held in conjunction with the 50th anniversary of Sabah's independence, or as it was then called "self-governance", on Aug 31, 1963, as well as the 50th anniversary of the formation of the nation of Malaysia on Sept 16, 1963.

"Sabah has been blessed with rich cultural heritage of around 50 major ethnic groups, over 32 of whom are indigenous to the State. When we look back over our history, we can see that each ethnic

group had their own, adat (customs) handed down from their forebears...these bodies of adat are the basis of our cultures," he said.

"It was believed that these customary laws were given by the Creator to teach us how to live in a proper relationship with the environment and with our fellow human beings," he added.

During the era of 1881 to 1942, he said, the British North Borneo Chartered Company administration officially recognised traditional leaders and traditional laws, and established the Native Court in every district of North Borneo.

After World War II the British Crown continued to further develop the Native Court and officially recognised the native leaders, he said, adding in those days the natives formed the majority of the population of North Borneo.

"Following the formation of Malaysia in 1963, the Native Court was duly recognised as one of the three main courts in the country, the other two being the Civil Court and Syariah Court. Native rights were also recognised under both the Sabah Constitution and the Constitution of Malaysia," said Mohd Harun.

"But after many changes over 50 years, how has the Native Court adapted to change? Do non-natives respect the Native Court as in former times? When we read in the media of Sabah natives losing their customary rights over land and water, for example, we ask ourselves "what is the actual status of native rights in Sabah today?" he said.

The event, the second jointly organised by UMS and Pusaka through the Kadazandusun Chair after last year's "Symposium on Sabah Native Land Rights: Issues, Challenges and the Way Forward", was opened by Tan Sri Richard Malanjum, Presiding Judge/Chief Judge, Native Court of Appeal (Sabah)/ the High Court in Sabah and Sarawak, and Pusaka founder-cum-patron.

State Attorney-General Datuk Hajah Mariati Robert, UMS School of Social Sciences Dean Prof. Datuk Mohd Hamdan Adnan, Kadazandusun Chair Holder Prof. Dr Jacqueline Pugh-Kitingan, who is also the main organising committee chairwoman, former Sabah Law Association (SLA) president Datuk John Sikayun and former State Attorney-General Tan Sri Herman Luping, were also present.



Malanjum (left) going through a newly launch look on native affairs while sharing his view with Dr Harun (second left), Mohd Hamdan (centre), Mariati and Dr Jacqueline.