

NATIVE CUSTOMARY RIGHTS OVER LAND IN SARAWAK

By Mr Baru Bian

DATE & TIME : 19 AUGUST 2011, FRIDAY, 4.00PM
VENUE: LEE SHERIDAN CONFERENCE ROOM, EU TONG SEN BUILDING

ABSTRACT

The landmark case of *Nor Anak Nyawai & Ors v. Borneo Pulp Plantation Sdn Bhd & Ors* [2001] 2 CLJ 769 (HC), affirmed by the Court of Appeal and the Federal Court in *Superintendent of Lands & Surveys, Miri v. Madeli Bin Salleh* [2007] 6 CLJ 509, finally gives the indigenous people of Sarawak the hope to persevere in their quest for the recognition and protection of their rights over land i.e. their Native Customary Rights (“NCR”).

The natives of Sarawak like other indigenous peoples of the world regard land as their most sacred possession in this life. It is not only regarded as their wealth and treasure, it is *life* itself - you take their land, you take their life. Charles Brooke, the 2nd Rajah of Sarawak called it ‘your *pesaka*’ (heritage) and ‘*daging darah*’ (flesh and blood), which ought to be preserved and respected. Justice Datuk David Wong in a recent decision in the case of *Agi Anak Bungkong & 2 Ors v. Ladang Sawit Bintulu Sdn Bhd & 4 Ors* [2010] ruled that the natives of Sarawak are “part of the land as are the trees, mountains, hills, animals, fishes and rivers”.

This seminar explores whether other people perceive the natives as such in the light of frequent reports of blatant encroachment of huge tracts of native customary land (“NCL”) in Sarawak by non-native people and corporations and the few hundred cases related to NCR claims now pending in the High Court of Sarawak.

ABOUT THE SPEAKER



Baru Bian is the leading expert in Native Customary Rights in Malaysia. At the moment, he is handling more than 100 such cases in Sarawak. Baru Bian was the counsel in the landmark case of *Nor Anak Nyawai vs. Borneo Pulp Plantation Sdn Bhd & 2 Ors* [2001], which was approved by the Federal Court in 2009 in the case of *Madelli Bin Salleh*.

REGISTRATION

There is no registration fee for this seminar but seats are limited. To register, please [click here](#) and you will receive an automated message upon submission. For enquiries, please contact Ms Poova at Tel: 6516 3644 or email her at clemail@nus.edu.sg

Directions to the law school may be found at <http://law.nus.edu.sg/faculty/Location.htm>