



Working Paper No. 13, April 2007

**MATTER OF ACCESS, NOT RIGHTS : INDIGENOUS PEOPLES,
EXTERNAL INSTITUTIONS AND THEIR SQUABBLES
IN MID-TINJAR RIVER, SARAWAK**

Kelvin Egay

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MATTER OF ACCESS, NOT RIGHTS : INDIGENOUS PEOPLES, EXTERNAL INSTITUTIONS AND THEIR SQUABBLES IN MID-TINJAR RIVER, SARAWAK¹

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Introduction

Indigenous peoples in postcolonial states often use cultivated lands, aquatic resources, ancestral burial sites, mountain ranges, and traditional fruit groves as traditional markers of their territorial boundaries. Within these boundaries, the indigenous peoples' way of life and resource use patterns are governed by customary laws. It is only under these laws that the indigenous peoples can claim ownership over the land and right to use its resources. Amongst the indigenous peoples of Sarawak, the term for such customary rights is generically referred to as *adat*.

More importantly, *adat* is an encompassing concept that governs not only customs relating to property rights but also includes aspects of community life that revolves around such properties. These include land inheritance customs, cultivation of natural resources on the land, changes in resource use patterns, and systems of forest tenure. To be more specific, Sather (1980:xi) states that

¹ The initial series of fieldwork on which this essay is based upon was first conducted in 2003. For the remaining months of 2003, there were no follow-up or further research fieldwork activities. When UNDP/GEF Funded Project collaborated with Universiti Malaysia Sarawak (UNIMAS) on the Loagan Bunut National Park Scientific Expedition in April 2004, Prof. Dimbab Ngidang, Robert Malong and I, all from UNIMAS, decided to participate in this project. The brief report for our part of this expedition was published by UNDP/GEF Funded Project in 2006 entitled *Negotiating Ethnic Boundaries and Resource Use Patterns in Loagan Bunut and Tinjar*. However, most of the findings and discussion in this paper is primarily based on the initial research fieldwork that was 'informally' conducted (i.e without research funding) in early 2003. I would like to specifically acknowledge Robert Malong's contribution for the empirical data on the Iban migration mentioned in this essay.