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サラワク・ダヤック・イバン協会 SARAWAK DAYAK IBAN ASSOCIATION (SADIA)



アウトライン

■ 企業による先住慣習地の収奪

■ アブラヤシ(オイルパーム)農園

Expansions of Oil Palm Companies ■ 木材コンセッション

Impacts of Logging Activities ■「プマカイ・ムノア(pemakai menoa)」 「プラウ・ガラウ(pulau galau)」 NCR lands are crucial to Indigenous Peoples

Asia-- Region





土地法 LAND CODE

サラワク「土地法」第2部は先住慣習地をつぎのように定 義している。

(a) 共有か否かを問わず先住民の慣習的権利が1958年1月1 日以前に合法的に成立している土地

Land in which native customary rights, whether communal or otherwise, have lawfully been created prior to the 1st day of January 1958 and still subsist as such

(b) 第6部が適用される保留地に含まれる暫定的な土地

Land from time to time comprised in a reserve to which section 6 applies

(c) 第10部のもとによる許可に従って先住民の慣習的権利 が合法的に成立している内陸地

Interior Area Land upon which native customary rights have been lawfully created pursuant to a permit under section 10.

<text>

制定法 対 慣習法 STATUE Vs CUSTOMARY

州政府による「2018年修正土地法」によれば…

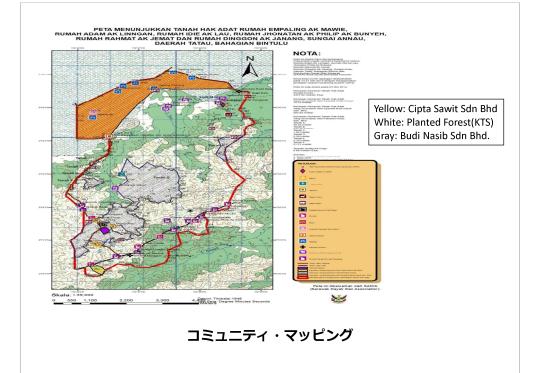
In April 2018 Sarawak Government on land code amendment

1. ひとつの先住民村につき最大で500ヘクター ルの先住慣習地しか認められない。これは先住民 固有の文化に矛盾する

Per Native Village is allowed to only have 500 hectares of NCR lands. That contradicts to our inherent Culture.

2. 先住民の領地・慣習の法的な効力が限定された

Customary Customs & Practices are limited in force of Law.





伐採企業とアブラヤシ農園企業による人権侵害 LOGGING ACTIVITIES/PALM OIL INDUSTRY & IMPACTS







Tr Jambai Tung Huat Oil Palm Plantation.



Ajah ak Lungan Vs Hima Shiping sdn bhd. 24 November 2015.



Burial site

Sand mining at Ulu Mukah

LOGGING ACTIVITIES/PALM OIL INDUSTRY & IMPACTS

Military



Arrested 2011



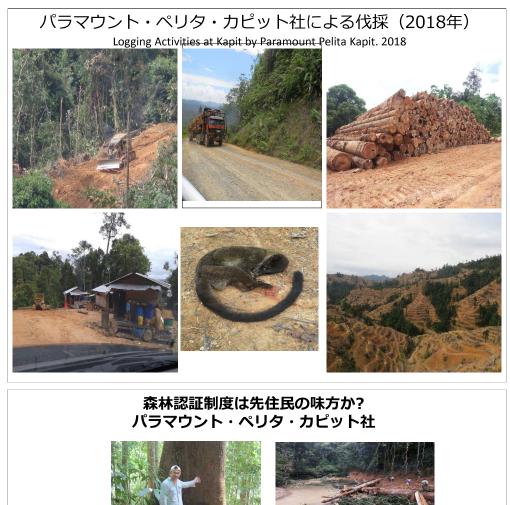
Arrested 2013



















This is the Encroachment by Ta Ann Company at Batu Bansu, Baleh Kapit.



at Page 4 MALAYSIA

IN THE HIGH COURT IN SABAH AND SARAWAK AT KUCHING SUIT NO 22-118-2007-I

NICHOLAS MUJAH AK. ASON 1ST PLAINTIFF Kampung Ensika Sebang 94800 Simunjan, Sarawa

2ND PLAINTIFF LAI AK. NYAMBONG (WN, KP 511106-13-5427

3RD PLAINTIFF PILI AK. MIT (WN. KP 540712-13-5227) Kampung Tungkah Dayak, Sebangar 94800 Simunjan, Sarawak

Suing on behalf of themselves and all other pl inclusiers, holders and claimants of Native Cu

1ST DEFENDAN HOCK TONG HIN SAWMILL CO. BHD

Company No. 173728-Io. 72 - 74, Market Roar 2ND DEFENDANT UNDTREE TIMBER SDN. BHI

lo 49 3rd Floor, Jalan H

(22-118-2007-6) h ak Ason & 2 Ors Vis Hock Tong Hin Sawmill Co. Bhd & 4 Ors.

29 MARCH 2011 (TUESDAY) AT 9.30 A.M.

For decision. Mr. Desmond Kho standing in for Mr. See Chee How for the Plaintiffs. Ms. Esther Wong for the $1^{\rm st}$ and $2^{\rm rel}$ Defendants. Ms. Marjanah standing in for Ms. Dewi Rahmaz for the 3rd to 5th Defendants.

Court ludament delivered as follows

- (i) The Plaintiffs have inherited Native Customary Rights over the Bukit Bediri Forest Reserve and the Stika Forest, the boundaries of which are as delineated and show in the maps produced by the Forestry Department Sarawak and Lands and Survey Department Sarawak appearing at pages 1 and 2 of Exh. D4.
- (ii) The construction of the rail line across these tow forests constitutes an oachment and a treepase of the land (iii) The Defendants are jointly and severally liable to pay damages, to be
- assessed by the Deputy Registrar, to the Plaintiffs (except those from Kampung Stika) for the said trespass.

Since Counsels handling the case is not present, I would fix this case for further mention on 4.4.2011 at 9.00 a.m. for parties to address me regarding their agreement on ce

- Sgd. -(Y. A Puan Rhodzariah Bte. Bujang) Judicial Commissioner

9.35 a.m.

(22-118-2007-i) Nicholas Mujah ak Ason & 2 Ors Vs Hock Tong Hin Sawmill Co. Bhd & 4 Ors.

判決



サラワクの先住民からの大切なメッセージ

■ 先住慣習地、すなわち「プマカイ・ムノア」と「プラウ・ガラウ」はサラワクの先住民にとって、《銀行》であり《スーパーマーケット》である

• Native Customary Rights Lands (NCR) namely Pemakai Menoa and Pulau Galau are "Banks" and "Supermarkets" for the Indigenous Peoples of Sarawak.

■ サラワクの先住民はいまや、アブラヤシ農園の造成と伐採に よって土地の権利を奪われ、本来自分たちの土地でありながら難 民化しようとしている

• Indigenous peoples in Sarawak will become refugees in their own State after their land rights are destroyed by oil palm Industry and logging activities.

■ 森林を失えば、わたしたちの命も失われる

• Without Forest, our life disappear.

■ 不毛の土地しか残らない

• The soil has no seed.

THANK YOU