This book examines the role of community, market and state in the historic transformation of upland livelihoods in Southeast Asia. Focusing on the Saribas Iban of Sarawak, the book combines in-depth, generation-long village case studies with an account of changes in land use and tenure at the regional level spanning a century and a half. This analysis demonstrates that, far from being passive victims of globalization, the Iban have been active agents in their own transformation, engaging with both market and state while retaining community values and governance. The book offers a fascinating, empirically rich account of interest to scholars, development practitioners and the general reader alike.

‘... this study is certain to become a major reference point for future work on land use, tenure, and agrarian change in upland Southeast Asia’ (Clifford Sather, formerly Professor of Dayak Studies, Universiti Malaysia Sarawak, and Professor of Anthropology, University of Helsinki).

‘Rob Cramb has written an excellent book with a much needed longitudinal perspective on agrarian change. The book is an important contribution to the urgent need for understanding the dynamics and consequences – both environmental and social – of upland transformation in Southeast Asia.’ (Ole Mertz, Reader in Geography, University of Copenhagen)

‘Rob Cramb’s study raises provocative questions about Iban society, the nature of the Southeast Asian uplands, and agrarian history. He presents a work distinguished by the depth of its scholarship and the breadth of the questions addressed by it.’ (Michael R. Dove, Professor of Social Ecology, Yale University)
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Land and Longhouse
Agrarian Transformation in the Uplands of Sarawak

R.A. Cramb
For Jacky, Jen and Dave
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A NOTE ON ILLUSTRATIONS

The scorpion (kala) motif on the front cover is a ritually ‘cool’ symbol signifying strength and cunning, an appropriate metaphor for the adaptability and resilience of Iban farmers and communities. The illustration on the back cover is a carved image of a rhinoceros hornbill (kenyalang) from the Saribas, used in elaborate collective rituals (gawai) that celebrate individual achievement within the context of the longhouse and regional community. The longhouse image accompanying the chapter headings depicts a scene from Panggau Libau, the mythical home of the Iban culture heroes such as Keling and Kumang. It is a land where crops never fail, hunters always find game, rivers have curative powers, and success attends every undertaking. The illustration is reproduced with the kind permission of Jimmy Donald from his book, Keling of the Raised World.
Foreword
by Michael R. Dove

The subject of this book is the historic transformation of the Southeast Asian uplands, taking as a case study the Iban – the largest and best-known indigenous people of Sarawak – and their system of agriculture. It is based on a comparative, longitudinal study of two longhouses in the Saribas district in southern Sarawak, Batu Lintang and Nanga Tapih. The author, Rob Cramb, began studying these and other Iban communities in 1977–1983 when he worked as an agricultural economist for the Sarawak Department of Agriculture. For two decades Professor Cramb, currently Reader in Agricultural and Resource Economics at the University of Queensland, has been one of the leading contributors to the academic literature on agricultural development and natural resource management in Sarawak (and, more recently, other parts of Southeast Asia), focusing in particular on swidden agriculture and commodity production, associated systems of land tenure, and their interaction with wider political-economic institutions.

The uplands of Southeast Asia have long been an important site for the development of academic theory on the nature of agrarian society. A disproportionate number of the classic studies of swidden agriculture come from this region (e.g., Condominas 1977; Conklin 1957; Izikowitz 1951), as have also some of the most notable analyses of the articulation of upland societies to the lowlands and the wider world (e.g., Burling 1965; Leach 1954; Pelzer 1948; Scott 1976). Focusing on Borneo in particular, Tsing (1993), among others, has examined the implications of upland societies of this island for our understanding of centre and periphery. The Iban of Borneo, beginning in the colonial era and thinking especially of the work of Freeman (1970), have attracted considerable attention from scholars (e.g., Jensen 1974; Pringle 1970; Sandin 1980; Sather 2001; Sutlive 1978).
A longstanding weakness of academic analyses of uplands like those in Southeast Asia has been their synchronic approach, their ignoring of history or change. A notable strength of Cramb’s study is his presentation of 150 years of data on Iban land-use and land tenure. He is able to make inferences about the prior 150–250 years as well, which thus gives us a picture of the Iban over a span of three to four centuries. Cramb argues that the Iban land-use system has been sustainable for this entire span of time. This conclusion makes a mockery of the perennial predictions – some made a century and more ago – of the collapse of their system of swidden agriculture. It similarly challenges facile predictions by development experts in the mid-twentieth century of the demise of the Asian peasantry.

Importantly, by ‘sustainable’ Cramb does not mean ‘unchanging’. He shows that Iban land-use has changed, evolved, and adapted throughout this period. It has never been in stasis (which was also the point of Leach’s pioneering work on upland Burma over 50 years ago). This dynamism seems indeed to be one of the keys to the persistence and robustness of Iban culture and identity. Their manifest pride in their culture contrasts starkly with the culturally ‘apologetic’ stance that many other minority, hinterland groups have adopted as a prophylactic, defensive measure.

Swidden agriculture is the most misunderstood and vilified system of cultivation in the world, notwithstanding a century and more of accurate empirical studies that document its ecological and economic reality (e.g., Bartlett 1955–1961). The difference between the myth and the reality is captured in the difference between the common colloquial term ‘slash-and-burn agriculture’ and Cramb’s preferred phrase ‘low input, sustainable, community-based agro-forestry’.

Rob Cramb’s study is a major contribution to the academic and policy literature on swidden agriculture, for several reasons. First, he takes a long, historical view of the Iban swidden system, which reveals it to be dynamic, adaptive, ever-changing. This undermines the many critiques of swidden as a static, unresponsive system that is destabilised by any change in the physical environment or human demography. He also places the Iban swidden system in the context of the wider political-economy, taking into account the influences on it of supra-local governance and market forces. Finally, he shows not simply that popular views of swidden cultivation are mistaken but explains who and what is served by these views. His analysis builds on recent post-structural approaches to modernisation and development, which reinterpret development errors and mistakes as themselves integral to governance and the exercise of power.
Foreword

These dimensions are missing from Freeman’s influential (1970) study of Iban agriculture (based on his earlier 1955 government report), which was one of the most insightful of its time but was still very much of its time; and Cramb explicitly points out where he finds Freeman’s analysis to be wanting.

One of the most fundamentally misunderstood aspects of swidden agriculture is the historically common combination of swidden cultivation of subsistence food crops and market-oriented gathering, management or cultivation of commodities. The intermittent demands that swidden cultivation place on land (by the practice of the long forest fallow) and labour (which is idled during lengthy off-seasons) make this complementary commodity production possible. Study of the resultant composite economy depends on close-grained analysis of both the local agricultural economy and ecology and the way that they are enmeshed in the wider political-economic system. Academics and policy makers have paid little attention to these composite economies; and the few studies that have been done have been synchronic. Diachronic studies like this one – encompassing the historical development and adaptation of these unique economies – are almost non-existent (Schneider’s 1995 study of market-oriented swidden cultivation in Sumatra is one of the exceptions).

Cramb’s historical perspective shows that the challenge to the Iban over time has been not simply to enter the market but rather – and this is counter-intuitive to the popular image of upland swidden peoples – to take advantage of the abundant market opportunities available without completely relinquishing their foothold in the subsistence sphere. The most recent developments among the Iban, involving a shift to complete dependence on pepper as a market crop, represents a historic departure from this straddling of the boundary between the subsistence and market spheres, apparently thereby heightening the overall risk of the agricultural system. This raises important questions about how (if at all) such heightened levels of risk are made acceptable (perhaps through new opportunities opened up by the out-migration of kinsmen).

Cramb’s study of transformations in the uplands of Southeast Asia raises fundamental questions about the nature of socio-economic change itself. In keeping with the shift over the past generation in science from an equilibrium-based to a non-equilibrium based view of the world, he emphasises that change is the constant not the anomaly in human society. He also problematises an idea of change as a simple unilinear progression. In particular, he problematises the still-prevailing, Malthusian vision of the in-
Land and Longhouse

Evitable collapse of swidden agricultural systems under the pressure of assumed growth in population. His work shows that some changes – like the populating and de-populating, and deforesting and afforesting, of hinterlands – seem to be cyclic in character; whereas other (less discussed) changes – like the loss of seed rice varieties or local agricultural knowledge – seem to have less reversible consequences, though this impression may also be a function of our closeness in time to these latter events.

Overall, Rob Cramb’s study raises provocative questions about Iban society, the nature of the Southeast Asian uplands, and agrarian history. He presents a work distinguished by the depth of its scholarship and the breadth of the questions addressed by it.

Michael R. Dove
Yale University
May 2006
In May 2001, Justice Ian Chin, sitting in the High Court of Sarawak and Sabah, handed down a momentous decision, with major implications for land use and tenure in the uplands of Sarawak and, indeed, elsewhere in the forested uplands of Southeast Asia. The case of Nor anak Nyawai and others v. Borneo Pulp Plantation Sdn Bhd and others had been in progress for over two years. Nor was the headman of an Iban longhouse community in central Sarawak that claimed territorial rights, including rights to secondary forest and forest reserves, over an area of 672 ha that had been leased by the government to Borneo Pulp Plantation as part of a planned 600,000 ha development. Because the government did not recognise customary rights over the land in question, Nor and his followers had not been informed about the development or offered compensation. When they attempted to block the company’s activities they were treated as illegal occupants of state land. The dispute was considered outside the jurisdiction of the local court dealing with customary law, hence in January 1999 Nor and other community elders took their case to the High Court.

Justice Chin’s extensive review of Sarawak’s legislative history led him to conclude that Iban customs of land use and tenure, including the use of land for shifting cultivation, hunting, foraging, and fishing within a recognised community territory, had been in existence before the arrival of James Brooke, the English adventurer who had been installed as the first rajah of Sarawak in 1841, and had survived all the subsequent orders and legislation of the Brooke rajahs, the post-war British colonial government, and the post-independence Sarawak government, as there had been no explicit intention to extinguish these rights. Hence the judge declared that Nor and his followers were entitled to exercise their customary rights to
the disputed land. He handed down an injunction to exclude the planta-
tion company from the land and required that a new lease be issued to the
company excluding the area in question.

The decision was hailed by many Iban communities and their support-
ers as a major breakthrough because it recognised and upheld the custom-
ary land usage and territorial rights of Nor’s community. It thus provided
a precedent for the resolution of numerous other disputes that had arisen
in the 1990s, some of them violent, where oil palm and timber plantation
companies had been given leases to land regarded by the government as
unencumbered state land but claimed by Iban and other Dayak communi-
ties as part of their customary domain.

Both the company and the government appealed the Nor decision.
Though the area involved was relatively small, the High Court’s judgement
had cut to the heart of the government’s ambitious policy of large-scale
commercial land development throughout much of upland Sarawak. In June
2005 the Court of Appeal overturned the High Court’s ruling on the basis
that there was insufficient evidence that the land in question had indeed
belonged to Rumah Nor. However, the principles stated by Justice Chin in
the original decision were upheld, namely, that customary rights to land
and territory existed independently of the land statutes and could not be
ignored by the government in issuing leases for land development. Though
the company’s exclusion from this particular area of land was overturned,
the larger question of land policy was resolved in favour of the Iban.

When I revisited Sarawak in July 2001, just after the original Nor deci-
sion was handed down, I was struck by the degree to which Iban land use
and tenure had become a major issue of agrarian politics. I had worked in
Sarawak as an agricultural economist with the Department of Agriculture
from 1977 to 1983, during which time my colleagues and I conducted a se-
ries of surveys and case studies of Iban and other Dayak farmers in various
parts of the state. In particular, during 1979–1980 we undertook an inten-
sive study of two longhouses in the Saribas District in southern Sarawak
– Batu Lintang and Nanga Tapih (see Fig. 2.3). I came back to Sarawak in
1985 to conduct fieldwork and archival research for a PhD on Iban land
tenure through Monash University. After taking a post at the University of
Queensland in 1987, I continued to visit Sarawak from time to time and to
write about Iban land use and tenure. I saw my role as helping in a small way to
explain the functioning of their evolving agrarian system to the wider world.

Having become accustomed to the pragmatic and adaptable approach
to farming and land matters I had witnessed in the Saribas District and
Preface

elsewhere, and the tradition of extensive government support for small-holder agriculture, I was surprised to find that official policy towards the Iban since the 1990s had seemingly misrepresented and devalued their agricultural customs and practices, necessitating the kind of legal action that Nor’s community had taken. At the same time, I encountered assertions from well-meaning supporters of the Iban that reflected a rather romantic view of their ‘traditional’ subsistence agriculture. Though others had written about these issues, there seemed to be a need for a more thorough and nuanced assessment of the process of agrarian transformation in the uplands of Sarawak, combining in-depth field studies with a historical perspective. I was finally stung into action by the typically forthright remark of an Iban colleague – ‘You have abandoned us!’ – reflecting his feeling of isolation as he sought to explain and defend his people’s customs and practices in an increasingly sceptical and hostile policy environment.

So I decided to write this book, integrating my earlier research, bringing it up to date, and applying it to the crucial policy issues facing upland farmers in Sarawak. In doing so, I soon became aware that the Iban case had parallels throughout the uplands of Southeast Asia. This prompted me to draw on my own and others’ research elsewhere in the region to help interpret and evaluate the Iban experience. At the same time it seemed clear that the story of agrarian transformation among the Iban was of much wider relevance than to contemporary development issues in Sarawak alone. Rather than attempting to survey circumstances and events throughout the uplands of Sarawak, let alone the entire Southeast Asia region, I decided to focus on one of the longest-settled and most densely populated Iban districts – the Saribas – which was also the district I knew best. The Saribas Iban had developed their agrarian system before any colonial intervention and, through a continuous process of adaptation, had successfully sustained that system for several centuries. Iban communities in central and northern Sarawak that were bearing the brunt of the government’s land development policies had been established in the nineteenth and twentieth centuries by migrants from the Saribas and adjacent river systems in southern Sarawak, referred to as the Iban heartland (*menoa lama*). Hence the process of agrarian transformation as experienced by the Saribas Iban provided a kind of benchmark against which to evaluate perceptions of and policies towards upland societies throughout Sarawak and beyond.

My approach to this study has been necessarily eclectic, though it has been strongly influenced by my professional training in agricultural and institutional economics. Rex Mortimer, in criticising those development
theorists in the 1960s and 1970s who glibly assumed the impending demise of peasant farmers in Asia, noted in passing that ‘the humble agricultural economist persistently reminds us of the peasant’s existence and problems’ (Mortimer 1984: 28). Yujiro Hayami, a prime example of such endeavour, refers to himself as ‘a pedestrian agricultural economist’ who is ‘familiar with the work and life of peasants and petty traders and their petty politics at the level of a village microcosm in the monsoon areas of Asia’ (Hayami 1998: 90). I emphasise the humble and pedestrian nature of my profession to forestall some of the inevitable criticism I will encounter for having strayed inexpertly into the fields of anthropologists, sociologists, historians, legal experts, and political scientists, not to mention the presumption involved in any cross-cultural study of this kind, particularly if it aspires to understand and ‘represent’ in some sense the experience and interests of others. Yet as Kelly (2000) argues in regard to his research in the Philippines, engaging in this kind of study – beyond our immediate context of place, class, culture and identity – is ultimately justified because it acknowledges that we are all implicated at some level in global processes of social, economic and political change that transform the lives of others.

The principal sources for the study are the farming households of Batu Lintang and Nanga Tapih, two contrasting Saribas Iban communities that have tolerated my intrusions over a quarter of a century. My research in these communities has involved the use of household and group interviews, oral histories, work diaries, direct observation of farming practices, measurement of farm area and production, soil sampling, botanical sampling, mapping, and photography, as well as participation as a guest in various rituals and celebrations. My personal and professional debt to these communities cannot be overstated, especially to my ever-generous hosts, Uking anak Naong and the late Muling anak Dugat, and their families. In 1979 and 1980 I was ably assisted in this research by Lawrence Lattit. Further detailed fieldwork was undertaken in 1982 and 1983 in these and 11 other communities – Ulu Babu and Nanga Jelau in the Saribas District; Sarubah, Sekandis, Bangai, Merindun, and Nanga Mepi in Lubok Antu District; Rumah Belawan, Rumah Banta, and Rumah Matari in Julau District – in collaboration with my colleagues Bumphray Kuntoi and Douglas Chulp. Many other staff of the Department of Agriculture contributed to the research at this time and during subsequent field visits.

In addition, I have had the opportunity while working with the Department of Agriculture not only to be involved in surveys and case studies of Iban and other communities throughout Sarawak, but to participate to a
degree in the workings of government from the local to the state levels, including some of the departments and agencies referred to in this study. This experience has convinced me of the sincerity and diligence of many hard-working government officers who often find their efforts frustrated by the political process. In subsequent visits to Sarawak I have benefited from helpful interviews and stimulating conversations with many friends and former colleagues.

Thanks to the unfailing assistance of the staff of the Sarawak Museum, I have also been able to make use of a variety of materials housed in the Sarawak Archives, notably the Sarawak Gazette, providing a rich source of official reports and commentary going back to the 1870s, the records of the district courts, and other government reports and documents referred to in the pages that follow. Like every other contemporary student of Iban affairs, I have benefited enormously from the pioneering research of the anthropologist Derek Freeman and the historian Robert Pringle. Though in what follows I am critical of some aspects of Freeman’s writings, I remain in awe of his scholarly achievements and am grateful for his early encouragement. Michael Heppell gave generously of his time and insights when I was grappling with a doctoral thesis on the Iban. I would particularly like to acknowledge the contribution of Clifford Sather, whose corpus of published work on the Saribas Iban, combined with his detailed comments on the manuscript and personal encouragement and support, have contributed greatly to the completion of the book. I thank, too, Gerald Jackson, who was prepared to take on this project despite the view among publishers that ‘Borneo doesn’t sell,’ and Leena Höskuldsson who, together with Gerald, has so diligently seen the book through to publication.

I record my gratitude to the following individuals who have assisted my research at various times and in various ways, none of whom, however, should be held responsible for the deficiencies in the final product: Bakewell Bagul, Randolph Barker, Colin Barlow, Wilson Baya, Augustine Belun, John Best, Stephen Biggs, Colin Brown, Hamid Bugo, John Butcher, Francis Chai, Paul Chai, William Chang, Lucas Chin, Chua Teck Kheng, Johannes Dian, Gale Dixon, Michael Dove, Frank Ellis, Bob Elson, Rob Gerrits, Tim Hatch, Anna Hewgill, David Hon, Alfred Jabu, Larry Kalajainen, Matthew Kalong, Peter Kedit, Wilson Kudang, Bumphray Kuntoi, Lai Kui Fong, Denys Lang, Jayl Langub, Michael Leigh, Francis Lian, Lim Chin Pang, Loh Chee Yin, John Longworth, Val Mashman, James Masing, Tomomi Matsubura, Alastair Morrison, Sidi Munan, Ose Murang, Dimbab Ngidang, Bob Reece, Anthony Richards, Stephanie Rogers, Ford Runge, Patrick Sibat,
Land and Longhouse

Hatta Solhee, Vinson Sutlive, Malcolm Wegener, Ian Wills, and Jill Windle. My apologies to anyone I may have overlooked.

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I cannot convey in words how much I value the love and support given to me over so many years by my wife Jacky. I dedicate this book to her and our two much-loved children, who have no interest in agriculture but humour me nonetheless. I thank them all for their forbearance.

Brisbane
December 2006

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Abbreviations

ADP  Agricultural Development Package
BCB  Betong Court Book
BN   Barisan National (National Front)
DA   Department of Agriculture (Sarawak)
FELCRA Federal Land Consolidation and Rehabilitation Authority
FELDA Federal Land Development Authority
IDEAL Integrated Development for Eco-Friendly and Appropriate Lifestyle
LCDA  Land Custody and Development Authority
MACD Ministry of Agriculture and Community Development
PB   Parti Pesaka Bumiputra Bersatu
PBDS Parti Bansa Dayak Sarawak
PSS  Pepper Subsidy Scheme
RASCOM Rajang Security Command
RCB  Rejang Court Book
RPS  Rubber Planting Scheme
RME  Rubber Mini-Estates
SALCRA Sarawak Land Consolidation and Rehabilitation Authority
SAM  Sahabat Alam Malaysia
SAR Sarawak Annual Report
SCB  Simanggang Court Book
SCO Sarawak Communist Organisation
SLDB Sarawak Land Development Board
SG  Sarawak Gazette
SGG Sarawak Government Gazette
SNAP Sarawak National Party
SPS Sarawak Plantation Services
SUPP Sarawak United People’s Party
WRM World Rainforest Movement
A Note On Currency

Where the symbol $ is used without further elaboration this refers to the currency in Sarawak at the time in question. The Sarawak dollar in the Brooke period was equivalent to the Straits dollar and was pegged to sterling at the rate of 2 shillings and 4 pence. In the Malaysian period $ denotes the ringgit, which in December 2006 was worth about 15 UK pence or 28 US cents.
PART I

Introduction
Throughout the uplands of Southeast Asia over the past century and a half, small-scale societies practising shifting cultivation and harvesting forest resources have experienced a major transformation of their customary land use systems and land tenure arrangements, with significant impacts on their livelihoods. This transformation has occurred in the context of unprecedented population growth and movement, the extension of transportation and global markets to once-remote rural hinterlands, the introduction and spread of new agricultural crops and technologies, and the increasing reach and power of the modern state. Contrary to the pronouncements of government development plans, the transformation has not constituted a steady, linear process of rural development with uniformly beneficial outcomes for upland societies. Rather, it has been a process punctuated by subsistence crises, economic booms and busts, social and cultural upheaval, and political conflict as competing interests and ideologies jostle for control of upland resources. The human and environmental consequences are still being played out, with considerable variation from one upland locality to another (Poffenberger 1990; Brookfield et al. 1995; Parnwell and Bryant 1996; Padoch and Peluso 1996; Hirsch and Warren 1998; Li 1999a).

From one perspective, the transformation in the Southeast Asian uplands can be viewed as a particular historical and geographical outworking of what the economic historian Karl Polanyi (1944) termed ‘the great transformation’, beginning in the late eighteenth century with the development of an industrial, market economy in Britain, and spreading during the nineteenth century to western Europe and beyond. Indeed, from an early stage it was recognised that the fate of marginal upland regions was inextricably bound up with these momentous changes in the emerging global economy’s
industrialised core. In Britain’s own northern uplands – the Scottish Highlands – early industrial growth encouraged the rapid and ruthless pursuit of clearance and enclosure, involving the dispossession and displacement of tens of thousands of ordinary farming households and communities by their ‘clan chiefs’ or landlords, and their replacement by large-scale commercial sheep farms to meet the growing industrial demand for wool (Prebble 1963; Smout 1969; Devine 1999). As Devine remarks, ‘... the landlords were too impatient for the massive profits to be obtained from grazing on a large scale ... The unexploited lands of the north had become too valuable to be let to the inexperienced native tenantry’ (1999: 177). These displaced and impoverished uplanders were forced to take up marginal smallholdings (or crofts) as tenant farmers and fishers, to join the labouring masses in Glasgow and other manufacturing towns, or to emigrate to the New World.

This social cataclysm in the Highlands has justifiably impressed itself on the thinking and imagination of commentators, writers, and poets ever since and has become the paradigmatic case of upland transformation as a socially destructive process. Yet even Marx, who studied this process closely, recognised that the fate of Highland society in the late eighteenth and early nineteenth centuries was not an inevitable, let alone a desirable outcome of the growth of industrial capitalism, but resulted from the unscrupulous actions of the Scottish landowning elite, unrestrained by any effective countervailing force or movement. He famously excoriated the notorious policies of the Duchess of Sutherland, whose clearances were among the most ruthless and devastating:

This person, well instructed in economy, resolved ... to effect a radical cure, and to turn the whole country [of Sutherland] ... into a sheep-walk. From 1814 to 1820 these 15,000 inhabitants, about 3,000 families, were systematically hunted and rooted out. All their villages were destroyed and burnt, all their fields turned into pasturage ... Thus this fine lady appropriated 794,000 acres of land that had from time immemorial belonged to the clan. She assigned to the expelled inhabitants about 6,000 acres on the sea-shore – 2 acres per family ... The whole of the stolen clanland she divided into 29 great sheep farms, each inhabited by a single family, for the most part imported English farm-servants. In the year 1835 the 15,000 Gaels were already replaced by 131,000 sheep (Marx 1887: 682–683).1

As Davidson argues, ‘... for Marx the “clearing of estates” was not a tragic but unavoidable aspect of capitalist development, but one of the bru-
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tal and avoidable aspects of capitalism as the dominant mode of production ... The landlords were not predestined to succeed in driving their tenants off their land’ (2001: 321). In fact, farmers in many parts of Europe survived the same pressures for agrarian change that were experienced in the Scottish Highlands. Though the pressures were common, ‘the responses to them depended ultimately on the particular political, legal, social, cultural and economic characteristics of each country’ (Devine 1999:179). Thus Devine concludes that ‘it was the legal and customary defencelessness of the people which made the clearances possible in the Highlands and which simply would not have been feasible in many regions of the Continent where peasant ownership and legal rights and privileges built up over centuries were formidable obstacles to radical and rapid agrarian modernization’ (Devine 1999: 180).

The same local and regional variation in the process of agrarian transformation can be observed in the contemporary Southeast Asian uplands, where not sheep farms but oil palm and pulpwod plantations are threatening to displace customary landholders and devour their livelihoods. The particular context of agrarian change matters. Responses between and within countries differ. Livelihood outcomes are not predetermined by global economic forces.

This book traces the process of agrarian transformation in one upland society – the Saribas Iban of Sarawak – from roughly the middle of the nineteenth century to the close of the twentieth. The Iban are the largest single ethnic group in western Borneo, numbering around 630,000 and grouped into around 6,000 longhouse communities, mostly located on the banks of rivers in the hill forest zone between the coastal plain and the mountainous interior. The middle and upper reaches of the Saribas and Lupar basins have been the heartland of Iban settlement for several centuries and the source of migrants to most other river systems in Sarawak. The Saribas Iban in particular have been notable for their role in Sarawak’s economic and political development from their first bloody encounters with the forces of Rajah James Brooke in the 1840s to their subsequent energetic involvement with commercial agriculture, education, government bureaucracy, and electoral politics (Pringle 1970; Reece 1982; Jayum 1994).

Around 1850 the agrarian system of the Saribas Iban was characterised by shifting cultivation of upland rice and other food crops, primarily for subsistence needs, and a customary or community-based system of land tenure. By 2000 land use was dominated by the cultivation of perennial cash crops, notably pepper, rubber, and oil palm, with shifting cultivation a
declining and relatively minor activity. Non-farm employment was also of increasing importance. Various forms of land tenure coexisted, including different variants of customary tenure; formal, individualised tenure with official titles; and corporate forms of tenure within government-sponsored and commercial land development schemes.

The transformation of the Saribas Iban rural economy and landscape over a century and a half cannot be satisfactorily explained as a passive response to irresistible economic and political forces, as assumed in mainstream structuralist theories of rural development (Long 2001). Rather, Iban communities have been active agents in their own transformation, seeking to engage with both market and state on their own terms. The survival of the longhouse community and its territorial domain after many decades of involvement with commercial agriculture is itself testimony to their success in this respect. Nevertheless, Iban conceptions of land use and tenure have often clashed with those of state and market actors, colonial and post-colonial, resulting in an on-going process of confrontation, negotiation, and accommodation. This process has become increasingly fraught with conflict as government policies in Sarawak have promoted extensive commercial logging and plantation development on lands claimed by Iban and other communities.

Modern-day critics of Iban land usage both within and outside the government assert that Iban farmers are clinging to outdated, destructive methods of cultivation and customary attitudes to the land that need to be swept away by an interventionist state in the interests of modernisation and development. Advocates for the Iban often take an equally stereotypical stance, praising the assumed virtues of a traditional, communal, subsistence economy and opposing the penetration of market forces and the imposition of state-initiated development schemes. Neither of these extreme positions reflects the experience of agrarian change over the past century and a half in the Saribas.

The Saribas Iban story thus provides an important case study of the process of agrarian transformation in the Southeast Asian uplands, and in particular the role of upland farmers and communities in that transformation. An improved understanding of this process is clearly necessary to help resolve contemporary conflicts over the trajectory of rural development and resource management in Sarawak as well as other parts of upland Southeast Asia where issues of land use and tenure remain hotly contested. The aim in tracing this story is to provide a local lens through which to examine issues and debates that are regional and ultimately global in their...
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reach and significance. The task of this introductory chapter is to review these issues and debates in the Southeast Asian context.

LIVELIHOOD STRATEGIES IN THE UPLANDS

Characterising the Uplands

The Southeast Asian ‘uplands’ can be loosely defined as hilly to mountainous landscapes and tablelands at moderate to high elevations where dryland farming is dominant (Li 1999b). The intended contrast is with the ‘lowlands’, which include coastal, estuarine and riverine plains on which irrigated farming is widely practised, hence the familiar juxtaposition of ‘hill farms and padi fields’ (Burling 1965) or ‘swidden and sawah’ (Geertz 1963). The boundaries, of course, are not distinct. For example, irrigated rice farming is found in terraced, mountainous terrain in Luzon and Java, and in inter-montane basins such as the Bareo Highlands of Sarawak. Moreover, in some landscapes there is an intermediate (or ‘midland’) zone where the uplands phase into the lowlands and there is a combination of dryland and irrigated farming. Nevertheless, as Li (1999b) points out, the term ‘uplands’ is an indigenous category in the region and is widely used in both general and academic discussion. It is often linked to terms such as ‘up-river’ or ‘interior’ to indicate not just the nature of the terrain but remoteness from coastal markets and centres of government.

Upland areas in Southeast Asia account for perhaps two million square kilometres and, according to Pandey (2000), directly support over 100 million people. These upland areas are highly diverse – climate varies from humid to subhumid, soils from fertile to highly infertile, terrain from almost flat to steeply sloping, farming systems from shifting to permanent cultivation with a wide array of annual and perennial crops, and population densities from as low as 20 per square kilometre in Laos to over 200 per square kilometre in the Philippines. While the ‘uplands’ are often conflated with ‘forestlands’, both in popular imagination and in government policies, complex processes of deforestation mean there is again wide variation, from largely undisturbed rainforest (now mostly confined to remote and inhospitable terrain), through regenerating secondary forest interspersed with discontinuously cultivated patches, to completely denuded land under continuous cultivation.

Despite this heterogeneity, the uplands are frequently depicted as sharing the characteristic of ‘marginality’, in the multiple senses of that term (Blaikie and Brookfield 1987; King and Parnwell 1990; Blair and Lefroy 1991; Cramb 1998b, 2005; Li 1999c; Pandey 2000; Rigg 2003: 149–157).
Physically, most upland environments are of low agricultural productivity and susceptible to land degradation if farmed intensively. Economically, uplanders are typically poor, risk-prone, and remote from markets and sources of technical and financial support. Culturally, they have long been viewed as backward, ignorant, and uncivilised by dominant lowland groups who categorise them as ‘cultural minorities’. Politically, they are largely neglected due to the characteristic urban and lowland bias of government policies. To the extent that they are included in the modernising initiatives of the state, they are treated as objects of or obstacles to development. Thus ‘marginality’ embraces both the objective conditions of the uplands and the social processes of ‘marginalisation’ that help to reinforce, accentuate and exploit those conditions.

Yet, as Li (1999c) argues for Indonesia, these dimensions of marginality do not always coincide. In the past, some upland locations were seen as centres of wealth, both in terms of food and forest production, and a desirable destination for migrants from both the lowlands and other upland areas. Such locations sometimes supported important polities that maintained their independence from coastal states. More generally, Li (1999c) criticises the notion of a timeless, remote, traditional upland world, left behind by processes of modernisation in the lowlands. ‘In the case of the uplands in Indonesia, renewed attention to regional histories reveals that centuries of interaction with the lowlands, with state programmes, and with national and international markets have been central to the formation and reformation of their cultures and practices, and to their very identity as communities’ (Li 1999c: 5). Hence the study of agrarian transformation in the uplands must move beyond linear conceptions of change to examine, case by case, the changing livelihood strategies pursued by upland peoples and the diverse outcomes that result.

The Upland Household

The starting point for an understanding of agrarian transformation is the farm household and its use of the natural environment to pursue a livelihood. Historically, the farm household was the basic social and economic unit of Southeast Asian rural societies, whether in lowland or upland environments. It was typically a fairly small nuclear or stem family, occasionally an extended family, the members of which worked together to provide their common material needs (White 1980). While the household head was usually a male, households were not organised along patriarchal lines (except in Sinicised parts of Vietnam). In fact, there was ‘a common pattern of rela-
tively high female autonomy and economic importance', representing 'one extreme of human experience on these issues' (Reid 1988: 146). Men and women had different roles or functions, but both worked in the household's fields, with men responsible for heavier work such as land clearing and carrying loads and women responsible for tasks such as planting, weeding and harvesting. However, the evidence reviewed by Elson indicates 'that men and women, and children for that matter, while subject to general guidelines on the division of labour governed by common sense as much as by conceptions of appropriate behaviours, have always felt themselves free to do what needs doing, to change what needs changing, for the sake of the household' (1997: 183).

Much debate has surrounded the conceptualisation of farm households in pre-industrial societies and their decision-making behaviour (Boeke 1953; Schultz 1964; Lipton 1968; LeClair and Schneider 1968; Sahlins 1972; Sen 1983; Adams 1986; Stiglitz 1986; Ellis 1993; Netting 1993; Bryceson 2000). Do they constitute distinctly 'tribal' or 'peasant' modes of production, with their own subsistence logic, or can they be viewed simply as economically rational 'smallholders' faced with limited technology, information, and markets? Are farming decisions made primarily to satisfy subsistence requirements, maximise income, avoid disaster, minimise drudgery and effort, invest in future security, accommodate conflicts within the household, or some combination of these and other goals?

In practice, the 'tribal' and 'peasant' categories are difficult to apply consistently over time and space and are related as much to the social, economic and political context (discussed below) as to the internal workings of the farm household (Bates 1984). While the subsistence logic and demographic cycles of the 'domestic mode of production' (Chayanov 1966; Sahlins 1972) may have dominated at some time in the past, for much of the period under consideration Southeast Asian farm households can be viewed as village-based smallholders who necessarily operate with one eye on the household's subsistence needs and one eye on the market, including the expanding market for off-farm labour (Netting 1993; Elson 1997). These smallholders may have struggled to reproduce themselves as processes of economic differentiation led to the growth of some and the demise of others (Hayami and Kikuchi 1981; Hart et al. 1989), or the implementation of radical agrarian policies of the left or right swept them up into collective or corporate forms of agriculture. Nevertheless, semi-commercialised village-based smallholders have persisted in large numbers – the 'stubborn survivors' of the globalisation process (Mortimer 1984; Lipton 2005).
Moreover, it is appropriate to attribute to such farm households, not the axiomatic, instantaneous rationality of neoclassical economics, but a basic, intentional rationality or purposiveness. By this is meant the systematic choice over time of farming practices and strategies in order to further a range of household livelihood goals, reflecting the interests and influence of different household members (men and women, old and young), and subject to the constraints imposed by access to resources, and trends and shocks in exogenous conditions (Ellis 2000). Thus Li highlights ‘how familiar and normal are the motivations of upland farmers’ in Indonesia, whom she sees as ‘innovative, dynamic, aware of market prices, very much interested in cash, and making investment decisions accordingly’ (1999c: 28).

This underlying purposiveness has been reflected in recognisable evolutionary tendencies in upland farming systems as circumstances in the wider environment have changed. The key long-term trends of relevance here are the growth of population and the spread of the market economy, leading respectively to strategies of intensification and commercialisation. A third strategy – migration – can be seen as a response to either or both of these trends (as well as having other, quite separate motivations). The pursuit of all three strategies in varying combinations has led in recent decades to the emergence of increasingly diverse and diversified rural households in the uplands.

**Intensification**

Ester Boserup (1965), in her influential essay, *The Conditions of Agricultural Progress*, argues that subsistence farming systems have evolved historically so as to intensify land use as population pressure on the land increases, thus forestalling the subsistence crisis predicted by Malthus. Shifting cultivation or forest-fallow systems evolve into bush-fallow, then short-fallow systems, and finally annual or even multiple cropping. Each stage requires a greater labour input per hectare and per worker, therefore (invoking the principle of least effort) a transition from one stage to the next only occurs when the growth of population makes it necessary to increase total food output from a given area of land, including both cultivated and fallowed land. In the course of this evolution, long-available technologies are adopted sequentially to suit the requirements of each stage. For example, whereas under long-fallow systems only axe and fire are needed to prepare a field for cultivation, under short-fallow systems the plough is adopted to cope with the grasses in the fallow that were previously shaded out by forest regrowth.
Boserup's thesis glosses over the environmental differences faced by farmers in different geographic regions. Geertz (1963), on the other hand, in his seminal study of the processes of agricultural and ecological change in Indonesia, draws a sharp contrast between the highly elastic wet rice or *sawah* landscape of inner Indonesia (Java, Bali and Lombok) and the fragile swidden or shifting cultivation landscape of outer Indonesia (most of Sumatra, Borneo, Sulawesi, and the eastern islands). Whereas the inner Indonesian ecosystem was capable of ever-greater intensification and elaboration, to the point of ‘agricultural involution,’ the outer Indonesian ecosystem could not absorb greatly increased populations without suffering severe environmental degradation. Brookfield (1972, 1984) also highlights the importance of the environmental dimension, arguing that the contrasting ecosystems described by Geertz were merely extremes on a continuum of environmental ‘elasticity.’ Nevertheless, within each system there remained an ultimate Malthusian end-point, encountered much earlier in the swidden than in the *sawah* environment.

Similarly, Pingali and Binswanger (1987) extend Boserup’s analysis by taking into account the characteristics of different environments along a toposequence from uplands to lowlands. In addition, they allow for not only the growth of population but also migration between zones. For the humid tropics they argue that, as population density increased, farming spread from the more easily cultivated, gently sloping uplands, where shifting cultivation was traditionally practised, towards the naturally swampy bottomlands which, although they required a greater labour input, provided higher returns to investment in land improvement, especially in the case of irrigated rice cultivation. That is, the bottomlands were the least preferred under low population densities (partly for health reasons) but became the focus of intensification efforts as population density reached high levels. However, where bottomlands were limited in extent or population growth exceeded their capacity to absorb further labour inputs productively, intensive cultivation was gradually extended into the middle and upper slopes at the expense of grasslands and forest.

This model accords reasonably well with the longer-term spatial expansion of rice farming in Southeast Asia, though there is evidence that both dry rice cultivation in the hills and wet rice cultivation in the lowlands may have evolved from an earlier form of short-fallow, swamp rice cultivation in naturally moist inland valleys (Hill 1977; Helliwell 1992; Reid 1994; Elson 1997; see also Chapter 3). Moreover, the ancestors of upland groups may have adopted hill rice cultivation rather than invest in lowland agriculture.
as much for political reasons as demographic, moving into the uplands to escape domination by coastal elites (Helliwell 1992; Li 1999c). Nevertheless, the Pingali and Binswanger model has certainly been borne out in recent decades by the experience of countries such as the Philippines, where the movement of lowland farmers into fragile upland environments, particularly in Mindanao, has been dramatic (Cramb 1998b). In Thailand, too, most upland farmers are now not from the minority hill tribes but lowland Thai who have migrated into the uplands in search of farming opportunities (Kunstadter et al. 1978). In the central highlands of Vietnam a similar process has occurred over half a century or more whereby ethnic Vietnamese farmers from the lowlands have been migrating into the domain of Montagnard shifting cultivators (Rambo 1984), more recently with support from state-sponsored resettlement programs, resulting in periodic rebellions by the uplanders and their suppression by government forces. While this recent accelerated growth in upland populations has indeed brought about a sequence of Boserupian intensification through to continuous cropping in some environments (e.g., maize cropping systems in the Philippine uplands), it has been associated with deforestation, serious land degradation, and the emergence of Malthusian poverty (Garrity et al. 1993; Cramb and Culasero 2003a, 2003b).

**Commercialisation**

In addition to population-induced intensification of farming systems, a second major evolutionary trend can be discerned in the household economy of the uplands. The expansion of market opportunities resulting from global economic growth, improvement in rural infrastructure and, in some cases, explicit government policies, has induced the partial commercialisation of previously subsistence-oriented farming systems (Myint 1958, 1973; Fisk and Shand 1969; Fisk 1975; Ruthenberg 1980; Pingali 1990, 1996; Elson 1997). Fisk (1975) characterises the initial, pre-commercial state in the highlands of Papua New Guinea as one of ‘subsistence affluence’ and many commentators with a similar concept in mind have decried the intrusion of cash crops into such systems. However, upland farmers throughout Southeast Asia have almost universally embraced commercial agriculture when the opportunity has arisen (Barlow 1985; Booth 1991). In some cases this has reinforced the tendency to more intensive production of traditional food crops, especially rice and maize, in order to produce a marketable surplus. In others it has resulted in a shift in the farming system, incorporating new crop and livestock products to satisfy urban or export demand (e.g.,
rubber in the uplands of Malaysia, Indonesia, and southern Thailand; copra in the Philippines; coffee in Indonesia and more recently the central highlands of Vietnam; vegetable crops in many highland locations). The expansion of cash crops, particularly pepper, had begun in pockets of Southeast Asia such as Aceh, Lampung, and South Kalimantan as early as 1400, but suffered a long period of decline from the middle of the seventeenth century (Reid 1993, 1994). However, the process of smallholder commercialisation began again in earnest from late in the nineteenth century with the unprecedented growth in European demand for tropical products.

Hla Myint (1958, 1973) analyses this transition to the money economy in two stages, drawing on Adam Smith’s theory of ‘vent for surplus’. In the first stage, at low population densities, the existence of surplus productive capacity in the form of both surplus labour-time and surplus land enabled households to produce a commercial crop such as rubber or cocoa in addition to their subsistence production. Thus the entry of subsistence households into production for the market could be undertaken in a relatively riskless and costless manner, with subsistence secured. At the same time, the goods obtained through entry into the market could be viewed as a clear net gain, obtainable merely for the extra effort of growing the commercial crop. The process of commercialisation in this stage was thus completely reversible; households could respond to market downturns or collapse by retreating to reliance on subsistence production (e.g., Cramb 1998a).

In the second stage, with greater development of market infrastructure and surplus capacity fully utilised, households began to specialise for the market, expanding their commercial production at the expense of subsistence output. As Myint (1958, 1973) emphasises, while this potentially led to higher incomes, it also exposed households to greater risks as their dependence on the market increased. Hence, in some institutional settings, market downturns or other calamities could result in indebtedness to moneylenders, forced sale of assets, and landlessness. Myint (1958, 1973) also highlights that, as population density increased, the process of economic growth through smallholder commercialisation was destined to come to an end and perhaps be reversed, in the absence of technological improvements to raise productivity in both subsistence and commercial crops. Thus he too acknowledges that the ghost of Malthus has not been completely banished.

Myint’s analysis overlooks the significance of domestic production of non-agricultural goods and services in a subsistence economy, first analysed by Hymer and Resnick (1969) for Thailand. These include the self-provision of tools and equipment, clothing, housing and house repairs,
furniture, transportation, food processing and preparation, childcare, and medical, educational, judicial and religious services, as well as leisure activities, which may have to be partly sacrificed in order to allocate labour to the production of a commercial crop (Hymer and Resnick 1969; Ellis 1993). Moreover, the items purchased with the proceeds of commercial agriculture have increasingly substituted for these domestically produced goods. Despite its limitations, however, the Myint model helps explain the rapid expansion of smallholder exports in lightly populated regions such as Southeast Asia from the late nineteenth to the mid-twentieth centuries (and later in some areas), often to the surprise and consternation of colonial officials intent on developing capitalist plantation agriculture (Barlow 1978; Fuglie 1989; Dixon 1991; Elson 1997; Drabble 2000; Hayami 2004).

The smallholder commercialisation process has involved not only the production of commercial crops but the increased use of purchased inputs, due to lower farm-gate prices and more widespread availability of seed, inorganic fertilisers, pesticides, farm equipment, and credit (Tomich et al. 1995). Many of these inputs embody new technology, beyond the traditional repertoire of technological options assumed in either the Boserup or the Myint models. Such inputs can ease the constraint imposed by scarce household resources at various stages of intensification (Ruttan and Hayami 1998). For example, the use of herbicide or machinery can save labour in low intensity (labour-scarce) situations, explaining the widespread recent adoption of herbicides by shifting cultivators for whom the labour available for the weeding operation is the major constraint on yield (Gerrits 1994). Conversely, high-yielding seeds and fertilisers can economise on land in high-intensity (land-scarce) situations, as illustrated by the increased adoption of hybrid maize and commercial fertilisers in the densely populated uplands of Mindanao (Cramb 2000). Rubber is an interesting exception in that the adoption of high-yielding clones has the principal effect of economising on labour (that is, increasing labour productivity), as the labour effort in tapping depends primarily on the number of trees to be tapped, not on their level of output (Binswanger 1986) – hence the attraction of high-yielding rubber even among low-intensity shifting cultivators in Southeast Asia.

The environmental implications of smallholder commercialisation vary with the characteristics of the crop in question. On the one hand, tree crops such as rubber and coffee have been well-adapted to upland conditions (such as soil acidity) and have helped to protect the soil from degradation, mimicking some of the ecological processes of the original forest (Dove
On the other hand, expanded commercial cultivation of maize, root crops and vegetables in the Philippine uplands has greatly accelerated soil erosion and pesticide pollution, requiring considerable collective effort to develop and disseminate appropriate conservation measures (Coxhead and Buenavista 2001; Cramb and Culasero 2003a, 2003b). While Reid (1994) argues that traditional methods of pepper cultivation led to soil exhaustion and extensive deforestation in the Indonesian archipelago between the fifteenth and nineteenth centuries, modern methods involve continuous cultivation and purchased fertilisers with much reduced impact on the wider landscape.

Migration

A third livelihood strategy, already mentioned in part, is migration (Ellis 2000; Todaro and Smith 2003, ch. 8). This too is an endogenous response of upland households to the trends of increasing population (a push factor) and the spread of the market economy (a pull factor). (The phenomenon of government-sponsored migration or resettlement is considered below.) Migration varies in its direction and duration. It is common to distinguish between rural-to-rural and rural-to-urban migration and, within each of these categories, between temporary (or circular) and permanent migration. The relative importance of each of these forms of migration varies from country to country and over time. For example, for Thailand in the 1990s it was estimated that rural-rural migration accounted for three times as many migrants as rural-urban migration (Todaro and Smith 2003: 337), no doubt in part due to the movement of lowland Thai farmers into the uplands.

Temporary rural-rural migration involves individual household members relocating for months or even years to work on oil rigs, in logging camps, and in agricultural plantations. The strategy is to take advantage of the household member’s perceived higher earning potential in off-farm and non-farm employment and, indirectly, to take pressure off the household’s land resources (Ellis 2000). The intention is that the out-migrating member will send remittances to support the members remaining at home, though frequently wages are entirely consumed in debts to the company store. Nevertheless, Elmer and Shively (1998) show how upland farmers in Palawan in the Philippines have benefited from seasonal employment in lowland areas, with beneficial impacts on the upland environment as well. Temporary migration can involve crossing international borders, legally or illegally, as in the case of the thousands of Indonesian plantation workers in Malaysia.
Permanent rural-rural migration refers to the movement of farm households and communities into new territory, primarily in response to population growth in the place of origin (e.g. Eder 1999), but also induced by external shocks such as outbreaks of disease (of which smallpox was the prime historical example in Southeast Asia) or conflict. As discussed above, this has included movement into swampy lowlands and their development for intensive farming, as well as more recent movement into steeply sloping uplands, pushing back the forest frontier. However, rural-rural migration can also be induced by the development of roads and markets as households and communities relocate to reduce the time and cost incurred in marketing, as well as to obtain better access to health, education, and other services (Windle 1997). Often circular rural-rural migration can evolve into permanent migration as plantation and timber workers take up land nearby, with or without official sanction, and are subsequently joined by their families.

Rural-urban migration, induced by industrialisation and the growth of cities, has come to dwarf movements of people within the rural sector. Todaro (1969) shows how the high differential between urban and rural wages induces excessive rural-urban migration, even though the probability of securing a high-wage job is small. The result is expansion of the informal sector and increasing unemployment and urban poverty. Increasing numbers of rural dwellers in countries like the Philippines are faced with the choice between migration into inhospitable upland environments and migration into urban slums such as found in Metro Manila (World Bank 1989).

In temporary rural-urban migration, as with migration to the petroleum and timber sectors, individuals, typically assisted by kin who have already made the move, seek out employment in factories and on construction sites, hoping to support themselves and send home remittances. In both rural-rural and rural-urban forms, temporary wage migration can be an opportunistic activity to augment rural incomes or a survival strategy for poor households affected by rural recession or squeezed out by processes of rural differentiation (Scott 1985; Hart 1989). In the past it was mostly men who engaged in this form of migration, taking on heavy and often dangerous labouring work, but in recent decades younger women have added to the flow of temporary migration, working in both the manufacturing and service sectors. This form of migration has also taken on an international dimension. In particular, there are more than seven million overseas Filipino workers, remitting around US$700 million per month (Gonzales 2004), with major implications for the Philippines macro-economy.
Permanent rural-urban migration can also be an extension of temporary migration, where repeated stints working in the city eventually provide sufficient know-how and security for the worker to remain there long term, though still usually in unskilled employment. The spread of formal education in upland areas has both motivated and equipped many young people to obtain semi-skilled employment in towns and cities and to establish families there. These trends have radically altered the demographic profile of upland societies in recent decades.

Diversified Upland Livelihoods
These strategies of intensification, commercialisation, and migration, each with their own variants, have been pursued singly and in combination to varying degrees by different households in different locations, resulting in the emergence of a diverse array of highly diversified rural livelihoods in the Southeast Asian uplands, as indeed throughout the developing world (Ellis 2000). As noted at various points above, some of this diversity derives from processes of agrarian differentiation. White defines differentiation as ‘a cumulative and permanent … process of change in the ways in which different groups in rural society – and some outside it – gain access to the products of their own or others’ labour, based on their differential control over production resources and often, but not always, on increasing inequalities in access to land’ (1989: 20). The extent of such differentiation and the mechanisms underlying it have been intensively analysed for the Southeast Asian lowlands, particularly in the context of the Green Revolution in rice production that began in the 1960s (Hayami and Kikuchi 1981; Scott 1985; Hart et al. 1989). Similar tendencies are apparent in the uplands, though the mechanisms are complex and varied and have not yet received the same attention from researchers (Eder 1999; Li 1999c).

Whatever the specific motivations and mechanisms underlying the diversity in rural livelihoods, the result has been the emergence of a hybridised household economy that combines on- and off-farm activities and engages with both local and global economic processes, drawing on both customary and modern techniques and practices (Eder 1999; Rigg and Nattapoolwat 2001; Dove 2002; Altman 2004; Potter and Babcock 2004). Some have argued that farming as such is now of minor importance. Hence Elson (1997) writes of the ‘end of the peasantry’ in Southeast Asia, and Rigg and Nattapoolwat (2001) adduce evidence of ‘de-agrarianisation’ in rural villages in Thailand, implying that the farm household is becoming merely a ‘shell’ for rural labour. However, these concepts seem to imply a linear
development pathway and thus overstate the extent to which rural house-
holds are converging on a non-agricultural end-point, particularly in the
uplands. For example, Potter and Babcock (2004) found that smallholders
in Riau in Sumatra, though seeking new sources of income from non-agri-
cultural sources, still see value in their system of mixed tree crop produc-
tion, particularly as a coping strategy in times of economic crisis. Given the
multiplicity of livelihood strategies, and the discontinuities and reversals
experienced in the past, it seems best to view this as an open empirical
question and to see what light the Saribas Iban experience can shed on the
dynamics of contemporary rural transformation.

COMMUNITY, MARKET AND STATE

An Emerging Tension
The Saribas Iban case not only raises issues, such as those considered
above, regarding the nature and dynamics of the upland household econ-
omy. It epitomises a long-standing but growing tension in Sarawak, and
elsewhere in the uplands of Southeast Asia, between the three institutional
spheres within which the household operates – community, market, and
state. ‘Community’ here refers to the local village (or sub-village) commu-
nity, which provides the immediate social and cultural context for the liveli-
hood activities of farm households (though of course such communities are
linked in wider societies with shared cultures). ‘Market’ includes the small-
scale traders and trading networks that have long existed in Southeast Asia,
but more particularly the now-pervasive domestic and international mar-
kets for agricultural and forest produce and the commercial actors in those
markets – merchants, financiers, loggers, plantation companies, proces-
sors, export agents. ‘State’ refers to the government or executive and its
technical, bureaucratic, and enforcement apparatus, operating at various
levels from the capital down to the district or even the village (thus inter-
facing with the community through such means as government-appointed
village officials). In practice none of these spheres constitutes a homoge-
nous entity acting with a single purpose – communities can be faction-
alised, market actors by definition compete for profitable opportunities,
different state departments have their own agendas and power bases – yet
the boundaries between them are sufficiently distinct to provide a useful
framework for analysis. Indeed, conflicting views and policies about land
use and tenure in the uplands are as much about ideological perceptions
of the roles of these three institutional spheres as about the merits of any
particular technique or custom.
Until around the middle of the nineteenth century, upland societies in Southeast Asia, including the Iban, were largely self-sufficient and politically autonomous (Booth 1991; Reid 1994). Thus the spheres of community, market and state can be thought of as effectively coterminous – local communities regarded themselves as independent states (perhaps in temporary alliance with other such units) and most material needs were produced domestically (notwithstanding a long history of small-scale barter trade in many items such as salt, iron, and forest products) (Elson 1997). Thereafter, the rapid growth of global markets for tropical products and the emergence of increasingly powerful centralised states, colonial and post-colonial, created new and complex arenas for cooperation and conflict.

The issue for upland farmers has been how to respond to these changes in such a way as to maintain the desired features of local community life and governance while exploiting favourable market opportunities and dealing with the demands (and accessing the benefits) of a modern, often highly coercive state. From the perspective of market actors the issue has been how to acquire the produce or resources (land, forests, minerals, labour) of upland communities for maximum profit, and with minimum disturbance. The concern of states has been to settle and control upland populations, rendering them ‘legible’ to the centre (Scott 1998). In the process, states have at times sought to ‘protect’ upland communities from the inroads of the market in order to maintain political and economic control, and at times to develop alliances with market actors to accelerate the exploitation and appropriation of upland economic resources, ostensibly in the pursuit of modernisation and development (Peluso 1992; Vitug 1993; Broad and Cavanagh 1993; Hyndman and Duhaylungsod 1996; Bryant 1997; Adas 1998). More recently, in response to global environmental concerns and incentives, governments have attempted either to exclude upland communities from newly defined protected areas or to enlist their participation in schemes for ‘community-based resource management’, with varying implications for upland peoples themselves (Poffenberger 1990; Cramb et al. 2000; Li 2002a; Eaton 2005). It is in the interaction between these complex, evolving, often conflicting agendas that an understanding of agrarian transformation in the Southeast Asian uplands must be sought.

The Nature of Community

The nature of the village community in Southeast Asia has been widely debated. Elson (1997), with lowland Indonesia mainly in view, argues that the village was not a naturally cohesive local community but the administrative...
creation of the state, pre-colonial and colonial, facilitating central control over the land, labour and produce of farm households through a hierarchy of patron-client ties. Village culture served in part to reinforce the prevailing social order, legitimising the claims of the elite to control the use of resources and appropriate the agricultural surplus. Li (2002a) also maintains that ‘studies of some remote locations in Indonesia’s indigenous, upland interior have shown that “communities” were not natural units, but rather were formed, or at least re-formed, by or in interactions with the programs and initiatives of governing regimes’. She remarks that ‘today there are few geographical locations, if any, in which “communities” could be said to have an autonomous existence outside the structures of state control’ (Li 2002a: 276).

Nevertheless, Adas (1998), based on contrasting cases in Vietnam and Burma, argues that villages varied widely in the degree to which they exhibited community cohesion and consciousness versus the degree to which they were merely administrative units of a hierarchically organised state. Their position along this spectrum was indicated by several key indicators – the importance given to village membership and collective representation; internal selection of village leadership; measures for community welfare; the use of village sanctions; the village’s role in administering land tenure; ceremonial coherence and bonding; and the village as a unit of defence or protest (Adas 1998). Upland villages have tended to be relatively small-scale, cohesive communities, at one end of Adas’s spectrum. The closed, corporate nature of upland communities may in fact have been a historical reaction to attempted domination by lowland states that sought to encompass and control them. Relatedly, upland communities were most often governed by an independent, egalitarian culture or, if not (as in the stratified societies of central Borneo), were nevertheless fairly homogeneous in practice (King 1993; Sather 1996).

The nature of community land tenure systems is of particular importance to this study. It is often assumed that traditional villages in a subsistence setting are characterised by ‘communal’ land tenure. Demsetz (1967) makes this assertion in an influential paper on the evolution of property rights, arguing that there is a general and inevitable trend from communal property rights in land to a more efficient system of private property rights as population growth and the expansion of trade raise the value of such rights. Boserup’s (1965) theory of land-use intensification is broadly similar but more nuanced with regard to the nature of the rights at each stage. She argues that in forest-fallow systems households possess a general cultivation right to village lands, which translates into a temporary use right to
any particular field the household clears. This use right reverts to the village or lineage when the field is fallowed. As land-use intensity increases and the fallow period is shortened, the specific use right becomes more valuable and permanent, while the general access right diminishes in importance. Binswanger and McIntire (1987) support this view and theorise that the introduction of commercial crops, especially tree crops, accelerates the emergence of specific rights. As these become transferable within and beyond the village, land acquires a market value, and also a collateral value, inducing expansion in the supply of credit. These processes lead to inequality in landholdings and the emergence of landlessness and tenancy. Such outcomes are widely observable in the more open, economically differentiated villages of lowland Southeast Asia (Hayami and Kikuchi, 1981; Scott 1985; Hart et al. 1989) but can also occur in upland regions, particularly where migration and resettlement have undermined customary institutions of community control (Li 2002b; Cramb and Culasero 2003).

While these broad evolutionary hypotheses merit examination, it is misleading to describe the customary land tenure systems of upland communities as ‘communal,’ particularly if this term is conflated with ‘open access’ and thus assumed to be inefficient by definition (Bromley 1991). Rather, they are more accurately described as community-based tenure systems, governing a defined territory to which only community members have access and in which varying combinations of both private and common property rights are recognised and enforced (Morris 1976; Cramb and Wills 1998). Thus the traditional upland community can be viewed as a land-owning corporation (Ter Haar 1948; Appell 1976; Denman 1978) or a micro-state with its own system of land administration. Moreover, the empirical evidence suggests that such community-based systems have undergone a variety of evolutionary pathways, at times emphasising private property rights and at times shared rights or common property, reflecting different community responses to similar demographic and market forces (Suyanto et al. 2001).

As Olson (1974) observes: ‘There cannot be property rights in any social setting unless individuals find it profitable to claim a property right and the government of a community also finds it in its interest to allow that property right’ (1974: 7). This principle highlights the role, not only of individual economic gains (as stressed by Demsetz (1967) and others), but of community political processes in the collective choice of tenure rules and arrangements. Olson’s (1974) dictum also applies to the situation where community governance has been overlain or superseded by state control of land tenure, accentuating the scope for outcomes that differ from sim-
ple evolutionary models. Elson (1997) shows how indigenous and colonial states often intervened to maintain communal lands in accessible, densely populated villages in order to control the allocation of valuable cultivation rights, while in less densely populated frontier settlements, removed from state control, individual household rights generally prevailed, apparently reversing the predictions of the Boserup model. In the post-colonial era, well-developed individual rights of upland farmers have been overridden in communist states such as Vietnam and Laos (Evans 1988; Tran 1998) or obscured by centrally-defined notions of ‘ancestral domain’ in the Philippines (Gatmaytan 2002), while clearly-defined common property rights to village forest reserves have been undermined by land laws and policies in Indonesia and Malaysia (Cramb and Wills 1990; Cleary and Eaton 1996; Li 2002a; Potter and Badcock 2004).

Whether open or closed, hierarchical or homogeneous in the past, the social structures of both lowland and upland village communities are experiencing unprecedented pressures as a result of rapid and widespread agrarian change, both endogenous and imposed. Moreover, village cultures and the sense of community roles and consciousness that they imparted have been progressively exposed to alternative worldviews through formal education systems, government propaganda, mainstream religions, the increased mobility of village members, and a revolution in communications. In Elson’s (1997) view, by the 1990s the Southeast Asian village had become more a place to live and from which to commute than a socially cohesive and culturally significant community. From an upland perspective, however, this seems too broad a generalisation. Upland communities may yet have considerable capacity to absorb and adapt to these seemingly overwhelming external forces while continuing to function as viable communities. For example, Brosius (2000) shows how the nomadic Penan of Sarawak in their remote forest locations have creatively engaged with the political ideology of the state, appropriating the concept of ‘the politics of development’ to argue for their preferred patterns of livelihood and community. As will be argued in subsequent chapters, the Iban longhouse community, while undergoing significant change, still provides a highly valued and effective framework for the pursuit of rural livelihoods through interaction with market and state actors.

Community and Market

Yujiro Hayami (1998) identifies two rival views of the relationship between community and market that have persisted since the beginning of modern economic growth, with different implications for the role of the state. He dis-
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cusses these views in the context of Asian rice farmers. The first he terms the ‘community-yoke’ thesis. This ‘asserts that the transition from pre-capitalist communities, which are bound by hierarchical status, traditional customs, and personal ties, to modern market economies is beneficial to a majority of the poor’ (Hayami 1998: 91). The second view he terms the ‘evil-market’ thesis, which argues that ‘the destruction of traditional community relations, such as mutual help and income sharing, due to commercialisation results in greater inequality and misery for the poor’ (Hayami 1998: 91). The ‘community-yoke’ view has been used to justify state intervention to override the rules and institutions of traditional village communities; for example, customary land tenure institutions such as share tenancy. The ‘evil-market’ view has led states to intervene extensively in rural markets to control prices, interest rates, and land rents, and to establish government monopolies in marketing, input supply, and credit. In both cases, the actions of the state have in fact turned out to be largely detrimental to the rural poor.

The rival views resurfaced in the debate between the so-called moral economy and political economy approaches to rural society in Southeast Asia, which were particularly concerned with explaining peasant resistance and uprisings. Scott (1976), the leading advocate of the moral economy view, argued that social relations in pre-capitalist rural communities were geared to secure the minimum subsistence requirements of all community members. The overwhelming need to avoid subsistence crises gave rise to a pervasive ‘subsistence ethic’ that provided the moral underpinning of these social relations. The basic principle was that ‘all should have a place, a living, not that all should be equal’ (Scott 1976: 40). With the intrusion of the market economy this moral principle was undermined by the profit motive, hence traditional mutual help and patron-client relationships were weakened, increasing the exposure of the poor to subsistence crises. Scott viewed peasant uprisings in Southeast Asia as the desperate efforts of poor farmers, triggered by such crises, to restore their traditional rights. ‘Commercial agriculture and the growth of the state [were to] steadily reduce the reliability of subsistence guarantees to the point where peasants had hardly any alternative but resistance’ (Scott 1976: 40).

The political economy approach advanced by Popkin (1979) and others was an explicit challenge to the moral economy perspective. Popkin, analysing Vietnamese rural society in particular, argued that even in traditional rural communities, individuals were motivated by personal gain and an investment logic rather than the community interest, and looked to their immediate family and small local groups for subsistence support rather than
the village community, which they sought to exploit. Hence he denied that such communities were morally oriented to protecting the poor. Rather, village institutions were used by village elites to maintain their position and thus served to reinforce rather than minimise economic inequalities. Peasant uprisings, therefore, were not spontaneous, defensive attempts to restore traditional community institutions, driven by moral outrage, but the result of successful efforts by political entrepreneurs to organise collective action in order to remake traditional institutions and manage the market economy in ways that satisfied individual interests.

However, the debate that ensued showed that differences between the moral and political economy approaches were not as great as originally claimed (Keyes 1983). Hayami (1998) warns against exaggerating the deficiencies of either community or market institutions without recognising the problematic nature of state intervention in the rural economy.

A paramount danger is to overemphasise the failures of existing community and market systems while ignoring the possibility of government failure. Such arguments have been used to justify the displacement of indigenous community and market institutions by ‘modern’ institutions heavily loaded with bureaucracy. The imposition of institutions imported from developed countries or founded on ideological preconceptions that do not consider the traditional norms and organisational principles is bound to meet with widespread non-compliance or sabotage by local people, as evidenced by the repeated failures of institutional credit programs and the rapid deterioration of some modern large-scale irrigation systems (Hayami 1998: 99).

He argues that community, market, and state should not be seen as rival institutions but complementary. Traditional community institutions can correct for market failures, notably by internalising the pervasive externalities resulting from the ecological interdependence of agricultural processes (for example, by coordinating the timing of key events in the rice cultivation cycle, or by collectively managing the maintenance and use of irrigation infrastructure). The close social interactions and traditional norms in local communities can reduce opportunism, cheating, and shirking, helping to maintain property rights and social order in a situation where an individual household’s assets (standing crops, fruit trees, domestic animals) are physically unprotected in open fields.

However, communities have weaknesses that may be corrected by the expansion of markets (Hayami 1998). Traditional community norms may reinforce patron-client ties that have become inefficient and unfair. In this
situation, the growth of market relations may strengthen the bargaining position of the weaker members of a community, such as the landless poor. Moreover, when communities become too large for effective face-to-face monitoring of adherence to traditional norms, or where rivalry and opportunism between communities undermines the prospects for coordinated development efforts or resource management on a larger-scale (e.g., rural feeder roads, reforestation and catchment management projects), the state ideally has a role in setting and enforcing rules for the wider good.

Community and State

Nevertheless, the capacity of Southeast Asian states to devise and implement policies and programs for the wider benefit of rural communities, particularly with regard to upland agriculture and resource management, has been questioned on both theoretical and empirical grounds. Dauvergne (1997) shows how the traditional, localised patron-client relationships of Southeast Asian societies, characterised by ‘asymmetry, informality, personal contact, and reciprocity’, have been transformed into modern patron-client networks, which are far more fluid and extensive. These informal, often culturally legitimised networks, in which lower-order patrons with their own cluster of clients are themselves clients of higher-order patrons, help to explain patterns of political interaction and exchange in ways that analysis of the formal structures of the state often fails to do. As Dauvergne emphasises, ‘by focusing on informal rather than formal relations, important insights can be gained into distribution patterns, including appointments to bureaucratic positions, awarding of government contracts, and allocation of state revenues’ (1997: 43). Moreover, patron-client analysis helps account for ‘vertical links from urban to rural areas that cut across class, ethnicity, language, and religious differences’ (1997: 44). As will be shown in later chapters, such links have been particularly important in Sarawak’s multi-ethnic society.

The concept of the ‘patrimonial state’ focuses attention on the state as the major source of patronage, emphasising the role of central elites, and often a ‘super-patron’ such as Marcos in the Philippines or Suharto in Indonesia, as the key source of mismanagement of resources (Wurfel 1988). However, Dauvergne (1997), invoking the broader notion of the ‘clientelist state’, emphasises that patron-client ties pervade the relations of Southeast Asian states, from the highest level down to the level of petty officials, weakening the capacity of the state to implement and enforce resource management policies. In such states, ‘goals and priorities are modified by particu-
laristic, rent-seeking behaviour of patrons and clients as they interact with the state’ (1997: 52). While political power is concentrated in the hands of a small elite motivated largely by personal gain, such powerful patrons are continually faced with the need to negotiate threats from both within and outside the state. ‘To weaken challenges from sections of the state, top leaders remove and reshuffle state-agency elites. To maintain or increase power they appoint loyal followers, friends, and family. As well, to preserve stability, they make nonmerit appointments to coopt powerful patrons and ethnic, regional, and business leaders outside the state’ (Dauvergne 1997: 54). Pursuit of these survival strategies seriously undermines and distorts the use and distribution of public resources, notably land and forests.

Hart (1989) emphasises the importance of state patronage of the rural elite, whether ‘traditional’ or created bureaucratically, in driving agrarian change and differentiation in the lowland rice-growing regions of Thailand, Malaysia, Indonesia, and the Philippines.

In much of Southeast Asia, patronage of dominant rural groups is an important means by which those who control the state pursue their complex and often conflicting agrarian interests, both within and beyond the rural sector. State patronage is essential to understanding agrarian processes. It not only influences forms of extraction and accumulation, but also generates tensions and contradictions that constitute important sources of change and differentiation (Hart 1989: 31).

Though emphasising the particularities of agrarian policies in each case, Hart maintains that the four states sought to harness the technologies of the Green Revolution to promote increased rice production while exercising control over the mass of small farmers, both goals being essential for their political survival. ‘Southeast Asian states have thus sought to maintain agrarian control while simultaneously transforming the productive base of rural society. All four states have tried to deal with these conflicting interests by maintaining dominant rural groups – or a segment of them – as privileged yet dependent clients’ (Hart 1989: 32). Though the uplands have not been as strategically important as the lowlands in terms of the capacity to produce surplus rice, the state’s need for access to land and timber resources combined with an overriding need for political control ensures that ‘patronage is one of the characteristic ways in which power works in upland settings’ (Li 1999c: 20).

The problematic nature of the state’s role in rural development and resource management has been masterfully explored by James Scott (1998)
in *Seeing Like a State*, in which he seeks to explain ‘how certain schemes to improve the human condition have failed.’ These schemes range widely in space and time and include the attempt in post-revolutionary France to develop a *Code Rural* to standardise or replace customary land rights and practices, the invention of scientific forestry in late eighteenth century Germany, large-scale agricultural schemes in the colonial era, the collectivisation of agriculture in the former Soviet Union, the ‘villagisation’ program in Tanzania, and numerous others. The common element in these grand schemes was a belief in what Scott terms ‘high modernism’, which he characterises as ‘a particularly sweeping vision of how the benefits of technical and scientific progress might be applied – usually through the state – in every field of human activity’ (1998: 90). High modernism is shared across political ideologies. ‘Its main carriers and exponents were the avant-garde among engineers, planners, technocrats, high-level administrators, architects, scientists, and visionaries [...who...] envisioned a sweeping, rational engineering of all aspects of social life in order to improve the human condition’ (1998: 88). Revolution and colonialism alike provided especially congenial conditions for high modernism. ‘Colonial regimes, particularly late colonial regimes, have often been sites of extensive experiments in social engineering. An ideology of “welfare colonialism” combined with the authoritarian power inherent in colonial rule have encouraged ambitious schemes to remake native societies’ (Scott 1998: 97).

As Scott (1998) emphasises, the state-sponsored transformation of agriculture is motivated both by such high-modernist scientific pretensions as well as by the state’s drive for political control and surplus extraction. In this respect, shifting cultivators in their remote upland villages score very poorly.

A state mainly concerned with appropriation and control will find sedentary agriculture preferable to pastoralism or shifting agriculture. For the same reasons, such a state would generally prefer largeholding to smallholding and, in turn, plantation or collective agriculture to both. Where control and appropriation are overriding considerations, only the last two forms offer direct control over the workforce and its income, the opportunity to select cropping patterns and techniques, and, finally, direct control over the production and profit of the enterprise. Although collectivisation and plantation agriculture are seldom very efficient, they represent, as we have seen, the most legible and hence appropriable forms of agriculture (Scott 1998: 338).
This helps explain the official hostility towards shifting cultivation in Southeast Asia (Dove 1986; Cramb 1988; Fox 2000). Dove refers to Indonesian planners’ ‘affinity for the irrigated systems of rice cultivation as found on Java, Bali and Lombok, as opposed to the systems of swidden cultivation of dry rice, maize and tubers as found in Kalimantan, most of Sulawesi and Sumatra, Irian Jaya and the lesser Sunda islands. The latter are regarded by government planners not merely as less good than the systems of irrigated rice cultivation; they are explicitly regarded as something bad – as irrational, destructive and uncontrollable’ (1986: 221–222). He regards this ideological view, and the policies that flow from it (proscriptions of shifting cultivation, resettlement schemes for upland communities and transmigrants, reallocation of swidden lands to industrial forestry or agricultural plantations) as ‘fundamentally influenced by the differing susceptibility to extraction of intensive versus extensive systems of agriculture’ (1986: 230).

The combination of high-modernist ideology with the need for appropriation and control also explains the Southeast Asian state’s major emphasis on large-scale land settlement and development schemes (McAndrews 1979; Lian 1980; De Koninck and McTaggart 1987; King 1986, n.d.; Sutton 1988, 1989; Cramb 1992; Hewgill 1999), despite the recognised inefficiency of concentrating scarce development resources in this way (Johnston and Clark 1982; Barlow and Jayasuriya 1984; Tomich et al. 1995). Whether these are resettlement schemes for smallholders, nucleus estate and smallholder (NES) schemes, joint venture schemes on customary land, or state-owned or private plantations, such projects permit the appropriation and consolidation of land and forest, the standardisation and regimentation of production, and control over the disposal of the resultant produce and income. Halim Salleh (1988) has shown how Federal Land Development Authority (FELDA) schemes in Peninsular Malaysia, though widely acclaimed as a successful rural development strategy, are in fact primarily a means of political, economic, and social control. As such they have from the outset given rise to various forms of individual and collective resistance (both ‘everyday’ and more organised forms) on the part of settlers demanding greater control of their land, labour and produce.

Many of these aspects of state-community interaction can be viewed through the concept of ‘territorialisation.’ Vandergeest and Peluso (1995) examine the use by modern states of territorial strategies within national borders to establish control over natural resources and the people who use them. For them, the process of internal territorialisation is about ‘excluding or including people within particular geographic boundaries, and about
controlling what people do and their access to natural resources within those boundaries’ (Vandergeest and Peluso 1995: 388). They illustrate the working out of this process in Thailand through an historical analysis of the establishment of a hierarchy of territorial administrative units (districts, villages, even households) and the successive attempts by the state to demarcate and administer rights to agricultural land and ‘forest’ (conceived as ‘unpopulated’ land to be administered by the state, not necessarily ‘biological forest’). However, in the case of land administration, only a fraction of the land area outside the central plain could be effectively surveyed and titled, illustrating the limited capacity of the state to impose its territorial strategies, particularly where it met with non-cooperation (not only on the part of landholders but also from government agencies involved in land allocation schemes whose sphere of control was threatened by land titling). Likewise, extensive areas classified and mapped as state forests were in fact occupied by cultivators, some whose occupancy predated the territorialisation of the forests and some who were encouraged to settle there in the wake of logging operations and with the support of government agencies and the military. Hence state-imposed territorial boundaries were and remain ‘more contested and ambiguous than map-makers and state land planners assume’ (Vandergeest and Peluso 1995: 415), rendering the project of territorialisation unstable.

This is not to say that rural landholders invariably resist state programs of territorialisation. Rural landholders in Thailand ‘will accept and even demand state guarantees of their rights to land as the economy becomes commercialised and when there are threats of land takeovers by powerful outsiders’ (Vandergeest and Peluso 1995: 407). Similarly, Li reminds us that ‘territorialisation is a normal state activity, not one peculiar to oppressive regimes’ (2002a: 277). Writing of Indonesia and the Philippines, she remarks that ‘under favourable conditions, migrants and indigenous uplanders alike have sought opportunities to realign their relationship to the state system, and thereby legitimate their presence and consolidate their hold over resources’ (2002a: 277). Thus local responses to state-sponsored development, such as the controversial promotion of oil palm plantations in Indonesia and Malaysia on land subject to customary claims, are mixed (Cooke 2002; Li 2002a). Where resistance is the dominant response, Li concludes that ‘uplanders are not rejecting development but particular, localised experiences with a development which removes sources of livelihood without providing viable alternatives, fails to bring promised benefits, or distributes resources unevenly’ (2002a: 277). Barney (2004) also highlights
the complexity of local responses to state-sponsored plantation forestry in Thailand and Malaysia, ranging from active participation to organised resistance.

Nevertheless, there is no doubt that heavy-handed, state-planned intervention in land use and management has become a widespread feature of upland development in Southeast Asia. Under what circumstances does the state pursue its project of territorialisation and resource development to the detriment of upland communities, and under what circumstances are local people persuaded to participate? In an important passage, Scott (1998) summarises the necessary conditions for coercive high-modernist planning to hold sway:

I believe that the most tragic episodes of state development in the late nineteenth and twentieth centuries originate in a particularly pernicious combination of three elements. The first is the aspiration to the administrative ordering of nature and society. The second element is the unrestrained use of the power of the modern state as an instrument for achieving these designs. The third element is a weakened or prostrate civil society that lacks the capacity to resist these plans. The ideology of high modernism provides, as it were, the desire; the modern state provides the means of acting on that desire; and the incapacitated civil society provides the levelled terrain on which to build (dis)utopias (1998: 88–89).

The ideological impulse to planned development is pervasive in contemporary Southeast Asia. However, the capacity of the state to implement its plans varies, both spatially (compare the relatively high degree of state control in Malaysia with the weakened, at times anarchic polity of the Philippines) and temporally (as in the transition from strong central control in Indonesia during the New Order to the fragmentation of state power in the post-Suharto era). Moreover, the capacity of civil society, particularly upland communities, to provide a countervailing force is also historically contingent. An examination of historical shifts in these three elements is essential to understanding the particular directions of agrarian transformation in the uplands.

CONCLUSION

There is thus no grand theory of agrarian transformation that can be applied to the Saribas Iban case. As White concludes, ‘there is no universal or all-purpose “agrarian question” awaiting investigation, nor is there any universal form of “agrarian differentiation”’ (1989: 17). Rather the uplands
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are best viewed as a social arena in which an array of local and extra-local actors cooperate and compete, intervene and resist, strategise and negotiate, and thus progressively transform both the natural and the human landscape in ways that are locally and historically contingent (Long and Long 1992; Peluso 1992; Bryant 1997; Li 1999a, 2002a; Long 2001). This view shifts the focus from a search for single-factor or unilinear explanations or solutions to an open-ended set of research questions.

At the micro-level, that of the household and local community, we need to ask: What are the realities of the customary systems of land use and tenure devised by the Iban and other upland groups in Southeast Asia? Why have they persisted into the current era? How have they been adapted to accommodate population growth, economic globalisation, and other trends? How effective have they been in providing sustainable and equitable livelihoods for upland peoples?

These micro-level questions cannot be separated, however, from macro-level questions of political economy: What is the basis of the widespread conflict between upland communities, corporate agricultural and timber interests, and the state? How has such conflict arisen, and is it the inevitable result of the pursuit of economic development? What could be done to achieve a more balanced, developmental outcome? Echoing Mortimer (1984), is it indeed possible to achieve the aspirations of upland households and communities for both economic development and cultural survival?

The Saribas Iban experience provides a particular set of answers to these questions that can illuminate the economic and political struggles of upland peoples throughout the Southeast Asian region and beyond.

NOTES

1. Marx went on to condemn the subsequent conversion of uplands to ‘deer forests’ – not biological forests but wildlife reserves for the pleasure of the wealthy few (1887: 683-685). It is tempting to draw an analogy with the contemporary practice of creating conservation reserves or protected areas in Southeast Asia’s uplands from which upland communities are excluded.
PART II

Context and Beginnings
Prior to and even during much of [the past century] the Iban were secure in their position at the centre of their universe. Structurally and ritually, the longhouse was the focal point of their world. (Vinson Sutlive)¹

Though the upland societies of Southeast Asia share much in common and have been subjected to similar forces for change, their experience of and engagement with the processes of agrarian transformation must be seen in terms of their local histories, social relationships, and cultural perceptions of the world they live in. This chapter outlines those aspects of the natural, social and cultural world of the Iban of Sarawak that have helped shape their agrarian system and their responses to change.

The Iban are an Austronesian people of western Borneo who speak a language classified by Hudson (1970) as Malayic Dayak.² They are long-house dwellers and shifting cultivators of rice whose mobility and martial skill enabled them to spread from their initial homeland along the Kapuas River into the middle and upper reaches of the Lupar and Saribas Rivers, and thence throughout the uplands of what is now Sarawak, absorbing or displacing other groups. According to Freeman, ‘what developed in the course of their triumphant progress was a remarkable cultural and ecological adaptation in which the cult of head-hunting, linked with invasion and conquest, facilitated the production of wealth and well-being by the cultivation of hill-rice, which, like head-hunting, was viewed as a ritual undertaking’ (1975: 277).

In contrast to the image of upland societies as timeless, stationary, and marginal, the Iban were a confident, dynamic, expansionary people who came to dominate the regions of Sarawak they moved into. Their customary land-use practices and institutions were thus forged in the context of...
migration, warfare, and pioneering agriculture in an era when they were a power to themselves within vast tracts of Sarawak's primeval rainforest.

**THE SARAWAK ENVIRONMENT**

Sarawak, which is home to 95 per cent of the contemporary Iban, is one of the thirteen states in the Federation of Malaysia, occupying 124,450 sq. km along the north-western part of the island of Borneo (Fig. 2.1). Over the centuries, the region now known as Sarawak has been subject to various political regimes and cultural influences (Andaya and Andaya 1982; Cleary and Eaton 1992; King 1993). There is evidence that the peoples of western Borneo were part of the Sumatra-based Hindu state of Srivijaya from the latter part of the first millennium AD. The Javanese Hindu-Buddhist kingdom of Majapahit also exercised significant influence over southern and western Borneo in the fourteenth and fifteenth centuries. Indeed, some aspects of the elaborate polytheistic Iban religion show evidence of a Hindu substratum (Perham 1896; Howell 1909; Jensen, 1974; Richards 1981). With the rise to prominence of the Sultanate of Brunei in the sixteenth century, the north-west coast of Borneo was brought within its domain, local

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*Fig. 2.1 Sarawak, showing major rivers. Map by Gale Dixon, originally published in Cramb and Dixon (1988).*
Malay chiefs exercising delegated authority over the populations residing along particular rivers. In 1841 the Sultan conferred on James Brooke, an English adventurer, the title of Rajah of Sarawak (referring at that time to the Sarawak River area, or ‘Sarawak Proper’, roughly corresponding to the present Kuching Division), following his involvement in putting down a local rebellion (Runciman 1960; Walker 2002). He and his successor, Charles Brooke, progressively extended the territory of Sarawak north-eastwards at the expense of a considerably weakened Brunei, until it reached its present extent in 1905 (Runciman 1960). After being occupied by the Japanese military from 1941 to 1945, Sarawak was ceded to Britain by Vyner Brooke, the Third Rajah, in 1946 (Reece 1982). It was thus a British crown colony until 1963 when it was joined with the Federation of Malaya and with North Borneo (Sabah) (also briefly with Singapore) to form the Federation of Malaysia (Andaya and Andaya 1982; Porritt 1997).

Since the beginning of Brooke rule, Sarawak has been governed from the capital, Kuching, in the south-western corner of the state. In the Brooke, British colonial, and early Malaysian periods it was divided into five administrative divisions, from First Division in the south-west to Fifth Division in the north-east, each headed by a Resident. In 2000 it comprised nine named divisions and 29 districts. The focus of this study is the Second Division (since renamed Sri Aman Division), which embraces the Lupar, Saribas, and Krian watersheds, and in particular the Saribas District (since renamed Betong District after the town which is its administrative headquarters), which embraces the Saribas River and its tributaries – the Rimbas, Paku, Layar, Spak, and Padeh (Fig. 2.2).

Physiographically, Sarawak can be divided into three broad regions (Fig. 2.3): the coastal lowlands, comprising extensive peat swamps fringed by narrow coastal, deltaic and alluvial plains; an intermediate region of undulating and broken hill country, ranging up to about 300 metres above sea level (the primary habitat of the Iban); and the mountainous interior which extends to the border with Indonesia and reaches its highest point at Mount Murud (2,400 metres) in the north-east (Jackson 1968; Lee 1970). These regions are intersected by numerous rivers, most of which rise in the interior mountains and flow through gorges and over numerous rapids before reaching the lowlands, where they slowly meander towards the coast and, in the case of the Sarawak and Rejang rivers, form intricate delta systems (Fig. 2.1). The rivers have long provided the major transport routes – the trunk road that cuts through the undulating midland region was completed only in the 1980s – though as Walker (2002) notes, overland travel via a network of forest paths has always been important.
Land and Longhouse

Sarawak’s climate is warm and wet, with abundant rainfall (averaging from 2,500 to over 4,000 mm per annum), uniformly high temperatures (averaging a daily minimum of 23°C and a maximum of 32°C), and high humidity levels (averaging around 70 per cent in mid-afternoon) (Sarawak 2000; Hazebroek and Abang Kashim 2000). The wettest months are from November to January when the northeast monsoon (or landas) is dominant, much of the rainfall occurring in torrential thunderstorms. The southwest monsoon brings less rainfall, hence there is a drier period from June to August at the end of which hill farms are usually fired. However, there is no true dry season as found in some other upland settings, such as south-eastern Borneo or much of the Philippines, where escaped fires can deflect secondary successions to Imperata cylindrica grasslands (Menz et al. n.d.).

Sarawak’s soils can be classified into five main groups (Hazebroek and Abang Kashim 2000; Sarawak n.d.). (1) Residual soils derived mainly from

---

Fig. 2.2 The Saribas District.
The Iban of Sarawak

sandstone and shale account for about 60 per cent of the land area. These soils, which dominate in the hilly and mountainous zones where shifting cultivation is mostly practised, tend to be shallow, highly leached, acidic, red to yellow clay-loams and clays of low fertility. They are referred to in Sarawak as Red-Yellow Podzolic Soils, corresponding largely to Ultisols in the USDA classification (Tie 1982). Such soils make up a large proportion of the acid upland soils that account for almost two thirds of the total land area in Southeast Asia (Cramb 2005a). (2) In addition, there are scattered pockets of residual soils derived from igneous rocks that include deep, fertile, well-structured, brown clay-loams. (3) Podsolic soils, formed on beach and terrace remnants, occur between the coast and the peat swamps and on flat to undulating country inland. Known locally as kerangas soils, they are white, sandy, extremely acid, and generally infertile. (4) Coastal and riverine alluvial soils are found on the deltas and coastal flats and in narrow strips along the river margins, hence they are characterised by a high water table and periodic flooding. They are predominantly grey to brownish clays.
of better than average fertility. About 12 per cent of the land area is peat swamp, with deep peat soils overlying a stiff clay layer. They are poorly drained and tend to be flooded in the wet season.

The natural vegetation includes mangrove and nipah forest, peat swamp forest, heath forest, lowland and hill dipterocarp forest, and montane forest (Hazebroek and Abang Kashim 2000; Sarawak n.d.). The rich and majestic dipterocarp rainforests of the hilly and mountainous zones occupy most of the land area and are the defining element of the Iban environment (Fig. 2.4). They comprise over 2,000 species, with canopies that reach 35–55 metres and emergent trees that sometimes exceed 60 metres. Though the soils supporting them are inherently poor, the warm wet conditions and the rapid and efficient cycling of nutrients between the forest biomass and the soil permit luxuriant growth. Once the forest is cleared, however, fertility is quickly lost through oxidation and leaching, and weed growth is prolific. Conversely, when left to natural processes of ecological succession, forest regeneration occurs rapidly and leads to the restoration of soil fertility. This, of course, provides the basis for the system of shifting cultivation and is also a reason for the importance of tree crops in the agricultural economy. According to the 1991 Land Use Map (Table 2.1), forested land (not including secondary forest) accounted for 67 per cent of the total land area (down from 77 per cent in 1976). Over half this area was licensed for logging and much of it had already been logged. Land used for wet and hill rice cultivation accounted for 30 per cent of the total; most of this was fallow land under secondary forest. Permanent crops such as oil palm and rubber accounted for only 2 per cent, though this has since increased substantially.

Table 2.1 Land use in Sarawak, 1991

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Area (ha)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlement and associated non-agricultural lands</td>
<td>35,959</td>
<td>0.3</td>
</tr>
<tr>
<td>Horticultural lands (miscellaneous cultivation, fruit trees)</td>
<td>46,822</td>
<td>0.4</td>
</tr>
<tr>
<td>Permanent crops (rubber, sago, oil palm, coconut, pepper)</td>
<td>247,669</td>
<td>2.0</td>
</tr>
<tr>
<td>Crop land (wet and hill padi)</td>
<td>3,707,772</td>
<td>30.1</td>
</tr>
<tr>
<td>Unused land (sheet lalang and other secondary growth)</td>
<td>63,368</td>
<td>0.5</td>
</tr>
<tr>
<td>Swamp forest (mixed swamp forest, alan, padang paya)</td>
<td>1,262,245</td>
<td>10.2</td>
</tr>
<tr>
<td>Dry forest land (hill, kerangas, riverine, and beach forest)</td>
<td>6,822,590</td>
<td>55.4</td>
</tr>
<tr>
<td>Swamp (fresh and salt water swamp, mangrove, nipah)</td>
<td>138,977</td>
<td>1.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>12,325,402</td>
<td>100.0</td>
</tr>
</tbody>
</table>

*Source: Sarawak (Department of Agriculture) 1999.*
Agricultural production in Sarawak has until recently been dominated by village-based smallholders, most of whom have supplemented their subsistence wet or hill rice cultivation with one or more cash crops – principally sago and coconut in the coastal zone and pepper and rubber further inland. Fig. 2.5 shows the broad boundaries of the area used in 1980 for shifting cultivation of hill rice and associated perennial crops. In addition, road-based and peri-urban Chinese smallholders specialise in cash crops such as pepper and vegetables, or commercial livestock production. Oil palm is grown in large government land development schemes and in private

Fig. 2.4 The luxuriant growth of the hill forests occurs despite inherently poor soils.
plantations in the more favourably situated parts of the intermediate hill country, and has been expanding rapidly since the early 1990s as a result of government policies (see Chapter 9). Agricultural crops occupied 804,290 ha or 6.5 per cent of the total land area in 2001, and oil palm accounted for almost half this area (Table 2.2). The agricultural sector contributed only 7.5 per cent of Sarawak’s GDP in 1999 and 6 per cent of exports in 1998, having been overshadowed by the more rapidly growing mining (petroleum and liquefied natural gas), manufacturing, construction, and service sectors (Sarawak 2000).

Sarawak’s population was about 1.7 million at the time of the 1991 census, having grown at a rate of 2.5 per cent during the preceding decade (Sarawak 2000). The mid-year estimate for 2000 was 2.1 million. The population was concentrated in the western part of the state, with 46 per cent located in Kuching, Samarahan and Sri Aman Divisions, which together constitute only 16 per cent of the total area. Population density averaged 14 persons per sq. km but varied from as low as one person per sq. km in Belaga District (encompassing the upper Rejang) to 348 persons per sq. km in Kuching District (Sarawak 1999a). Sixty-three per cent of the popula-
The Iban of Sarawak

...tion lived in rural areas (including small rural towns such as Betong). The percentage of the workforce employed in agriculture and related pursuits (animal husbandry, forestry workers, fishermen, and hunters) had steadily declined from 69 per cent in 1970 to 57 per cent in 1980, 45 per cent in 1991, and 29 per cent in 1999 (Sarawak 2000).

The ethnic composition of the population in 1991 was: Iban (29.5 per cent), Chinese (28.9 per cent), Malay (20.8 per cent), Bidayuh (8.4 per cent), and Melanau (5.8 per cent), with numerous smaller groups such as the Kayan and Kenyah making up the remainder. Hence the Iban are far from being a ‘cultural minority’ in Sarawak, though in the Malaysian population as a whole they are seen as such. The different ethnic groups are often viewed in terms of three broad categories: (1) the Malay-Melanau grouping, comprising predominantly Muslim coastal dwellers; (2) the Dayaks, or non-Muslim indigenous groups such as the Iban and Bidayuh, who are traditionally longhouse dwellers and shifting cultivators and mainly occupy the upland zones; and (3) the Chinese, who are officially regarded as non-indigenous and are engaged in trade and other urban-based activities as well as commercial agriculture (Cramb and Dixon 1988). These distinctions, though crude, have proved important in the political and economic life of the state. In legal terms, the first two groups are classified as Natives (corresponding to the Malaysian term, *bumiputra* or ‘sons of the soil’) while the Chinese and other ‘immigrant’ groups are non-Natives, a distinction of considerable importance in post-war land law and policy.

### Table 2.2 Agricultural land use in Sarawak, 2001

<table>
<thead>
<tr>
<th>Crop</th>
<th>Area (ha)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rice (wet rice and hill rice)</td>
<td>124,644</td>
<td>15.5</td>
</tr>
<tr>
<td>Rubber</td>
<td>160,542</td>
<td>20.0</td>
</tr>
<tr>
<td>Pepper</td>
<td>13,555</td>
<td>1.7</td>
</tr>
<tr>
<td>Oil palm</td>
<td>374,827</td>
<td>46.6</td>
</tr>
<tr>
<td>Cocoa</td>
<td>5,731</td>
<td>0.7</td>
</tr>
<tr>
<td>Coconut</td>
<td>25,186</td>
<td>3.1</td>
</tr>
<tr>
<td>Sago</td>
<td>61,523</td>
<td>7.6</td>
</tr>
<tr>
<td>Fruit</td>
<td>35,455</td>
<td>4.4</td>
</tr>
<tr>
<td>Vegetables</td>
<td>2,827</td>
<td>0.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>804,290</td>
<td>100.0</td>
</tr>
</tbody>
</table>

*Source: Department of Agriculture, Sarawak*
Oral traditions indicate that, within Borneo, the Iban originated somewhere on the coast of West Kalimantan, to the south of what is now Pontianak (King 1973). They then moved up the Kapuas River into the region around the Kapuas Lakes, perhaps to maintain their autonomy in the face of increasing Muslim Malay maritime power in the Kapuas (Richards 1961; King 1973; McKinley 1978). There are still around 14,000 Iban in the upper Kapuas, as well as related groups such as the Bugau and Kantu (Wadley and Kuyah 2001). From there, perhaps as early as the sixteenth century, they began to filter across the low-lying watershed between the Kapuas and Lupar Rivers into what is now Sarawak (Richards 1959; Sandin 1967).

From their initial foothold in the middle Lupar, some groups gradually migrated westward to occupy the lower reaches of the Lupar, Sadong, Samarahan, Sarawak, and Kayan Rivers (Fig. 2.1), apparently skirting around or driving inland the Bidayuh (or Land Dayak) peoples who have long occupied the interior of that region (Geddes 1954a; Lee 1970). The main movement, however, was in a northerly direction, into the upper reaches of the Lupar, including the Ai, Lemanak and Skrang tributaries, and beyond to the Saribas basin (Fig. 2.1). This phase of Iban expansion, which involved conflict with, and ultimately the absorption or displacement of the pre-existing population, continued until around the beginning of the eighteenth century. There followed a period of consolidation in which the pioneers spread out along the rivers they had occupied, though later migrants continued to arrive to take up land within the established frontiers (Richards 1959; Sandin 1967: 18–22, 1994; Pringle 1970: 38–44; Jensen 1974: 18–22).

The gradual consolidation of existing territory which characterised the eighteenth century in the Lupar and Saribas gave way by the early nineteenth century to a period of major conflict and further territorial expansion. Heppell (1975: 5) writes of this period that the Iban were experiencing ‘a state of chronic internecine war’, with the inhabitants of one river system pitted against those of another. In particular, the Saribas and Skrang Iban had developed a formidable military alliance, attacking enemy groups to the south and the west, and venturing out to sea in large war-boats to raid trading vessels and terrorise the coastal settlements of western Borneo from Mukah in the north to Pontianak in the south (Pringle 1970: 46–51; Vayda 1976: 43–74). At the same time there began a large-scale migration northward, to the Krian River and across the southern watershed of the great Rejang basin (Sandin 1967: 130). The movement into the Rejang occurred in two streams: (1) from the Lemanak, Skrang and Saribas Rivers into the
The Iban of Sarawak

headwaters of the Kanowit and adjacent rivers; and (2) from the headwaters of the Lupar River and from the Kanyau (a tributary of the Kapuas) into the Katibas River (Freeman 1970: 131–132; Fig. 2.1). As they moved north, the Iban attacked and ultimately defeated the original inhabitants, though occasionally they acquired rights of access through the exchange of bronze-ware or slaves (Richards 1961: 30).

Though Iban migration into the Rejang began several decades before James Brooke’s arrival in Borneo in 1839, his devastating military incursions into the Iban heartland in the 1840s (Keppel 1846; Mundy 1848) followed by the ‘punitive expeditions’ of his nephew Charles Brooke in the 1850s and after (Brooke 1866; Pringle 1970), doubtless accelerated the northward movement. The havoc wreaked by the Brookes in their zeal to eradicate ‘piracy’ and extend their domain, together with the disruption caused by continuing inter-regional conflict, impelled many Iban to migrate in search of more secure and peaceful conditions and to escape unwanted interference by a new and alien power. Migration had always been an obvious way to resolve intra-village and intra-regional disputes (Sandin 1967; Heppell 1975), and the circumstances prevailing around mid-century made it an appealing strategy for increasing numbers of Iban, beyond the requirement for maintaining ‘population-land balance’ in the already settled areas.

Throughout the second half of the nineteenth century, the Brooke government attempted to control Iban migration and restrict the area of land settlement, primarily as a means of political subjugation, yet the movement to the north and north-east proved inexorable and continued into the twentieth century (Pringle 1970: 247–282). By 1870, Iban settlers had entered the Oya, Mukah, Balingian and Tatau Rivers, occupying largely empty lands upriver from the coastal Melanau (Morris 1991) (Fig. 2.1). Charles Brooke himself planted an Iban colony in the Baram in 1891 to help him police the district. The intervening rivers were settled from about 1900 (the Kemen) and the 1920s (the Suai, Niah and Sibuti), these districts being favoured destinations for migrants from the south until quite recently. In the Baleh, a major tributary of the Rejang and the site of Derek Freeman’s classic study of Iban agriculture and social organisation, settlement finally took place under government supervision in 1922, following several decades of confrontations between prospective settlers and the forces of the Brooke regime (Freeman 1970: 134–142). By the start of British colonial rule in 1946, there were Iban communities in almost every river system in Sarawak, from the Kayan River in the south-west to the Lawas River in the north-east, as well as in neighbouring Brunei and Sabah (Freeman 1970:
In 2001 the Iban in Sarawak numbered 603,540, or 30.1 per cent of the total population, making them by far the largest indigenous group. There were in addition an estimated 14,000 Iban in West Kalimantan, 10,000 in Brunei, and perhaps another 5,000–10,000 in Sabah (Wadley and Kuyah 2001; Sather 2004).

Table 2.3 tells the story of Iban population growth and territorial expansion since roughly the beginning of the Brooke period. Pringle’s (1970) estimates for 1850 put the total Iban population at about 80,000, of whom 50,000 resided in the Second Division, primarily in the Lupar and Saribas basins. By 1939, near the end of Brooke rule, the total population had more than doubled but the Second Division population had only slightly increased, indicating that the rate of natural increase in that division was almost equalled by the rate of emigration. Nevertheless, the table makes clear that the Second Division population did at least maintain itself, hence

<table>
<thead>
<tr>
<th>Year</th>
<th>First</th>
<th>Second</th>
<th>Third</th>
<th>Fourth</th>
<th>Fifth</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>1,000</td>
<td>50,000</td>
<td>30,000</td>
<td>–</td>
<td>–</td>
<td>80,000</td>
</tr>
<tr>
<td>1939</td>
<td>10,681</td>
<td>58,389</td>
<td>81,084</td>
<td>15,777</td>
<td>1,769</td>
<td>167,700</td>
</tr>
<tr>
<td>1947</td>
<td>13,671</td>
<td>63,157</td>
<td>92,286</td>
<td>19,570</td>
<td>1,642</td>
<td>190,326</td>
</tr>
<tr>
<td>1960</td>
<td>19,954</td>
<td>70,634</td>
<td>111,732</td>
<td>31,949</td>
<td>3,472</td>
<td>237,741</td>
</tr>
<tr>
<td>1970</td>
<td>27,727</td>
<td>84,623</td>
<td>138,356</td>
<td>47,544</td>
<td>4,734</td>
<td>303,461</td>
</tr>
<tr>
<td>1980</td>
<td>40,709</td>
<td>92,619</td>
<td>160,426</td>
<td>68,411</td>
<td>6,313</td>
<td>368,508</td>
</tr>
<tr>
<td>1991</td>
<td>61,757</td>
<td>91,046</td>
<td>203,508</td>
<td>117,195</td>
<td>9,962</td>
<td>483,468</td>
</tr>
</tbody>
</table>

Sources: Pringle (1970: 15–6); Noakes (1950); Jones (1962); Chander (1972); Sarawak (1983, 1999).

Table 2.4 Population density in Second (Sri Aman) Division, 1850–1991

<table>
<thead>
<tr>
<th>Year</th>
<th>Iban population</th>
<th>Total population</th>
<th>Population per sq. km</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>50,000</td>
<td>60,000</td>
<td>5.8</td>
</tr>
<tr>
<td>1939</td>
<td>58,000</td>
<td>86,000</td>
<td>8.4</td>
</tr>
<tr>
<td>1947</td>
<td>63,000</td>
<td>93,000</td>
<td>9.1</td>
</tr>
<tr>
<td>1960</td>
<td>71,000</td>
<td>109,000</td>
<td>10.6</td>
</tr>
<tr>
<td>1970</td>
<td>84,000</td>
<td>137,000</td>
<td>13.3</td>
</tr>
<tr>
<td>1980</td>
<td>93,000</td>
<td>157,000</td>
<td>15.3</td>
</tr>
<tr>
<td>1991</td>
<td>91,000</td>
<td>163,000</td>
<td>15.9</td>
</tr>
</tbody>
</table>

Source: As for Table 2.3
The Iban of Sarawak

migration into the Rejang and beyond was a movement of ‘surplus’ population out of the Lupar and Saribas, not a process of depopulation due to abandonment of previously settled land, as some critics of Iban shifting cultivation imply. In the period from 1939 to 1980, the Iban population in the Second Division continued to grow more slowly than in all other Divisions, although, as Table 2.4 shows, the total population density in the Division, already much higher than in the Third, Fourth and Fifth Divisions, increased by 83 per cent to about 15 persons per sq. km. From 1980 to 1991, however, the Second Division Iban population actually declined for the first time, and the total population density in the Division increased only slightly to 16 persons per sq. km. According to Table 2.5, population density in the Saribas (Betong) District in 1991 was higher than in the Division as a whole at 25 persons per sq. km, making it the most densely populated Iban district in Sarawak. However, as noted in Chapter 1, much higher densities have been reached in other parts of the Southeast Asian uplands.

Table 2.5 Population density in Second (Sri Aman) Division by district, 1991

<table>
<thead>
<tr>
<th>District</th>
<th>Iban population</th>
<th>Total population</th>
<th>Population per sq. km</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sri Aman</td>
<td>34,076</td>
<td>58,639</td>
<td>15.2</td>
</tr>
<tr>
<td>Lubok Antu</td>
<td>18,951</td>
<td>22,234</td>
<td>9.5</td>
</tr>
<tr>
<td>Betong (Saribas)</td>
<td>17,486</td>
<td>43,993</td>
<td>24.8</td>
</tr>
<tr>
<td>Saratok (Kalaka)</td>
<td>20,533</td>
<td>37,939</td>
<td>22.5</td>
</tr>
</tbody>
</table>

Source: Sarawak (1999)

Social and Economic Organisation

A characteristic feature of Iban society, as of many other groups in Borneo, is residence in longhouses (*rumah panjai*). Traditionally these were elevated wooden structures built alongside a river or stream, measuring anything from 50 to 200 metres in length, and accommodating from 30 to as many as 200–300 people (Fig. 2.6). The practice of longhouse domicile has led many casual observers to infer that the Iban have a highly communal form of social organisation. The longhouse structure, however, should be seen as an aggregation of individually-owned family apartments, built side-by-side, each following a basic pattern. In cross-section, this pattern comprises an open verandah (*tanju*) used for drying crops and other activities, a living and working area (*ruai*) extending to the centre of the longhouse, and a walled-off private family area (*bilek*) where meals are prepared and eaten and family members sleep. There are internal walls dividing adjacent *bilek*
but no walls between adjacent *ruai*, which thus form a long gallery from one end of the longhouse to the other. A person typically enters the longhouse from either end via a notched-log ladder or steps, leading to a walkway which runs the length of the longhouse, with the *ruai* on one side and the doors (*pintu*) leading to the individual family rooms (*bilek*) on the other. (The size of a longhouse community is commonly stated in terms of the

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Fig. 2.6 Exterior and interior of an Iban longhouse in the nineteenth century, showing the open verandah (*tanju*) on the left, the gallery (*ruai*) in the centre, and the doors (*pintu*) leading to individual family rooms (*bilek*) on the right. From a sketch by H. H. Everett in W. T. Hornaday, *Two Years in the Jungle*, New York, 1888, reproduced in Roth (1896).
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number of doors.) While modern longhouses often vary from this pattern, such as by adding a separate kitchen (\textit{bilek dapur}) at the back of the \textit{bilek}, the essential features remain the same (Fig. 2.7).

The social and economic organisation of the residents of these longhouse-villages has been described by many writers (e.g., Roth 1896; Gomes 1911; Jensen 1974; Sutlive 1978; Kedit 1980; Jayum 1994; Heppell 1975), the definitive account being Freeman’s (1955, 1957, 1960a, 1960b, 1970, 1975, 1981). This section briefly discusses the two main levels of organisation, namely, the household (or \textit{bilek-family}) and the longhouse community of which it is a part, with a brief discussion of organisation beyond the longhouse. As Sather (1993) emphasises, the very architecture of the longhouse symbolises the part-whole relationship between household and community. ‘On one side of this wall [that separates the \textit{biliks} from the \textit{ruai}], the \textit{bilik} apartments represent each family’s domestic space, symbolizing its existence as a discrete corporate group, while the unpartitioned gallery on the other side is a public space, symbolizing the longhouse as a whole and its membership in the larger riverine society that encompasses it’ (Sather 1993: 68). The discussion of social organisation is followed by a consid-

Fig. 2.7 Lengthwise view of Batu Lintang longhouse. It differs from the traditional longhouse in that it is built on the ground with a concrete floor and has separate kitchens (\textit{bilek dapur}) at the left, linked to the main \textit{bilek} on the right by a covered walkway.
Land and Longhouse

eration of Iban cultural beliefs, norms and values regarding land and community life, in which this blending of individual autonomy and collective identity is again an important theme.

The Iban Household

The basic unit of Iban society is a family occupying a single apartment or room (bilek) in a longhouse. Freeman termed this unit the bilek-family but it will be referred to here as a household. It typically comprises a two-generation nuclear family or a three-generation stem family and averages between 5 and 6 members, though it may range in size from 1 to 20 or more. The Iban household is the primary corporate group in a society that lacks clans, lineages or other large-scale corporate kin groups. Its members share

Fig. 2.8 Arriving at Batu Lintang longhouse. Most communities still rely on river transport using locally constructed boats (perau).
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in the production and consumption of food and income as well as sharing property rights, including rights to land.

Access to the household’s resources is conditional only on continued membership, which can be acquired by birth, adoption, or marriage. When a son or a daughter marries into another household (nguai) he or she is usually given a small inheritance (pemai) of prestige property (and in some areas a parcel of land, such as a small rubber garden), but loses all further legal rights to the natal household’s assets, at the same time gaining full rights of membership in the spouse’s household. 6 In short, every individual belongs at any given time to one and only one household and shares in all the rights and obligations associated with that corporate group.

The household is also a corporate group in the sense that it exists through successive generations as an identifiable unit. This continuity is ensured by one married son or daughter in each generation remaining in his or her

Fig. 2.9 The longhouse ruai provides the setting for much family life and community interaction (Nanga Tapih).
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natal household. When the parents die, this person, whether male or female, becomes the senior member of the household by right of descent. As Freeman writes: ‘Such a person is called the *pun bilek* – literally, the root, or foundation of the *bilek*. Thus, although the *bilek*-family is a corporate group, it is still recognised that there is a person from whom the ownership and inheritance rights of all the other members of the family ultimately stem ...’ (1970: 31). Although not stressed by Freeman, it seems clear that, at least in the Saribas, Julau and other districts, the *pun bilek*, by virtue of his or her status, has specific authority (*kuasa*), or rights of control and transfer, over the household’s common assets. This is consistent with Heppell’s remark that ‘in the Batang Ai and probably in other areas, the person with authority (*kuasa*) had specific power over *bilek* property’ (1975: 311).

The most senior economically active male in the family usually holds the position of household head (*tuai bilek*). He takes primary responsibility in matters of household resource use and is the jural representative of the household within the community. If he is living in his natal household, the *tuai bilek* will usually also be the *pun bilek*, that is, the senior member by right of descent, or else the heir to that position. If he is living in his wife’s household he will usually be married to the *pun bilek* and his authority over household resources will derive from her. In practice, then, it is the senior married pair that comes to exercise power over the common assets.

While usually at least one sibling will marry out (*nguai*), others will bring their spouses to live in the natal household. With two or more married couples of the same generation living together, competing loyalties seem invariably to lead to some couples ‘hiving off’ (*kadiri*) to form new households, leaving just one married sibling to remain with the parents and inherit the position of *pun bilek*. When hiving-off occurs, there is a division of the common assets between the original household (termed *bilek tuai* or *bilek asal* in the Saribas) and its offshoot. Though this division is based on the principle that household members are equal co-heirs, it is the *bilek tuai* that has ultimate authority over the distribution of assets.

The Longhouse Community

A number of households residing together in a longhouse and occupying a contiguous tract of territory (*menoa*) constitutes a community or village. Communities range in size from 5 to 50 or more households, averaging between 15 and 20. Freeman has described the longhouse community as ‘a free and conditional association of corporate family groups’ (1970: 104). An individual household is able to join any community in which either husband
or wife has kinsfolk. The Iban reckon kin bilaterally, so a person’s kindred (kaban) is an uncircumscribed grouping including all those individuals with whom a relationship can be traced through either male or female links. This means that for any one household there are numerous communities with which it has links of kinship and which it is therefore eligible to join. In the past this has meant that it was a relatively simple matter to dissociate from one community and be accepted as a member of another. Consequently, communities with abundant resources and good leadership tended to acquire more households while those in less favourable circumstances tended to lose members. Occasionally, because of ‘quarrelling, bad omens, or persistently bad harvests’ (Freeman 1970: 103), or due to an outbreak of smallpox or cholera, a community would break up entirely and its member households disperse to a number of different locations, merging with other communities. In the postwar period, particularly in areas like the Saribas, community membership has been more stable, though the option of ‘voting with the feet’ remains an important feature of Iban social organisation.

Traditionally, a longhouse community was established by any accomplished male who had the necessary practical and ritual skills and experience to attract a following, usually of close kin. He became the house founder (pun rumah) and community headman (tuai rumah) (Howell 1898; Gomes 1911; Richards 1963), and his followers were referred to as his anembiak (literally, young children). His household occupied a central position in the longhouse, which was named after him, and together with other leaders or elders (tuai) he administered the detailed system of customary law (adat), which still regulates social behaviour among the Iban and of which the system of land tenure is an important component. According to Heppell, the headman was ‘responsible for the various ritual observations regarded by the Iban as crucial to the success of any farming year, and for the preservation of a satisfactory state of harmony among his followers. This was buttressed by the belief that open disunity led to a house becoming ‘hot’ (angat), a state which attracted misfortune. Consequently it was ultimately the leader’s responsibility to ensure that all disputes were resolved’ (1975: 3).

With the imposition of Brooke rule, the position of tuai rumah came to be recognised by the government, giving the holder an outside source of authority and adding to his functions that of intermediary between the community and local officialdom. This may have led to the present situation in which the position of pun rumah (or tuai burong, meaning ‘bird augur’) is sometimes an exclusively ritual one held by someone other than the tuai rumah (Freeman 1960b). It is possible that this tendency was re-
inforced as communities became more settled and longhouses came to be more permanent structures, often rebuilt on the same site. Nevertheless, in many communities the headman’s position still combines ritual and administrative roles.

Notwithstanding official government recognition, the headman’s authority within the community remains contingent on the approval of his followers and his position is not inheritable. As Freeman has stressed, Iban society is classless, egalitarian, and highly competitive. An individual holds political office only if his personal qualities and performance are such as to command general support. In any undertaking, large or small, any suitable person can emerge as the initiator (pun) and leader (tuai) (Freeman 1981). For example, it is customary for small groups of men to temporarily leave the longhouse and go journeying (bejalai or pegi) in search of forest produce or, in recent decades, to work for wages in the timber, oil, and construction industries (Kedit 1993). Such a group is formed when an experienced man indicates his intention to undertake a journey and others decide to join him. He becomes the pun bejalai and the group’s tuai. This highly fluid political structure within the longhouse community gives ample scope for the emergence of suitable leaders to deal with novel situations as they arise.

The longhouse community is a corporate group ritually and jurally (Appell 1976). The constituent households recognise ritual obligations to each other and it is believed that individual behaviour can bring supernatural harm to the community as a whole, requiring appropriate collective rituals to restore harmony. Similarly the community members acknowledge the jural authority of the system of customary law (adat) and the right of the tuai rumah and other elders to mediate in the settlement of disputes and impose fines for interdicted behaviour.

Freeman (1970) maintains that the community is not a corporate group in relation to property. In particular he emphasises that (at least in the pioneer context he studied) rights to land are held exclusively by individual households. However, as discussed in more detail in Chapter 3, the community does act as a corporate group in relation to other communities, as witnessed by frequent disputes and occasional conflict over territorial boundaries. Moreover, individual cultivation rights are subject to the authority of the headman and, traditionally, are contingent upon continued community membership. Hence it is helpful to view the longhouse territory as a corporate possession in order to place individual household rights in their proper context (Appell 1976).
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A crucial feature of Iban corporate life is the institution of the long-house meeting or aum (the verb form is baum), convened by the headman. As Freeman observes, in traditional Iban society ‘issues that concerned the community as a whole were dealt with by way of consensus at a general meeting (baum) in which all bilek-families (including both males and females) participated’ (1981: 35). The matters considered by the aum include the nature and timing of ritual events, the maintenance of community property such as paths and waterways, and other situations requiring collective action by community members. The aum umai, or farm meeting, is an annual gathering in which decisions are made about the location of farm sites for the coming season and the timing of the ritual and technical operations which inaugurate the rice cultivation cycle. During the season further conferences may be held to deal with specific problems, such as a pest outbreak, as they occur. The aum is now also often the forum for considering

Fig. 2.10 The headman of Nanga Kesit in the Lemenak River. The tattoos signify a widely travelled man who had worked for some years in the oilfields before taking on the leadership of his community.
proposals for government-sponsored community development projects, such as planting schemes for cash crops. As suggested by Freeman, decision-making within the context of the aum operates by consensus. The usual procedure is for an issue to be talked through until it is apparent that there is mutual agreement on the course of action to be taken; otherwise, the status quo will prevail. In effect, then, a principle of unanimity is observed, though there is no explicit rule to that effect and a minority view will at times have to give way to the dominant opinion in the course of the meeting.

In terms of legal procedures, the aum also functioned (at least in the Saribas) as a ‘nascent court system’ well before the arrival of the Brookes, and continues to be the principal means by which local conflicts are resolved (Sather 1980: xxiv). In this context the headman acts less as a judge than as a mediator or conciliator seeking to arrange an informal settlement. Since the Brooke period, the aum has been supplemented by the institution of the headman’s court (bicara), which is a formal public hearing convened by the headman with the legal backing of the state for the purpose of arriving at a legal judgement (Heppell 1975: 8–9; Sather 1980: xxv–xxvi; Hooker n.d.: xvii). Even here, however, the basic aim is ‘not so much punitive action, as conciliation’, that is, to find a solution that both parties to a dispute can accept so that the harmony of the community is restored (Sather 1980: xxvi).

Beyond the Longhouse
Iban society lacks any corporate structure beyond that of the household and the longhouse community. However, in the past, neighbouring communities were linked together as part of a wider territory or region (menoa) under the authority of a regional leader (tuai menoa). This wider territory was usually the catchment area of a particular river and reflected the initial pattern of land settlement, as described in Chapter 3. Regional leaders would also emerge from time to time in the context of rallying a large war party or settling a dispute between a number of communities. Such accomplished leaders would be recognised as orang kaya (literally, rich men) or raja berani (the powerful and brave). A matter of regional concern was (and continues to be) discussed at a ‘large conference’ (aum besai) convened for the purpose, involving regional leaders and the headmen and other leaders of neighbouring communities (Sather 1980: xxvi). James Brooke noted an excellent example of this in his journal for 1845, well before his rule was extended to the Iban territory: ‘The news from [Skrang] is, that some Dyaks
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of Runtuss quarreled about a piece of ground with some others belonging to Gasin. A fight ensued, in which one man on either side was killed, and several wounded. A convocation of chiefs was assembled to decide on the case, and it judged Runtuss’ party to pay five jars, and Gasin’s party to pay four jars; the former, thus adjudged to be in the wrong, was fined one jar, valued at sixty rupees’ (Mundy 1848 [2]: 45).

The Brooke government co-opted many of the regional leaders (whose traditional status was ‘achieved’ and not ‘ascribed’) and appointed them to the non-traditional post of penghulu or ‘district chief’ (Pringle 1970: 157–160; Freeman 1981). Penghulu continue to be appointed in the post-war period and function as salaried part-time civil servants and minor magistrates for a specified area (pegawai). Specifically, the penghulu’s court (also termed bicara) has been formally constituted to deal with inter-community legal disputes and as a court of appeal from the headman’s court (Heppell 1975: 8–9; Hooker n.d.: xvii). Some leading penghulu with a role beyond their own pegai have been appointed as pengarah, and for some years there was a ‘paramount chief’ (temenggong), again with no basis in traditional Iban political organisation. In some cases the privileged position of these leaders has enabled them to acquire considerable wealth, distancing them from the ordinary Iban whose interests they supposedly represent (Freeman 1981).

CULTURAL PERCEPTIONS OF LAND AND COMMUNITY

Community Cohesion and Survival

Freeman has emphasised the individualistic and ‘intensely competitive’ nature of Iban society, describing how each household is a ‘power unto itself, managing its own affairs and acknowledging no other family to be its superior or master’, and characterising the Iban as ‘individualists, aggressive and proud in demeanour, lacking any taste for obeisance’ (1970: 129; 1981: 38). Uchibori concurs that ‘traditional Iban ethics stressed individual freedom, self-reliance, egalitarianism, and competition between individuals’ (1984: 224).

This does not mean, however, that the Iban are unable to cooperate to achieve common ends. In fact, as Sutlive has it: ‘Community solidarity and cooperation are more valued than individual success.’ He elaborates:

Iban speech is seasoned with expressions emphasising the subjugation of the individual to the group. We have noticed the independence of individual and bilik-family, but in matters concerning the entire community, personal independence and bilik autonomy are
subject to the group’s decision. I frequently have observed the Iban refuse to make any personal decision, deferring rather to ‘the meeting of the group’ (aum bala mayoh). And after a decision has been made through community discussion, members are expected to accept and to follow the consensus. To subvert the community decision is considered the height of treachery … (Sutlive 1978: 107).

The apparent contradiction between the norms of competition and cooperation is resolved when it is understood that both emphases have been crucial to the historical success of the Iban. ‘Given the natural and social conditions to which the Iban have adapted, cooperation has been essential to their solidarity and survival, competition to their growth and expansion’ (Sutlive 1978: 105). More than this, the two norms have been mutually supportive. On the one hand, ‘self-serving individualism … has been exploited by the Iban for the good of society’ (Sutlive 1978: 107). This is particularly so in the realms of land settlement and agriculture:

Pioneers made a name for themselves and enhanced their posterity, while at the same time opening up new areas for the less venturesome. Headhunting permitted the acquisition of trophies and recognition by the brave, and made possible the expansion of other Iban into the territories of the vanquished. Success in farming gained notoriety and power for the farmer, while ensuring that less skilled and industrious farmers would survive (Sutlive 1978: 107).

Conversely, the very success and prestige of the great pioneers, war-leaders and farmers depended on their ability to maintain a solidary and cooperative group of followers and associates. In the traditional world of the Iban, individual achievement was inextricably linked with the ability to inspire and organise collective action.

The ultimate importance of group cooperation and solidarity has also been highlighted by Heppell (1975). In a study of Iban social control he concludes: ‘Among the Iban, the central value of any group is its continuing existence. This value is still clearly articulated and is basic to an understanding of Iban social control … [It] is the basic criterion against which the competitive advantages of new variants of the conventions constituting social control are evaluated’ (1975: 305). With reference to the evolution of the Iban legal system he states that ‘the ultimate concern of all Iban leaders and indeed of all Iban is the preservation and continuity of the group, whether it be a longhouse group or the wider society of a river system.’ He observes that ‘Iban leaders will go to great lengths and sometimes incur great risks
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to settle difficult disputes which do threaten to erupt into violence. In this respect, the ultimate cultural value which is the criterion against which all change is evaluated, is the continued competitive advantage of the group or society’ (1985: 4).

The cohesion of longhouse communities and of wider regional societies has been made possible by the existence of an elaborate body of customs and conventions, termed adat, which to the Iban means ‘all of the various customary norms, jural rules, ritual interdictions and injunctions that guide an individual’s conduct, and the sanctions and forms of redress by which these norms and rules are upheld’ (Sather 1980: xi). As Heppell writes: ‘Each Iban belongs to an adat community, the harmony and continued existence of which is dependent on its members behaving as the adat requires’ (1975: 303).

The harmony and well-being conferred on a community living in accordance with adat is described by the Iban as a tranquil or ‘cool’ state (chelap), which contrasts with the ‘heated’ or ‘feverish’ state (angat) which

Fig. 2.11 Batu Lintang farmers involved in the exchange of labour (bedurok) for planting rice, sharing the midday meal provided by the host family. Such activities depend on maintaining community cohesion as well as helping to reinforce that cohesion.
results when the *adat* is disturbed (Jensen 1974: 114–115). Sather shows the particular importance of these beliefs to the agricultural cycle:

Dissension within a longhouse and failure to abide by the *adat rumah*, the ‘longhouse rules’, are believed to cause a state of *angat* or spiritual ‘heat’. The community is described as ‘hot’, in a spiritual sense, and as a result its members are likely to suffer chronic illness, crop failures, famine and other misfortunes. In addition, the effectiveness of major rituals performed by the longhouse is thought to be lessened when a community is divided by internal quarrels. Thus traditionally, for example, before the major farming rites that precede the initial clearing (*manggol*) of farms can be held, it is necessary first to clear away all outstanding litigation, particularly boundary disputes, so as to restore social cohesion within the community performing the rites, as a necessary pre-condition to their success (Sather 1980: xxx).

*Adat*, then, is the primary means of harnessing the personal goals of self-reliance and individual achievement to the ultimate value of community well-being. In the Iban scale of values, ‘the good man is the man who observes the rituals, recognises the restrictions, and honours the Iban *adat’*
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(Sutlive 1978: 43). Such a person will succeed in the ways most important to the Iban, that is, by success in farming and (traditionally) in warfare, by achieving material prosperity, and by living ‘a full life-span in contentment, health and comfort’ (Jensen 1974: 115). Though the literature tends to emphasise male achievement, Iban women had a parallel avenue for achieving prestige through producing hand-woven, tie-dyed fabrics (blankets, jackets, skirts) for a range of ritual purposes, the highest levels of weaving being referred to as ‘the women’s warpath’ (Mashman 1986; Borneo Research Bulletin 1996: 148–149; Linggi 2001). Whatever the avenue of achievement, it is the individual who respects and upholds adat, and thereby strengthens the community, who gains ‘the approval and acclaim of [his or her] peers and gods’ (Freeman 1975: 280) in the social and ritual context which that community provides.

Land and Territory

The value the Iban place on the harmony and well-being of the community is also reflected in their attitudes to land and, in particular, their notion of territory (menoa). Freeman writes: ‘Among shifting cultivators like the Iban land is of pre-eminent importance. Land is wealth and upon its landholdings depend the prosperity and indeed, the very subsistence of a bilek-family’ (1970: 283). As Sandin puts it, the Iban values his land as his ‘flesh and blood’ (darah daging) (1980: 14). Though this intense feeling about land is related to the needs and ambitions of individual households, it is the link with land as community territory that is the more fundamental value.

It is true that, in one sense, the use of land, particularly for farming, is the setting in which the individualistic and egalitarian norm of self-reliance or self-sufficiency receives its clearest expression. Sutlive defines self-reliance as ‘adequacy in the face of natural and cultural demands’ (1978: 103). Though this embraces a whole range of requirements, including hunting, fishing, forest-lore, building, handicraft, ritual, and, in the past, martial skill, it is particularly important in relation to rice farming. As Uchibori remarks: ‘It is of the greatest importance for the nature of Iban social structure, that all Iban, regardless of social standing, are expected to toil in the rice fields in order to meet the consumption needs of their own bilek-families’ (1984: 224).

The cultural importance of rice cultivation to the Iban has often been noted. Jensen states: ‘Rice to the Iban is not just a crop. Hill rice cultivation is their way of life, and has become, for the Iban, their hallmark. ... As the Iban frequently say: “Our adat is hill rice cultivation” (adat kami...
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"bumai" (1974: 151–152). According to Uchibori, ‘rice cultivation forms the core of the entire religious system of the Iban ... [F]or those who adhere to the traditional religion, the rice plant is something like a reincarnation of their ancestral spirits who return from the Land of the Dead’ (1984: 229). Given this cultural focus on rice, it is little wonder that a person’s adequacy should be measured in terms of success at farming. ‘It is in this area as in no other that the blessings of the gods appear ... [M]en who are successful farmers are sought out to pronounce blessings during agricultural festivals so that some of their good fortune may spread to others. In traditional Iban culture, though a man might be skilled as an augur, a shaman, or even a warrior, if the gods did not bless his farm, his ambitions foundered and he could not rise beyond this basic rung on the ladder of social ascendancy’ (Sutlive 1978: 103).

This use of land as an arena for individual achievement must be seen, however, in the wider context of ‘territory’. In its most general sense, the concept of territory (menoa) refers to a sphere of authority (kuasa), hence it may be applied in a spiritual sense to the realm of a particular god as well as in a geopolitical sense to the domain of a longhouse or regional leader. Human and divine menoa can intersect, requiring appropriate deference on the part of the human inhabitants if a state of harmony is to be preserved. The earth itself is believed to be the domain of one of the principal Iban deities, Pulang Gana, whom Richards (1981: 288) identifies with the Indian god, Ganesh, lord of the troops attendant on Siva. Pulang Gana is also known as Raja Sua, reflecting his status as the ultimate landlord and hence the recipient of ‘rent’ (sua). As Sather writes: ‘The agricultural god, Simpulang Gana, is thought in particular to be the final owner of all farm land and ritual tasih tanah [token rent], in the form of offerings, is presented to Simpulang Gana at the beginning of every farming year. Occasionally additional offerings are also made to local spirits thought to be dwelling on particular parcels of land’ (Sather 1980: xix; see also Perham 1896: 177–178; Howell 1909: 19–20; Jensen 1974: 42).

Jensen adds that ‘Pulang Gana is not only invoked during all the rites concerned with rice cultivation and fertility, but also at the construction of a new longhouse ... Both the actual longhouse and agriculture are rooted in the earth and, therefore, in the realm of Pulang Gana’ (1974: 81).

Access to the menoa of Pulang Gana is gained through access to the actual menoa of a particular community. Richards defines a menoa in the latter sense as ‘the area held and used by a longhouse (or group of longhouses); including ‘the people, the house and its precincts, the farms and
gardens, fallow land, *pulau* [reserves] left for timber and fruit, old house sites and fruit groves, cemeteries, the water, and the surrounding forest to a distance of half a day’s journey’ (1963: 43). He adds that ‘use of the *menoa* is only gained and maintained by much effort and danger, and by proper rites to secure and preserve a ritual harmony of all within it and the unseen forces involved’ (1981: 215). This concept of *menoa* has been at the centre of current political and legal battles over the nature and status of Iban land rights, as discussed in Chapter 8.

In the past, the concept of a *menoa* as a territorial unit, defended by those recognising the authority of a particular leader, applied at the regional level as well as that of the longhouse community. Pioneer land settlement took place under the direction of a territorial leader (*tuai menoa*) who mo-

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**Fig. 2.13** The headman of Nanga Mepi in Lubok Antu District (right) making an offering to the earth god Pulang Gana at the commencement of rice planting in 1977. Note the household’s sacred plants (*sengkenyang*) planted at the ritual centre of the field. This land is now submerged due to the Batang Ai Hydroelectric Scheme.
bilised his followers to occupy and defend an extensive domain. Occasionally, an outstanding war-leader (tuai serang) would arise who, by virtue of his reputation, could attract the support of Iban from an even wider territory, as for example the early nineteenth century leader, Dana, of the Padeh, who commanded the fighting forces of the entire Saribas (see Chapter 4).

Traditionally, a community defended its menoa by the threat or use of armed force. By convention, this came to be limited to fighting with clubs (betempoh or bepalu), which Heppell characterises as ‘a restricted war about a piece of territory’ (1976: 210). As Charles Brooke described: ‘In quarrels about land, they are supposed only to use sticks, and they fall to in earnest; the most pugnacious keep very barbarous spiked and thorny ones for the express purpose, and many use bark hats and jackets to ward off the blows of these implements’ (1866[1]: 80). Because of the danger of fatalities, bepalu came to be actively discouraged by Iban leaders and was actually in decline before the arrival of the Brookes, giving way to an ordeal by diving (selam ai), in which champions for the opposing parties would submerge themselves in a river, the last to come up for air being declared the winner (Heppell 1988). Since later Brooke times the diving ordeal has in turn been replaced by court hearings and these have become the principal venue for defending territorial claims. Occasionally, however, Iban communities still resort to arms to defend what they see as their territorial rights.¹⁰

The contemporary attitude of Iban towards community territory is eloquently expressed in a memoir by Penghulu Upok anak Mawan of Skrang, written in 1985. Upok was leader of nine Ulu Ai Iban communities from along the Sarawak border that were being harassed during the Indonesian Confrontation and consequently were persuaded to resettle in the Skrang Land Development Scheme in 1964 (Kedit 1974). Upok’s memoir indicates the reluctance with which the communities left their land and their continuing sense of territory even 20 years after resettlement. He writes:

These are the reasons we did not want to migrate: (1) We were deeply attached (sayau) to our farming land, forest, fruit trees, and inherited territory (saka menoa); (2) We did not want to go to the farming land, forest, fruit trees, and inherited territory of other people; (3) We did not want to be without a territory, land, and fruit trees of our own ... And so we migrated, not casting aside our territory, land, and inheritance, but to wait until peace was restored ... Now our territory has become peaceful and is no longer disturbed; it is progressing. Now we are beginning to return to our ancestral territory (menoa asal)
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to look after our land and fruit trees there. Though that is the case, the land at Skrang is not being abandoned but is likewise being looked after and developed.\textsuperscript{11}

THE CASE STUDY LONGHOUSES

The Setting

As indicated in the Preface, much of the research for this book centred on long-term case studies of two longhouse communities in the Nanga Spak area of the Saribas — Batu Lintang and Nanga Tapih (Fig. 2.3).\textsuperscript{12} They are briefly introduced here and will be referred to throughout subsequent chapters. Batu Lintang, located along the main Layar River, has a larger land base and better access to Betong, the administrative headquarters and principal market centre for the Saribas District. Nanga Tapih is located along the Sungai Spak, a tributary of the Layar. It has a smaller territory and is less accessible. Historically, as explained in Chapter 7, Batu Lintang was grouped with the more commercialised, prosperous and better educated communities of the Layar, Paku and Padeh, while Nanga Tapih belonged to the Spak and Ulu Layar region where commercial agriculture, modern education, and government influence were slower to penetrate and the pressure of population on the land was greater. Both communities adhere to traditional Iban religion, though individuals have had nominal contact with Anglican Christianity, mainly through mission schools. In general, Batu Lintang maintains a more elaborate observance of traditional rituals, because of its greater wealth and ritual expertise.

Following a socio-economic survey of the Nanga Spak agricultural extension area in 1978 (Cramb and Dian 1979), Batu Lintang and Nanga Tapih were selected for more intensive study from April 1979 to July 1980 by a team from the Department of Agriculture (Cramb 1980, 1984, 1985, 1989a, 1989b; Sibat 1980). This involved monthly visits, each of a week’s duration. The methods of data collection during this period included the recording of work, income, and expenditure by every household (May 1979 to May 1980), periodic household interviews, group interviews, key informant interviews, field observation, and direct measurement of crop areas and yield. In addition, land use maps were compiled from ground observations and aerial photographs, a semi-detailed soil survey was undertaken, and soil and vegetation studies were completed. The intensive phase of the study was followed up with brief survey visits in 1982, 1983, 1985, 1992, 1997, and 2001.
The physical environment of the Nanga Spak area has been described by Sibat (1980). The soils are underlain by Cretaceous sediments, primarily red or light grey shales. The terrain consists of moderately steep to very steep low hills, dissected hills and mountains, and a ridge-and-valley complex. The elevation ranges from 30 to 350 metres, with hill summits often more than 50 metres above the associated valley floors. The soils are typical of Sarawak's hilly upland zone, that is, residual soils derived from sedimen-

Fig. 2.14 Manggat assisting soil surveyor Patrick Sibat to collect soil samples following burning of the farms at Nanga Tapih in 1979. Compare this scene with Fig. 11.2, taken several months later.
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tary rocks, comprising mainly shallow, highly leached, acidic, red to yellow clays and clay-loams of low fertility. In terms of the Sarawak Department of Agriculture's land capability classification, 85 per cent of the land is placed in Class 5, meaning it is not recommended for any form of agriculture, mainly because of the steep slopes. That agriculture has nevertheless been practised on such land for centuries indicates the difficulty of applying this classification scheme to shifting cultivation areas. Nevertheless, the statistic reflects the unattractiveness of this land for large-scale commercial agriculture. Annual rainfall varies from 1,500 to over 4,000 mm, averaging around 3,000 mm. Typically, the wettest month is December (around 450 mm) and the driest month is July (around 125 mm). The natural vegetation of the area is lowland mixed dipterocarp forest. However, all but very small pockets of the original forest have long since been felled for agriculture, giving rise to a patchwork of rice farms, rubber and pepper gardens, and various stages of secondary forest, with a markedly different species composition from the original forest (Chai et al. n.d.).

Since 1860, when the Iban leader Nanang of the Padeh made a stand against Charles Brooke from a fort at Nanga Spak (Chapter 4), it has been seen as a strategic upland location. It was selected as one of 20 new ‘forward bases’ for agricultural extension in the late 1970s under the World Bank-funded National Extension Project. It is also the site of several small shops, a rural health clinic, and a primary school (a promised junior secondary school did not eventuate). Since Nanga Spak was linked to the Layar road in the mid-1980s several commercial vans from Betong and Spaoh make a daily stop there, though the bus service does not extend this far, terminating at Batu Lintang. It has recently been designated a Rural Growth Centre, though this seems an ambitious concept for what is essentially a sleepy staging post for those making the journey between upriver longhouses and Betong. The Nanga Spak region is also included in the Kalakas-Saribas Integrated Agricultural Development Project (IADP), providing a further source of inputs for longhouse communities in the area.

Though similar in terms of physical environment, the two case-study communities differ in accessibility. The river journey from Batu Lintang down to the Layar bridge, where Sarawak’s only trunk road crosses the river, takes under half and hour, and since the mid-1960s there has been road access from this point to Betong. In 1980 the Layar feeder road reached Batu Lintang, making it accessible to commercial vans and a regular bus service (though the longhouse is on the opposite side of the river to the road, meaning produce has to be carried across a footbridge). The journey
from Nanga Tapih to Batu Lintang takes half a day without an outboard engine and one or two hours with an engine, but low water in Sungai Spak can make the journey extremely slow and laborious. Since the mid-1980s, when the Layar road reached Nanga Spak, the residents of Nanga Tapih have been able to access commercial vehicles from this point, significantly reducing travel time (Windle 1997).

**Population and Settlement**

According to oral traditions and genealogies, the Batu Lintang community was founded in the second half of the seventeenth century by Ngadan, a famous Saribas pioneer and *tuai menoa* (Chapter 3), and has continued to occupy roughly the same territory since that time, though the longhouse site has been moved many times as the community progressively brought its land under cultivation. In the 1850s the longhouse was only a short distance from the present site. During Rentap’s rebellion (Chapter 4), the community moved to Bukit Sadok for two years to ‘escape the Rajah’s taxes’. When Rentap was defeated in 1861, all but two of the Batu Lintang households returned to their original territory, building a 30-door longhouse which they occupied for eight years. From about 1870 until the Japanese Occupation they moved four times. Some households emigrated during this period, reducing the longhouse to 25 doors. Soon after the Occupation the community moved to its present site, which has been used for two successive longhouses, the first accommodating 28 households and the second, built in the 1970s, accommodating 29, though it has since been extended. The present longhouse is a spacious, solid structure of brick, concrete and timber built on the ground, but otherwise in most respects follows the traditional layout.

In 1980 the Batu Lintang community comprised 29 households occupying their own apartments in the longhouse and a Chinese shopkeeper who lived with his Iban wife in a detached dwelling close by, making 30 households in all with an average of 6.2 members. The total resident population was 185. Batu Lintang’s territory measures 13.2 sq. km, hence the population density was 14 persons per sq. km, lower than at Nanga Tapih and well within Freeman’s (1955) estimate of the carrying capacity of shifting cultivation. By 2001, though the longhouse had been extended to 34 rooms, the resident population had fallen to 116, reflecting the extent of outmigration of the younger generation.

Formal education has had a profound effect on the demographic characteristics of the Batu Lintang community. In 1958 an Anglican primary
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school was opened within Batu Lintang territory, with the result that almost all children born at Batu Lintang since the war have received a basic education. This has enabled some to obtain employment with the government as administrators, clerks, teachers, and so on, and many others to obtain semi-skilled jobs in the non-farm sector. Of all children ever born to women resident at Batu Lintang in 1980 (excluding those children who were still at school or of pre-school age), about 30 per cent had long-term non-farm employment and hence were resident in other parts of Sarawak, in many cases in and around the oil-town of Miri. (One elder quipped that they had a ‘second longhouse’ at Miri.) If the pre-war generation is excluded the proportion with non-farm employment rises to 35 per cent. If they had not had access to primary schooling perhaps most of those with non-farm work would have remained at Batu Lintang as farmers, adding considerably

Fig. 2.15 Nanga Tapih longhouse in the 1980s, taken from a pepper garden across river. Note the two small bilek without ruai on the left, built to accommodate recently formed households.
to the population pressure on the land. Now they and their dependants not only support themselves independently of Batu Lintang’s resource base but often supplement the incomes of those remaining in the longhouse through remittances.

The Nanga Tapih community was formed late in the nineteenth century from two smaller groups, each of four households, which were off-shoots of nearby communities. The new community took over old secondary forest that had long since been vacated by earlier Iban settlers (perhaps following the Brooke incursions of mid-century) and built a succession of longhouses, progressively moving down the Tapih stream towards Sungai Spak. By 1945, when the community moved to its present site at Nanga Tapih (the confluence of the Tapih and Spak), it had grown to 13 households.

In 1980 the Nanga Tapih community comprised 18 households occupying their own apartments in the longhouse and (as at Batu Lintang) one Chinese trader who lived with his Iban wife in a nearby shophouse, making 19 households in all with an average of 5.6 members. The total resident population in 1980 was 110. Nanga Tapih’s territory extends to 6.1 sq. km, hence the population density was 18 persons per sq. km, about 30 per cent higher than at Batu Lintang and roughly equal to Freeman’s (1955) estimate of carrying capacity. A substantial new longhouse was built in the 1990s with government assistance. In 2001 this longhouse had 25 apartments but the number of residents remained at the 1980 figure of 110, again reflecting rural-urban migration.

Primary education came much later to Nanga Tapih than to Batu Lintang: though a school was opened at Nanga Spak in 1962, no school was established within the Spak river itself until the Nanga Lawih school was opened in the mid-seventies. This affected the opportunities of the post-war generation to obtain permanent non-farm employment. Excluding preschool and school-age children, only nine per cent of those born to women resident at Nanga Tapih in 1980 had non-farm employment (compared to 30 per cent at Batu Lintang). If the pre-war generation is excluded the figure is still only 10 per cent (compared to 35 per cent for Batu Lintang). This factor helps to account for the higher population density at Nanga Tapih, a higher dependency ratio and the considerably smaller contribution of remittances to household income.

CONCLUSION

The Sarawak environment provides a formidable setting for Iban agriculture. Inherently poor soils, steeply sloping terrain, a continuously warm and
wet climate, and prolific rainforest vegetation dictate a system of food production in which the natural environment is merely held at bay for brief intervals while one or two crops are taken, before processes of ecological succession are harnessed to restore the biological productivity of the land. This is reflected in the Iban symbolic view of agriculture as the mere borrowing of land for a season from the earth god, Pulang Gana, who retains ultimate possession. In terms of the theory of agricultural intensification, the responsiveness or elasticity of this environment is at the ‘swidden’ end of Brookfield’s (1972) swidden-sawah spectrum, with severely limited potential for continuous cropping, except via perennial crops. Hence, notwithstanding the long-term demographic expansion of the Iban, the upland environment has not attracted large influxes of population, and the population density, though increasing rapidly in the post-war period, remains low by Southeast Asian standards. At these low densities, the resilience of the environment to the demands of shifting cultivation remains relatively high.

The basic structure of Iban society comprises essentially autonomous households voluntarily linked together in politically independent longhouse communities. The ‘rules for making rules’ emphasise the importance of collective decision by community consensus, in particular through the institution of the longhouse meeting (aum). The authority of leaders is subject to consensual acceptance by community members and is constrained by the ultimate sanction of ‘voting with the feet’, that is, leaving to join another community. Thus the Iban do not conform to the hierarchical, patron-client model of social relations that anthropologists have found useful in describing other societies in Southeast Asia (Milne 1973; Dauvergne 1997), though the introduction of government-appointed district chiefs (penghulu) has created an avenue for modern forms of political patronage at the local level (as has electoral politics since 1963, as discussed in Chapter 8).

Though Iban ideology stresses the value of personal independence, individual achievement and self-reliance – particularly in the realm of rice cultivation – social control and group cohesion are enhanced by a strong belief in the importance of maintaining a state of harmony within the community, principally through adhering to the conventions prescribed by traditional adat. The sense of community is closely related to the notion of community territory, which provides the principal arena for the economic, social, and ritual interaction which community life entails. It is the strong adherence to this customary notion of the longhouse territory that has come into conflict with the ‘territorialisation’ project of the post-war Sarawak state, as described in Chapter 8.
Recalling Adas’s (1998) finding that Southeast Asian villages vary widely in the degree to which they display community cohesion and consciousness versus the degree to which they are merely administrative units of the state, it is clear that the Iban longhouse-community conforms well to the small-scale, closed, corporate type of village at one end of this spectrum. In terms of Adas’s (1998) criteria, the Iban attach a high degree of importance to community membership and collective representation, the internal selection of community leaders, the use of community sanctions, the community’s role in administering land tenure, ceremonial coherence and bonding, and the community as a unit of defence. While formal measures for community welfare are not well developed, individual households are assured of access to land for subsistence and can rely on other community members for support in times of distress.

The Iban community thus displays features that conform to both the moral economy and political economy views of village dynamics in Southeast Asia. On the one hand, the emphasis on the cohesion and survival of the community imply a form of Scott’s (1976) ‘subsistence ethic’. On the other, the importance given to individual achievement and the ‘entrepreneurial’ activity of local and regional leaders is entirely consistent with Popkin’s (1979) political economy perspective, suggesting considerable scope for Iban institutions to respond to new developments in the economic and political environment. This tension between community cohesion and responsiveness to new opportunities characterises much of the story of agrarian transformation among the Saribas Iban in the chapters that follow.

NOTES
2. The Iban have in the past been referred to as ‘Sea Dayaks’ or simply ‘Dayaks’. They have been classified by earlier writers as proto-Malayan, but Baer (1999) argues that this is an archaic term derived from ‘folk prejudices’ which is ‘scientifically meaningless’.
3. In 2001 Betong Division was formed, encompassing Betong and Saratok Districts.
4. Nevertheless, Sarawak has, in common with the rest of Borneo, experienced El Nino droughts in recent years, e.g., 1982–3, 1986–7, 1991–2, 1993, 1994, and 1997–8 (Hazebroek and Abang Kashim 2000), which have contributed to conditions in which forest fires can get out of control, especially in northern Sarawak.
By 1991 the administrative divisions shown in Table 2.3 had been divided and/or renamed as follows: First Division became Kuching and Samarahan Divisions; Second Division became Sri Aman Division; Third Division became Sarakei, Sibu, and Kapit Divisions; Fourth Division became Bintulu and Miri Divisions; and Fifth Division became Limbang Division. In 2002, Sri Aman Division was divided into Sri Aman and Betong Divisions.

As discussed in Chapter 3, the out-marrying member retains what might be called a secondary interest, or at least a moral claim, to the natal household's rice-land (cf. Sutlive 1978: 44; Sather 1992: 113).

Members of a particular longhouse refer to themselves as kitai anembiak, or 'we followers.' Hence the concept of a longhouse community is closely tied to the consensual acceptance of the authority of the house founder and headman.

This is not entirely correct. In traditional Iban society there was a class of slaves, including war-captives (ulun berani), who were often subsequently enfranchised, and families in debt bondage (ulun leka rian) who could in principle regain their freedom by working off their debt (Roth 1896 [2]: 209–210; Sandin 1964; Sutlive 1978: 27, 195; Freeman 1981: 42–49).

Heppell also observes that 'land is regarded as the inalienable property of the “earth god” Pulang Gana. Accordingly, bilek members only acquire prior rights to farm the land' (1975: 311). This is in contrast with property in non-land assets, which is absolute.

For example, see 'Farmers in Fatal Land Battle,' Borneo Bulletin 17 (July 1982).

From a manuscript in Iban by Penghulu Upok anak Mawan of Skrang Village, dated 4 January 1985, on file in the District Agricultural Office, Engkilili.

The word nanga means the mouth or confluence of a stream or river, hence Nanga Tapih refers to the longhouse site at the confluence of Sungai Tapih with Sungai Spak, and Nanga Spak refers to the confluence of Sungai Spak with the Batang Layar.
CHAPTER 3

The Pre-Colonial Agrarian System of the Saribas Iban

Our way of life is hill rice cultivation (adat kami bumai).¹

Shifting cultivation has been the dominant land-use system in the uplands of Southeast Asia for centuries, yet it is widely misunderstood and denigrated, as reflected in the pejorative label ‘slash-and-burn’ farming. Many see it as an inherently wasteful and destructive system in which land is deforested for the sake of obtaining one or two meagre crops and then abandoned in a permanently degraded state while the practitioners move on to destroy fresh forests. Associated with this view is the notion that shifting cultivators have no incentive to manage their land sustainably because of the lack of any formal system of individual land tenure, hence forests are treated as an expendable, ‘open access’ resource which upland farmers thoughtlessly exploit. This perception has been contradicted by an extensive body of field research extending over many decades (Conklin 1957, 1961; Spencer 1966; Greenland 1974; Clarke 1976; Sanchez 1976; Grandstaff 1978; Kunstadter et al. 1978; Pelzer 1978; Rutzenberg 1980; Dove 1983, 1986; Chin 1985; Andriesse and Schelhaas 1987; Cramb 1988b; Brookfield et al. 1995; Fujisaka et al. 1996; Fox 2000; Fox et al. 2000; Mertz and Magid 2003).

It is true that there are many variants of shifting cultivation, some of them more or less sustainable than others, and that any such system can result in land degradation if badly managed (as indeed with any form of agriculture). The point of view being criticised here is that shifting cultivation throughout the Southeast Asian uplands is inherently primitive, wasteful and destructive. On the contrary, Mertz and Magid propose long-fallow shifting cultivation as ‘the best option for conservation farming in the hu-
mid tropics’ (2003: 2), and Fox argues that ‘shifting cultivation, rather than being the hobgoblin of tropical forest conservation, may be ecologically appropriate, culturally suitable, and under certain circumstances the best means of preserving biodiversity in the region’ (2000:1). Yet the misperception of shifting cultivation has been remarkably persistent. As discussed in Chapter 1, it is a misperception with deep ideological roots as well as practical political significance, justifying coercive policies to circumscribe and relocate upland communities and allocate their lands to other uses. Writing of Indonesia, Dove contends that official perceptions are ‘unconsciously deflected from empirical reality due to political and economic self-interest’ so that negative stereotypes of shifting cultivation become ‘an article of faith, a dogma’ (1986: 239).

The Iban have been especially maligned in this respect, and from an unexpected source. The anthropologist Derek Freeman, whose detailed research on the Iban from 1949 to 1951 provided a benchmark for the study of social structures in Borneo and beyond, expressed views on Iban agriculture that say more about the prejudices of colonial officials and agronomists at the time than the realities of Iban land use and tenure, even as revealed in his own meticulously collected data. He claimed: ‘Of the fact that the Iban are prodigal of the land there can be no doubt. They are, indeed, mangeurs de bois … The impulse of the Iban was to extract all the wealth they could from the nearest virgin land, and then move on to fresh fields’ (Freeman 1970: 286).\(^2\) Relatedly, in his view ‘there was no very complex or stringent system of land tenure’ (Freeman 1970: 151). Freeman’s fieldwork was mainly conducted in the Baleh, an inland tributary of the Rejang (Fig. 2.1), but he also made a short visit to the more densely populated Saribas, leading him to assert that ‘in areas like the Saribas District, there appears to be no alternative but large scale development of wet padi cultivation and extensive resettlement of the local Dayak population’ (Freeman 1955: 81) – a recommendation that proved very wide of the mark. Given Freeman’s justifiable reputation as a social anthropologist, his general assertions about the nature of Iban agriculture have gained widespread credibility, leading many to conclude, even if they accept that most shifting cultivators practise sustainable cyclic systems, that the Iban are to be categorised among those delinquent upland groups that leave a swathe of devastation in the forests they pass through. This view has strengthened the hand of logging and plantation interests in post-independence Sarawak in their push to appropriate large tracts of Iban land (Chapters 8 and 9).
To trace the process of agrarian transformation as experienced by the Saribas Iban over the past century and a half it is necessary first to establish as accurately as possible the nature of their system of land use and tenure at the beginning of this period. This is not to suggest that the transformation process suddenly began with the imposition of European rule and the penetration of the international market from the mid-nineteenth century, disrupting a previously unchanging, traditional agriculture. In fact, Iban agricultural practices and institutions have been continuously evolving. Nevertheless, it is possible to discern a distinctively pre-colonial or ‘customary’ system of land use and tenure, centred on the production of hill rice by an established or cyclic system of shifting cultivation, which had emerged in the Saribas and elsewhere in the Iban heartland by the time the Brooke state began to extend its domain into Iban territory. In this chapter a range of contemporary and historical sources are used to reconstruct the dynamics of this system of land use and the customary system of land tenure that governed its operation. The picture that emerges is quite different from that conveyed by Freeman’s more extravagant statements and one that is consonant with other research on upland agriculture throughout the region.

THE DYNAMICS OF SHIFTING CULTIVATION

A modified form of Conklin’s (1957) classification of shifting cultivation systems can be used to indicate the phases through which Iban hill farming in the Saribas has moved. In historical sequence these are: (1) pioneer systems, where significant portions of primary forest are cleared each year; (2) established systems, where mainly secondary forest is cleared; and (3) supplementary systems, where permanent field agriculture, including perennial cropping, has become at least of equal importance. The dramatic territorial expansion of the Iban, particularly from the mid-nineteenth to the mid-twentieth century, has contributed to the view that they are exclusively pioneer shifting cultivators, continuously migrating in search of primary forest to clear and farm (Geertz 1963; Spencer 1966; Morgan 1968; Austin 1977). In long-settled areas such as the Saribas, however, their system of land use has long since evolved into established shifting cultivation, or what Boserup (1965) and Ruthenberg (1980) term ‘forest-fallow farming’, involving the systematic re-clearing of secondary forest as part of a long-fallow rotation. A proper understanding of Iban land use requires an examination of both the pioneer and established phases and of the relationship between them. This is undertaken in the present section, following a brief discussion.
of the origins of Iban agriculture. The supplementary phase of Iban shifting cultivation corresponds to the partial commercialisation of the agricultural system, described in Chapters 6 and 10.

**Early Agricultural Systems**

It is impossible to say exactly when the shifting cultivation of rice (*bumai*) came to occupy its dominant place in Iban agriculture. However, it is likely that this occurred while the Iban were still confined to the Kapuas valley, that is, some time before the sixteenth century. Hill argues that ‘by the early years of the sixteenth century, rice culture was widespread in the [Malay] Archipelago, except in the south-east, in marginal areas ... and in the upland preserves of aboriginal peoples ... [though] older crops had by no means been completely displaced’ (1977: 28). As Pringle notes, the Kapuas, the largest river in Borneo, ‘has always been a high-road for cultural penetration into the interior’ (1970: 17), so it is difficult to conceive of rice cultivation being dominant in nearby Sumatra and Java and not also being of major importance in the Iban territory of the upper Kapuas. In fact, it may be that adoption of shifting cultivation of rice, with its demand for extensive land use, was one factor prompting the Iban migrations from the Kapuas to Sarawak.

Certainly the oral history of the first migrations into Sarawak suggests that by this time rice cultivation was dominant, though its diffusion among the Iban (or among the groups the Iban assimilated) was perhaps still going on. Sandin writes: ‘In those days [i.e., of the first migrations] Dayaks were beginning to be padi planters. In addition they planted yams, tapioca, and other crops, now seldom found in the present generation’ (1956: 60). He recounts the story of one group of migrants from the Kapuas to the Saribas who subsisted on tubers and sago until they were given rice seed by Iban in the Lupar basin and taught how to cultivate it (Sandin 1967: 23–25). Though these accounts have several possible interpretations, they do accord with Hill’s (1977) time-line for the diffusion of rice cultivation in the region.

It is worth noting that the Iban still cultivate many of the older Southeast Asian crops that, according to Hill (1977), were gradually displaced by rice (Cramb 1985; Table 3.1). Millet (*jawa*; *Setaria italica*) is grown in small quantities on the drier upper slopes of hill rice farms, mainly to be used in offerings to the gods (*piring*). Another so-called millet, Job’s tears (*nyeli*; *Coix lachryma-jobi*) is grown more extensively on the moister lower slopes and is used for poultry feed and for brewing an alcoholic beverage. In the
Saribas jawa is said to guard the rice farm from above as the nyeli guards it from below, probably reflecting their former importance as crops. Taro (bukau; Colocasia esculenta) and yam (ubi tiang; Dioscorea spp.) are also grown on a small scale in hill farms, principally for pig feed. Taro is more common in lowland areas in swamp-rice fields, whether as an intercrop or an off-season crop. Sago palms too are semi-cultivated, including hill sago (pantu; Eugissonia utilis) and swamp sago (mulong; Metroxylon sagu).

Table 3.1 Secondary crops grown in hill rice farms at Batu Lintang and Nanga Tapih, 1979–1980

<table>
<thead>
<tr>
<th>Botanical name</th>
<th>Iban name</th>
<th>English name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allium sp.</td>
<td>Kucai</td>
<td>Chives</td>
</tr>
<tr>
<td>Benincasa hispida</td>
<td>Kundor, janggat</td>
<td>Wax gourd</td>
</tr>
<tr>
<td>Brassica sp.</td>
<td>Ensabi</td>
<td>Mustard greens</td>
</tr>
<tr>
<td>Cajanus Cajun</td>
<td>Retak kayu</td>
<td>Pigeon pea</td>
</tr>
<tr>
<td>Capsicum frutescens</td>
<td>Cabi</td>
<td>Chillie pepper</td>
</tr>
<tr>
<td>Celosia sp.</td>
<td>Jebong, bayam</td>
<td>Amaranth</td>
</tr>
<tr>
<td>Coix lachryma-jobi</td>
<td>Nyeli</td>
<td>Job’s tears</td>
</tr>
<tr>
<td>Colocasia esculenta</td>
<td>Bukau</td>
<td>Taro</td>
</tr>
<tr>
<td>Cucumis sativus</td>
<td>Rampu, entimun</td>
<td>Cucumber</td>
</tr>
<tr>
<td>Cucurbita maxima</td>
<td>Entekai</td>
<td>Pumpkin</td>
</tr>
<tr>
<td>Cucurbita pepo</td>
<td>Ensaya</td>
<td>Hairy gourd</td>
</tr>
<tr>
<td>Dioscorea sp.</td>
<td>Ubi tiang</td>
<td>Yam</td>
</tr>
<tr>
<td>Hibiscus esculentus</td>
<td>Retak lendir</td>
<td>Lady’s finger</td>
</tr>
<tr>
<td>Ipomea batatas</td>
<td>Ubi randau</td>
<td>Sweet potato</td>
</tr>
<tr>
<td>Lagenaria siceraria</td>
<td>Labu</td>
<td>Bottle gourd</td>
</tr>
<tr>
<td>Luffa acutangula</td>
<td>Kecula, empusut</td>
<td>Loofah (bitter)</td>
</tr>
<tr>
<td>Luffa cylindrica</td>
<td>Kecula, empusut</td>
<td>Loofah (sweet)</td>
</tr>
<tr>
<td>Manihot esculenta</td>
<td>Ubi kayu</td>
<td>Cassava</td>
</tr>
<tr>
<td>Momordica charantia</td>
<td>Peria</td>
<td>Bitter gourd</td>
</tr>
<tr>
<td>Psophocarpus tetragonolobus</td>
<td>Retak sulok, ciping</td>
<td>Winged bean</td>
</tr>
<tr>
<td>Saccharum officinarum</td>
<td>Tebu</td>
<td>Sugarcane</td>
</tr>
<tr>
<td>Sesamum orientale</td>
<td>Lenga</td>
<td>Sesame</td>
</tr>
<tr>
<td>Setaria italica</td>
<td>Jawa</td>
<td>Millet</td>
</tr>
<tr>
<td>Solanum aculeatissimum</td>
<td>Terong kangan, bulu</td>
<td>Dayak brinjal</td>
</tr>
<tr>
<td>Sorghum vulgare</td>
<td>Gandom</td>
<td>Sorghum</td>
</tr>
<tr>
<td>Vigna sinensis var sesquipedalis</td>
<td>Retak</td>
<td>Longbean</td>
</tr>
<tr>
<td>Zea mays</td>
<td>Jagong, lingkau</td>
<td>Maize</td>
</tr>
<tr>
<td>Zingiber officinale</td>
<td>Lia</td>
<td>Ginger</td>
</tr>
</tbody>
</table>
The Pre-Colonial Agrarian System of the Saribas Iban

The millets and tubers, as well as being displaced by rice, have at some later stage given way to the New World crops, maize (jagong or lingkau; Zea mays) and cassava or tapioca (ubi kayu, empasa or jabang; Manihot esculenta), which spread through the Malay archipelago from the sixteenth century onwards. Maize was dispersed earlier than cassava and all major nineteenth century accounts of the Iban give it prominence in the list of crops grown (Low 1848; Roth 1896). Cassava only became widespread during the nineteenth century – Low (1848) does not mention it and Roth (1896) makes only a passing reference. Elderly Iban in the 1980s could recall their fathers having to purchase cassava stems for planting. Contemporary hill farms are now dominated by the rice-maize-cassava cropping pattern, with numerous cucurbits and other vegetables interspersed (Cramb 1985).

The form of rice cultivation used by the early Iban migrants is also open to debate. Freeman prefaces his report on Iban agriculture by saying:

Formerly, all of the Iban of Sarawak were shifting cultivators growing their padi on hillside clearings in the tropical rain-forest. Today, there are a number of Iban communities (particularly in the lower reaches of the Lupar, Saribas and Rejang rivers) who derive their livelihood from the cultivation of wet padi in riverain and deltaic swamps into which they moved following the establishment of Brooke rule (1955: vi–vii).

Yet as Pringle correctly points out, ‘Iban agriculture was not traditionally restricted to the cultivation of hill rice. There are downriver areas in the Second Division where the Ibans have always cultivated what they call swamp rice (padi paya)’ (1970: 26).

Hill (1977) presents an evolutionary model of rice cultivation systems, starting with an ancestral Southeast Asian type of semi-permanent (short-fallow) cultivation in naturally swampy conditions, with two to three years of cropping followed by two to three years of fallow (similar to Iban padi paya). He sees hill slope cultivation as a direct extension of this type, resulting from population growth and dispersal. Similarly, the more elaborate forms of wet rice cultivation are seen as developing from the primitive short-fallow system. Hill’s model puts in historical context the sharp contrast contemporary observers have drawn between intensive irrigated rice systems, as seen for example in Java or Central Luzon, and shifting cultivation in the hilly regions of Southeast Asia (e.g., Pelzer 1948; Geertz 1963).

The Iban homeland in the Kapuas provides extensive areas suitable for traditional swamp rice cultivation and it is reasonable to suppose that in the sixteenth century Hill’s ancestral short-fallow system was practised there,
extending by phases into long-fallow cultivation in the hills. The Ibanic Kantu still practise both types of system depending on the suitability of the terrain (Cleary and Eaton 1992). Moreover, some of the early migrants to Sarawak moved first into riverine environments where they almost certainly cultivated swamp rice (Sandin 1967). In the Saribas in particular, a common pattern was for land settlement to begin in the lower or middle reaches of a river, where swamp rice is still cultivated, and to proceed upriver towards the hills. In the process, cropping periods would have become shorter and fallow periods longer, with no other major change in farming practice required apart from the periodic felling of trees in the long-fallow system. This gradation can be observed along many of Sarawak’s rivers. For example, a survey of Iban farmers in the Oya River in Dalat District, spanning lowland, midland and upland environments, found a continuous progression from swamp rice (padi paya) to dry rice on flat land (padi emperan) to hill rice (padi bukit), with fallow periods steadily increasing throughout (Cramb and Dian 1979). In the transitional or midland zone, where pockets of bottomland are interspersed among low hills, the continuity between the two basic types of swamp rice and hill rice can be readily observed, often within the same farm.

Nevertheless it is true that hill rice cultivation by the forest-fallow method has long been the form of land use practised by the majority of Iban and accounting for by far the largest area (Brooke 1866 [1]: 59), as well as the one attracting most concern by both colonial and post-independence governments. The discussion in the rest of this chapter is confined to hill farming systems.

Pioneer Shifting Cultivation

As argued below, from the mid-nineteenth century, the major form of land use in the Saribas was an established system of shifting cultivation, dependent on the continual reutilisation of secondary forest. The system of land use in the preceding century or more must therefore be inferred from accounts of other pioneer areas. Iban methods of pioneering have been well described by several nineteenth century writers, notably Hugh Low (1848) and his son, H. Brooke Low (in Roth 1896) – the former (a botanist, who later became Resident of Perak) mainly reporting observations made among the Sebuyau Iban of western Sarawak during the years 1845 to 1847, and the latter basing his comments on his time as a Brooke official from 1869 to 1887, mainly in the Rejang. As already noted, Derek Freeman (1955, 1970) has given a detailed account of pioneer agriculture
in the Baleh, an inland tributary of the Rejang, based on fieldwork from 1949 to 1951. Recent surveys of other Iban regions where some primary forest continues to be felled can also shed light on earlier farming methods (Cramb and Dian 1979; Padoch 1982a, 1982b) and these accounts can be supplemented with inferences from oral traditions and current practice in the Saribas itself (Cramb 1984, 1985).

The annual cropping cycle began in April or May when the longhouse community would ritually select from within its territory a tract of primary forest to clear (berimba), each household marking out its own field (umai) within the larger block. The practice of combining fields in a continu-
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ous stretch (*bumai bedandang*) facilitated burning off, pest control (e.g., through perimeter fencing) and the exchange of labour (*bedurok*) between households, as well as being a security measure against enemy attack. Individual fields ranged from one to four hectares depending on the household’s capacity, averaging about two hectares. They were cleared cooperatively, using a machete for underbrushing (*nasau*) and the traditional Iban axe-adze (*bliong*) for cutting the trees (*nebang*), the latter being a distinctly male activity. Felling the larger trees involved constructing scaffolding to

Fig. 3.2 Firing the farms at Nanga Tapih using bamboo torches (*culut*)
raise the axe-men above the massive buttress roots. The cut vegetation was burned in late August, generally the driest period.

In September, with little or no further field preparation, the rice would be planted, again using cooperative labour. The men would make the planting holes by dibble-stick (nugal) while the women would sow the seed (menih). Numerous intercrops were planted at the same time, including maize, millet, Job’s tears, gourds, pumpkins, melons, cucumbers, mustard and tobacco. As noted above, at some stage in the nineteenth century cassava also came to be included in this cropping mix, being planted one month after the rice. Farm huts (langkau) would be constructed and a two metre high wooden fence erected around the perimeter of the farming area.
to exclude the larger animal pests such as wild pig and deer. In October
and November, one or two rounds of manual weeding (mantun) were per-
formed, mainly by women, each household working on its own field or in
smaller cooperative work groups. In January, while the rice matured, the
farms would be guarded against monkeys, squirrels and sparrows. Harvest-
ing (ngetau) was carried out in February and March, about six months after
planting, using a small hand-held blade to clip each panicle individually.
Once again cooperative labour was frequently used.

Post-harvest operations (threshing, winnowing, drying and storage)
would continue into April. Some informants state that when farming in pri-
mary forest the women would complete the harvest while the men began
underbrushing for the next season’s farm. In addition, a small part of the
farm site would often be re-cleared after the rice harvest to make a fenced
garden (empalai) for planting cotton (taya’, a local race of Gossypium ar-
boreum), from which the Iban traditionally wove their own cloth (Low 1848;
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St John 1862[1]; Howell 1912; Sandin 1980; Richards 1981). Empalai were also made for growing food crops such as eggplant, yams, sweet potatoes, chillies, sugarcane, plantains and cassava (Low 1848; Roth 1898[1]).

The labour profile of this cycle was highly uneven (Cramb 1989). The peak work-loads occurred in September (planting), October-November (weeding), and February-March (harvesting). The principal slack periods were August, December-January and April-May, though younger men frequently absented themselves from farm work for the months between planting and harvest. Hence, even though labour was the limiting factor, particularly at weeding, there was time available in the year for other activities. Charles Brooke (1866[1]: 149) estimated that only one third of available time was spent in farm work. Though much of the remaining time was productively employed (hunting, fishing, collecting forest products, house

Fig. 3.5 Sowing the rice (menih) at Batu Lintang.
and boat construction, the manufacture of tools, baskets, mats, cotton cloth and other household items), there was considerable ‘spare’ labour that was devoted to raiding and warfare or, after the establishment of Brooke rule, to new economic activities (Chapter 6).

An estimate of yield is hard to come by in the nineteenth century accounts. Brooke Low stated that ‘they grow, both individually and collectively, far more than they require for their own consumption’ (Roth 1896[1]: 421). However, as Charles Brooke pointed out, ‘the harvests vary very much in the quantity produced. A failure in the burning of the old jungle, owing to too much wet, or want of sun in the ripening season, so injures the crop as to put the inhabitants to great straits to obtain means of maintaining life’ (1866[1]: 59). Freeman (1970: 250–258) estimated that the yields normally vary between 15 and 20 or more bushels per acre (roughly 0.7 to 1.0 tons per hectare), but that ‘with fully favourable weather conditions, and particularly when working virgin land of good quality, Iban farmers are sometimes able to achieve crops ranging from 30 to 40 bushels per acre’ (1970: 255), or roughly 1.5 to 2.0 tons per hectare. All accounts agree that land cleared from primary forest yielded higher than that cleared from secondary growth (Low 1848; Roth 1896[1]; Freeman 1970).

Fig. 3.6 Hand weeding at Nanga Tapih using a weeding knife (bikong).
Hugh Low maintained that, after only one year of cropping, the plot would be left to fallow and a fresh plot cleared:

Every year the series of operations above detailed is repeated; the soil, perhaps, being exhausted by the enormous crop it sometimes produces in favourable seasons. ... The Dyaks themselves, however, do not suppose that the soil is in any way incapable of bearing further culture; but give always as a reason for deserting their farms, that the weeds and grass which immediately spring up after the padi has been gathered, are less easily eradicated than ground occupied by old jungle is prepared (Low 1848: 231).
As noted above, a portion of the field might be re-cleared and fenced to make a small garden for growing cotton as well as a number of food crops. Nevertheless, the nineteenth century writers clearly believed that only one crop of rice was taken before allowing the bulk of the site to revert to forest.

Freeman’s investigations revealed, however, that it was normal Iban practice after clearing and farming primary forest to make use of at least part of the farm-site for a second successive rice crop (1970: 276–305). The
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vegetation that springs up after the first harvest is called, in the Baleh, *kru-koh*, and to slash and burn this scrub in order to plant rice again Freeman terms *krukoh* farming. Although sometimes the whole of a farm would be cultivated for two years in succession, ‘the much more common system is to replant only about one-half to two-thirds of the old farm, and to make up the desired acreage by felling a further area of virgin forest’ (Freeman 1970: 284). This method of partially overlapping the current year’s farm enabled a household to make steady progress in felling primary forest without unduly straining its limited labour force. Further, given that primary forest needs a long drying period after it has been felled if it is to burn well, whereas

Fig. 3.9 Threshing rice underfoot (*ngindik*) at Nanga Tapih. (Photo: Larry R. Kalajainen)
Land and Longhouse

*krukoh* can be fired after only a brief drying spell, combining the two types of land reduced the risk of a poor crop. Most important perhaps, the yield obtained from second-year land was usually as good as or even better than the yield from a new clearing. Much of the larger timber felled would not be fully burned in the initial firing and hence the nutrients it contained could be made available for crop growth through re-burning in second or subsequent years. According to Freeman: ‘The Iban are fully aware that good virgin land is capable, under favourable conditions, of producing two consecutive crops of the highest quality’ (1970: 285).

A variation on the *krukoh* system was to take two or three crops within the first five to seven years of felling the primary forest. In general, the practice was to utilise as much as possible of the stored-up fertility in a plot of virgin land, thereby getting the best return on the arduous and hazardous work of felling the forest, until the decline in yield and the increase in weed growth made it more profitable in terms of the overall return to labour to move to a fresh plot. It would seem that the nutrient reserves in a plot of primary forest (including both the topsoil and the biomass) were sufficient to sustain several good crops in a relatively short period but that thereafter a long fallow period was required between each crop if yields were not to decline below an economic level.

Freeman, however, condemned *krukoh* farming as a ‘deleterious practice’ that ‘inflicts permanent injury on the land’ and concluded that ‘if shifting cultivation in the Iban pioneer areas is to be stabilised, it is of crucial importance that an attempt should be made to eradicate these prodigal methods’ (1970: 286–288, 305). The basis of Freeman’s objection was that forest regeneration after two successive burns ‘is of markedly different type from that which follows a single crop taken from *kampong* (primary forest) land. Moreover, this difference persists and is reflected in the inferior quality of the *damun* (secondary forest) which ultimately results’ (1970: 301–302). Consequently, in Freeman’s view, *krukoh* farming ‘has had a most deleterious effect on hundreds of square miles of land’ (1970: 282). Sutlive makes the even stronger claim that ‘overcultivation of hill farms and the spread of *Imperata cylindrica* have created vast ‘green deserts’ in Sarawak’ (1978: 22).

Yet extensive surveys in hill farming districts have failed to find evidence for this claim (Cramb and Dian 1979). It is true that taking two successive crops delays the regeneration of the forest, but this does not necessarily mean that the land is permanently ‘derelict’. Freeman uses the Iban term *tanah kusi* to mean land that is permanently abandoned as useless.
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For example, he describes a plot which he visited four months after the third successive harvest as follows: ‘It had become derelict (tanah kusi): there was scarcely a tree or shrub other than the common weed, kemunting (Melastoma), the rest of the vegetation being composed almost entirely of the grasses, ferns and herbs that constitute the lalang association. ... Probably it will remain permanently in the grip of lalang and associated weeds. ... In three short seasons – and for very small return – Iban prodigality had reduced moderately productive land to a weed-infested waste’ (1970: 304). This conclusion, however, was entirely speculative. Recent forestry studies

Table 3.2 Dominant tree species in 10 sample plots of secondary forest of differing age at Batu Lintang and Nanga Tapih, 1980

<table>
<thead>
<tr>
<th>Botanical name</th>
<th>Iban name</th>
<th>Fallow period (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adinandra cordifolia</td>
<td>Keranpak</td>
<td>+ + +</td>
</tr>
<tr>
<td>Anisophyllea disticha</td>
<td>Ribu</td>
<td>+ + + +</td>
</tr>
<tr>
<td>Artocarpus elasticus</td>
<td>Tekalang</td>
<td>+ +</td>
</tr>
<tr>
<td>Cratoxylum glaucum</td>
<td>Gerunggang</td>
<td>+</td>
</tr>
<tr>
<td>Dillenia suffruticosa</td>
<td>Buan, kitap</td>
<td>+ + + + +</td>
</tr>
<tr>
<td>Eugenia lineata</td>
<td>Ubah nyeli</td>
<td>+</td>
</tr>
<tr>
<td>Euodia nervosa</td>
<td>Engkerunding</td>
<td>+ +</td>
</tr>
<tr>
<td>Ficus brunneo-aarata</td>
<td>Pempan</td>
<td>+ +</td>
</tr>
<tr>
<td>Ficus fulva</td>
<td>Bunal</td>
<td>+</td>
</tr>
<tr>
<td>Ficus grossularioides</td>
<td>Lengkan</td>
<td>+ +</td>
</tr>
<tr>
<td>Ficus uncinata var uncinata</td>
<td>Timau</td>
<td>+ +</td>
</tr>
<tr>
<td>Glochidion lutescens</td>
<td>Mayam</td>
<td>+ + +</td>
</tr>
<tr>
<td>Homalanthus populneus</td>
<td>Tapang lalat</td>
<td>+</td>
</tr>
<tr>
<td>Ilex cissoides</td>
<td>Aras</td>
<td>+ +</td>
</tr>
<tr>
<td>Leucosyke capitellata</td>
<td>Semuti, simalam hijau</td>
<td>+ +</td>
</tr>
<tr>
<td>Macaranga beccariana</td>
<td>Purang sirang</td>
<td>+ + +</td>
</tr>
<tr>
<td>Macaranga costulata</td>
<td>Sentali</td>
<td>+ +</td>
</tr>
<tr>
<td>Melastoma malabthricum</td>
<td>Kemunting</td>
<td>+ +</td>
</tr>
<tr>
<td>Psychotria viridiflora</td>
<td>Engkerebai</td>
<td>+ + +</td>
</tr>
<tr>
<td>Tarenna intermedia</td>
<td>Retak empuloh</td>
<td>+</td>
</tr>
<tr>
<td>Timonius lasianthoides</td>
<td>Kemudoh</td>
<td>+</td>
</tr>
<tr>
<td>Vernonia arborea</td>
<td>Entapong</td>
<td>+ +</td>
</tr>
<tr>
<td>Vitex pubsecens</td>
<td>Leban</td>
<td>+ + + + +</td>
</tr>
</tbody>
</table>

Source: Cramb (1984); Chai et al. (n.d.).
in the Saribas have revealed that an association of *Melastoma malabathricum* and other trees, herbs, ferns and grasses, including the formidable *lalang* (*Imperata cylindrica*), invariably occurs at the beginning of the succession to secondary forest (Chai et al., n.d.; Table 3.2). The light-demanding *Melastoma* (along with several *Ficus* and *Macaranga* species) appears to shade out the grasses, thereby permitting other tree species to become established, before itself being shaded out by these more vigorous species. Certainly land under *Melastoma* is temporarily ‘exhausted’, in the sense that it cannot sustain immediate further cropping, but in general this merely means that an extended fallow period, in which secondary forest becomes established, is required to restore the soil’s productivity.10

**Table 3.3** Uses of a sub-set of secondary forest species identified at Batu Lintang and Nanga Tapih, 1980

<table>
<thead>
<tr>
<th>Category</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Food</strong></td>
<td>Fruit, leaves, shoots consumed; leaves used for wrapping and serving food and condiments; large vines a source of water.</td>
</tr>
<tr>
<td><strong>Firewood</strong></td>
<td>A variety of trees are recognised for their varying degrees of usefulness as firewood.</td>
</tr>
<tr>
<td><strong>Construction materials</strong></td>
<td>Timber for planks and posts, some suitable for constructing longhouses, others only for temporary huts (<em>langkau</em>); cordage; thatch; timber for boats.</td>
</tr>
<tr>
<td><strong>Tools and weapons</strong></td>
<td>Handles for choppers, hoes, weeding knives, etc.; sheaths for choppers, knives; hooked sticks to hold undergrowth when slashing; dibble sticks; threshing sieve; punting poles; bark for water scoop in boats; spear shafts; arrows; catapults; materials for pig traps, fish traps, and chicken cages; thread for bird traps; ash from burnt leaf to make poison for blowpipe darts.</td>
</tr>
<tr>
<td><strong>Mats, baskets and containers</strong></td>
<td>Mats for sleeping, sitting, serving food; mats for drying farm produce; materials for weaving baskets, making frames, rim and straps; bark for rice storage bins.</td>
</tr>
<tr>
<td><strong>Medicines</strong></td>
<td>Benzoin for medical use and burning in farming rituals; substance for poisoning leeches.</td>
</tr>
<tr>
<td><strong>Decorative and symbolic uses</strong></td>
<td>Dyes used in producing <em>ikat</em> fabrics; timber carved to make flowery decorations (<em>bungai jarau</em>) in festivals; branches used for decorating marriage ceremonies; flowers for perfume; leg anklets.</td>
</tr>
</tbody>
</table>
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If Freeman is correct in saying that ‘krukoh farming is a time-honoured Iban custom’ (1970: 282), then the long-settled Saribas basin would have been subjected to the same form of land use during the pioneer phase. Nevertheless, established shifting cultivation has proved viable there for centuries, and only in the post-war period, with the pressure of population growth and the spread of cash crops, has it come under obvious stress in some upriver regions (Chapter 10). That krukoh farming was indeed standard Iban practice in the Saribas is strongly suggested by present land use patterns when old secondary forest or senile rubber gardens are felled for hill rice. Almost invariably, two successive crops will be taken from such land, or three crops in the space of a few years. This is simply considered to be a prudent farming practice, making the most of the extended fallow period, and is in no way thought to inflict ‘permanent injury’ on the land. The normal sequence of secondary succession can be observed on such plots when they are fallowed again.11

There seems to be good evidence, then, that a forest cover does establish itself even after krukoh farming, and that, although its dominant species are different from the original forest, it is capable of accumulating sufficient nutrients to permit subsequent cropping in a forest-fallow cycle. Moreover, this forest contains many plants of direct use to the Iban. Table 3.3 enumerates the uses reported by farmers at Batu Lintang and Nanga Tapih for a sub-set of 93 secondary forest species (including 70 tree species) identified in the same forest sample plots referred to in Table 3.2. Of these 93 species, 74 (69 per cent) had one or more use.12 It therefore seems inappropriate to talk of ‘permanent injury’ to the land or even of ‘inferior quality’ forest. It is still of considerable use to Iban farmers.

Established Shifting Cultivation

The pioneer phase of shifting cultivation in the Saribas began as early as the sixteenth or seventeenth century and continued until around the middle of the nineteenth century, when the major migrations out of the Saribas and Lupar headwaters into the Rejang basin began (Chapter 2). The transition from pioneer to established shifting cultivation would have been a gradual process within any given longhouse territory. Initially, only primary forest would have been felled, though after the first year it would have been possible to supplement the felling of primary forest by clearing young scrub (krukoh or kakah), as already discussed. Once the more accessible primary forest had been utilised, it was common practice to relocate in another part of the territory to give access to fresh tracts of virgin land. As Brooke Low
observed: ‘The old jungle is called kampong, and the new is called temu-da. The Sea Dyaks prefer infinitely to farm the former whenever it is to be obtained within reasonable distance of the village, and when it is getting scarce in the neighbourhood, they shift their residence nearer to it’ (in Roth 1896: 400). If the community was small this may have entailed re-siting the longhouse itself. Otherwise, as Freeman describes, the community would disperse during the farming season into a number of subsidiary longhouses (dampa), located closer to the areas currently being felled. According to Freeman: ‘After all or most of the kampong in one section of the longhouse territory has been worked out, the dampa group moves off to another part of the territory, and so on, until return has to be made to the original section. When this return is made the most mature damun available to each bilek-family is felled first’ (1970: 290).

Eventually, as Hugh Low observed, all or most of the available primary forest was utilised, necessitating total reliance on the periodic re-utilisation of secondary forest:

In parts of the country more populous than others, it frequently happens that the Dyaks have not, in their territory, old jungle; or it is at such a distance from their houses that the labour of carrying the produce to them would be very oppressive in a country where the services of no domestic animals are available for this purpose. Such situations are not so laborious to prepare, but being destitute of that rich layer of vegetable mould, and the fertilising properties of burnt wood, are not nearly so productive (Low 1848: 227).

The techniques of farming in secondary forest differed little from those outlined above for the pioneer phase. Felling required considerably less labour and was generally performed with a conventional axe (kapak) rather than the Iban bliong. As large trees with buttress roots were absent from the secondary forest it was unnecessary to construct any scaffolding. Somewhat more labour was required for weeding, given the greater abundance of grassy weeds, but the method of weeding was unchanged. There are also indications that intercropping, particularly of maize and cassava, gradually became more intensive (Cramb 1985). Nevertheless, the size of farms was apparently no different from that under pioneering conditions, averaging a little under two hectares (Cramb and Dian, 1979).

While cultivation techniques did not substantially change, the yield of rice from established shifting cultivation was on average lower than that obtained when farming virgin land. Hugh Low noticed that ‘the crops from such land [secondary forest] are not so abundant as those from the utan
tuah, or old forest, which in consequence is, notwithstanding the greater proportionate amount of labour requisite to bring it under cultivation, always when procurable, preferred’ (Low 1848: 232). Recent surveys of established shifting cultivation in the upper reaches of the Saribas and Kanowit Rivers found yields to average from 500 to 700 kg per ha, compared with Freeman’s normal range of 700 to 1000 kg per ha (Cramb and Dian, 1979). The decline in yield when farming in secondary forest was not a once-for-all phenomenon but appears to have occurred progressively during the first three or four crop-fallow cycles, after which the yield stabilised, apparently for an indefinite period, provided an adequate fallow period was maintained.14

According to Low, a stable forest-fallow cycle entailed a single year’s cropping followed by a minimum fallow of around seven years: ‘They never return to the same spot until after a period of seven years has elapsed, which they say was the custom of their ancestors; and then they find that the trees, which have, during that time, covered the ground, to the destruction of the deleterious lalang grass and other weeds, are easily felled, and the ground

Fig. 3.10 Grating cassava, planted as a relay crop with hill rice, and used for pig feed or as a supplement to rice in the diet, especially in times of rice shortage.
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prepared’ (1848: 231). Brooke Low concurred: ‘After having felled the old jungle and farmed on it once, they leave it for seven years to grow up again, and are then ready to use it a second time’ (in Roth 1896: 400). Low saw the main function of the seven-year minimum fallow as the suppression of weeds, a view more recently argued by Seavoy (1973). Evidence from other tropical areas indicates that a fallow period of from five to ten years is also necessary to accumulate sufficient nutrients in the living vegetation and the topsoil to sustain another year of cropping (Sabhasri 1975; Whitmore 1975: 230; Clarke 1976; Sanchez 1976: 351–354; United Nations 1978). Beyond this period the potential yield curve begins to flatten out, making further fallowing unnecessary from the farmer’s point of view (Ruthenberg 1980). Contemporary Iban farmers in the Saribas still regard a fallow period of seven to ten years as adequate, both to shade out grassy weeds, as Low observed, and to build up the potential yield (though a somewhat longer fallow is considered better still). In this light, Freeman’s oft-cited minimum standard of a 12–15 year fallow period, below which serious degradation is supposed to set in, appears excessive. If anything, a 12–15 year fallow may be optimal rather than minimal, ensuring adequate regeneration without allowing trees to get too big for easy felling.

THE PRINCIPLES OF CUSTOMARY LAND TENURE

The rules and conventions governing the use of land and forest resources among the Saribas Iban were an integral part of the larger body of custom (adat) that guided behaviour within and beyond the longhouse, ensuring the harmony and well-being of the community. Customary land tenure in the Saribas and elsewhere can be viewed at two levels – that of the longhouse community and of the individual household. The territory occupied by a longhouse community formed the basic unit of land administration. Territorial rights were acquired by physical possession and if necessary defended by the threat or use of armed force. Within the longhouse territory, however, household rights to land were usually negotiated and enforced by mutual agreement.

Territorial Rights

Though Freeman (1970) has discussed Iban territorial rights in the Baleh, he emphasises that the historical circumstances surrounding land settlement in that region make it a special case. As he states: ‘All resettlement in the Baleh was under Government supervision, each long-house community having land formally apportioned to it ... When resettlement took place
each of the various long-house communities was allotted a specified tract of land. This tract usually bordered a section of one of the main rivers or streams, and boundaries with neighbouring long-houses were either tributary streams or well-defined ridges that demarcated a watershed’ (1970: 142–143). In addition, reoccupation of the Baleh lands was en masse and, in the process, there was widespread reorganisation of communities. This leads Freeman to conclude that ‘the land tenure situation, and the present dispersal of long-houses in the Baleh area, are the direct outcome of the historical events we have been discussing. In other words they have been determined in part by Government policy, and should not be viewed as being the spontaneous expression of tendencies inherent in Iban society’ (1970: 143).

In contrast, the phase of pioneer land settlement in the Saribas basin stretched from as early as the sixteenth century to the first half of the nineteenth century. During that time the population in this area was nominally subject to the Sultan of Brunei, but in practice the Iban had free access to the vast tracts of primary forest which lay before them, provided they could drive off or dominate the scattered tribes that already occupied the region. Benedict Sandin’s (1967, 1994) compilation of oral traditions provides an account of land settlement in this period, particularly for the Saribas. He suggests that, at the macro level, settlement gave the appearance of being an haphazard phenomenon. Some pioneers migrated across several watersheds, leaving much unclaimed land behind them. Once-settled areas were frequently abandoned, only to be taken up again by later migrants. ‘Far from being an orderly process, Iban migrations have always been the end result of many individual decisions’ (Sandin 1967: 4). Nevertheless, from the point of view of the pioneering groups making those decisions, the process of land settlement was far from haphazard. Such groups systematically organised themselves to seek out and occupy new territory, laying claim to extensive spheres of control which they defended against enemy encroachment while they proceeded to appropriate the forest for their own use.

A pioneering group was organised as follows (Sandin 1967, 1970; Freeman 1981). An accomplished male with a reputation for leadership and military prowess would let it be known that he intended to migrate (mindah) into new territory, and other households, usually linked by ties of kinship, would decide to join him. He would become the migration leader (tuai mindah) and almost invariably the war leader (tuai ngayau) of the group. Several other leading warriors would act as his lieutenants or ‘fighting cocks’ (manok sabong). Once such a group had occupied a territory (menoa), the
migration leader would continue to act as regional leader (*tuai menoa*), exercising authority over his followers with respect to the settlement and defence of his domain. Under his direction the original group would progressively disperse into separate longhouses, each led by a loyal lieutenant, and proceed to clear the forest for farming. Other groups subsequently migrating into the region would first approach the *tuai menoa* to be allocated a sector of his domain in which to settle and farm.

The Iban method of land use, involving the clearing of sufficient forest to sustain a long-fallow rotation, as well as the direct utilisation of forest produce, meant that a *tuai menoa* sought to reserve access to as large a tract of primary forest as possible. Pioneer groups manoeuvred themselves into positions of advantage by occupying strategic locations within a river system, enabling physical control of access to as yet uncleared land. In many cases, the upper reaches of a river were favoured because they gave access to several tributary streams within a relatively well-protected hinterland. Sather, however, notes in relation to the Saribas that ‘Iban pioneers, in opening a new river for settlement, tended to establish themselves first along its middle course and near the mouths of its main tributaries. This was done for strategic reasons, with an eye to future expansion. Should the region prosper, the growing population was free to extend its domain both up and down river and into the side streams branching from its main course’ (1981: 111).

As independent groups of migrants, each recognising a different *tuai menoa*, moved into a river basin, it became necessary to negotiate and enforce regional boundaries. For example, Ngadan, a seventeenth century pioneer in the middle Layar (and the founder of Batu Lintang), established his boundary with Sampar, who occupied the Layar headwaters, by marking a *belian* (ironwood) tree (Sandin 1967: 14). When Sampar subsequently prepared to migrate downriver, Ngadan threatened war, symbolically hanging a basket above his landing place in which to keep Sampar’s head should he actually encroach. In the event, Sampar withdrew. When Ngadan’s great grandson, Saang, arrived in the Paku branch of the Saribas early in the eighteenth century he encountered the *tuai menoa*, Busu. Though Sandin remarks that ‘there was plenty of land for all in the thinly settled country, and little need at first for any recognised division of land rights’ (1967: 33), in fact the Paku River itself became the boundary, and ‘Busu and his people worked on the right bank, while Saang and his followers worked on the left bank’ (1967: 35).

Within the domain of a *tuai menoa*, longhouse communities were allotted specific territories for their exclusive use. These were usually natural
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topographical units, such as the area drained by a side-stream. As Sandin remarks of contemporary communities: ‘Each longhouse controls an area of land originally claimed by its pioneering ancestors, the boundaries of which are typically marked by natural features, such as ridges and streams’ (1980: 13). For example, in a nineteenth century court dispute concerning the headman’s authority over land along Sungai Priu in the Layar, an Iban leader stated: ‘The babas [forested land] in S. Priu was given to [the late] Entri by O. Kaya [the Orang Kaya Nanang] and he [Entri] was recognised as the headman there’ (BCB 1899: 197). Nanang was the tuai menoa of the Padeh and middle Layar (Chapter 4). Similarly, in a dispute concerning authority over bee trees (tapang) in Sungai Julau (just over the Saribas-Kanowit watershed), the headman stated ‘that when he first moved into the Kayulau [Julau] many years ago [1863 or 1864], Rentap and Lugum gave them two streams ... with the lands watered by them and the tapangs growing in them’ (RCB 1879: 864). Rentap and Lugum were tuai menoa in the region, the former being the famous war-leader who, after being defeated by Brooke forces at Bukit Sadok in 1861, migrated to Julau where he died several years later (SG 1966: 53; Chapter 4). A witness ‘explained that the left bank of the Julau belonged to Rentap and the right bank to Lugum’ (RCB 1879: 864).

As noted above, a tuai menoa had the right to admit other groups of settlers to his domain in addition to those households taking part in the original migration. The tuai menoa benefited through having loyal communities occupying different sectors of the region, enhancing both his own prestige as a leader and the security of the regional community. Sometimes a fee was levied on the newcomers for the right of access, probably (as Michael Heppell suggests) in acknowledgement of the tuai menoa’s authority. For example, when Duau and his followers were expelled from the upper Paku following a dispute, they came downriver where they encountered the tuai menoa, Rusak. According to Sandin, ‘Rusak suggested that instead of migrating elsewhere he [Duau] might remain and live on his [Rusak’s] lands at Luban [a left tributary of the Paku], if he agreed to pay a land fee (tasihih tanah) of one rusa-type jar’ (1967: 23). At a later stage, when uncleared land became scarce, the tuai menoa’s right to admit newcomers was exercised more often as a right of exclusion. Sandin records that early in the nineteenth century Lemanak Iban came via the Skrang to the upper Layar, but ‘they discovered that these lands were already completely occupied, and the Layar Ibans would not accept them’ (1967: 80).

The authority of the tuai menoa over regional organisation ensured that territorial arrangements would be clear (terang) and unambiguous (enda
carut) to the inhabitants of the region. Any movement of longhouse communities within or between regions involved the assignment (or reassignment) of valuable territorial rights, and for such movements to be conducted in an orderly fashion without giving rise to disruption and conflict, it was necessary to make prior arrangements which were authorised by the tuai menoa and given general acknowledgement within the region. For example, in a dispute during the Brooke period between two community leaders in the Layar, one of whom (Ringgit) had migrated out of the region and subsequently returned, Pengarah Ringkai (effectively the tuai menoa, though by this time a Brooke-appointed official; see Chapter 4) stated: ‘It is universally acknowledged owing to Ringgit’s leaving the country for 3 years that the land is now Maat’s. There are many people who use Maat’s farming land, but they have first to ask his permission, there has never been any trouble concerning this land before as Maat’s claim to it is universally acknowledged’ (BCB 1898: 123). It was this stress on ‘universally acknowledged’ territorial claims, backed by the authority of the tuai menoa, which provided the basis for orderly tenure arrangements at the inter-community level.

Household Rights
An individual household’s rights to land were gained in the first instance by virtue of its membership in the longhouse community. This membership bestowed a general right of access to the longhouse territory, held in common with all other member households. This right of access was in fact a bundle of rights. The most important, of course, was the right to clear the forest for the cultivation of hill rice and other food crops in order to meet the household’s subsistence requirements. In addition, community members had common access to the longhouse site (payong rumah), even after the longhouse itself was dismantled (when the site was referred to as a tembawai); to the community landing place (pangkalan or pendai); to the community graveyard (pendam), usually a copse of uncleared land across the river from the longhouse; and to forest reserves (kampong galau or pulau, literally ‘islands’) maintained as a source of timber, rattans, and other produce. Rights of access also extended to hunting and fishing within the community’s territory. All these rights were held to the exclusion of non-members of the community, though neighbours could pursue game across the territorial boundary and could ask for the right to fish in the stretch of river (puntang ai) running through the territory.

The allocation of primary forest for clearing by individual households was formalised at an annual longhouse meeting (aum) in which each house-
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hold, having already selected and marked an area for the coming season, declared its intentions in front of the gathered community (Freeman 1970: 144–147). As at the inter-community level, the prime consideration was that individual actions should be clear (terang) to all concerned. This ensured that the acquisition of household rights over land proceeded in an orderly manner, with the risk of conflicting claims being minimised. The usual manner of opening up virgin land was for a group of households to choose a particular stream and to work side by side, each household being responsible for its own plot. Having cleared the lower part of a slope in one season, the household concerned would have a prior claim over the uncleared land directly above its farm. When all primary forest in the block had been felled and the land farmed perhaps two or three times, the group would move to another site. In this way primary forest subject to common rights of access was systematically brought under cultivation by individual households.

During the cropping period a household had exclusive rights to the plot it had cleared (umai). If anyone removed or damaged any produce or other items from the household’s rice plot he or she would be fined, and at certain ritually defined times even to walk through another’s plot was a fineable offence (Sandin 1980: 17–19). The felling of primary forest on a plot also conferred on a household the exclusive right to recultivate that plot in subsequent years. This ‘right of the first feller’ was a cardinal principle of traditional Iban land tenure. Brooke Low wrote: ‘As regards the tenure by which land is held by the Sea Dyaks [Iban], it has been the immemorial custom that when a person fells the virgin forest, he acquires by that act a perpetual title to the land’ (in Roth 1896[1]: 420). Freeman’s more recent study of a pioneer region revealed the same principle. ‘Among the Iban, ownership of land is established by the felling of primary forest. Thereafter, the land belongs to the bilek-family responsible for this first felling, and it has full discretionary rights over the usufruct of the secondary jungle which springs up within a few months of the harvest’ (1970: 105). The boundaries of individual plots would be identified by reference to natural features such as ridges and gullies and unfelled hardwood trees, and by planting fruit trees and rows of bamboo (Janang Ensiring 1975; Sutlive 1978: 24). These boundaries would become general knowledge within the community as farmers exchanged labour on each other’s plots, and knowledge of household rights was transmitted orally to subsequent generations through lengthy genealogies.

Recognition of the right to recultivate a plot recently cleared from primary forest reflected the high value placed on such land. Though in the pio
neer context land as such was abundant, cleared land was exceedingly scarce and required considerable labour to procure. Moreover, as discussed above, the accumulated fertility of virgin land meant that several good crops could be obtained in the space of a few years. Hence the first feller had a strong incentive to claim the right to clear the same plot in subsequent cycles in order to get the full return on his considerable investment in felling the primary forest. The recognition of this right by the community avoided a potential ‘free-rider’ problem, with other households capitalising on the efforts of the first feller. As a contemporary Iban farmer has expressed it, the one who fells big forest (kayu besai) must be allowed to recultivate the land (bali umbang, literally, ‘return to the refuse’) or else he will make a loss on the work of felling (rugi nebang). In the longer term, for one household to obtain enough land for an adequate forest-fallow cycle required 10 to 20 years of arduous pioneering work, and to build up sufficient reserves for the next generation required a lifetime of pioneering. No Iban household wanted to allow this heritage (pesaka) to be freely appropriated by others.

The right of the first feller was, however, limited in several ways. First, when a plot was under forest-fallow, all community members shared rights of access to the land for hunting and gathering, though not for farming. As Sather puts it: ‘Exclusive family rights in land … apply only to agricultural use. Families without customary claims based on initial felling are free to gather rattan, collect wild foodstuffs or hunt game on temuda [fallow] land belonging to other families’ (1980: xix). Second, all land was subject to the ‘right of eminent domain’ exercised by the headman on behalf of the community. In particular, the longhouse could be built on any suitable land and a household’s rights in such land would be extinguished. As mentioned above, the house compound (payong rumah) thereafter remained subject to common access, though the right to harvest fruit trees planted within this compound would belong to the household that planted them. The headman’s authority over household land could also be used to make land available for newcomers to the community. Third, as Freeman states: ‘A bilek-family’s rights over secondary jungle are not held in unconditional perpetuity however, but only for as long as the family remains a member of the long-house community in whose territory its holdings lie. Thus, when a bilek-family moves (mindah) to a new district and takes up permanent residence there, its old land rights lapse, and are gradually assumed by remaining kindred’ (1970: 148). According to Sandin, in the absence of close kin, these rights ‘become available for use by the people of the longhouse … and are subject to reapportionment by the Tuai Rumah’ (1980: 14).
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Individual households also claimed property rights to certain valuable forest trees (Low 1848; Ward 1915; Sandin 1967; Freeman 1970; Sather 1990). These included fruit trees such as durian (Durio spp.), sibau (Nepheleium spp.), and lensat (Lansium spp.); the engkabang or illipenut tree (Shorea spp.), a source of vegetable tallow; the terbelian/teras or ironwood tree (Eusideroxylon zwageri); the lofty tapang or bee tree (Koompassia excelsa), favoured by wild bees for nesting and hence a source of honey and beeswax; and many others. Claims to such trees could arise in two ways. First, an individual could claim the right to harvest or utilise a valuable tree growing wild in the jungle by clearing the undergrowth round about and erecting a sign (tanda) in the form of a stick with a cross-piece notched into it (pesindang) (Richards 1963: 45). This act, once drawn to the attention of the other longhouse members, was sufficient to confer exclusive property rights on the claimant’s household. Second, fruit trees in particular would be planted, both by accident and design, in the area behind a household’s apartment in the longhouse (tapak bilek), or around the subsidiary longhouse (dampa) or farm hut (langkau). These trees (and other useful plants) would be recognised as the exclusive property of the household concerned. When the longhouse was moved to another site, which occurred frequently, the old site (tembawai) supported a grove of fruit trees, and though the tembawai itself remained the property of the longhouse community, each household continued to claim those trees in its former tapak bilek as well as those which had sprung up on the site of the bilek itself. The sequence of apartments in the old longhouse was an important aid to remembering claims to tembawai trees (Ward 1915). Sather (1990) also points out that, apart from house sites, the river margins in the Saribas are an important part of the community land reserve where engkabang trees in particular have been planted and claimed by individual households since pre-Brooke times.

The inheritance of rights to fallow land (damun) and forest trees proceeded as follows. When a son or daughter married out (nguai) of the parental household and joined the household (tama ka bilek) of his or her spouse, he or she was usually given a small inheritance (pemai), but this did not include any rights to land or trees and indeed served to symbolise that the outmarrying person was now dependent on the spouse’s household for access to these resources. However, when a married couple broke away from the parental household (mecah ari bilek tuai) in order to set up on its own (kadiri), it continued to share rights to the land and trees of the original or senior household (bilek tuai or bilek asal). The prior rights over these resources remained, however, with the original household, which was said
to have full authority (*abis kuasa*) over their allocation. Each year following household partition, the younger, seceding section, unless it chose to fell primary forest, would have to request from the senior household (*minta arribilek tuai*) a plot of secondary forest to clear for farming. Once the junior section had made use of a plot in its own right it had what Freeman (1970: 144) terms ‘presumptive tenure’ over that plot in subsequent cycles. However, there was not always such an automatic transfer of rights and in some cases the land was regarded as still subject to the authority of the *bilek tuai*. The rights to any land cleared of primary forest by either household after partition were held exclusively by the household concerned.

With regard to the inheritance of property in trees, Freeman found that ‘fruit trees ... are usually divided, though it is sometimes agreed that both sections should continue to have equal access to the crop’ (1970: 52). In the Saribas the latter option has been the norm. That is, the senior and junior households held common use rights over fruit, *illipenut*, *tapang*, and other trees indefinitely, with the senior household again having rights of control (*kuasa*). This meant that the head of the senior household would inform the junior household when a tree was to be harvested and would supervise the allocation of harvest-shares. As Sather (1990) documents for the Paku branch of the Saribas, with the passage of generations the descendants of the original planter may come to number in the hundreds and be spread over several longhouses, though for those living in other longhouses it is generally impractical to take part in harvesting on a regular basis. Sather comments: ‘Thus, tree rights transcend the basic units of everyday social life – the household and longhouse – and in doing so, reflect a sense of deeper historical connection, linking individuals and families through ties of ascent to past generations of household members, regional pioneers and longhouse and household founders, thus reinforcing membership in a wider regional society’ (1990: 20).

**CONCLUSION**

The widespread impression that the Iban are semi-nomadic shifting cultivators who ‘seriously overcultivate’ the soil, have ‘a warrior’s view of natural resources as plunder to be taken’ and display a ‘superior indifference toward agricultural proficiency’ (Geertz 1963: 27) is largely attributable to Freeman’s report on the Baleh Iban. Though the detailed evidence presented by Freeman indicates a pattern of land use in transition from pioneer to established shifting cultivation, his more general statements depict the Iban system of shifting cultivation as a prodigal devouring of virgin forest
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which leaves in its wake vast tracts of degraded and abandoned land. According to him, ‘the main incentive behind the remarkable migrations of the Iban has been a desire to exploit new tracts of primeval forest, and the tendency has been for communities to abandon their land as soon as a few lucrative harvests have been reaped, and move on to fresh precincts’ (1970: 76). As ‘their whole policy was to exploit the stored up fertility of virgin land by extracting from it two or three successive crops, and then to move on to fresh fields,’ it is, in Freeman’s view, understandable that ‘there was no very complex or stringent system of land tenure’ (1970: 151).

It is, however, difficult to see why the Iban, for whom ‘land is of pre-eminent importance’ (Freeman 1970: 283), should knowingly destroy its usefulness to them within a few short years. As Freeman rightly states, ‘land is wealth, and upon its land holdings depend the prosperity, and indeed, the very subsistence of a bilek-family’ (1970: 283). The evidence considered above strongly suggests that the pioneer Iban, knowing that they must eventually re-utilise their land to survive, have not displayed the prodigality of which they have been accused. That in the Saribas and elsewhere shifting cultivation has proved a sustainable system of land use for three to four hundred years, and that no large area of Iban settlement in Sarawak has been voluntarily abandoned by them, seems a clear indication that Iban land use is ‘not predicated on constant migration’ and that ‘the natural resources of these [long settled] areas have not been “exhausted”’ (Padoch 1982a: 10–11). Rather than reflecting an addiction to wasteful and extractive farming methods, the system of land tenure, with its emphasis on continuity of rights, in fact demonstrates the Iban concern with long-term land use.

Iban land tenure was developed to coordinate and regulate access to land for pioneer shifting cultivation and associated subsistence activities within the uncertain environment of the tropical rainforest and amid the dangers and insecurity of inter-tribal warfare. In this context, individual survival depended critically on belonging to a well-organised and mutually supportive community – to enable cooperative activities such as block farming and the periodic pooling and exchange of labour, and to ensure security against external interference. Hence the fundamental importance placed by the Iban on maintaining order and concord within the longhouse community and between neighbouring communities in a regional society. Disorder and disunity threatened the very survival of the community upon which individual survival was predicated.

The Iban solution to the problem of providing secure and orderly access to land was the consensual acceptance of a hierarchy of control or
authority (*kuasa*) over well-defined and publicly recognised units of territory (*menoa*). An individual’s rights to land were subject to the authority of his or her household head (*tuai bilek*); each household exercised its rights to land subject to the authority of the community headman (*tuai rumah*); a community’s territorial rights were in turn subject to the authority of a regional leader (*tuai menoa*); and ultimately, all land was seen as the territory of the Iban earth god (Pulang Gana). The recognition of spheres of authority meant that any action with respect to land had first to be made clear (*terang*) to all concerned, by openly informing (*madah*) the relevant person or group (or god) of the intended action, by asking (*minta*) for permission from the person with authority and negotiating a prior agreement (*empekat*), and by identifying the spatial limits of the land in question through reference to identifiable landmarks. Failure to observe these conventions rendered people’s actions confused, ambiguous or disorderly (*carut*), increased the risk of conflict over land, and thus endangered the survival of the community. Accepting the legitimacy of traditional spheres of authority meant that the cohesion and continuity of the community were enhanced and that individual utilisation of land could proceed within an assured framework of property rules and contractual arrangements, with only a minimum of resources required for monitoring and enforcement.

These customary institutional arrangements represent a more sophisticated system of property rights than implied by blanket assertions about the vagueness and inefficiency of ‘communal’ land tenure, such as promulgated by academics in the tradition of Demsetz (1967) and generations of politicians and administrators. The recognition of territorial rights ensured exclusive control by the community over the land and forest within its territorial boundary, conferring on all members the general cultivation right described by Boserup (1965). The specific cultivation right, however, was more permanent than suggested by Boserup, even though population density was low, in recognition of the investment involved in clearing primary forest and the intention to recultivate the land after falling. Recalling Olson’s (1974) observation that property rights cannot be sustained unless individuals find it profitable to claim a property right and the government of a community also finds it in its interest to allow that property right, we can say that pioneering households claimed a permanent cultivation right to the land they had so arduously cleared, and community leaders upheld such claims in accordance with the principle of rewarding individual achievement while giving equal access to all community members to open up further land for cultivation. Thus within the ‘micro-state’ of the
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longhouse community, private property rights to cultivated land were the norm. Alongside these private rights, however, households shared an array of rights to common property, reflecting the range of customary uses that the longhouse territory supported. These arrangements demonstrate the complementarity between private and common property rights within an overarching community-based system of land administration. Far from being vague and disorderly, the emphasis on clarity and stability of rights and duties within and between communities made for an orderly and effective system of land tenure. Nevertheless, given the nature of longhouse decision-making described in Chapter 2, the system clearly had the capacity to change and adapt as demographic, economic, and political circumstances required. From the mid-nineteenth century such changes indeed became necessary, as subsequent chapters demonstrate.

NOTES

1. Erik Jensen (1974: 152), quoting the Lemanak Iban he studied in the 1960s. Clifford Sather points out in a personal communication that the Paku Iban he studied made the same assertion.

2. Clifford Sather remarks in a personal communication that the Saribas Iban do indeed talk of ‘eating’ their menoa. However, this does not constitute a retrospective admission of wanton and irreversible destruction. The expression ‘to eat’ (makai) is used in a number of everyday senses to mean ‘utilise’ or ‘consume’, as in makai gaji, meaning to depend on wages for one’s livelihood (Richards 1981: 202).

3. King’s view of Bornean agricultural origins is that, in the first millennium AD, ‘horticulture [based on the use of the sago palm] was still the dominant form of agriculture in Borneo’ and that ‘the widespread adoption of shifting cultivation of rice … had to await the more general use and manufacture of iron tools in Borneo … [which] made rainforest clearance less arduous’ (1993: 99, 102). The development of iron-working and the widespread use of iron tools seem to have begun later in the millennium, first in coastal sites such as Santubong at the mouth of the Sarawak River, and spreading slowly into the interior (Cleary and Eaton 1992: 28–29; King 1993: 99–102). There is some recent evidence, however, that (swamp) rice cultivation may have been practised in western Borneo as early as 2,000 BC (Beavitt et al., 1996).

4. Sandin is clearly incorrect in saying the early Iban migrants planted tapioca, if he is referring to cassava (Manihot esculenta), a New World crop which was first taken to an Asian country, Ceylon, in 1786 (Harrison et al. 1969: 196) and was probably adopted by the Iban during the nineteenth century.
5. It may be that Sandin’s account refers to a group such as the Bukitan who were ‘Ibanised’ and projected their Iban identity backwards to a time when they were in the process of adopting Iban culture. The Bukitan also had Kapuas origins and were present in the Saribas when the Iban migrations to Sarawak began (Pringle 1970: 42).

6. Boomgaard (1999) finds that maize was well established in eastern Indonesia by the mid-seventeenth century, had spread to western Indonesia by the mid-eighteenth century, and was used as a supplementary crop to rice by at least some Dayak groups in Kalimantan from the late-eighteenth century, becoming more widespread in the nineteenth century.

7. The farming cycle involved an elaborate mythology and a sequence of rituals, some performed by individual households and some by the whole community. These myths and rituals have been well documented for the Saribas by Sather (1977, 1980, 1985, 1992, 1994).

8. In the Saribas the term kakah is used. Another phrase for krukoh farming in use in Sri Aman Division is bali umbang, meaning to return to the ‘refuse’.

9. Contemporary informants in the upper reaches of the Saribas, Kanowit and Lemanak rivers state that the customary practice is to farm a plot of virgin land three or four times, at increasing intervals, and then leave it to a long fallow or plant it with rubber (Field Notes, 1979, October 1982, April 1985).

10. Bertram Smythies, the Divisional Forest Officer at the time of Freeman’s studies, inspected the above-mentioned plot of tanah kusi together with Freeman and wrote: ‘The ground is now tanah kusi and will be given a rest while some other plot is farmed’ (1949: 252). The second clause, which suggests that the land merely needed an extended fallow, was omitted by Freeman (1970: 304) when he cited Smythies.

11. Hazebroek and Abang Kashim (2000) summarise recent research on secondary forest in Sarawak as follows: ‘Mixed dipterocarp forest that has been cleared and burnt for farming will eventually revert to secondary forest if there is no further cultivation. Initially shrubs, ferns and grasses, particularly the very tall lalang grass (Imperata cylindrica), become established. Thereafter pioneer tree species – with fast growth, soft wood and large leaves – take over and the most abundant of these are the benuahs (Macaranga spp.). These pioneers provide sufficient shade for the seeds of primary forest species to germinate, to grow into saplings, and eventually to replace the pioneers. Species that may be noted in older secondary forest include geronggang (Cratoxylum arborescens), terentang (Campnosperma auriculatum), and pelai (Alstonia spp.). Secondary forest may revert to the composition and structure of primary forest if undisturbed long enough. This may take several hundred years, depending on the initial degree of disturbance of soil and forest. Old secondary forests in Lanjak-En-
timau [in the Lupar and Katibas headwaters], estimated to be 80 to 130 years in age, superficially may look similar in appearance to mature primary forest. However, tree sizes are relatively small, and nearly all trees are less than 120 cm girth. Canopy height varies considerably (25 to 38 m) and, in contrast with primary forest, the ten most common families are all non-dipterocarps. This forest is floristically very rich with altogether 376 species of trees (exceeding 30 cm in girth) recorded. The undergrowth is dense and also floristically rich, with many palms and creepers ...’ (Hazebroek and Abang Kashim 2000: 56).

12. Information could only be obtained for a sub-set of identified species because the informants tired of the exercise, preferring to discuss the community mapping that was being undertaken at the same time.

13. The more precise Iban term for young secondary forest is *damun*.

14. Research in tropical areas suggests that this yield trend is related to the progressive decline of soil organic matter towards an equilibrium level associated with a given crop:fallow regime (Nye and Greenland 1960; Sanchez 1976; Young et al. 1998). A more intensive regime results in a correspondingly lower equilibrium yield.

15. Other writers, referring more to the Land Dayak, also mentioned fallow periods of from five to ten years (Bethune 1846; Grant 1864).

16. It should be noted that the basis of Freeman’s guideline was nothing more than the Sarawak Department of Agriculture’s Annual Report for 1949, where ‘it is laid down that: “a reasonable bush fallow of say not less than 12 years” should be preserved between successive crops’, and the opinion of two colonial officials (one from Burma) ‘that a cycle of 15 years duration is ideal’ (Freeman 1955: 79).

17. This fee was subsequently reduced. Richards (1961: 30) notes that later Iban migrants to the Rejang occasionally acquired rights of access from the original non-Iban inhabitants by ‘purchase’ or gift. He cites a transaction involving a gong and a bronze gun at Song, and one involving two slaves at Machan.

18. Morris (1976) identifies it as a variant of the general right of the first user of a resource which had widespread application among Borneo societies. Meek writes: ‘The principle that he who clears land establishes rights of a permanent character has existed all over the world from ancient times’ (1949: 23).


21. In this sense, fallow land was ‘commonable’, that is, subject to ‘rights of common’ as in the mediaeval English open field system. In the English system com-
monable land was different from the permanent commons or waste, which was never cultivated.

22. This applies if the fallow land is exclusively under wild vegetation (*babas*). If plants such as hill sago (*pantu*), rattan (*rutan*), reeds (*bemban*), or screw-pine (*kerupok*) have been planted by the previous cultivator these are not considered truly wild plant products (*nya ukai babas amat*) and continue to be owned by the one who planted them (Field Notes, May 1985).
PART III

Agrarian Transformation in the Brooke Period
CHAPTER 4

The Brooke State and Iban Land

*Here, we want not their land, but their produce; and we desire to become their benefactors by ever so slow and gradual means. (James Brooke, 1845)*

As in many parts of the Southeast Asian uplands, from the middle of the nineteenth century the agrarian system of the Saribas Iban was exposed to a number of major forces for change. First, population growth, due to natural increase and in-migration, had brought the pioneer phase of land settlement and utilisation largely to an end. Second, the region began to be affected by the growth in European market demand for tropical products, providing incentives to intensify the harvesting of forest products and to plant new crops. Third, superimposed on and interacting with these two trends, the Saribas Iban, previously a power to themselves within the nominal sphere of the Sultan of Brunei, were incorporated in the emerging Sarawak state under a succession of English rajahs of the Brooke family. This chapter outlines the characteristics of the Brooke state, with particular reference to its approach to Iban land. Chapter 5 explores the ways in which Iban territorial and household rights to land in the Saribas were adapted to the new regime and the emerging land scarcity. Chapter 6 focuses on the rapid and widespread adoption of commercial agriculture by the Saribas Iban in the Brooke period, and Chapter 7 deals with the associated developments in land tenure. The story that unfolds is one of dynamic adaptation to new constraints and opportunities within the overarching framework of the longhouse community.

THE IMPOSITION OF JAMES BROOKE’S RULE ON THE SARIBAS IBAN

Prior to Brooke rule, Malay chiefs (*datu*) controlled and taxed the populations of each river along the north-west coast of Borneo on behalf of Bru-
nei. However, the Saribas Iban were largely independent of Malay rule, especially under the great war-leader Orang Kaya Pemancha Dana, who in the early nineteenth century commanded the forces of the entire Saribas and Skrang. Frederick Boyle provided an illuminating account of the political relations between the Iban and their ‘overlords’, based on a historical sketch by Walter Watson, who was stationed in the Saribas from 1858.

All of the Sea Tribes [Iban], and the Seribas among their number, were under the nominal control of Malay Governors, equally with the Hill people [Bidayuh]; being, however, a much stronger race in numbers, and led by such men as the Pamantuah [Pemancha, i.e., Dana], they were very apt to bully their masters. Still they always paid them a certain revenue, though, on occasion, they retook the money by a general fine on the Malay population (Boyle 1865: 292).

The leading Malay datu accompanied the Saribas Iban in their coastal raids, contributing ammunition and a knowledge of firearms. Boyle remarks that ‘in the distribution of the plunder the Malays claimed and received the larger share of captives and valuables, while the Dyaks secured all the heads’ (1865: 293). It has been suggested that this alliance provided the basis for what might have developed into a significant state in its own right.

James Brooke arrived in Borneo in 1839 and wrested the governorship of the Sarawak River district (‘Sarawak Proper’) from Brunei in 1841. His domain was formally extended to the Iban heartland when he acquired the Lupar, Saribas, and Krian districts, as well as most of the Rejang, in 1853 (Runciman 1960: 110; Pringle 1970: 93–94). Well before this, however, in 1843, with the help of British marines and a force of Ibans and Malays from Sarawak Proper, Brooke attacked and overran fortified Iban positions in the Layar, Paku and Rimbas (the principal tributaries of the Saribas), plundered and burned surrounding longhouses, and extracted a promise of submission (Boyle 1865: 291–313; Pringle 1970: 74–75; Walker 2002: 70–74). In 1844 a similar force attacked hostile Malay and Iban strongholds in the Lupar River, advancing into both the Skrang and Undup tributaries, but with less conclusive results. As mentioned in Chapter 2, it is likely that these expeditions gave extra impetus to the movement of Iban into the Rejang that had begun several decades earlier.

In 1849 Brooke organised a further campaign, resulting in the infamous battle of Beting Marau in which a sea-borne force of around 3,000 Saribas and Skrang Iban was ambushed and routed at the mouth of the Saribas River, with perhaps 1,000 warriors losing their lives (Walker 2002: 83). The day
after the battle Brooke’s troops destroyed many longhouses in the middle Saribas. As Pringle records, ‘a short time later the headmen of 250 Saribas Iban longhouses and the representatives of all the Saribas Malays signed an agreement promising not to raid in the future’ (1970: 83). Brooke then proceeded to establish fortified outposts with British officers in charge, at Nanga Skrang (1850) and Lingga (1852) in the Lupar, and at Betong (1858) in the Saribas. These events induced (or perhaps merely accentuated) a polarisation among the Saribas and Skrang Iban, with downriver Iban in the vicinity of the forts siding with the Brooke government, while upriver communities continued to be defiant.
In 1853 Skrang fort was attacked by a force led by the famous warrior, Rentap. Brooke retaliated with two punitive expeditions the following year, forcing Rentap and his Skrang and Saribas followers to retreat to the summit of Bukit Sadok, which, at 830 metres, dominates the watershed between the two rivers. In 1857, James Brooke’s nephew, Charles Brooke, later to become the Second Rajah, led a large expedition against Rentap but was unsuccessful. The effort was repeated the following year with an invasion of the Saribas culminating in an attack on Sadok, but again the government force was repulsed. In 1860 Charles Brooke attacked the fortified position of Nanang, a prominent Saribas leader, at Nanga Spak in the Layar, causing him also to retreat to Sadok, and in 1861 the third and final Sadok expedition succeeded in dislodging Rentap and bringing to an end overt Iban resistance to Brooke rule in the Saribas and Skrang. In about 1863 Charles Brooke gathered the Saribas Iban and Malay leaders to discuss ‘preliminary reforms to the social system’ (Brooke 1866 [1]: 309–310; Pringle 1970: 174). These involved the use of weights and measures, a ban on the Iban cus-

Fig. 4.2 The 1843 attack on Iban fortifications at Nanga Padeh by James Brooke and Sarawak forces aided by Captain Henry Keppel and the crew of HMS Dido. From Henry Keppell, *The Expedition to Borneo of HMS Dido*, London: Chapman and Hall, 1846.
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tom of prohibiting river traffic following the death of a notable leader, and limitations on the size of fines imposed by Iban headmen. Otherwise their customs were to be, in Brooke’s words, ‘regularly in accordance with their forefathers’ practices’.

Examining these events in cultural terms, Walker (2002) argues that the crushing military defeat of the Saribas Iban, the destruction of their farms and longhouses, and the effective restriction on head-hunting raids was an enormous blow to their worldview and perceived status, and induced a fundamental shift in their political culture. Through repeated demonstrations of his prowess, the Rajah gained high ritual status in Iban eyes and became recognised as a source of spiritual potency. Hence leaders sought to associate with him and his agents in order to acquire something of his status and power and thus advance their own ambitions within Iban society. They also progressively turned to other means of acquiring status, both traditional and novel, that were acceptable in the new order, including more energetic involvement in farming, trading expeditions, acquiring education, conversion to Christianity, and involvement in the structures of government (though all this was less true of Iban in more remote parts of the Saribas). At the same time, the Rajah (and his successor) recognised that ‘military power did not provide the means to integrate defeated Iban’
into the Sarawak state, hence he consciously sought to ‘establish structures that engaged Iban processes and met Iban objectives’ (Walker 2002: 98). Thus, though the Saribas Iban were no longer a power to themselves, they were by no means powerless under the Brooke regime.

CHARLES BROOKE’S GOVERNMENT

From the early 1860s, then, the Saribas Iban had been brought firmly within the ambit of the Brooke state, which from 1868 to 1917 was ruled by Charles Brooke. In the second half of the nineteenth century the administrative structure of this state comprised four levels (Pringle 1970: 143–144). At the top was the Rajah, who remained an absolute ruler, issuing piecemeal legislation and administrative directives, and intervening at will in local affairs, particularly in the predominantly Iban-inhabited Second Division. Underneath the Rajah were the Residents – British officers who governed their respective Divisions with almost as much autonomy as the Rajah governed Sarawak – and a small corps of Assistant Residents and Cadets. Initially there were British officers stationed at each of the various

Fig. 4.4 Charles Brooke

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forts in the Second Division, but once general pacification was achieved the administration was concentrated at the Divisional headquarters, which from 1864 was located at Simanggang (now called Bandar Sri Aman). There was no British officer at Betong after 1869. The third level comprised a corps of Native Officers, mostly aristocratic Malays drawn from the region they administered, together with a small constabulary and clerical staff. Native Officers were frequently in charge of outstations such as Betong. They were also designated Native Magistrates and handled much of the work of the Resident’s court (described below). At the fourth level were the leaders of the major ethnic groups – Malay tua kampong, Iban penghulu, and Chinese kangchew or kapitan. Such a leader ‘managed local affairs in accordance with the customs of his people, and represented them in dealings with higher levels of the political system’ (Pringle 1970: 144). He also acted as the government tax collector. In the case of the Iban, the position of penghulu was not traditional but had been introduced by the government to facilitate administrative control. Nevertheless those initially appointed to the post were frequently outstanding individuals in their own right and in some ways corresponded to the tuai menoa, or regional leaders, of pre-Brooke times, though their subservient status would have been anathema to a traditional leader. In the Saribas, by the early 1900s, there was one penghulu for each of the following regions: (1) the lower Layar, (2) the middle Layar and the Padeh, (3) the upper Layar and the Spak, (4) the lower Paku, (5) the upper Paku, and (6) the Rimbas (Sandin 1970).

Iban involvement in government administration under the second Rajah was greater in the Saribas area than elsewhere. According to Pringle, ‘in the Saribas he [Brooke] ruled through the senior Ibans in the same manner that he relied upon the Malays in most other areas of the Second Division’ (1970: 155). Two individuals in particular were accorded recognition in this respect. One was Nanang of the Padeh, whose father was Dana, the famous Saribas war-leader, and whose defection to the government during the final Sadok expedition of 1861 had been a crucial factor in Rentap’s defeat. The Rajah appointed Nanang a ‘native chief’ in 1863 and conferred on him the title ‘Orang Kaya Pemancha’ in 1882 (a title his father had received from the Saribas Malays). Throughout the second half of the nineteenth century he exercised a considerable influence in Saribas affairs, not least in land matters. The second outstanding leader was Ringkai of the Entanak, whose uncle Bunyau had assisted Brooke to build Betong fort at the mouth of the Entanak in 1858, when the upriver Saribas Iban were still defying Brooke rule. Like Nanang, Ringkai had considerable standing in the Saribas and his
knowledge of local history and custom was formidable. He was given the title ‘Pengarah’ at the same time as Nanang received his title, and was later officially appointed a Native Magistrate. He was also an able administrator and managed the affairs of the Betong fort in the manner of a Senior Native Officer. Both Nanang and Ringkai were appointed to the Rajah’s Council Negri, a triennial assembly of native leaders and European officers from throughout Sarawak.

Charles Brooke thought education and Christianity would spoil the Iban, whose traditional culture he greatly admired, but he allowed the Society for the Propagation of the Gospel (SPG), the Anglican mission, to establish churches and schools in the Second Division (Saunders 1992). The SPG was not particularly successful; by 1913, after 60 years in the Second Division, it was operating only two schools at Banting and Sabu in the Batang Lupar with a total of 33 students (Pringle 1970; Saunders 1992). However, in 1863, just two years after the final defeat of the Saribas Iban at Sadok, Buda, youngest son of the war-leader Dana, visited Banting and, intrigued by the lessons underway at the SPG school, asked for instruction. He stayed on, learned to read and write, was converted, became a catechist, and made frequent trips back to the Krian and Saribas. By 1867 he had 180 converts ready to be baptized, including his brother Nanang (Saunders 1992: 158). Though there were no schools or churches in the Saribas during Charles Brooke’s reign, many children attended boarding schools elsewhere in the Second Division, and many adults learned to read from literate friends (Pringle 1970: 201). While most Saribas Iban, particularly in upriver areas, remained pagan, ‘a substantial and influential Christian community did come into existence in the lower and middle Saribas, and the converts were later instrumental in introducing other elements of change’ (Pringle 1970: 200).

**Vyner Brooke’s Government**

In the reign of the Third Rajah, Vyner Brooke (1917–41), the government progressively expanded its scope. From 1917 to 1925 the number of Europeans employed by the government more than doubled (Reece 1982: 5). Districts were created within each Division and both District Officers and Assistant District Officers appointed (Pringle 1970: 144). More government departments were created, including the Land and Survey Department (Porter 1967: 46), and some technical specialists were appointed to out-stations. In addition, ‘a wholly new emphasis on administrative uniformity began to appear in some official pronouncements’ (Pringle 1970: 335). Nevertheless,
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Under Vyner Brooke no Iban rose to the same prominence in government administration as had Nanang, Ringkai and others under the Second Rajah. ‘During the greater part of Vyner’s effective reign of twenty-four years, no Ibans were recruited to join the Native Officer corps’ (Pringle 1970: 338), though a Saribas Iban received a probationary appointment as a Native Officer in 1932. By the end of Brooke rule there were only three Iban Native Officers and half a dozen Iban police officers (Reece 1982: 138–141). A number of educated Saribas Iban found outlets in commercial activity, often outside Sarawak. Within the Saribas a Dayaks Co-operative Society was established in 1939 at Stambak Ulu in the Layar with more than $20,000 in share money, its main purpose being to bypass the Chinese rubber traders by operating its own shophouses and trading schooners (Reece 1982:
This organisation was briefly revived after the war and many of its founders became prominent in public life.

During Vyner Brooke’s rule, Iban education continued to be entirely in mission hands. With government support, the SPG stepped up its efforts in the Saribas District, assigning Wilfred Linton to Betong in 1920 to make this town the centre of the mission’s work in the Division. By 1921 it had a school (St Augustine’s) with 20 male boarders, and a girls’ school (St Margaret’s) was opened the following year (Saunders 1992: 251). In 1934 Vyner visited the mission at Betong and expressed his satisfaction with the schools, church, and hospital (Saunders 1992: 257). In 1936 Lawrence Angking became the first Iban priest in charge at Betong. By 1938 the schools at Betong and Debak in the Saribas and Roban and Saratok in the neighbouring Krian had more than 200 pupils and 13 teachers.

Sather states that ‘this [Anglican schooling] was enthusiastically embraced by the Iban with the result that by the 1920s the whole region was very largely Christianized’ (2003: 184). However, in light of his other, more detailed observations (e.g., Sather 1981), this seems too sweeping a state-

![Fig. 4.6 Brooke officials at Simanggang, c. 1910? The Rajah Muda, Vyner Brooke, is in the front row. A. B. Ward is standing at left and J. B. Hardie is standing at right.](image)
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ment. Upriver Iban in tributaries such as the Ulu Layar and Spak remained resistant to education until as late as the 1960s. Moreover, Christianisation was partial at best, and the traditional Iban religion continued to be practised in longhouses throughout the Saribas, often with the greatest elaboration in those communities that had embraced education and commercial activities. As Pringle (1970: 37) observes, and Sather (1981) himself documents, the Saribas Iban were only superficially ‘Westernised’ and traditional culture was still highly valued – that is, they ‘combined both progressiveness and cultural conservatism’.

During the Japanese Occupation (1941–5) the basic structure of Vyner Brooke’s administration remained intact, though the Europeans of course were removed and Iban involvement in local government increased. As Reece observes: ‘One of the most interesting and significant aspects of the Japanese administration was the establishment of indirect rule in the Second Division through the educated Iban elite’ (1982: 147). A mission-educated Iban, Elia Bay, who had been frustrated under Brooke rule, was appointed to a post equivalent to that of Resident at Simanggang, and several were appointed as district officers (guncho), including Benedict Sandin at Betong (Leigh 1974: 32; Reece 1998). Juing Insol, grandson of the Orang Kaya Pemancha Nanang, was promoted to a senior position within the police and wielded considerable influence (Reece 1998). Although initially the Japanese were reasonably popular with the Iban, from early 1944 conditions began to deteriorate (Reece 1982, 1998). In July 1945, when the Japanese position was clearly very weak, about 200 Iban warriors drawn from throughout the upriver zone of the Second Division sacked the Japanese post at Lubok Antu. Then in August over 1,000 warriors attacked the garrison at Engkilili but, lacking firearms, they were repulsed, with 50 or 60 dead or wounded. Benedict Sandin describes how he was involved in negotiations with the fiery Penghulu Ulin of the Spak River ‘to stop him from declaring war against the Japanese garrison at Betong’ (Sather 1981: 118). Penghulu Ulin had assembled another force of several thousand warriors with the intention of attacking the Japanese and looting the bazaar, but according to Reece (1998) they were dissuaded on encountering an unfavourable bird omen.

GOVERNMENT ATTITUDES TO IBAN LAND USE AND TENURE
To varying degrees the Brooke Rajahs and their outstation officers developed an appreciation of Iban agricultural practices and land tenure arrangements. Nevertheless, they remained strongly influenced by European

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notions of progress, which saw shifting cultivation as very low on the scale of agricultural evolution and ‘communal’ or longhouse tenure as a major obstacle to economic development – something they were keen to promote. This ambivalent attitude helps explain the Brooke state’s confusing and contradictory approach to land law and administration, described in subsequent sections.

Pringle writes of Charles Brooke that ‘the Rajah’s personal familiarity with the Iban way of life disposed him to sympathise with the shifting cultivator’s hunger for new land’. Although ‘to a certain extent he did deplore the destruction of forest ... he seems generally to have regarded the land of Sarawak as an endless ocean which would never run dry’ (1970: 227). It is true that the Second and Third Rajahs sought at various times to restrict Iban migration into virgin areas and eventually introduced a system of markers (pak) in the headwaters of certain streams, beyond which settlement was illegal. However, this was largely to maintain political control and was not primarily motivated by a desire to conserve the forest or prevent environmental degradation.

Charles Brooke’s view of shifting cultivation was not that it was environmentally destructive but that it was inefficient relative to other more intensive systems of smallholder agriculture. In a set of instructions issued to Residents in 1876, he urged the need to reserve virgin forest on hills, not for environmental reasons but ‘with a view of encouraging other cultures at a future day’ (Porter 1967: 39). Thus Brooke attitudes were not initially opposed to the felling of forest as such; on the contrary, they regarded forested land as ripe for development, particularly by Chinese smallholders. Commenting on the First Rajah’s proposals for Chinese immigration, Charles Brooke wrote in his diary in 1867: ‘We want population to turn our wasteland into shape and create bustle and industry ... [We want] to see the jungle falling left and right and people settled over what are now lonely wastes and turning them into cultivated lands.’ Chinese agriculture was seen as vastly superior to Iban shifting cultivation. The Second Rajah editorialised in the Sarawak Gazette in 1915: ‘Anyone who takes the trouble to study the difference of cultivation between Dayaks and Chinese will easily arrive at the conclusion that one Chinese garden is of more value to the country than fifty Dayak holdings’ (Criswell 1978: 139).

The notion that forest, whether primary or secondary, was ‘idle land’ (an idea which has exercised a powerful influence on current land policy in Sarawak) only became a serious problem with the establishment of a number of Foochow Chinese farming settlements in the lower Rejang from
1901 (Chew 1990). The preference of the Foochow for clearing secondary growth rather than primary forest, and their lack of any concept of farming that did not involve continuous cultivation, led them to encroach on Iban forest-fallow land. The resulting tensions peaked in 1925 with the outbreak of violence in the Binatang area. As Pringle remarks:

The Binatang incident of 1925 was only one spectacular symptom of a more basic problem, that of accommodating large numbers of Chinese farmers in a country of shifting cultivators. The Second Rajah had clearly underestimated the political and administrative difficulties this would entail. That he should have done so is not altogether surprising ... Even today, when the population of Sarawak has greatly increased, it is easy to view the seemingly almost empty landscape and conclude that there must still be enough land for all (1970: 13).

Thus a basic misunderstanding of shifting cultivation led to land-use conflicts that in turn reinforced the predisposition to view shifting cultivators in a negative light.

By the last decades of Brooke rule the view began to emerge that shifting cultivation was not only uneconomic relative to more intensive farming techniques but that it had adverse environmental effects that should be controlled, primarily through the creation of forest reserves. An important and outspoken critic of shifting cultivation at this time (as well as in the early post-war years) was B. J. C. Spurway, who eventually became Conservator of Forests. Spurway subscribed to the mistaken belief that Iban shifting cultivation was a ‘linear-shift’ rather than a ‘cyclic-shift’ system (the terms are Spencer’s (1966)). In a paper on shifting cultivation in Sarawak presented at the Third Malayan Forest Conference in 1937, he observed: ‘Unless there is local restriction, when a community has destroyed the adjacent forest, it moves on to virgin forest elsewhere and will eventually migrate to another river or district. From this it will be realised that the stabilisation particularly of the Iban population and the control of shifting cultivation is a matter of great urgency’ (Spurway 1937: 125). He further asserted that secondary forest had no economic value: ‘It is in the dry inland areas that large tracts of country have been denuded of the original forest, which has been replaced by secondary growth composed of useless species’ (Spurway 1937: 125). Apart from the loss of valuable primary forest, Spurway emphasised the supposed indirect effects of clearing land for shifting cultivation, namely, accelerated soil erosion and runoff, leading to sedimentation and flooding. He also invoked the spectre of a fire-induced deflection of the
process of secondary succession towards a grassland climax, dominated by *lalang* (*Imperata cylindrica*). He claimed there was ‘an increasing danger from fire, which will continue and eventually complete the destruction and deterioration commenced by man ... When *lalang* becomes established over a large area, that area becomes economically the equivalent of a desert’ (Spurway 1937: 126–127).

These views, though entirely speculative and without empirical support, were considered authoritative and became part of the conventional wisdom of both Brooke and British colonial government officers. In particular, they were reflected in an important internal review of Sarawak’s administration known as the Blue Report, written by C. D. Le Gros Clark in 1935 partly in response to a perceived crisis in the government’s management of Iban affairs. Clark considered that past failure to establish extensive forest reserves was due to ‘a reluctance to interfere with the customary shifting cultivation habits of the Dayaks’. In contrast, he emphasised ‘the urgent necessity of restricting the Dayak in his agricultural movements, both for his own sake and for the sake of the valuable timber which he is destroying so quickly’ (1935: 29). In his view, ‘the solution of the Dayak problem must be sought in the gradual conversion of the Dayak into a permanent cultivator of the land’ (1935: 47). If expert reports on the suitability of interior areas for permanent cultivation proved unfavourable, he argued, ‘we should not hesitate to move the Dayaks into areas down-river where the soil is more suitable and they can live in more settled conditions of agriculture’ (1936: 50). This planned resettlement of shifting cultivators was never actually attempted in the Brooke era, though the idea was repeatedly taken up and advocated in post-war policy debates (including, as mentioned in Chapter 3, by the anthropologist Derek Freeman).

The negative view of Iban agricultural practices was closely connected with the notion that longhouse residence and customary tenure constituted a formidable barrier to economic progress. Though there were dissenting voices, there is no doubt that the dominant view within the administration was opposed to community-based tenure and saw its gradual replacement as an important policy goal. D. J. S. Bailey was Resident at Simanggang for twenty years from 1888 to 1908 and was one of the most senior officials in the Second Rajah’s government. He witnessed (indeed, helped foster) the early phase of Iban involvement with cash crops such as coffee, described in Chapter 6. Towards the end of his period as Resident he wrote: ‘This advance [in farming and planting] is retarded chiefly by the communal system of land tenure, and the Dayak custom of living in “long” houses (which
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paralyses all individual initiative). With these obstacles removed, or modified in some way, we might expect a satisfactory advance in agriculture’ (SG 1907: 138). This view was consolidated under the Third Rajah. In the Blue Report, the ‘solution of the Dayak problem’ was seen to be not only a ‘conversion’ to ‘settled’ agriculture but a radical change in the community-based tenure system: ‘So long as the Dayak is confined to his long-house and the land is held on customary tenure by each household it is useless to expect any improvement’ (Clark 1935: 47). However, as with the goal of planned resettlement, the capacity to implement such a radical vision was severely limited. Hence, as discussed below, in the day-to-day administration of Iban affairs, Brooke officials recognised customary tenure and sought ways to improve its operation, such as the efforts in the 1920s and 1930s to record territorial boundaries.

BROOKE LAND LAW: 1863–1914

The Land Regulations of 1863 were the first important item of land legislation in Sarawak (Porter 1967: 32–34). These provided that: ‘All unoccupied and waste lands, the property of Government, required for agricultural purposes ... shall be granted at the pleasure of the Government to applicants on lease of 900 years;’ it being possible after three years to convert this into a ‘grant in fee simple’ on payment of an additional premium. There was a requirement to bring one quarter of the land under cultivation within ten years, failing which it was liable to resumption by the state. Although the preamble says that the Regulations were for the ‘disposal of land throughout the state of Sarawak,’ they were mainly applied to small commercial plots in the vicinity of Kuching and had little or no effect on the Iban country of the Second Division (Richards 1961: 7). However, the Regulations did indicate two principles that underlay Brooke dealings with the Iban on land matters, namely, the assumption of state proprietorship in land and the requirement to utilise land to justify continuing tenure.10

In addition to the Land Regulations, however, numerous ad hoc orders, proclamations and regulations were promulgated, many of them having implications for the Iban. An 1875 order allowed ‘squatters’ to occupy without interference land cleared and abandoned by others (Porter 1967: 37). The preamble states that ‘it is common practice among the native communitys [sic] to make large clearings of old jungle, and afterwards abandon them.’ The order was presumably intended to make further provision for the increasing number of immigrant farmers taking up land around Kuching. However, as Porter remarks, the order ‘suggests a curious misunderstand-
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ing on the part of Government, not simply of the practices permitted under native customary law but also of the biological demands the practices made on the land’ (1967: 37). This view of shifting cultivation was carried through into the judgements of the Second Division Resident’s Court, where it became the convention that hill land fallowed for more than seven years was considered ‘abandoned’ and hence available for others to use with impunity, though, as discussed in Chapter 3, a seven-year fallow was probably the minimum requirement for a stable forest-fallow cycle.

In 1876 the so-called Sago Land Regulation (sometimes confusingly referred to as the Land Grant Regulation) was issued, giving cultivators of sago, rice, coconut, or other ‘native culture’ the option of taking out grants (provided the land was at least half to one mile from townships) or remaining as ‘squatters’. An official clarification, issued in 1880, stated: ‘The land Grant Regulation drawn up in 1876 was principally intended to refer to people farming paddy in the low ground or planting sago on a large scale in distant or outlaying [sic] districts a quit Rent of 10 cents per acre being demanded. This regulation was not intended to supersede the previous regulation drawn up in 1863 which still holds good over small plots, where gardens are made and which are inhabited’ (Porter 1967: 40). It appears that grants under the 1876 Regulations had been wrongly issued to commercial gardeners in the vicinity of Kuching. It is doubtful that rice or sago farmers had any incentive to take out such grants, given that they appear to have had equal security of tenure as ‘squatters’ – here presumably referring to holders of customary rights.

The government also issued piecemeal legislation to deal with the use of land for commercial agriculture (discussed more fully in Chapter 7). An 1876 proclamation offered grants of land for 99 years at a ‘nominal rent’ to Chinese pepper and gambier planters, who were offered assistance to migrate to Sarawak for the purpose (Porter 1967: 38–39). These grants were initially made in the vicinity of Kuching. In 1896 the provisions of the Land Regulations were applied to the issue of grants for pepper and gambier throughout Sarawak. A permit from the Resident was required to open or extend a garden. However, ‘squatters’ cultivating pepper and gambier with ‘care and diligence’ were allowed to continue. From 1909 various regulations dealing with rubber planting were issued. In that year an order declared that there would be no rent for land planted with rubber but that a five per cent ad valorem duty could be charged on rubber exports. However, from 1910 a permit was needed to plant rubber, gardens were required to be registered and an annual assessment was levied, based on
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the number of mature trees (if more than 100). There was also a prohibition on the unauthorised sale or transfer of non-European owned gardens, and a complete ban on the sale or transfer of gardens to European individuals or companies.

Though these early land laws were often ambiguous and difficult to administer, there was apparently a consensus among Brooke officials as to the basic principles of land policy. A. B. Ward, who was Resident of Second Division from 1909 to 1915, prepared the following notes on the administration of customary land law:

The system of land tenures still upholds the traditional law of former days with modification and restrictions necessitated by an enlightened rule. Theoretically, all land, whether jungle or cleared for paddy farming, is the property of the State; but the mere act of clearing a portion of virgin jungle confers on the labourer a restricted right of proprietorship over land thus reclaimed and once this land has been farmed and so become temuda it is recognized as reserved for the use of the original worker and his heirs and descendants. The rights of the State are recognized in the fact that land reserved for farming cannot be sold by anyone, and that it is necessary to obtain permission of a Magistrate before any transfer of land can take place...

Now-a-days certain progressive Dayaks have planted portions of their clearings with sago, rubber, or coconuts, etc., and there would be no objection to the sale or transfer of these gardens provided the sale does not infringe any of the Orders in force (1915: 107–108).

Similarly, in their interpretation of the regulations governing commercial agriculture during the rule of the Second Rajah, Baring-Gould and Bampfylde wrote that ‘the State thus remains the real owner of the land, though not of the plantation on it’ (1909: 432). Porter (1967: 44) considers this an exaggeration as nowhere in the Land Regulations or other orders in force at that time was such a right explicitly claimed. Legal niceties aside, however, it seems that the official understanding of the land laws, and hence official practice, was based on the assumption of state proprietorship of all land, with even holders of customary rights being regarded in some sense as ‘squatters’.

BROOKE LAND LAW: 1915–1941

According to Porter, after 1915 ‘a more rational and comprehensive attitude to land administration was adopted by Government’ (1967: 45). In 1920 all extant land orders and regulations were consolidated into a single order.
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This defined ‘State land’ as ‘all lands which are not leased or granted or lawfully occupied by any person and includes all lands which hereafter may become forfeited or may be surrendered to the State by the lawful owner thereof’ (Porter 1967: 47). Leases of State land were apparently to be issued for 20-year terms, though this was not specified in the legislation itself. Provision was made for the issuance of 20-year Occupation Tickets where the immediate survey of land was considered impractical, ‘to permit the development of land without undue delay’ (Porter 1967: 48). These documents, intended to be replaced by a lease after survey of the land, continued to be issued from 1920 until 1957, after which the current Land Code came into force; in the mid-1980s there were nearly 50,000 still in existence, including over 22,000 in the Second Division. The order also classified land into ‘Town and Suburban Lands’, ‘Country Lands’, and ‘Native Holdings’. With respect to native holdings, the order allowed the free occupation of land for the cultivation of rice and other food crops ‘in accordance with the customary laws’, though claims were to be registered where possible. There was also provision for the creation of ‘native land reserves’, which were to be divided into three-acre lots for occupation by any ‘native born subject’. Natives were permitted to obtain one such lot free of all charges.

In 1931 another order to consolidate land law was promulgated. This redefined state land as ‘all lands for which no document of title has been issued’ (Porter 1967: 50), a much stronger claim than had been made previously, though, as mentioned above, it was implicit in earlier legislation and explicit in the statements of government officials. The 1931 Land Order continued to provide for the lease of state land and the issuance of occupation tickets. In the accompanying Land Rules of 1933, the term for agricultural leases and occupation tickets was extended to 99 years. In addition, the Land Rules introduced for the first time a distinction between Native Areas and Mixed Zones, with Chinese and other ‘non-native’ farmers being restricted to the latter, though the 1920 order implied such a distinction with its categories of Native Holdings and Native Land Reserves. In the 1931 order, though the principle of alienating three-acre holdings free of all charges was maintained, it was provided that native land reserves were not to be sub-divided nor individual titles issued (Porter 1967: 51).

The Land Settlement Order of 1933 provided for the progressive introduction of the Torrens system in Sarawak. Though in its essential provisions it closely paralleled the 1931 Land Order, it was intended to apply only in designated ‘settlement areas’ within which a complete adjudication of rights to land would be undertaken. The titles issued under this order
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would be entered in a new land register based on an accurate cadastral survey, enabling the state to guarantee titles and boundaries. As work was completed in existing settlement areas, new areas were to be gazetted so that gradually all land would be brought onto the register. However, the time required for this exhaustive adjudication and the limited staff of the Land and Survey Department ensured that progress in extending the area to which the Land Settlement Order applied was slow. Hence there was negligible land under Torrens titles in the Saribas District by the end of the Brooke era.

As mentioned above, the extremely limited capacity to provide individual, registered title to land meant that, in the interim, Brooke officials sought ways to improve the administration of customary land, no doubt prompted by the seemingly endless territorial disputes described in Chapter 5. Hence, in the last years of Brooke rule, steps were taken to settle and record territorial boundaries with a view to bringing customary lands within the provisions of the Land Orders, as an intermediate step to the long-term goal of issuing individual titles. In 1939 the government issued a memorandum on customary land tenure (Secretariat Circular No.12) which argued that ‘the right to cultivate cleared land vests in the community with priority to the heirs of the original feller’, and that individual claims should not be recorded, but aggregated to build up a communal area, ‘pointing the way to a definition of a communal claim’ (Porter 1967: 13). The memorandum gave instructions for the setting up of village committees ‘to assist the administration in defining community boundaries’ (Richards 1961: 9):

When boundaries have been agreed (mutually in the case of contiguous communities) they will be recorded by the District Officers in the form of descriptions. A copy of the description will be given to the Village Council and the District Officer will emphasise the fact that the area so described is that over which the community concerned has acquired or may acquire customary rights in accordance with native adat. The Land and Survey department will co-operate to sketch these areas on District Officers’ maps and they will become ... Native Communal Reserves under the Land Orders. Additions to such areas will be permitted only on application and on proof to the satisfaction of the District Officer that additional farming land is necessary because of increase in the population or for other good reasons. ... Provision will be made in the Land Orders for the partition of Native Communal Reserves and the issue of individual title, but action will not be taken without extensive deliberation and due regard for the state of evolution and needs of the community concerned.13

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However, these Reserves were never actually gazetted and during the Japanese Occupation records of boundaries were lost or became out of date, undoing much of the work of the preceding decade. As will be seen in Chapter 8, the failure to build on this initiative significantly weakened Iban claims to territorial rights in the post-war period, particularly since the 1990s.

THE COURT SYSTEM AND IBAN LAND

During the Brooke period, the Resident’s Court was the central institution in local-level administration. In Pringle’s words: ‘The court offered the only social service which the Brooke State consistently provided: access to a rough but comprehensible form of justice’ (1970: 171). At the same time it enabled those Iban within its reach to feel they were active participants in government. A. B. Ward, referring to his experiences as an Assistant Resident at Simanggang around the turn of the century, described the court as follows:

Cases were of all kinds, criminal and civil, the latter chiefly concerned with disputes over farming land, or the division of inherited property. The two protagonists occupied the front bench arguing their case in their own language. The Resident did all the cross-examining, writing out a synopsis of the matter as he proceeded, and if either of the parties wandered from the subject, as usually happened, he received a dig in the ribs from the police behind. Witnesses when called also huddled on the front bench; it was all delightfully free and easy with no trappings, barrier or dock (Ward 1966: 36).

As well as referring to such legislation as the Rajah promulgated from time to time, and vaguely adhering to English legal principle, the court nominally recognised and enforced the customary law (adat) of the various ethnic groups, and the Native Officers and local leaders were invariably consulted as customary legal authorities. The Resident’s Court, then, was the principal point of contact between Iban institutional arrangements and those imposed by Brooke policy.

The Resident’s Court held session at Simanggang and the various outstations of the Second Division, including Betong, and the Iban, particularly from the Saribas area, brought numerous cases, giving them a reputation among Brooke officials as excessively litigious. The decisions made by the local Iban courts (bicara) could all be reviewed by the Resident’s Court, and other matters could be brought directly to it (Sather 1980: xxvii). Ward described a routine visit to the Saribas as follows: ‘Court work at Betong was always strenuous; the Saribas Dayak was a born contentious litigant.

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Morning and afternoon the Court would sit, and until late at night people invaded our quarters to bombard us with questions, appeals and applications. Touring the district was not a holiday jaunt’ (1966: 46).

While it is true that the court provided an outlet for the Iban love of oratory and argument,\footnote{The level of litigation also reflected changing economic and political conditions. As noted above, most cases were to do with land, and as Pringle states: ‘Residents of the Second Division believed that the decreasing supply of virgin jungle preferred by the Ibans for hill rice farming was one major cause of what seemed to be an increasing amount of litigation over already cleared land’ (1970: 192). He cites D. J. S. Bailey, the long-serving Resident quoted above, who reported in 1905: ‘No one fells old jungle now consequently there is more litigation about cleared lands.’ Coupled with this was the loss of traditional authority and independence resulting from the imposition of Brooke rule itself, creating an incentive for Iban leaders to view the court as an approved venue in which to jostle for political dominance through territorial expansion. As Sather remarks: ‘It is clear for the Saribas at least that courts were used, among other things, as an arena in which the authority of political rivals was challenged and inter-}

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\textbf{Fig. 4.7} Inside a typical Brooke-era fort at Marudi, showing the court area at right. From Charles Hose, \textit{Natural Man: A Record from Borneo}, London: Macmillan and Co., 1912.
community boundaries were contested in a time of rapid economic change and mounting population pressure’ (1980: xxvii).

Additionally, it must be emphasised that the courts did provide a genuine improvement over traditional procedures of last resort for settling disputes, such as fighting with clubs or the diving ordeal, in that they avoided the risk of fatalities and led to a more certain and permanent result. Heppell observes: ‘A notable feature of Iban disputes was that they frequently continued for generations, even after the ordeal was held. Without some form of notation to render a decision permanent, any result can be challenged at some later date for memories are notoriously fickle. The Brookes provided that notation and backed it up with a superior force …’ (1985: 24). A major reason, then, for the popularity of the courts was that they added a new and useful method for restoring harmony in local Iban society. As Reece remarks: ‘Appeal to the arbitrary authority of a European official provided a safety valve, an opportunity to air grievances which was valued as much as the judgment itself’ (1980: viii).

Hooker points out that throughout most of the Brooke period the government’s involvement in customary law was ‘an administrative rather than a strictly judicial matter’ (n.d.: xvi). That is, the courts were used primarily as a vehicle for Brooke policy and hence judgements were frequently ad hoc mixtures of legal principle and administrative expediency (Digby 1980). This emphasis on personal administration gave way, by the last years of Brooke rule, to a more formal approach. The Native Courts Order of 1940 established three classes of Native Court: (1) the district court, consisting of a magistrate of the second class, a native officer, and two assessors; (2) the court of a native officer or chief, consisting of those officials; and (3) a headman’s court, consisting of a headman and two assessors. ‘Jurisdiction consisted of power to adjudicate breaches of native law and customs and the first two classes of court could impose both fine and imprisonment whilst the latter could impose a fine only. Rights of appeal went from the most junior to the most senior of the Native Courts and from thence to the court of a Magistrate of the First Class and eventually to the Supreme Court’ (Hooker n.d.: xvii). With the promulgation of the Constitution Order in 1941, ‘the determination of Native law principles became a judicial rather than an administrative matter. Precedent and judicial interpretation of statute rather than administrative practice was now the final determinant of Native law within the state-wide legal system’ (Hooker n.d.: xvii).

The records of the Resident’s Court, now kept in the Sarawak Archives, are a rich source of material for the analysis of Iban land affairs in the Brooke
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period, starting in the 1860s. Though written in English and reflecting the Resident’s or District Officer’s perspective, they also frequently include Iban terms and phrases as expressed by the litigants and local experts in customary law, as well as background information and sketch maps. Hence they provide an invaluable window onto Iban social and economic conditions and, in particular, the interface between Iban communities and the Brooke state during a time of significant agrarian change, as seen in the next three chapters.

CONCLUSION

The Brooke state was clearly not a conventional colonial regime. Indeed, Walker (2002) argues it was not a colonial regime at all in that Britain was not ultimately the source of James Brooke’s power and authority in Sarawak; rather his position ‘derived principally from Sarawak people and resources’ (2002: 206). The First Rajah used traditional sources of legitimacy and authority to consolidate his political power in Sarawak, in a sense placing himself as the supreme patron in an extensive network of traditional patron-client ties, where the patronage bestowed was in the form of spiritual potency (with perceived material ramifications) rather than material resources as such. Iban supporters regarded the Rajah metaphorically as the ridge-pole (perabong) of their longhouse, capping and linking together but also supported by the central posts (tiang pemun) of each bilek (Sather 1993; Walker 2002: 89). The Second Rajah also cultivated these sources of power, especially in relation to the Iban of the Second Division.

The Brookes certainly saw themselves, and have been portrayed by many writers, as benevolent autocrats, ruling in the interests of the indigenous population and protecting it from disruption and exploitation by European investors and colonial powers. In particular, the stated policy of preserving traditional customs (with the notable exception of such practices as headhunting and slavery), and of introducing change only gradually and selectively, became part of Brooke ideology (Chater 1964). Charles Brooke wrote in the Sarawak Gazette in 1872:

A Government such as that of Sarawak may start from things as we find them, putting its veto on what is dangerous or unjust and supporting what is fair and equitable in the usages of the natives, and letting system and legislation wait upon occasion. When new wants are felt it examines and provides for them by measures rather made on the spot than imported from abroad; and, to ensure that these will not be contrary to native customs, the consent of the people is gained

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for them before they are put in force. The white man’s privilege of class is made little of, and the rules of government are framed with greater care for the interests of the majority who are not Europeans than for those of the minority of the superior race. Progress in this way is usually slow, and the system is not altogether popular from our point of view; but it is both quiet and steady; confidence is increased; no vision of a foreign yoke to be laid heavily on their shoulders, when the opportunity offers, is present to the native mind.16

There was clearly an important element of truth in this characterisation of Brooke policy. Yet, as Reece correctly points out, ‘the effect of Brooke rule had been to entrench a European ruling family at the expense of traditional Malay and Chinese leadership’ (1982: 12). It should be added that this was also at the expense of traditional Iban leadership, which had been in the ascendancy in the Saribas. Reece continues:

The worst excesses of European exploitation were avoided, largely because there seemed to be so little to exploit. Furthermore, the preservation of traditional ways of life was self-serving because it protected the power-position of European officers. While the Brookes and their officers railed against ‘vested interests’, their own interest was to preserve their position by resisting change. They were not so much opposed to economic development as to the resulting social and political changes which would inevitably undermine the basis of their authority and prestige (1982: 12).17

As Pringle suggests, ‘Brooke idealism was primarily a rationalization of the special conditions which prevailed in Sarawak, and only secondarily a motivating force’ (1970: 346).

Certainly it is true that once the Saribas Iban capitulated to Brooke rule they were not seriously exploited and were to some extent allowed to participate in government at the local level. The main objective in Brooke land policy towards the Iban was not to divert their land to commercial development (for which the government turned primarily to immigrant Chinese and to ‘unoccupied and waste lands’) but to maintain order and control in what had been an unruly and rebellious population. Consequently the emphasis was on settling disputes as they arose and selectively reinforcing customary land tenure, even sometimes in the face of Iban demands for change. The consequences for the Iban were far more benign than if the Brookes had pursued a more orthodox colonial approach to land policy (Keyes 1983). In Scott’s (1998) terms, there was little attempt to impose authoritarian high modernist schemes on the Iban. In any case, the state had
very limited capacity to do so. Even the modest attempts at forest reservation under Vyner Brooke met with stiff resistance from the Iban, forcing a relaxation of the rules to accommodate their interests. The notion of planned resettlement of shifting cultivators was never going to be feasible.

Even so, the imposition of Brooke rule on the Iban constituted a profound change in their political and institutional environment, introducing a dissonance between their own institutions and those of the state that has persisted into the present. Brooke land laws in particular, though hardly enforceable throughout much of the Iban domain, were in many ways at variance with customary Iban land tenure. The notion that farmers without formal title to their land were in some sense ‘squatters’ whose rights of use and transfer were limited by the authority of the state had no place in Iban reckoning, according to which each longhouse community was an independent state or negri (Howell 1898). There was no clear recognition in law of territorial rights, though in practice, as shown in Chapter 5, the courts spent much of their time dealing, often in an ad hoc way, with territorial boundary disputes; the attempt in the 1930s to settle and register territorial boundaries in the end came to nothing. The suggestion that land which had been fallowed for a mere seven years was deemed to have been ‘abandoned’ and available for reallocation reflected a complete misunderstanding of customary Iban land usage and property rights. Likewise, the requirement to take out a permit or other form of individual title before planting cash crops was totally alien to traditional tenure. Nevertheless, the authority of the state could not be easily ignored, and Iban practices and institutions had gradually to be accommodated to the new rules of the game.

NOTES

1. Mundy 1848 [2]: 30

2. Forts were later established at Kabong (c.1865) on the Krian and Lubok Antu (c.1868) on the upper Lupar (Pringle 1970: 136).

3. At that time he was Charles Johnson but changed his surname to Brooke in 1862 in anticipation of succeeding his uncle (Walker 2002: 172–3).

4. Saunders (1992: 58) incorrectly states that Buda was the son of Linggir of the Paku, another famous Saribas war-leader of the early nineteenth century.

5. Basil Temengong, from Kampong Pasa near Betong, taught at St Augustine’s in 1938 before training for the priesthood overseas. He was priest and headmaster at Betong from 1946 to 1953 and subsequently became the first Iban Bishop of the Anglican Church in Sarawak.
6. Clifford Sather, pers. comm.

7. Reece describes how Juing Insol slapped the face of Anthony Richards, the Saribas District Officer, when he arrested him at Betong and zealously paraded him and others in handcuffs down the main bazaar in Kuching several days later before delivering them to the Central Police Station (1998: 35, 44).

8. Nevertheless Charles Brooke issued an order in 1868 forbidding Iban from clearing forest containing the valuable ironwood tree (Criswell 1978: 150).


10. The Regulations were revised and extended in 1871 and 1882, the only substantive change being the discontinuance of grants in fee simple (of which only six were ever issued), and remained the only comprehensive land law in Sarawak until 1920.

11. In a judgement concerning the transfer of Iban land to Chinese pepper planters at Marup, the Resident’s court gave the opinion that ‘asking for large sums of money for such land must be discountenanced as the Dyaks have no actual rights over same other than squatters’ (SCB 1918: 142).

12. In 1947 the Director of Lands and Survey wrote of these native reserves: ‘These were strictly reserved for all time and no alien may acquire a title therein. They were as a rule not properly constituted until “settlement”. The term was dropped in 1940 and they are now called Native Areas’ (SG 1947: 78).


14. When the transcript of a 1929 case was read to a group of older men at Nanga Tapih who were familiar with the case and the personalities involved, one of them remarked admiringly: ‘Nya jako bicara (Ah yes, that’s court speech!).’ Field Notes, Nanga Tapih, May 1985.

15. Michael Heppell makes the second of these two points in a personal communication.


17. Nevertheless Reece adds, ‘for the most part, they carried out their work for little financial reward and with a sincerity of purpose seldom to be found in orthodox colonial systems. The legacy of goodwill which they left behind is the best evidence of this. They belonged to the romantic or charismatic phase of colonialism’ (1982: 12).

18. The government had attempted to extend the area of Forest Reserves, a tenure category which completely excluded all Iban activity. This added to the frustra-
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tion of Iban in upriver regions who were resentful of changes to the collection of the one dollar per year door tax, fuelling an outbreak of anti-government activities, mingled with headhunting and banditry, from 1931 (Pringle 1968, 1970: 337). In response the government introduced an additional category of Protected Forest in 1934 which allowed hunting and collection of forest products but no shifting cultivation. An editorial in the Sarawak Gazette reviewing the year 1935 stated: ‘[The protected forest scheme], which was introduced in 1934, seems to have eliminated the opposition with which the reservation of forests was so often met in the past, while yet giving adequate protection to timber’ (SG 1936: 54).
One would imagine [land] was a subject not likely to create dissensions in a land like Borneo: but there are favourite farming grounds and boundaries are not very settled. It used to be the practice not to have recourse to arms on those occasions, but the two parties collecting their relatives and friends would fight with sticks for the coveted spot. Now, however, their disputes are brought to their chiefs, or the nearest English officer. (Spenser St. John 1862)

The Saribas Iban were faced with the need to adapt their system of land tenure in response to changed economic and political circumstances during the Brooke period. As described in Chapter 3, the principles of land tenure were forged in pioneer times by an autonomous regional society with an essentially open frontier. The subsequent steady influx and growth of population, combined with the inherent ecological limits to the intensification of the Iban system of shifting cultivation, led to increasing competition within and between communities for access to land under secondary forest, which had become the principal basis for subsistence production. At the same time, as Chapter 4 has demonstrated, the imposition of the Brooke state, claiming ultimate proprietorship in land, added a new layer to the institutional environment, one that was in many ways dissonant with traditional land tenure institutions, yet one in which Iban leaders became active participants. This chapter traces the Iban response to this dual challenge, focusing on the specification and allocation of territorial and household rights to land for shifting cultivation. The emergence and impact of commercial agriculture is taken up in Chapters 6 and 7.

The Saribas Lands on the Eve of Brooke Rule

By the time Brooke rule was imposed on the Saribas Iban, pioneer land settlement was largely complete, which (along with the desire to remain in-
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dependent of the Brookes) was an important cause of the major migrations out of the Saribas headwaters into the Rejang basin. Sandin writes of the Paku branch of the Saribas: ‘By this time [around 1800] nearly all the Paku and Anyut lands had been cleared for cultivation’ (1967: 44). He describes how Mujah led the first migrations into the Julau river (a tributary of the Kanowit), having originally migrated from the Skrang and settled temporarily in the upper Paku. ‘Since these areas were already well settled, Mujah kept on looking for new land, and thus came to Julau’ (1967: 80; see also Sandin 1994: 176–179). Similarly, some Lemanak Iban came via the Skrang

Fig. 5.1 Saribas Iban man in characteristic dress, 1846.
to the Ulu Layar in the Saribas, 'but, as in the case of Mujah, they discov-
ered that these lands were already completely occupied', and so they moved
on to the Kanowit and other Rejang tributaries (1967: 80). Sandin’s gene-
alogies place the latter events around 1840. At Batu Lintang in the Layar,
the last person remembered to have felled primary forest on any scale was
probably active around 1850 or earlier. When the Nanga Tapih community
moved into and acquired its territory in the Spak toward the end of the
nineteenth century, almost all the primary forest had long since been felled
and the land was mostly supporting old secondary forest (pengerang).

Indirect confirmation that the Saribas lands were fully settled by this
time can be found in the journal of Spenser St. John, who travelled up the
Skrang river in 1851 (Runciman 1960: 108), perhaps only a decade or two
after the migration into the Kanowit had begun, and recorded: ‘This inte-
rior is very populous, and from a view we had on a hill over the upper part
of the Seribas River, as far as the hills in which the Kanowit rises, we could
perceive but little old forest’ (St. John 1862 [1]: 30). As mentioned in Chap-
ter 4, when in 1849 James Brooke extracted an undertaking from Saribas
leaders not to raid in future, the headmen of approximately 250 Saribas
Iban longhouses were party to the agreement. Assuming an average of 10
households per longhouse and five persons per household, this implies a
Saribas Iban population of at least 12,500. This is just over 70 per cent of the
1991 figure of 17,500, lending support to St. John’s assertion that the region
was ‘very populous’. Frederick Boyle, based on information from Walter
Watson, who was the officer in charge of the Saribas from 1858, wrote that
the Saribas Iban numbered 3,000 doors (Boyle 1865: 313), implying a popu-
lation of around 15,000, again not much below the present figure.

Hence it can be assumed that from the outset of Brooke rule the major
form of land use in the Saribas was an established system of shifting cul-
tivation, dependent on the re-utilisation of secondary forest. In this situa-
tion, each longhouse community would have been concerned to obtain or
maintain access to as large an area of secondary forest as possible to per-
mit an adequate forest-fallow rotation. Whereas previously there had been
room for neighbouring communities to continue expanding slowly into
surrounding virgin land, they now found themselves hemmed in (tatak) on
all sides, with little or no intervening primary forest.2 The strategy of those
who migrated into the Krian and the Rejang was to push out into new ter-
ritory where primary forest was abundant (driving out non-Iban groups in
the process). For those who remained in the Saribas, the obvious strategy
was to establish rights over the abandoned lands of the emigrants and, if
possible, to encroach on the territory of surrounding longhouses. This was potentially a cause of serious inter-community disputes.

This, then, was the probable state of affairs when Brooke rule was established in the Saribas. It is not surprising, therefore, that the Brooke courts were soon flooded with land disputes, most of which involved competing territorial claims.3 Whereas, in the past, territorial rights were maintained by the authority of regional leaders, the imposition of a higher level of authority in the form of the Brooke state increasingly meant that land claims had to be re-validated, as they no longer had the security conferred by traditional authority. There being no provision in Brooke land law for the systematic registration of community title to land, the only way to obtain government recognition of territorial rights was by challenging or defending them in the courts. Court decisions would be written down and enforced by the state, and in the prevailing circumstances this was the closest equivalent to a formal registration of title. This long-drawn-out process of re-validation through the courts created both the incentive and the opportunity for longhouse communities to expand their increasingly scarce land base by encroaching on the territory of their neighbours, hence the courts became the accepted arena for the pursuit of territorial ambitions.

RENEGOTIATING TERRITORIAL RIGHTS

Historically, as described in Chapter 3, each longhouse community had a prior right to a well-defined territory that was allocated by the regional leader (tuai menoa). Prominent landmarks, such as ridges and streams, were used to delineate the boundary (garis) with adjoining territories. A prior right to a territory meant that, though neighbouring communities could farm within the territorial boundary, they were obliged to seek permission from the headman before doing so. By the Brooke period they were sometimes also required to pay a token rent (tasih) based on the number of households using the land (e.g., BCB 1903: 195). For example, in Saang v. Libu, Saang referred to an old boundary between the Selamoi and Serudit streams in the Paku, stating that whoever wished to farm over the boundary had to obtain permission and then pay 18 cents per household (BCB 1911: 363). Similarly, in Moyang v. Uleck, Uleck’s community claimed the disputed land and had told Moyang’s community to ‘move off’ (pindah). Uleck said he wanted the forest (babas) to grow, and if Moyang wanted to farm there he would have to pay rent of 20 cents per household (SCB 1878: 161). In a case from the upper Skrang (Salleh v. Lang Sabang), possibly in-
volving land recently cleared of primary forest, a rent of $1 per household was upheld (BCB 1879: 579).  

If recognition of the prior right to a territory was to be maintained in the face of increasing competition for land, it was essential that it be explicitly acknowledged every time a neighbouring community used the land, if not by the payment of a token rent then at least by the formal seeking of permission. Failure to obtain such acknowledgement reduced the force of the prior right and strengthened the neighbour’s independent claim to the land. For example, in Sampar v. Insol, a case from the Padeh, Sampar testified that Nanang had previously divided the land between the two communities, using a ridge as the boundary, and each party had to ask permission of the other before farming across the boundary. However Insol’s community had cleared land on Sampar’s side without any prior arrangement, and Sampar feared ‘should he not take action, deft. may in future lay sole claim to it’ (BCB 1913: 203).

Fig. 5.2 Batu Lintang longhouse at the centre of an extensive territory (menoa) of 13 sq. km. The last primary forest within this territory (apart from reserves) was felled around 1850. The boundaries of this territory (garis menoa) were contested in the Betong court in various cases between the 1890s and 1930s.
The Brooke administration generally upheld the notion of a prior territorial right but made it subject to the principle of state proprietorship in all land. Hence the prior right could be temporarily overridden or the territorial boundary could be permanently redefined, the main criterion being the relative needs of the communities concerned. Bliang v. Imbol illustrates well the traditional nature of a community’s prior right to a territory as well as the court’s readiness to overrule (BCB 1897: 79). Bliang’s community occupied the Tebalau stream and Imbol’s, the Lubau, both streams being tributaries of the Layar, separated in their upper reaches by a hill, Bukit Gensarau. Imbol claimed that the two communities ‘for years have been accustomed to ask one another if they may farm in the respective waters in which they live’, but Bliang’s community had now ‘farmed without asking him in the Lubau’. Bliang responded by saying that he had ‘never heard of any division between them either made by themselves, their ancestors or the Govt’. He claimed he had ‘farmed in his own temuda [fallow land]’. Pengarah Ringkai testified that leaders in time past (tuai menya) had ‘arranged that the Lubau people should ask if they went over B. Gensarau and vice versa’. The court ruled that the two communities should continue observing Bukit Gensarau as their boundary and to seek each other’s permission before crossing the boundary to farm, but added that ‘if one party won’t give the other on asking they can apply to the Court’. The implication was that if the community with the prior right refused access to the neighbouring community, the court would overrule, particularly if it felt the latter’s need was genuine or that the former was holding onto land in excess of its needs.

Iban leaders such as Nanang and Ringkai had authority to lay down or alter territorial boundaries and thus determine the extent of a community’s territorial rights. For example, in Remang v. Kasi and Saban it was stated that Ringkai had taken some of Kasi’s territory at Tanjong Serian, near Betong, and allocated it to Remang and his followers, because Kasi’s longhouse ‘had not very many doors’ while Remang was in need of more land (BCB 1892: 30). Similarly, in Ilan v. Klawan it was agreed that Nanang would divide the disputed land between the two communities ‘according to the number of doors who farm there’ (BCB 1894: 177). Though this authority over longhouse boundaries corresponded to that exercised in the past by the tuai menoa, Nanang, Ringkai and others were acting primarily as functionaries of the state. For example, in Blayong v. Lakin, a territorial dispute in the Padeh, a Malay Native Officer (Abang Indut) was sent to demarcate a new boundary. Blayong claimed that an earlier boundary more favourable to his community had been laid down by Nanang two years after
the final Sadok expedition in 1861 (BCB 1916: 491). The court dismissed this claim on the basis that in 1863 Nanang ‘had not become a Govt. chief’. The implication was that the government did not necessarily recognise rights deriving from the exercise of traditional authority.

Though in the above-mentioned examples boundaries were determined according to an assessment of community needs, in other cases (particularly in the early years of Brooke rule) the delineation of boundaries was an arbitrary expedient by the court to settle a dispute with a minimum of investigation into competing claims. One of the earliest recorded territorial disputes was an 1868 case from the Paku (Rajih v. Manja), heard by Charles Brooke, in which Rajih, on behalf of his followers, complained that Manja and 11 households were farming ‘on his ground’, even though he had refused permission (BCB 1868: 33–34). Brooke peremptorily ordered his officials ‘to see the disputed land divided’. It later emerged, however, that Manja was reserving his own land ‘for use in future days’, so Brooke ordered him to withdraw, imposing the sizeable fine of four old jars, ‘if he persists’. The court’s willingness to simply divide disputed land without full knowledge of the facts created an obvious incentive for expansionary communities to lay claim to a tract of neighbouring territory in the hope that at least part of the land would be allocated to it on the authority of the court.

Notwithstanding the sometimes arbitrary nature of court decisions, the government’s role in settling boundary disputes gradually gave more certainty to territorial rights. In some cases, ‘government marks’ – solid ironwood pegs painted white – would be inserted at strategic points (e.g., the banks of a river) to indicate the official boundary between two communities. In most cases there would be some written record (and occasionally a sketch map) of the agreed boundary that could be referred to if the dispute arose again. Though these records were far from exhaustive and often ambiguous, they were clearly an improvement on unaided human memory. By the time of Vyner Brooke’s rule (1917–41), as discussed in Chapter 4, the administration actively sought to regularise and record territorial boundaries, not merely waiting for disputes to reach the courts. Richards (1961: 9) writes: ‘In many areas, District Officers spent a great deal of energy on determining boundaries ... and getting them marked. Something towards this had been done in the Second Division even before 1920 by Mr. Page Turner, but the bulk of it was done in the middle 1930s.’ The so-called ‘tin system’ was a procedure initiated for Iban areas by J. C. B. Fisher (a district officer) whereby officials on tour regularly recorded census information (kept in a portable water-tight tin in case the boat capsized!), and
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according to Richards (1961: 9), boundary descriptions were also included. Secretariat Circular No. 12 of 1939 gave guidelines for establishing village committees to assist in defining territorial boundaries (Richards 1961: 9). However, these records were lost during the Japanese Occupation.

The Emergence of Shared Territorial Rights

Although the traditional arrangement was that each longhouse had exclusive rights to a discrete territory, Brooke court records indicate that by the nineteenth century it sometimes occurred that two or more neighbouring communities would share the use (sama makai) of an extensive tract of land, usually referred to as ‘common land’ (tanah saum) (BCB 1910: 268). Such land was found in both upriver and downriver environments and was interspersed with blocks of exclusively held land. Typically, a community with access to tanah saum had exclusive rights to its own territory as well as a share in the adjacent common land, though in some cases the entire territory of neighbouring communities was shared. A sketch map of Sungai Anyut in the Paku watershed found in the Betong Court Book for 1910 gives some indication of the extent of common land in this area (Fig. 5.3).

There is no clear evidence concerning the origins of ‘common land’ or, more precisely, shared territorial rights. It seems plausible, however, to suggest that this was one arrangement whereby the lands of communities that migrated out of the Saribas were taken over by surrounding longhouses. Given the growing scarcity of land in the long-settled Saribas, any abandoned territory would have been of considerable value to those remaining in the area. In the interests of maintaining order within the region, it was necessary to effect a transfer of authority over such territory which was clear and acceptable to all concerned. In some instances, a bilateral transfer was arranged. For example, in Maat v. Ringgit, Pengarah Ringkai stated: ‘It is universally acknowledged owing to Ringgit’s leaving the country for 3 years that the land is now Maat’s. There are many people who use Maat’s farming land, but they have first to ask his permission’ (BCB 1898: 123). In other instances it is likely that several different longhouses would have had some sort of claim to the land of an emigrant community, based both on proximity and kinship. Declaring the land to be common to the surrounding communities would have avoided the potential problems involved in trying to sort out and defend competing claims.

Another possible explanation is that, during unsettled times, when enemy bands of head-hunters roved through the region, neighbouring communities often grouped together in one longhouse, or at least farmed together in
Fig. 5.3 Reproduction of a sketch map from Betong Court Book for 1910 showing extent of ‘common land’ in the Anyut tributary of the Paku.
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a single block, to provide security against a surprise attack. Charles Brooke (1866 [2]: 137ff.) described the extensive areas of hill rice on the slopes of Bukit Sadok at the time of his third expedition against Rentap, who was occupying a stockaded longhouse on the summit. (The Batu Lintang community joined Rentap at this time and farmed on Sadok.) During the same period many communities clustered in the vicinity of the fort at Betong and farmed the surrounding swamp lands (BCB 1906: 185). Lesser disturbances, which occurred sporadically throughout the following decades, also prompted households to congregate into larger communities farming in a single block (BCB 1879: 580). When the unsettled conditions passed and it became safer for smaller communities to farm by themselves, it may have been considered simpler, given the overlapping claims of communities that had previously farmed together, to continue administering the larger territory, or parts of it, as common land.

Shared territorial rights also emerged directly as the result of community fission, whether due to factional conflict, the outbreak of diseases such as smallpox or leprosy, the growth of the community beyond a manageable size, or the desire of some households to reside closer to their farms. When a community divided into two sub-groups and neither group left the region, the original territory could be divided between them, but in some cases the land, or part of it, continued to be regarded as common to them both. *Angik v. Endok and Majang* was a dispute between two such groups in the Padeh which had formerly been one community (BCB 1907: 428). Endok’s group had lived separately from Angik’s through the construction of four successive longhouses (perhaps several decades) but they had always farmed together on the land now in dispute. Angik’s complaint was that the defendants had built a *dampa* (subsidiary longhouse) close to his longhouse and now wanted to build its main longhouse there. The court ruled: ‘Angik cannot prevent the [defendants] from building on land which all the parties inherit equally.’

The Brooke courts also created blocks of ‘government land’ (*tanah pertenah*) which in some respects resembled customary common land (*tanah saum*). Such land could only be used for farming with the approval of the court or a government official and, as with common land, no-one could plant fruit trees or other perennials which might later be used as evidence of an exclusive claim (BCB 1900: 733). This measure was sometimes employed to take over the territory of those who had been allowed to migrate to other divisions. In *Govt. v. Indai Gulang* it was stated that the defendant was ‘farming the land that reverted from Indai Nyanggau to gov when she
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left for the Baram’ (SCB 1904: 536). It was also used where a protracted dispute between communities made the prospects for mutual agreement remote, the government land being created as a buffer zone between the communities. In *Malang v. Melina* reference was made to an earlier case heard by the Resident, F. R. O. Maxwell, in which the land in question (in the Anyut, a tributary of the Paku) was divided between the disputants, with the government taking a section in between ‘to stop further dispute’ (BCB 1910: 268). The 1910 case arose because Melina’s community had moved onto the government land without getting proper permission and had also encroached on Malang’s land (see Fig 5.3 above). Melina was imprisoned for three months for this offence.14

The Administration of Shared Territory

The existence of shared territorial rights required careful arrangements so that each community’s interests were safeguarded. The headmen of the communities concerned had to consult and reach an agreement (*empekat*) as to how the land was to be allocated in any given farming season. Sometimes, especially where only two communities were involved, this entailed a combined farm meeting (*aum umai*) and a requirement that the households from both communities arrange their individual farm plots in a single block (*bumai bedandang*). In such cases the land was literally *sa-aum* (subject to one meeting). In other cases, it was merely necessary for all the communities sharing an interest in the land to be informed in advance if any one community had plans to cultivate it. The Resident’s Court, following the advice of Iban regional leaders, generally upheld these principles, even in situations where the administration of the common territory was proving difficult and a permanent division of the land was being sought by one or more of the headmen concerned.

At a minimum, the requirement for advance consultation was necessary when one community was farming close to a neighbouring longhouse, to ensure safety during the firing of the farms and no unintended disruption of each other’s affairs. For example, in a Paku case (*Ujai v. Bai*), the disputants had ‘no fixed boundary’, but it had been the custom when one community was farming close to the other’s home to inform the other community first and reach an agreement (*empekat*). This custom had been violated, but the court’s decision was that ‘both have the land in common and can arrange the matter’ (BCB 1913: 156).

The more frequent practice was that the communities sharing territory would farm in a single block. In *Ngabong v. Punai* it was stated that the
two groups concerned could only farm their common land if they did so together; if they wanted to farm separately they had to use their own land (BCB 1892: 27). *Apai Belong v. Tiah* concerned two small communities living on opposite banks of the Spak river (BCB 1879: 580). Their practice had always been to farm the land on either side of the river together, that is in one block, as all their farming land was regarded as common.

The requirement that each community sharing common land should at least be consulted before any one community could use it was more than a mere formality, as evidenced by the seriousness with which non-compliance was viewed. The dispute, *Apai Lipah v. Budin*, arose because Apai Lipah farmed common land without giving notice to Budin, who consequently threw away Apai Lipah’s farming signs (*tanda*) and cut down his farm hut (*langkau*), singularly hostile actions within the Iban behavioural repertoire (SCB 1878: 184). The court consistently imposed heavy fines on those who used common land without prior consultation (BCB 1914: 324; 1917: 615; 1921: 71). In *Buda v. Lamat*, when Lamat was accused of farming certain land without permission, he replied that ‘the land is really *saum* and the asking for permission is only a matter of form.’ The court did not agree and fined him $100.

A not infrequent source of dispute over shared land was when one community received an influx of new households from outside the immediate area and sought to grant them rights of access to the common territory. This imposed a cost on other users of the territory, who had a correspondingly smaller share of the total forest-fallow rotation. In the Spak case cited above (*Apai Belong v. Tiah*), Apai Belong stated that the region had recently been in a disturbed state and people who had been living as isolated households had joined his longhouse, increasing the number of doors from three to eight. Consequently he had wanted to build a new longhouse and allow his followers to farm the common land, but Tiah had refused permission. Tiah correctly claimed that as the land was common he should have been consulted, both concerning the location of the new house and the desirability of admitting outsiders. The court supported Tiah and ordered that the two parties should continue to farm in common, making careful arrangements and giving notice if newcomers were to be brought in. In another case, *Jenggan v. Isek*, Jenggan wanted their common land at Saka, in the Entanak, divided because Isek had refused to allow one of Jenggan’s followers to use the land (BCB 1906: 422). Isek claimed the follower in question was an outsider, so he (Isek) should have been asked if the man could farm there. The court ruled that the land was still *saum* and that Jenggan must
negotiate (empekat) with Isek. Again, in Rendang v. Tunggu, the land in question (in the Enteban branch of the Skrang) had been common to both parties ‘from their aki ini [ancestors]’, but Tunggu’s group had cleared the land, giving Rendang’s group no share (SCB 1878: 242). Rendang ‘claimed that the reason his party cleared the land was because plaintiff brought a lot of outsiders to farm on the land who had no right to and he was afraid that once they got onto this land they would always claim the right and so he would eventually lose the land’. The court allowed Tunggu’s community to farm the land for one year, then Rendang’s community was to have a turn, after which the land was to be farmed in common again.

Frequently, it appeared that a failure to obtain prior agreement concerning the use of shared territory was an attempt by one community to ‘steal a march’ on its neighbour(s) and obtain the benefits of the land for itself, as implied in the immediately preceding case. In Newin v. Juga, the disputed land was Bukit Bungai, a low hill surrounded by swampy land in the upper reaches of Sungai Ban (BCB 1878: 256). The hill was common to the two communities, but Juga’s community had cleared it entirely for its own use as Newin’s was not using it in the current year. Newin said his community was farming in the Ulu Entanak and had intended to farm on Bukit Bungai the following year. Juga claimed that ‘if he had known that Plaintiff wanted to farm it he would have divided it’. The court was merely stating the obvious when it concluded that Newin was too late to interfere.

In a Skrang case (Indai Gulang v. Brangka), it emerged that 13 communities shared access to certain land in the Kedang stream (SCB 1904: 535). In the Resident’s opinion, the plaintiff and defendant had ‘brought this case up before the Court simply to try and oust the other people from the Kedang land, they hoped the land would be divided between them which had it been done some eleven houses would have lost their right to farm the land’. It was decided that the land was to remain the ‘common property of the above mentioned 13 houses’.

One method by which a community could retain common land for its exclusive use was to declare a particular tract ritually forbidden (tanah mali) due to unfavourable omens or other evil associations, or to reserve it as a memorial to a deceased leader (tanah ulit). Once such a restriction was in force the land could not be farmed unless a heavy tax was paid or until an appropriate feast was held and, in the case of tanah ulit, a head trophy had been obtained in warfare to break the period of mourning (ngetas ulit) (Ward 1915: 108). The restriction often lasted for a decade or more. It was customary for those who participated in meeting the expenses of the feast
to have subsequent rights to the land (BCB 1913: 198). Hence, if a commu-
nity unilaterally imposed a restriction on land which had previously been
held in common with other communities, and then initiated the ceremo-
nies to remove the restrictions, it could effectively incorporate common
land into its exclusive territory. For example, in *Indai Bedok v. Luat*, Luat
acknowledged that the land was common but claimed it was *tanah mali*
and only he and his followers could farm there (BCB 1877: 485). The court,
however, ordered Nanang ‘to divide the land in dispute so that both parties
got a fair share’.17

Sometimes the attempt to oust other communities from common land
was less subtle. Charles Brooke heard a case (*Ingkar v. Apai Sudan*) concern-
ing shared territory in the Ulu Entanak (BCB 1889: 474). Pengarah Ringkai
testified ‘that all the people divided the land amongst themselves fairly in
times past [referring to the annual parcelling out of land for cultivation].
Now Ingkar said he was not going to go on in the old fashion but meant to
keep the land himself.’ Ringkai observed that there were four longhouses
involved, Ingkar’s having 13 households, and a large quantity of land was at
stake. Brooke’s verdict was that ‘the land is to be fairly and properly divided’,
meaning that the four communities were to continue regarding the land as
common territory to be allocated from year to year according to need.

The Division of Shared Territory

The problems of administering territory common to two or more other-
wise autonomous communities, in a situation where land was increasingly
scarce and the contest for territory was intense, led to a demand for perma-
nent division of common land into exclusive longhouse territories. Charles
Brooke, however, apparently favoured the retention of common territorial
rights and resisted demands for exclusive rights. In 1889 he settled a terri-
torial dispute (*Apai Jilani v. Buya*) concerning land along the Graji stream,
a tributary of the Padeh (BCB 1889: 473). The land on the left bank of the
Graji had already been divided in three (here meaning a permanent divi-
sion among three longhouses) but territorial rights to the land on the right
bank had not yet been settled. The Rajah ordered: ‘No distinct division of
land but they are to agree amongst themselves and the land to be as it were
common.’ One possible rationale for this policy was that common territory
prevented one community excluding another from land for which the latter
had a genuine need. As already noted, it was a prime emphasis of Brooke
land policy to prevent anyone from detaining land which others could use
more productively.
Nevertheless, the pressure for setting exclusive boundaries was such that the court increasingly acquiesced, albeit with an air that this was a last resort and a concession to bloody-mindedness. For example, in Ngumbang and Guntor v. Saban, a dispute concerning land in the riverine zone a short distance downriver from Betong, the court observed: ‘It is true the litigants might all have been saum in this land formerly – but since the case in 1913 owing to their constant bickerings a fixed boundary was laid down and Govt. marks put in’ (BCB 1915: 417). In the 1915 case indefinite pledges were required from both parties to stop the ‘vexatious litigation.’

Even when the court acceded to the request for a boundary, however, the conflict of interest among the affected communities sometimes made a final resolution difficult to achieve. In Blayong v. Lakin, referred to briefly above, the land in dispute was that drained by the Kron stream, a tributary of the Padeh (BCB 1915: 357, 361, 421; 1916: 466). Blayong’s community (Nanga Kron) comprised 12 households and was located opposite the confluence of the Kron and the Padeh. Lakin’s community (Merunjau) comprised 22 households and was located at the headwaters of the Kron. Both parties agreed that the Kron lands were common (saum) and that a mutual agreement (empekat) was required before either party could farm there. In the year in question, however, they had quarrelled over who should farm which part, and Lakin’s people had gone ahead with their preliminary clearing without having reached an agreement with Blayong. The court initially ordered the land to be farmed in common. However, Blayong successfully appealed for a boundary to be laid down ‘to avoid further disputes,’ though he was told he would have to pay costs and his community would receive a smaller share given its smaller size. When an official visited the area and awarded the upper two-thirds of the Kron to Lakin’s community, Blayong and his followers refused to accept the decision. The court again decided the land should be common (saum), instructing the parties to ‘follow the usual custom with saum land,’ presumably referring to the requirement to reach an agreement before using it. Blayong was fined ‘for laying claim to the sole rights over the land.’

A 1929 case from the Layar (Dana v. Abut) illustrates well the dynamics of inter-community property relations in the Saribas and elsewhere during the Brooke period (BCB 1929: 1–9). Dana was the headman of a community on the left bank of the Layar and Abut the headman of a community on the right bank. Both parties had exclusive use of land within certain Layar tributaries but readily acknowledged that the lands along the Layar itself were in some sense shared or common (saum). In Dana’s words: ‘Our
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farming lands have never been divided or had any boundary marks put in.’ The dispute had arisen because Abut’s people had crossed the Layar, built a longhouse, and started farming on the left bank without obtaining permission from Dana. A spokesman for Abut was frank about their motivation in so doing: ‘The reason we went across the Layar was because the land was better and the babas [forest] older and bigger – on our side there was no more pengerang [old secondary forest].’ Dana explained that, as the land was shared, he had at first tolerated this move, even though Abut’s people had not asked permission. However, in the light of further encroachment, he stated: ‘I now ask for the land to be divided between us and a clear boundary to be made between our lands’, emphasising that they should ‘not be saum any longer’. The Court initially favoured fixing a boundary along the Layar: ‘It must be admitted that the Batang Layar would make an excellent boundary – the best possible – if both sides get a fair share of farming land by such a settlement.’ This statement indicates two guiding principles adopted by the courts in such disputes – the desirability of precise, easily identifiable boundaries, and the priority of current community needs over historically based claims to land. However, after examining the land, the court ruled that ‘all the Layar land on both banks which has up till now been farmed by these two houses in common is still to be common land between them and neither house may farm these lands without first consulting with and informing the other’. Not surprisingly, this decision did not resolve the situation and a number of disputes over access to the designated common land occurred in subsequent years. Only in the post-war period was an exclusive boundary finally laid down.

RENegotiating Household Rights

The Problem of Unequal Access to Land

As described in Chapter 3, a household acquired exclusive rights to land by clearing it of primary forest and these rights continued to be held by the household and its offshoots in subsequent cropping cycles. As the system of shifting cultivation developed into its established phase, this principle resulted in the members of a community having different degrees of access to land. The descendants of pioneering households, especially those which had been well-endowed with male workers, would have had rights to more plots of land, and hence been able to observe a longer fallow period, while other households, especially those joining the community after the pioneer phase, would have been poorly supplied with land. There was hence a pos-
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sibility of some better-off households operating an unnecessarily long rotation while others were forced to operate a dangerously short rotation. Freeman describes the beginnings of this situation in the later pioneer phase in the Baleh:

Within each Iban community a variety of different usage cycles are usually encountered, for all bilek-families do not possess the same amount of land. Rights over land are acquired by the felling of virgin forest, and so the founding bilek-families of a long-house community normally possess more than families that have arrived subsequently. Again, when a bilek-family increases in size and partition occurs, there is then proportionately less land available to these two sections, than to a small family that does not so divide. It often happens therefore – even within the same long-house territory – that some families are forced to observe a considerably shorter usage cycle than others (Freeman 1970: 290).

While primary forest was still available, a land-poor household had the opportunity to increase its land holdings, but by the established phase this possibility no longer existed. This raised the need for a greater sharing of access to land within the longhouse community if the cooperative basis of that community was to be maintained. In the words of a Lemanak headman, if individuals were not generous with their land they would be anxious about receiving like treatment at a later stage (takut malas dudi) when they or their children needed help. Similarly, a Batang Ai leader remarked that since a person's livelihood depends on access to land, it must be shared.

A particular aspect of this problem was the need to accommodate households which joined a community after the pioneer phase, for such households could not build up any holdings of their own in the usual way. As one informant stated, when people came to join a longhouse they could not bring land with them so it had to be made available from the existing stock. The movement of households between communities within the same district was quite frequent during the Brooke period, incoming households perhaps being attracted by the good reputation of the headman and the resources available to his community. Budin v. Engkulau illustrates this (BCB 1896: 50). Budin was the redoubtable headman of a prosperous community at Stambak, close to Betong, and eight new households had attached themselves to his longhouse. This not only entailed extending the longhouse onto Engkulau's land (which was the cause of the dispute), but meant that some way had to be found to provide farming land for the newcomers.
Wider Sharing of Use Rights

One solution to the problem of unequal access to land was to place greater reliance on the lending and renting of use rights within the community.\textsuperscript{22} Whereas in the pioneer phase lending was reciprocal\textsuperscript{23} and usually a matter of convenience – to enable a household to add on to its farm clearing when it had insufficient land of its own close at hand, or to give help to a new household until it could build up its own landholdings (Freeman 1970: 147) – in the established phase it came to be a way in which access to scarce secondary forest could be distributed more evenly, without upsetting the existing rights of the first feller.

The justification for a claim to borrow use rights was that \textit{all} the descendants (\textit{anak ucu}) of the first feller, not only those who remained in the original household (\textit{bilek tuai}), had a continuing, if inferior, interest in the first feller’s estate, with the current head of the \textit{bilek tuai} having control (\textit{kuasa}) over the estate, in the same way as he exercised authority over ancestral fruit groves and other valuable trees.\textsuperscript{24} Consequently, when a descendant requested (\textit{minta}) the use of a plot of land on behalf of his or her own household, he or she would usually be granted temporary usufruct without requiring any payment. Another way of stating this is to say that although those who had married out of their \textit{bilek tuai}, and their descendants, lost legal rights to the land of the \textit{bilek tuai}, they retained a strong moral claim to use the land by virtue of being kinsmen (\textit{kaban}) of the one having authority over the land. Hence, though their request might in principle be turned down, leaving them with no legal means of redress, the recognition of their moral rights ensured that this seldom occurred.\textsuperscript{25}

\textit{Machup v. Kumpang Pali} demonstrates the principle that, although only one household had authority over any given plot of land, other related households continued to have a secondary interest (BCB 1899: 199). The disputed land was at Tanjong Kabuau near Betong. Machup stated that as Kumpang Pali and he had common ancestors he had no objection to giving him a share of the land if he asked permission, but he alleged that Kumpang Pali was claiming the land as his own. The defendant stated that Machup had been holding out, so he had made a claim for the land. Pengarah Ringkai stated the legality of the situation with his usual directness: ‘Nyanggau is the \textit{tuai} [head] of Ptff’s [Machup’s] house and he is Ptff’s father: he it is who holds the land at the \textit{tanjong} and he is the head of the family who holds this land.’ In other words, Machup’s prior claim to the land (through Nyanggau) was clear. Nevertheless the court ruled that, although the land
was held by Nyanggau, if Kumpang Pali asked for some land he was to be given a share.

Though the descendants of the first feller were thus usually able to borrow land rent-free from the household which retained authority over the land, non-relatives were normally required to pay rent for the use of such land, as witness (saksi) to the fact that they had no real claim on the land. This rent (tasih tanah) was originally a nominal sum. However, as population pressure on the land increased, raising the scarcity value of secondary forest for all households, the value of the rent demanded likewise in-
creased. Brooke Low noted this trend in the nineteenth century: ‘The rent [the proprietor] is empowered to demand may not exceed in value a dollar, and must be either a game-cock, or a sucking pig, or a couple of plates. But as land is rising in value every year, and old jungle is becoming scarcer and scarcer, there is a marked tendency among the tribes to demand a heavier rent – in fact, several dollars a year’ (in Roth 1896 [1]: 420). Contemporary Iban in the Saribas now distinguish between *tasih*, or nominal rent, which they say has fallen into disuse for a generation, and *sua*, or true rent, which has taken its place, and may be as high as $M70. The reason given is that they do not want to make a loss on the use of their fallow land.

Shared Access to the Land of Emigrants

A second solution to the problem of some households having rights to insufficient land was to set aside some (occasionally all) of the longhouse territory as ‘land at the disposal of the Tuai Rumah, or held in common’, referred to variously as *tanah saum, tanah rumah, tanah kongsi,*26 or *tanah aris* (Richards 1963: 47, 115, 130).27 Such land could be allocated at the annual farm meeting (*aum umai*) to those most in need, particularly to new longhouse members.28 Though *tanah saum* within a longhouse territory needs to be distinguished from *tanah saum* which was shared by two or more longhouse communities, it is likely that the origins of the convention were similar in both cases, namely: (1) the community taking over the forfeited land rights of those who migrated out of the region, and (2) a decision to pool rights, possibly due to a complicated history of usage which meant that the rights were overlapping and ambiguous. In addition, the impact of the Resident’s Court itself must again be taken into account.

As stated in Chapter 3, it was a general principle that a household’s rights to farming land continued only while it remained a member of the longhouse community within whose territory that land was located. When a household migrated (*mindah*), those who possessed the territory (that is, the remaining households) assumed possession of its farming land (*orang empu menoa empu temuda*).29 Before migrating, however, a household would usually clarify arrangements (*beterang*) with the headman as to the particular way in which its *temuda* rights would be transferred.30 The household head could appoint a remaining kinsman as his representative (*wakil*) to administer his land, so that if the household did choose to return, it could reactivate its rights in full. In this case the rights were initially regarded as ‘dormant’ rather than totally ‘abandoned’, though as time went by the possibility of reactivating them steadily diminished. In the meantime,
the wakil would have exclusive authority over the land, as he did over his own household’s land holdings. He could utilise it himself, or lend it or rent it to others in the community.

Alternatively, particularly if the emigrant household had no kinsman to take over his rights, the headman himself could be given authority over the land, to be exercised on behalf of the community as a whole. He could then permanently allocate the land to households in need, or he could retain control over it so that its use in any one year was determined by consensus at the annual farm meeting (aum umai). In the latter case the land would thus form a reserve of tanah saum which was available for annual reallocation within the community. The extent of such a reserve depended on the number of emigrant households, the extent of their landholdings, and the particular choice of arrangements in the community concerned. In the extreme case, where all a community’s land had been taken over from emigrant communities, there was a possibility that the reserve of tanah saum would be coterminous with the longhouse territory itself and that no individual rights to land would be recognised.

It was apparently not always the case, however, that an emigrant household would voluntarily transfer its land rights, particularly if it had only moved into an adjacent watershed. The Simanggang Resident, H. F. Deshon, reported in 1882: ‘It has hitherto been the custom of Rembas Dyaks who have moved into the Krian to still claim their old farming grounds in the Rembas river however distant they may be, and they have steadily refused to allow people living on the land and in the vicinity to farm these lands even after a lapse of ten years and more from the time of their removal’ (cited in Roth 1896 [1]: 420). As a consequence, Charles Brooke apparently declared the watershed between the two rivers to be a regional boundary, so that no-one living on one side of the boundary could claim rights to land on the other side. This notion was generalised in a government order issued in 1899, which provided that: ‘Any Dyak removing from a river or district may not claim, sell, or transfer any farming ground in such river or district, nor may he prevent others farming thereon, unless he holds such land under a grant’ (cited in Porter 1967: 12–13). To the extent this order was enforced, it would have favoured the creation of tanah saum.

The Pooling of Household Rights
A second avenue for the creation of tanah saum within a longhouse territory was the pooling, not of the forfeited rights of emigrant households, but of the inherited rights of those remaining in the community. A. M. Phillips,
a post-war Saribas District Officer, referred to land under the authority of the headman as *tanah rumah* (longhouse land) and suggested that it resulted mainly from uncertainty about ancestral claims to land in long-settled regions:

Where old jungle has been felled recently, i.e., within the last two or three generations, each *bilek* [household] will have its own *temuda* (*damun*) [fallow land] since the members of the *bilek* will remember which areas of jungle were felled by the antecedents of that *bilek* ... After several generations the old *tenuda* will probably come under the *Kuasa* [authority] of the *Tuai Rumah* [headman] for allocation each year, for by that time many of the people in the house may be newcomers (i.e., arrived after the felling of the jungle) or younger generations who cannot remember whose *bilek* originally felled what land ... When the state is reached where the land is apportioned by the *Tuai Rumah*, the land is said to be *tanah rumah* or *tanah umai rumah* [longhouse farmland] ... Thus, since the Saribas is an area which has been long inhabited, most farming land is apportioned annually by the *Tuai Rumah*, i.e., it is *tanah rumah* and belongs to the house communally and not to individual *bileks* (Phillips 1954: 130).

Phillips’s assertion that in the Saribas ‘most farming land’ is apportioned annually by the headman seems an exaggeration. Among a number of Saribas communities investigated in the 1980s, Ulu Babu in the Rimbas, Nanga Jelau in the Layar, and Nanga Tapih in the Spak practised a form of land tenure whereby most farming land was under the authority of the headman for annual allocation among longhouse members. Tuai Rumah Muling of Nanga Tapih claimed that all other Spak longhouses except Kabok and Temedak followed the same system. In the Saribas as a whole, however, it is likely that these communities were in the minority. Moreover, the argument that the passage of time led people simply to forget their rights to particular plots is not persuasive, given that rights to a plot are reaffirmed every time it is used, without it being necessary to remember the name of the first feller or the exact genealogical links.

Nevertheless, it is true that in some cases, as the generations passed and the history of the usage of a plot of farming land became more complex, the system whereby one household was recognised as having exclusive authority over a given plot became unworkable, because no-one could be entirely sure which household had the prior claim. This sometimes resulted in two or more households which claimed descent from the first feller, or which had used the land frequently, being accorded equal rights in the land, which
was then said to be held in common (saum). Use rights in any given season had then to be determined by mutual agreement (empekat) or, where the whole community was involved, by the decision of the longhouse meeting. This can be seen in Sumut v. Empina, a dispute between two households of the Loban community in the Paku (BCB 1912: 85). The headman testified that the land in question had first been cleared (rinba) many years ago and that they had always had a meeting (aum) to decide who should farm it. The penghulu confirmed this and stated that the land had first been cleared by the disputant’s common ancestors. The court ruled that the land was common and that anyone wishing to farm it must reach an agreement (empekat) with the other party.

As described in Chapter 2, Nanga Tapih in the Spak River was formed late in the nineteenth century from two smaller groups, each of four households, which were offshoots of nearby communities. Each section brought with it a collection of household claims to the land it had been utilising over the preceding decades. At the initiative of Unal, the first headman, it was decided to pool all individual claims to land and operate the resultant territory as a single tract of tanah saum. According to Muling (Unal’s grandson) this was because Unal could see that the land was limited and that pooling of land rights would ensure that everyone had an adequate share. In Muling’s words, if an individual’s pioneer clearing (rinba) was small but his descendants were many, the descendants would lose out (rugi) unless farm boundaries could be annually readjusted to compensate. Newcomers to the longhouse would be even more disadvantaged. In Muling’s view, if unequal access to land was allowed to develop, longhouse members would not want to cooperate anymore.

In other cases, however, the Resident’s Court itself appeared to be imposing the notion of common land as an expedient to resolve a complicated dispute. For example, in Manggoi v. Bungka, Manggoi claimed that the disputed land in the Entanak was his by inheritance while Bungka pointed to his continual use of the land as evidence of a superior claim (BCB 1916: 482). Both men were grandsons of the first feller. The court ruled that the land was common (saum) to the two parties, though neither disputant had asserted this. Unggit v. Ambu provides another example of how a complicated history involving the transfer of use rights could lead to a declaration that the land was common (BCB 1900: 271). This case related to some land at Skatap, in the middle Layar, which Unggit claimed his grandparents had bought for one alas jar from Ambu’s grandparents. Ambu stated that Unggit’s grandfather had bought a banana grove, but not the land itself, and had
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Fig. 5.5 Maning walking through common land (tanah saum) at Nanga Tapih that had been allocated to individual households for farming in the 1979–1980 season.

only paid one jabir jar (about one quarter the value of an alas). Both parties had farmed the land but Ambu claimed that Unggit had only farmed it with his permission. The court’s decision was that both should continue to farm the land, that is, that it should be held in common. Again, neither party had openly sought this verdict.

The Brooke courts further influenced the development of common farming land by adopting the principle that any land which had not been utilised for a specified period (including virgin land) reverted to the government, meaning in practice that it was reserved for the use of anyone who needed it, regardless of claims based on descent from the first feller. In Abang Embit and others v. Penghulu Luta, an important case from the Paku,
it was stated: ‘By published Gov’t Orders, jungle of over 3 years growth on swamp and 7 years on hill land cannot be claimed by anyone, being the property of the State. ... [A]nyone wishing to fell same for the purpose of farming, may do so without the necessity for a permit’ (BCB 1920: 483). It is not clear to which government orders this statement refers, nor on what basis the three and seven year limits were chosen. Nevertheless, the effect of these guidelines, when they were actually applied by the courts, was to add to the stock of so-called common land, as in practice the designated ‘state land’ differed little from the tanah rumah described by Phillips.

CONCLUSION

The changed economic and political circumstances in the Brooke period combined to introduce a degree of instability and uncertainty in customary land tenure arrangements in the Saribas, leading to a rash of territorial disputes. With the growth of population and the final transition from pioneer shifting cultivation to near-total reliance on the re-utilisation of secondary forest, longhouse communities were either moving out of the district into new territory or pushing up against the territory of neighbouring communities, accentuating problems of regional organisation. The Brooke courts subverted much of the authority of traditional leaders by providing an alternative avenue for the contesting of territorial claims. Though in general the courts sought to uphold and enforce Iban adat and, as a method of dispute settlement, represented an improvement over traditional procedures of last resort, in practice European ideas often intruded or decisions were made with primary regard to administrative expedience and control.

Many of these territorial disputes simply involved disagreement over the location of a boundary, with one community challenging the territorial claim of another by moving in and commencing to clear the disputed land without seeking or obtaining permission. In other cases, however, the dispute centred on the use of shared territory (tanah saum). The out-migration of whole communities left large pockets of valuable territory that remaining communities in the neighbourhood had a strong interest in claiming, and it appears that the development of shared territorial rights was an institutional innovation designed to regulate access to such land in the interests of maintaining order and harmony within the region. Other circumstances leading to the adoption of shared territory included the periodic regrouping and dispersal of communities as a result of inter-regional warfare and government military expeditions, as well as community fission within the one territorial unit. The rules governing the use of shared territory demanded
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that all the interested parties first negotiate an agreement (*empekat*) and, in many cases, farm the land together. This was an obvious application of basic Iban principles requiring clarity and fairness in the allocation of shared resources.

In general, however, the institution of shared territory proved unable to cope with the growing competition among neighbouring communities for access to secondary forest and the instability introduced into the institutional environment with the advent of the Brooke courts. Attempts were made to appropriate shared territory for the use of one community, though there were other instances in which leaders negotiated a mutually acceptable division of shared territory among the interested communities to minimise the risk of conflict. The Brooke courts muddled through this situation, in some cases laying down exclusive boundaries while in others merely enjoining the parties to continue sharing the land amicably. In still other cases the Brooke administration introduced its own version of shared territory as tracts of ‘government land’, either taken over from emigrant communities or imposed on contending neighbours as a way of exercising control.

Toward the end of the Brooke period, however, a more systematic attempt was made by the government to demarcate and record exclusive territorial boundaries, the guiding principle being to arrive at a clear definition of territorial rights which gave each community a fair share of available land resources. Thus the participation of Iban leaders in the process of renegotiating rights to land ultimately led to the reassertion of the principle of territoriality that lay at the heart of the customary tenure system. In this respect, the state’s ‘territorialisation’ activities reinforced rather than disrupted locally defined territorial concepts. As described in Chapter 8, the territorial principle was recognised and upheld in the post-war period by the Supreme Court of Borneo and its successor, the High Court of Sarawak and Sabah, most recently in the landmark *Nor* case. However, it was at first obscured and then actively undermined in post-war land law and policy, with serious repercussions for contemporary Iban communities.

Within the longhouse territory, new rules were developed with much less conflict and hence less reliance on the courts. Given that the option of opening up virgin land was no longer available, Iban values required that those with rights to insufficient land be given access to an adequately fallowed farm plot each year. One way of doing this without upsetting the inherited rights of the first feller was by lending land to close kin and renting land to non-kin. At first this was for a token rent, which, however, steadily increased as land became scarcer. A second option, quite widely adopted in
the Saribas, was for the community to form a reserve of common land (also
termed \textit{tanah saum}) that could be periodically made available to those in
need. This could be done by the headman assuming authority over the land
of emigrant households, or by those remaining in the community pooling
some or even all of their rights to farming land.

These developments reflect a dynamic society in which local communi-
ties took the initiative to resolve emerging problems of access to land. There
was a common ecological basis to this problem, namely, the inelasticity of
the upland environment, preventing the degree of intensification envis-
aged in the Boserup model and thus increasing the value of forest-fallow
land. Yet the responses to the problem were varied as Iban communities,
through their customary processes of collective choice, negotiated locally
acceptable solutions. Again recalling Olson’s (1974) dictum, though it was
profitable for each household to claim property rights to as much land as
possible, given the increasing scarcity of secondary forest, it was not al-
ways considered in the interests of ‘the government of the community’ to
allow those rights. Hence in some cases, contrary to both Demsetz (1967)
and Boserup (1965), population pressure induced an expansion of com-
mon property at the expense of private property in order to uphold the
convention of providing equal access to land for subsistence needs. In an
interesting twist on the ‘moral economy versus political economy’ debate
about the nature of rural society in Southeast Asia, it could be said that the
‘political entrepreneurship’ of community leaders highlighted by the politi-
cal economy school was directed at mobilising collective action to uphold
the ‘subsistence ethic’ posited by the moral economy school.

The Brooke state sought to impose itself on this process, but of neces-
sity in a way that ‘engaged Iban processes and met Iban objectives’ (Walker
2002: 98). Hence, while it certainly had high modernist aspirations, par-
ticularly as reflected in the alien land laws it introduced in the later Brooke
period (a time when many colonial regimes in Southeast Asia and beyond
were actively engaged in modernising customary institutions), in practice
it had limited capacity to remake the Iban land tenure system along more
‘rational’ or ‘legible’ lines (Scott 1998). This project was to await the accu-
mulation of state power by the British colonial and independent Sarawak
governments in the post-war period, notably in the decades since 1981.

\textbf{NOTES}

1. St. John 1862 [1]: 50. As Heppell (1988) notes, fighting with clubs was being
discouraged by Iban leaders in favour of the diving ordeal even before the ad-
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vent of the Brookes, and in any case these measures were only resorted to when a negotiated settlement proved impossible to achieve. It is true, however, as discussed in Chapter 4, that the opportunity to refer territorial disputes to a higher authority provided an alternative means of maintaining order that had many attractions to the Iban.

2. Informants at Ulu Babu in the Rimbas described how their ancestors ‘pressed on slowly into primary forest (kampung) until they finally became hemmed in on all sides (tatak)’ (Field Notes, Ulu Babu, September 1982).

3. An analysis of disputes over farming land recorded in the Betong Court Book between 1868 and 1920 reveals that about 74 per cent were disputes between communities, the principals usually being the respective headmen who litigated on behalf of their followers.

4. *Dau v. Tuanku Akil* was a case heard at Simanggang in 1900 which involved the encroachment of Malays on Iban land in the lower Paku (cited in BCB 1916: 442). The court’s decision was that ‘each bla umai [farm] shall pay tasi babas [rent] 18 cents to the Dyaks’ for farming over the Malay–Dayak boundary.

5. There was apparently some inconsistency, however, when a regional leader’s own community was involved. In an 1885 case, Radin of Skuyat sought to have a boundary fixed between the Layar and the Padah, because his people were ‘at loggerheads’ with Nanang’s about access to farming land (BCB 1885: 634). In this instance, though Nanang acknowledged having an extensive territory, he succeeded in forestalling Radin’s move, arguing: ‘If they [Radin’s people] get possession of the land they will shut him [Nanang] out.’ The court allowed Nanang to retain the prior right but instructed him to lend Radin and his people land whenever they wanted it.

6. Cf. Order VIII in Order Book Vol. II, 1872 (Sarawak Archives), which describes the ‘government marks’ used to demarcate blocks of land for which grants were issued. In *Sampar v. Insol*, the court ordered that government marks be inserted halfway up Sungai Grinjeng in the Padeh on both banks to indicate the division between the two communities (BCB 1913: 203). See also BCB (1915: 417; 1929:1–9).

7. F. A. R. Page-Turner was Second Division Resident from 1915 to 1926 (Pringle 1970: 146).

8. It seems that, in some cases, Brooke administrators may have also regarded the traditional arrangement, whereby neighbouring communities, after obtaining permission, could farm within each other’s territory, as an indication that the land was in some sense ‘common’ (saum). This usage complicates the interpretation of case records, as such an arrangement was quite distinct in practice from the institution of *tanah saum* described in this section. Nevertheless, there are sufficient cases on record which refer quite clearly to *tanah saum* as
shared territorial rights to establish the existence of common land in the sense used here.

9. This and the following suggestion are made by Michael Heppell in a personal communication.

10. Writing of pioneer conditions in the Baleh, Freeman says: ‘In past years it frequently happened that an entire community moved on to occupy new country, and in this event the whole of their former territory was simply abandoned’ (1970: 149). This land was then unilaterally taken over by other communities as if it were under primary forest.

11. Ringgit was told to pay a fee (cukai) for the use of the land or to move away. He chose the latter, saying his preliminary clearing had not been auspicious (enda jadi).


13. Ward (1915: 102) notes: ‘It is an understood rule that no fruit trees are allowed to be planted by those farming on Government or communal land.’

14. The procedure appeared to work smoothly after that, as a note in the court book for 24 April, 1916, says that Melina and six households were allowed to farm on government land in the Ulu Anyut during that year.

15. There had been two government expeditions in that year against the Skrang ‘rebel’ Kedu (Lang Ngindang), who consequently migrated across the watershed into the Kanowit river (Baring-Gould and Bampfyld 1909: 381–2; Pringle 1970: 78, 129, 237–8). The unrest in the upper Skrang would have had repercussions in the nearby Spak and Ulu Layar.

16. Michael Heppell makes this suggestion in a personal communication.

17. The Brooke government officially abolished the custom of tanah ulit by an Order of 1868 (Ward 1915: 108), one of the earliest items of legislation to have a direct bearing on Iban land tenure. The Order was partly to help suppress head-hunting, but was also an explicit measure of land policy designed to prevent scarce farming land being held in reserve. The designation of land as tanah ulit and tanah mali continued to give rise to land disputes after 1868 (e.g., BCB 1874: 160–161; 1877: 485; 1913: 224), but the court consistently refused to recognise the custom. Nevertheless, such disputes usually resulted in the land in question being divided between the claimant communities, and so hastened the process whereby exclusive territorial rights supplanted shared rights. Tanah ulit is still observed today in some areas. For example, in 1982, Sarubah, a relatively land-rich community in the Lemanak, held a reserve of more than 50 ha of secondary forest as tanah ulit in memory of Tandang anak Anom, a former tuai rumah and tuai menoa who died in the late 1950s. The reserve had many uses, serving as a hunting ground and as a source of valuable timber such
as *gerunggang* (*Cratoxylon arborescens*). After appropriate offerings had been made it could be used again for farming, and there had in fact been a proposal to use the land for a community cocoa scheme. However, it was the headman’s view that it should be kept as a reserve for the immediate future (Field Notes, Sarubah, July 1982).


21. In this case, the court rightly ruled that Engkulau could not detain the land required for the longhouse but could only ask for compensation for any trees destroyed. A subsequent case makes clear that Budin also had authority over the allocation of land for farming (BCB 1920: 3).

22. Padoch (1982b: 46–48) has drawn attention to the importance of lending use rights in the long-settled Engkari basin.

23. This is reflected in the phrase, *betukar bulu babas* (exchanging fallow land). Field Notes, Rumah Banta, October 1982.


25. Sutlive states that ‘while a person who leaves his family loses rights of inheritance – by virtue of his not staying by his parents until their death – he does retain inalienable rights to cultivate land, by virtue of the spiritual bond with his ancestors who cleared the land. In theory, the person who moves into another family may return to the annual meeting when sites to be cultivated during the new horticultural year are discussed and request permission to farm land to which his natal family holds rights’ (1978: 44). These observations suggest that Iban land tenure has closer parallels with land tenure among neighbouring groups such as the Bidayuh and the Kenyah than has previously been acknowledged (cf. Geddes 1954b; Whittier 1978).

26. ‘*Kongsi*’ is a Chinese word meaning a syndicate or partnership which has been widely adopted in Sarawak to refer to common property arrangements. Originally the term applied to the small, autonomous, Hakka mining groups which operated in western Borneo in the eighteenth and nineteenth centuries (Chin 1981). It is now frequently used by the Iban as a synonym for *saum*, hence *tanah kongsi* (or *tanah kunsi*) is equivalent to *tanah saum*.

27. Appell (1997), in his overview of Bornean land tenure, labels tenure systems such as this ‘circulating usufruct’, in contrast to systems with ‘devolvable usufruct’, such as the more frequently encountered Iban system in which cultivation rights to a given field are permanent and inheritable. The evidence for the Saribas is consistent with findings elsewhere in Borneo that, while devolvable
usufruct is probably the preferred system among pioneering shifting cultivators (for the reasons given in Chapter 3), there has been considerable fluidity in the choice of tenure arrangements over time, depending on the social and ecological circumstances of a given community (Morris 1976; Dove 1980; Rousseau 1987; Wadley 1997).

28. For example, in Mara v. Mal, it was noted that Mara, a recent arrival, had been able to make use of certain farming land near the longhouse which was 'common to all parties living in the house' (BCB 1900: 343).


30. The principles in this and the next paragraph are derived from Richards (1963), personal communications from Patrick Sibat and Michael Heppell, and from Field Notes, April 1985.

31. At Sekandis in the Lemanak the headman estimates he has 15 to 20 ha of tanah kunsi under his authority, compared with perhaps 40 ha of his own land (tanah diri empu). The tanah kunsi was taken over from three emigrant households and is made available from time to time to those in need of land (Field Notes, Sekandis, April 1985).

32. Informants at Ulu Babu, which is situated in the Rimbas basin close to the Rimbas-Krian watershed, recall the agreement to use the watershed as a boundary to avoid future disturbance. Field Notes, Ulu Babu, September 1982.

33. The order was not interpreted in absolute terms by the Betong court. Page-Turner, who was Resident from 1915 to 1926, apparently gave a judgement that a person could claim swamp land for up to three years from the time of his removal to another community, and Hardie, who was also stationed in the Division for some years, added the injunction that hill land could be claimed for up to nine years (Richards 1963: 115). This was apparently an application of a general principle (discussed below) that land not utilised within a reasonable period was available to whoever else wanted to use it. Further, the court also recognized a migrant’s right to appoint a wakil to administer his land rights.

34. Informants at Lubok Subong in the Lemanak stated that, as they have been exchanging plots of land for hill rice farming for generations, they are neither very clear about which household inherits the rights of the first feller nor very concerned about tracing these rights, arguing that they are all descended from the community’s pioneers in some way (Field Notes, December 1982).

35. As mentioned above, Hardie apparently gave a ‘verbal order’ in the Saribas that nine years was the limit for holding hill padi land (Richards 1963: 115). It is perhaps noteworthy that customary law in Malacca specified that three years of non-use led to the forfeiture of rights to wet padi land, though the right to a hill padi clearing ‘lasts as long as the land is occupied, which is usually a single
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season’ (Maxwell 1884: 358). The seven-year rule for hill padi may have been based on Low’s statement, cited in Chapter 3, that the Iban ‘never return to the same spot until after a period of seven years has elapsed, which they say was the custom of their ancestors’ (1848: 231). This was later reinforced by Brooke Low, who wrote: ‘After having felled the old jungle and farmed on it once, they leave it for seven years to grow up again, and are then ready to use it a second time’ (Roth 1896 [1]: 400). As previously discussed, these observations accord well with Iban notions of the minimum fallow period required to maintain a reasonable productivity. To use them in support of a seven-year maximum, beyond which further fallowing is considered an unjustified detention of land (while perhaps reflecting the increasing scarcity of fallow land) seems an example of bureaucratic regulation inhibiting sound management practice.
The period of Brooke rule not only coincided with increasing competition for land for subsistence production in the Saribas. From the second half of the nineteenth century, Sarawak was increasingly drawn into the expanding global market for tropical primary products, driven by the industrial revolution in Western Europe and the associated improvements in ocean transport between Europe and Asia, particularly the opening of the Suez Canal in 1869 and the advent of iron-hulled steamships (Kaur 1998; Drabble 2000). The Brookes’ approach to the growth in European market demand was ambivalent (Reece 1988; Kaur 1995). On the one hand they actively encouraged the development of Sarawak’s agricultural, forest, and mineral resources, for example, granting concessions to the Borneo Company, established in 1856, and to the Shell-owned Sarawak Oilfields Limited, which developed the Miri field from 1910 (though both of these operations had minimal impact on the Iban during the Brooke period). On the other, they espoused a policy of gradualism and were cautious about, even antagonistic to, large-scale capitalist investment. Whatever the motivation behind the Brookes’ attitude – to protect indigenous interests or to safeguard their own position of power – the end result was the widespread development of semi-commercial smallholder agriculture in Sarawak, based largely on rubber cultivation, offering ‘an alternative form of economic ownership to that practised in other parts of colonial Southeast Asia’ (Reece 1988: 33).
The Saribas Iban were at the forefront of this development. Far from clinging to a ‘traditional’ subsistence economy and resisting the inroads of global markets, they embraced commercial activities on many fronts. As noted in Chapter 3, commercial agriculture was one of a number of activities that provided a new source of status in the changed political culture of the Saribas following Iban submission to Brooke rule (Walker 2002). Pringle (1970) argues that the Saribas Iban led the way in commercial agriculture because of their early pacification and the geographically self-contained nature of the district, isolating them from the unsettled conditions that prevailed in many other Iban regions throughout the Brooke period. This enabled them to channel their energies into a range of new, commercial activities. Sather (1981) adds that the existence of the lower Saribas river as an arterial of commercial shipping, linking the small bazaars at Betong, Spaoh, and Pusa to the main market at Kuching, was also an important factor. This locational advantage particularly favoured the Iban of the middle Saribas, where commercialisation was most rapid and extensive, rather than those in the less accessible Saribas headwaters (i.e., the upper reaches of the Rimbas, Layar, Spak and Padeh streams) who, though certainly involved, were less affected by commercial development.

This chapter traces the emergence, growth, and fluctuation of smallholder commercial agriculture in the Saribas from around 1850 to 1945. The nature and extent of Iban involvement in local barter trade in the mid-nineteenth century is first outlined. It is argued that the commercialisation process essentially began with the forest produce boom of the second half of the nineteenth century, followed by limited involvement in cash crops such as coffee and pepper later in the century. However, the real revolution in Iban agriculture began with rubber planting from around 1910. The expansion of smallholder rubber continued until the Great Depression, then resumed in the mid-1930s, until the Japanese Occupation brought the commercialisation of Iban agriculture to a juddering halt.

BARTER TRADE, C. 1850

It is clear that traditional Iban agriculture was largely geared to local (that is, intra-village or even intra-household) demand. Moreover, production was highly uncertain and the risk of falling below subsistence requirements was ever present. Nevertheless, at least until the second half of the nineteenth century, the Iban generally managed to produce a small surplus of rice, which they barter-traded for a number of goods not locally available. Brooke Low commented on the widespread production of surplus rice for trade:
Land and Longhouse

They grow, both individually and collectively, far more than they require for their own consumption, and with the residue they purchase necessaries, such as salt, steel, iron, and luxuries such as personal ornaments for their families. If the harvest has been really plentiful they are even able to afford to purchase gongs and toddy, and perhaps a jar or two (in Roth 1896 [1]: 421).

The exchange of rice for salt and salted fish was the basic element in this trade. As Brooke Low indicated, however, it was not only salt that the Iban required. Their agricultural technology depended on the use of iron and steel and they had in addition a marked preference for the acquisition of bronze gongs, brassware, glazed earthenware jars and other items which served both as prestige goods and as a store of wealth in an environment where few things were durable.

Moreover, rice was not the only Iban export. Apart from miscellaneous forest products, cotton cloth was an important trade item. As mentioned in Chapter 3, the Iban traditionally cultivated cotton (*taya*) in separate gar-

![Fig. 6.1 Kuching waterfront around 1910, at the start of the rubber boom. The maritime route between Kuching and the Saribas was an important factor in the early commercialisation of Iban agriculture (Sarawak Archives, Kuching).](image-url)
dens (*empalai*) and processed the lint into a variety of garments. As Hugh Low noted:

"Cotton is grown by the Sea Dyaks in sufficient quantity for their own use, and to make cloth for exportation ... [J]ackets and chawats [loincloths] are manufactured by the Dyaks of Sakarran [Skrang] and Sarebas, as are also the cotton bedangs [skirts] of the women, and in times of peace they form an article of export to all tribes of the neighbouring countries, the natives of none of which manufacture them for themselves (1848: 55, 178)."  

The Iban and surrounding tribes had for some time also made use of imported textiles, but the Iban-made product continued to occupy a niche in the local trade.

While the agricultural surplus produced by the Iban in the Saribas and other districts was an important feature of the local regional economy, its size should not be exaggerated. A reasonable estimate is that, averaged over a run of good and bad seasons, Iban farms produced a rice surplus of 10–15 per cent, requiring yields of say 750 to 800 kg per ha. Such yields are still readily obtained from well-fallowed and well-managed hill farms in the Saribas, and some villages produced surpluses of this magnitude as recently as the Japanese Occupation. However, the capacity of traditional Iban agriculture to produce higher yields and a larger relative surplus was extremely limited.

In summary, the Saribas Iban economy around 1850 was largely self-sufficient and non-monetised and in that sense it may be reasonable to label it a ‘subsistence’ or ‘pre-commercial’ economy. However, the Iban did produce a small surplus of rice, cloth, and forest products, which they bartered in a local trading network for salt, iron, imported cloth, and durable prestige goods. This surplus was apparently produced with considerable spare capacity in terms of both land and labour. The overall level of production was restricted, not by limited aspirations on the part of the Iban, but by the limited technical possibilities of shifting cultivation and by limited effective demand, exacerbated by a chronic state of warfare.

**THE FOREST PRODUCE BOOM**

The second half of the nineteenth century brought important changes to the Iban economy, initially in the Saribas but soon spreading throughout the Iban territory. Two factors were important in this respect. First, the imposition of Brooke rule in the Saribas (effectively from the defeat of Rentap
on Bukit Sadok in 1861) signalled the end of a long period of conflict and turmoil and thus opened the way for further Iban involvement in trade. Second, as noted above, from the 1860s there was a rapid growth in European demand for tropical raw materials, including forest products. Chief among these as far as Sarawak was concerned were the wild rubbers or guttas, in particular gutta percha (the coagulated latex of the tree *Palaquium gutta* and other *Palaquium* species) and India rubber (obtained from the fig tree *Ficus elastica* and from vines of the genus *Willughbeia*). Other forest-product exports (not all destined for Europe) included cutch, rattans, timber and barks, edible birds-nests, camphor, and beeswax (Baring-Gould and Bampfylde 1909: 434–435; Burkill 1936).

The Saribas District itself was not an important source of gutta, but the men, long accustomed to travelling (*pegi* or *bejalai*) far from home on head-hunting and hunting-and-gathering expeditions, fanned out through the river systems to the north as far as the Baram and beyond, travelling and working in small bands (Pringle 1970: 193–199). Their method of tapping gutta was to fell the tree and cut rings around the trunk to release the latex, thus the resource was progressively destroyed in the process of exploiting it (Burkhill 1936[2]: 1652). The search for gutta and other forest produce took the Iban further afield than Sarawak. According to Burkill (1936[2]: 1656), ‘Dyaks’ (almost certainly Iban) were involved in the gutta trade on the Malay Peninsula in the 1870s. This was part of a general pattern in which groups of Iban men would embark on trading voyages to other parts of Borneo, and to Malaya, Sumatra, and the Philippines, frequently making use of the steamships which now plied the region. Baring-Gould and Bampfylde, in their semi-official history of Sarawak published in 1909 (before the boom in plantation rubber had affected the region), wrote of the Iban: ‘At present, their energies are almost entirely confined to working jungle-produce; though to seek this, they have now to go into the far interior, and this is often the cause of their getting into trouble with remote and wild tribes; they also go to North Borneo, Dutch Borneo, Sumatra, the Malay peninsula, and even as far as Mindanau, in the Philippines’ (1909: 376).

The nineteenth century trade in forest produce was an important phase in the commercialisation of the Iban economy. Compared to the simple barter economy which existed before, in which locally produced rice was exchanged directly for locally produced salt and salted fish, the gutta trade linked the Iban to a monetised export market in which Chinese traders played a crucial role. Moreover, the revenue from gutta far exceeded Iban requirements for the locally available necessities and permitted consider-
able accumulation of wealth, sometimes invested in savings and property in addition to the traditional prestige goods. As the gutta boom neared its end, Baring-Gould and Bampfylde observed: ‘Many Dayaks place the money they have saved with the Chinese on interest; some have erected shops which they let for rent; but with most the prevailing idea of riches is an accumulation of old jars and brassware. There is no man keener on the dollar than the Dayak, or keener on retaining it when gained’ (1909: 376–377).

From 1910 gutta percha and India rubber declined in importance as the output of plantation rubber (*Hevea brasiliensis*) rose. The major forest product for the Saribas Iban in the twentieth century was illipenut, obtained from a number of trees of the genus *Shorea*, particularly *Shorea gysbertsi-ana*, which the Iban have long planted along the river margins (Smythies 1958, 1961; Sather 1990). The oil extracted from the nut is known as illipe butter or Borneo tallow and is used mainly as a substitute for cocoa butter in the manufacture of chocolate. Fruiting is irregular and a heavy crop occurs on average every five years or so, bringing a ‘windfall’ to the owners, though considerable labour must be expended to collect and husk the nuts at a time which coincides with the rice harvest. Sather (1990) records that planting of illipenut in the Paku and Padeh branches of the Saribas actually began in pre-Brooke times and that Chinese river traders established a market for illipenut kernels from the 1870s. Thus illipenut was ‘the first significant source of cash income for the Paku Ibans, so much so that early Brooke silver dollar coins came to be known locally as *ringgit engkabang*’ (1990: 28). Though illipenut trees continued to be valued as a supplementary income source, in general forest products took a subsidiary role to cash crops from the early decades of the twentieth century.

**EARLY CASH CROPS**

The first cash crop to be taken up by the Iban was coffee. The government had been experimenting with coffee at Matang, near Kuching, since 1866, with little success (Loh 1965). In 1879, however, Liberian coffee (*Coffea liberica*) was introduced to Sarawak and the *Sarawak Gazette* reported that planting material would be ‘distributed about when ready’. An experimental garden was established at Simanggang in the 1880s (Pringle 1970: 202), and when the world price of coffee rose sharply towards the end of that decade a number of Iban began planting the crop, with government assistance in the form of free planting material and, in some cases, finance. Liberian coffee grows best in a well-drained riverine environment and so was mainly planted in the middle reaches of the river on terraces and low hills, some
of which were cleared of old forest for the purpose. The crop was less ex-
tensively planted in the hilly upriver zone, though many upriver farmers,
attracted by the high prices, did plant small areas along the river margins.\textsuperscript{7} It was the usual practice to inter-plant the immature coffee with cassava,
sugar-cane, fruit trees, herbs, and so on, though D. J. S. Bailey, the Resident
at Simanggang, condemned the practice (SG 1895: 127).

Among the first planters were leading Iban families in the middle Sar-
bas who established their gardens early in 1889 and obtained their first out-
put in 1892 (Pringle 1970: 202–203). In 1895 the Resident reported: ‘The
Stambok [i.e. Stambak near Betong] gardens are being enlarged. Gergasi
[the ‘praise-name’ for Budin], the head of the house there owns quite eight
hundred trees [about 1.5 ha] and employs labour (Dyak). His paddy farm
this year was made for him by Malays on wages’. He added that ‘the site
of the new gardens in Paku has been cleared by Penghulu Kedit and his
people’ (SG 1895: 128). In 1896 an Assistant Resident inspected a number
of coffee gardens ‘in and below the Padi [Padeh], Saribas; his report upon
the progress made there is very encouraging’ (SG 1896: 31). Coffee exports
from the Saribas grew from 19 pikuls (just over one tonne) in 1892 to 397

\begin{center}
\textbf{Fig. 6.2} Saudagar Jeti, an early Iban trader from the Krian district (Sarawak
Archives, Kuching).
\end{center}
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pikuls (about 24 tonnes) in 1896 (SG 1896: 32; Pringle 1970: 203). Iban in other parts of the Second Division also took up coffee planting, but not to the same extent as in the Saribas (SG 1895: 145; 1896: 14, 31–33).

Coffee prices continued to be favourable for a number of years but dropped markedly towards the end of the 1890s due to rapid expansion of production in Brazil. Most Iban coffee gardens were abandoned; probably many of those planted in the mid-1890s were never harvested for sale. Many gardens, of course, had been inter-planted with fruit or illipenut trees, minimising the loss incurred. In any case, the coffee enterprise was highly profitable while it lasted. To illustrate, Penghulu Kedit of the Paku netted $84 from his coffee in 1892 (Pringle 1970: 203). At that time the price of unhusked rice was about five cents per gantang (two cents per kg), so the revenue from coffee would have been sufficient to purchase 1,680 gantangs (over 4 tonnes) of rice, more than a year’s supply for an average household. In fact, there is no indication that coffee-growing necessitated a reduction in rice output, so the revenue generated was available for the acquisition of other items, including prestige goods such as jars and cannon.

Some Saribas farmers also planted pepper (Piper nigrum) during this period (Ward 1966: 46–47). Pepper had been cultivated in association with gambier by Chinese farmers in the vicinity of Kuching since the late 1870s (Chin 1981: 57–58). Court records indicate that a few Chinese pepper gardens had been established around Betong by the 1880s and that Iban workers were employed on them (BCB 1889: 472; 1901: 299). With a local source of planting material and the example of Chinese methods of cultivation, it is not surprising that a number of Iban began to experiment with the crop. Nanang, one of the leading Saribas Iban, had several pepper gardens at his longhouse in the Padeh around the turn of the century (Ward 1966: 47). However, pepper cultivation is much more labour- and skill-intensive than coffee and was not widely adopted among the Iban until the 1950s.

THE RUBBER BOOM

With the advent of plantation rubber (Hevea brasiliensis), the Iban were drawn into commercial agriculture on a wide scale. Unlike in Malaya, rubber in Sarawak has always been primarily a smallholder’s crop. It is true that the first commercial planting was done by the Borneo Company, with its estates at Dahan (opened in 1902) and Sungai Tengah (opened in 1907), and that this firm produced the first substantial exports in 1910, several years before smallholder rubber came onto the market (Tremeer 1964). Brooke policy, however, was to favour smallholder production and limit the devel-
opment of European estates. Only five large estates were ever established, none of them in the predominantly Iban Second Division. Charles Brooke wrote to his youngest son in 1910:

I hate the name of Rubber and look on it as a very gigantic gamble ... Of course I know the tree & its growth perfectly well and am now spreading the cultivation among the inhabitants in a humble way hoping that they will make a genuine concern out of its small profits ...^8

The government had established experimental rubber gardens near Kuching around the turn of the century (Tremeer 1964). By 1908 these gardens were ready for tapping and some 60,000 seeds were made available for distribution to various parts of Sarawak. In 1910 the Sarawak Gazette was advertising rubber stumps for sale at $5 per 100. These were bought and distributed largely through the existing network of Chinese traders. Hence, by the end of the decade, when the world price of rubber boomed, the stage was set for widespread planting of rubber by smallholders. A. B. Ward, then Resident at Simanggang, wrote in his memoirs: ‘I think that the years 1911–12 might be designated the Planting Era. Natives caught the rubber infection badly. Malays planted up all the land they could. Dyaks followed suit, and rubber banished all thoughts of tribal warfare and headhunting’ (Ward 1966: 145).

Rubber fitted well into the Iban agricultural cycle and grew well in a wide range of soil types.\(^9\) When it had been decided to establish a garden, the hill rice farms for that year would be cleared close to the longhouse or along a larger, more accessible stream, and the rubber seedlings interplanted with the rice after weeding, or in the stubble following the rice harvest. The forest regrowth would be slashed periodically in subsequent years to promote the growth of the young trees, and after 8–12 years the rubber would be ready for tapping (Bridges 1937: 66), though failures in establishment did occur. This low labour-input, ‘silvicultural’ approach to crop establishment was already a familiar technique used in cultivating indigenus tree crops such as fruit, illipenut, and gutta trees. In effect the rubber garden was a ‘managed’ or ‘enriched’ forest-fallow that rendered the shifting cultivation cycle more productive. Iban informants from the Kanowit District, adjacent to the Saribas, state that their practice has been to take three or four crops of hill rice from virgin land, with relatively short fallow periods in between, until the soil was temporarily exhausted (\textit{kusi}), and then put the area under rubber. Of course, once planted to rubber a site would not be brought back into rice cultivation for several decades, which
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put more pressure on the remaining fallow land. However, when the rubber eventually became unproductive it was a relatively simple matter to re-clear the land, by which time the build-up of crop nutrients was frequently sufficient to support two successive rice crops (similar to land cleared of old forest, as discussed in Chapter 3). By the 1980s many plots of land had been through at least two such rice-rubber cycles.

Initially it was expensive to establish a garden because of the price of planting material. Rubber seed sold in the Saribas at 5 cents each, and rub-

Fig. 6.3 Iban rubber holding, partially cleared for tapping in response to favourable prices.
ber stumps would have cost more. Hence the capital cost of establishment was at least $25 per ha. The price of unhusked rice at that time was 3–4 cents per kg so the per hectare capital cost was equivalent to about 750 kg of rice, or more than half the annual requirement for the average household. Once a garden had been established, the owner had a ready source of seed and self-sown seedlings to use in extending the planted area, and gardens established on bottomland were almost self-replacing. However, the high start-up cost meant that only households with adequate reserves could plant extensively from the outset and so make the most of the boom.
years. The establishment costs were easily recoverable given that in 1918 gardens could be leased out for an annual rent of $2 per tree or $1,000 per ha (SCB 1918: 62).

Once again the Saribas Iban were the first to respond to the new opportunity. In the riverine zone at Stambak, below Betong, the headman Budin (the coffee planter of the 1890s mentioned above) planted over 4,000 seedlings (perhaps 8 ha) in 1909, with seed brought back from Singapore by his son Lumpoh (Pringle 1970: 203–204). Another early planter, Penghulu Saang, obtained seed from Stambak to plant at Pelandok in the Paku branch of the Saribas in 1912. In the middle Layar, Gensurai is remembered as an early centre of rubber planting and as a source of rubber seed for surrounding communities. Initially it was the wealthier Iban communities with a large land base and an accumulated surplus from the gutta and coffee booms which embarked on rubber planting. In a short time some households had planted up to 10 ha, much more than an average-sized household could hope to tap. Communities in the more remote parts of the Saribas, such as the Ulu Layar and Spak, were slower to respond and planted much smaller areas. This was also the pattern in less commercialised districts such as Lubok Antu (Jensen 1966).

Though the world price of rubber dropped sharply after 1910, tapping continued to be profitable for the rest of the decade and planting proceeded apace. The larger Saribas gardens began to be tapped from around 1915. Initially, standards of tapping were understandably low. In a court case concerning damage to trees caused by overzealous tapping, the magistrate observed: ‘There is not a single garden in the whole of the Saribas that is properly tapped right through’ (BCB 1922: 160). This was partly due to the practice of employing Iban from the upper Saribas and other areas, as well as Malays and Chinese, as tappers. The contractual arrangements included share-tapping, cash leasing, and daily wages; in many cases a Chinese entrepreneur would enter into a cash lease with the Iban landowner and then employ wage labourers (kuli) to tap the rubber garden (Chapter 7). Iban from more remote areas who had seen the profits to be earned from the first Saribas gardens soon acquired planting material and established smaller gardens of their own. For example, many farmers from upriver longhouses such as Batu Lintang in the Layar and Nanga Tapih in the Spak worked initially on gardens at Gensurai and then bought seed from there at 5 cents each. In some cases they paid for planting material with rice or the valuable Borneo ironwood (*Eusideroxylon zwageri*).

Iban rubber planting and tapping continued in the 1920s. Following a sharp but brief recession in 1920–22, rising world demand, coupled with
the restriction on world output achieved by the Stevenson Scheme (1922–28), led to a recovery in prices which peaked in 1925 before falling away towards the end of the decade (Barlow 1978).17 In communities where extensive planting had already taken place, households often had two or three share-tappers from other areas in residence, and elderly informants at Batu Lintang in the 1980s recalled that tapping would commence at 2–3 a.m.18 Consequently the Layar and Paku Iban ‘experienced unparalleled material prosperity,’ enabling further investment in agriculture, business and trading, as well as the construction of ‘palatial’ ironwood longhouses and the celebration of elaborate gawai festivals on an unprecedented scale (Sather 1981: 127–129). According to Benedict Sandin, rubber was initially paid for in silver dollars, but when the Saribas District Officer attended a large gawai festival and saw that such coins were used in their hundreds by the Saribas women to decorate their skirts, he recommended that silver dollars be withdrawn from circulation (Sather 1981: 129).

At some time, possibly in the late 1920s, a story began to circulate throughout Sarawak and other parts of Borneo that the spirit of rubber would drive away the rice spirits (samengat padi) – the placation of which was essential to obtaining an abundant harvest – and so bring disaster to

Fig. 6.5 The Iban manufactured rubber sheets that were dried in the sun rather than smoked. Note the extensively tapped panel on the adjacent tree.
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those who persisted with the new crop. In some versions the rubber trees were said to have actually eaten the rice crop. The story, based on a dream, was so firmly believed that some families in upriver areas cut down their rubber trees and numerous others restricted their planting to a small area (Freeman 1970: 268; Pringle 1970: 203; Dove 1996). While those who cut down their trees clearly took an extreme view of the threat posed by rubber planting, the general response to the story suggests an underlying concern to maintain a balance between rice and rubber rather than a reaction against commercial agriculture as such. As Dove points out, ‘the most common response to the dream ... was not to fell the rubber trees but to balance development of the rubber sector against the continued importance of the subsistence rice sector, a response far more important in the long run than any rubber-felling that took place’ (1996: 44). Elderly informants at Batu Lintang and Nanga Tapih say they took no notice of the story, which emanated from a man at neighbouring Merunjau, hence no ritual prohibitions (pentī) were introduced. Yet, as discussed below, Saribas farmers in general managed to keep a balance between rice and rubber throughout the pre-war rubber booms.

By the time of the Great Depression in 1930–1932, the total area of rubber in Sarawak was an estimated 86,000 ha, of which 90 per cent was planted by smallholders (Bridges 1937: 64–65). Of the estimated 75,000 gardens, about 80 per cent belonged to indigenous farmers, mostly Iban and Malay. In the Saribas and Kalaka districts alone there were over 6,000 gardens (SG 1930: 261).

THE DEPRESSION AND AFTER

The Depression caused considerable dislocation to the Saribas economy. Administrative reports for 1930 indicate that rubber tapping had practically ceased and that the more commercialised areas were feeling the greatest impact. Itinerant rubber tappers were out of work, upriver traders closed their businesses, and many Chinese left the area for Kuching (SG 1930: 260, 284, 302). The Resident, J. B. Archer, took the view that excessive planting of rubber in the Saribas had caused a shortage of rice land, requiring intensification of farming techniques. Reporting on a visit to Betong in May 1930 he wrote:

Pengarah Isek and Penghulu Ijau had little to say, except to complain of the poor harvest and the shortage of good farming land. It was pointed out that large areas of old farming land had been planted with rubber by the Dyaks themselves. It seems as if the time is com-
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... when more exact and painstaking methods of padi farming will have to be adopted by the natives if rubber remains at a low price and they rely on their padi for existence (SG 1930: 175).

Later in the year he commented: ‘The Saribas Dyaks are feeling the situation perhaps more than the other natives in this Division, and I think that many of them regret the impulse that prompted them to plant rubber on much good padi land’ (SG 1930: 302).

It is likely, however, that these reports were referring mainly to swamp rice land in the vicinity of Betong; there is little indication that rubber planting had in fact caused a shortage of land for hill rice farming at this stage. In any case, hill land under rubber could if necessary be cleared for rice cultivation as readily as land under secondary forest, whereas once swamp rice land was planted with rubber it would require several years to get it back to its original state because of the need to progressively remove the tree stumps. The largest Saribas plantations were probably up to 15 ha, most of which were found in communities such as Gensurai and Batu Lintang with a relative abundance of land. More than a decade later, during the Japanese Occupation, Batu Lintang had some land that had been fallowed for 20–30 years and which presumably it found no need to utilise for hill rice in 1930–32. In other communities in the upper Saribas and elsewhere such as Nanga Tapih, where land shortage was perhaps imminent, rubber holdings were mostly 1–2 ha and would not therefore have appreciably affected the fallow period for hill rice. It is true that in the 1920s there had been a tendency for some communities in the Paku to open up land in the lower part of the river, which might be taken to indicate a shortage of land upriver (Sather 1981: 109). However, this was as much to plant sago palms (*Metroxylon sagu*) as to enlarge the area of rice land and is best regarded as an extension of the investment in commercial agriculture which had begun with rubber in the 1910s. This suggests that only land which was considered surplus to the requirements of the normal forest-fallow cycle had been allocated for rubber and that when this land was all planted the tendency was to look for commercial opportunities outside the longhouse territory rather than encroach on the remaining rice land.

Indeed, it appears that hill rice farming remained a priority even at the height of the rubber boom. The employment of share-tappers meant that the owners of rubber gardens were free to continue their rice farming pursuits. Informants from Batu Lintang say they never ceased to plant hill rice (*enda kela enda bumai*). Similarly, Benedict Sandin recalled: ‘The Saribas people were ... quick to appreciate the value of commercial agriculture ...
Even so, no matter how well off they became, they did not abandon rice growing. Rice means security’ (Sather 1981: 129). It is unlikely, then, that farmers would have allowed their reserves of fallow land to reach critical levels, at least in terms of the prevailing population density. Moreover, there is no evidence that the Saribas Iban or those in other areas were in fact chronically short of rice in this period (though as always seasonal variability in yields occurred). Most informants recall the pre-war years as ones of adequate rice harvests and relative self-sufficiency. This is not to deny that the Iban suffered during the Depression, but the hardship was mainly due to a loss of cash income, which they had come to regard as essential, not to a shortage of land on which to grow food.

The limitation on cash-earning opportunities was exacerbated by the government’s decision to participate in the International Rubber Restriction Scheme, which operated for ten years from 1934, though it was made redundant by the Japanese invasion in 1941 (Bridges 1937; Bauer 1948:

Fig. 6.6 An Iban farmer in the upper Kanowit carrying sun-dried rubber sheets from the longhouse for transport by river to the nearest bazaar.
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107–109). The decision to participate was opposed by outstation officers who could see it was inimical to the interests of Sarawak’s smallholders. According to Pringle (1970: 334), Sarawak was pressured to join by the British Colonial Office, which was exercising increasing influence over the operations of the state in the decade before World War II. The Third Rajah’s brother, Bertram Brooke, ‘warmly supported the Scheme and took an active part in its administration’ (Reece 1982: 54).

The Scheme involved Sarawak accepting an overall export quota and imposing a ban on all new planting. In the absence of detailed information, the quota for smallholders in Sarawak was ‘essentially determined by bargaining’ (Barlow 1978: 63) and proved to be a serious underestimate of the potential output. It was later discovered that smallholder yields averaged a respectable 545 kg per ha (not including the ‘very high-yielding up-river empran rubber’, that is, the more recently planted Iban areas along the river terraces), compared with 531 kg per ha for smallholders in Malaya in 1932 (Bridges 1937: 73). Initially a ‘tapping holiday’ scheme was used to restrict production by specifying extended periods during which rubber could not be tapped. In 1935 there were two periods totalling 44 days, and in 1936, five periods totalling 114 days (Bridges 1937: 16–17). However, production continued to rise, and in 1938 tapping holidays were abandoned in favour of issuing transferable coupons to all smallholders limiting the amount of rubber which could be sold to dealers.23

As Reece (1982: 54–56) describes, rubber restriction was very unpopular among Chinese and Iban smallholders alike and created severe administrative problems for the government. According to Bauer (1948: 109), ‘there was considerable discontent over the prohibition of new planting, especially the eradication of self-sown seedlings.’ There were many instances of flouting the prohibition on new planting (which was eased only slightly after 1938 to allow expansion of up to 5 per cent of the assessed area of a holding (Barlow 1978: 66) and numerous fines were imposed and arrests made. Elderly Iban at Batu Lintang in the 1980s still recalled with considerable feeling the imprisonment of several of their contemporaries for up to six months for having broken the regulations.24

It is clear, then, that with the gradual recovery in prices after 1932, rubber was still an attractive alternative to the Iban. In fact, from Iban testimony, it appears that the incentive to go on planting and tapping was still strong even in the years of very low prices because there was no other way to generate the desired cash income, the markets for pepper and forest produce being equally poor.25 When government restriction of Chinese immi-
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... 

...
rubber regained its position as a major source of employment and income. Anthony Richards, Saribas District Officer, recalled that around this time there was a large community of ‘strangers’ in the upper Saribas, including Iban from as far away as Limbang, Malays, and around 800 Hakka Chinese rubber tappers (many of whom were trapped there during the Japanese Occupation).26

Around 1940, after three decades of smallholder rubber planting in Sarawak, the total assessed area under rubber was 96,987 ha, of which 92.5 per cent was in holdings of less than 40 ha and 47.5 per cent was in ‘Native’ holdings (Hepburn 1949: 68). Altogether there were 78,250 ‘Native’ holdings (in a total of 96,838), giving an average of 0.6 ha per holding. Most Iban households in fact had more than one holding but the average planted area per household was probably no more than 1–2 ha, indicating that the larger Saribas gardens were not typical. Sarawak's exports of rubber in 1940 totalled 35,786 tonnes, valued at $26,167,140, compared with 11,380 tonnes in 1929 immediately before the Depression (Bauer 1948: 8).

THE JAPANESE OCCUPATION

The Japanese Occupation (1942–1945) brought to a halt the development of cash crops in Sarawak (Cramb 1998). There was little Japanese demand for Sarawak’s two major pre-war exports, rubber and pepper, though strong encouragement was given to the production of surplus food, particularly after 1943 when self-sufficiency became an absolute necessity (Reece 1982, 1998). Consequently, Iban hill farmers channelled virtually all their resources into shifting cultivation and their economy reverted in its essentials to that of the mid-nineteenth century, though some rubber planting did take place, presumably in anticipation of an eventual resumption of trade.

It appears that there was still sufficient secondary forest in the Saribas to permit maximal expansion of the annual cultivated area without causing a decline in yields.27 Informants recall clearing land that had been fallowed for 10–15 years and in some cases much longer. It is true that in some areas, such as the Spak, which began to experience a chronic shortage of rice after the war, the fallow periods were at the lower end of the range, but even this was apparently adequate to sustain production at satisfactory levels for the duration of the Occupation. Farm sizes in this period ranged from about 1.5 to 4.0 ha depending on the size of the household. The yields obtained were of course low and variable, ranging from 500 to 1,000 kg per ha, but given the larger areas cultivated, total production ranged from 1,000 kg to 4,000 kg per household, hence many households were producing a small
surplus of rice. Those that failed to produce a surplus in any one year could usually work for their neighbours in exchange for rice, though there was some resort to the usual famine foods, cassava and sago.

In general, then, the Saribas Iban did not suffer a shortage of food during the Japanese Occupation and many look back on the period as one of favourable or ritually ‘cool’ seasons (taun celap) and good crops (bulih padi). Those with surplus rice were able to sell to the Japanese, who required 180 kg from each household. In some more remote longhouses only a few households actually sold rice, while in others every household managed to sell 120–180 kg. The Japanese also bought cassava, which the Iban grew extensively as an intercrop. The food was purchased with Japanese currency (the value of which was soon eroded by inflation) and with consumer goods, which were in short supply, particularly cloth and clothing. Those longhouses with a surplus also sold rice to other longhouses and to Malays and Chinese. The shortage of consumer goods, especially after 1943 when most outside supplies had been cut off, forced the Iban to revive some of their subsistence technology which had fallen into disuse. Clothing was once again made from bark-cloth and from home-grown cotton. The production of cotton carried on into the immediate post-war years so that by 1948, when the supply of imported cloth was back to normal, Penghulu Ulin of the Spak was enquiring about market possibilities for the considerable stocks of cotton his people had accumulated (SG 1948: 199).

CONCLUSION

The rapid expansion of commercial agriculture among the Saribas Iban during the Brooke period reflected the capacity and motivation of upland communities to engage with the global market economy while still firmly committed to their customary subsistence pursuits. In particular, the largely unassisted spread of Iban rubber planting closely paralleled that among smallholders in Malaya, both in the rate of expansion and the level of productivity attained. The expansion conforms to Myint’s (1958, 1973) first stage in the transition to the money economy, in which the existence of surplus labour-time and surplus land enables households to produce a cash crop without reducing their subsistence output. In the case of the Saribas Iban, the highly seasonal nature of the labour requirements for shifting cultivation, with sharp peaks at planting and harvesting, meant that labour could be allocated to rubber planting and tapping during the intervening slack periods, without affecting the level of rice production. In addition, the extensive areas of secondary forest controlled by Saribas communities
meant that some land could be allocated to rubber planting without significantly affecting the forest-fallow process for hill rice. As discussed in Chapter 3, only when the fallow period was forced below seven to eight years would there be an impact on rice yield. Rubber trees had the extra advantage of being, in effect, an enriched form of forest-fallow, further reducing the trade-off between rice and rubber.

Hence the commercialisation of Saribas Iban agriculture involved little cost, other than the initial outlay for planting material, and was relatively riskless, with subsistence production still secured. As Myint’s analysis implies, the process at this stage was thus completely reversible. During the Great Depression and particularly during the Japanese Occupation, Iban households retreated with relative ease to reliance on subsistence production, not only of food but also of other material needs such as clothing. Ultimately they had the option of cutting down the rubber trees to return the land to the shifting cultivation cycle. However, apart from the brief reaction of some Iban in the 1920s to the prospect of excessive rubber planting, most households were keen to retain and expand their rubber holdings in view of the unprecedented wealth they had generated during boom times.

Though still at the first stage of agricultural commercialisation, rubber planting set in train processes of economic differentiation within and between communities. Those households with reserves of capital from previous commercial activities had the capacity to hire labour for planting and tapping, hence could adopt rubber earlier and on a larger scale than others. The capacity of communities to cope with the issue of internal differentiation in access to land is considered in the next chapter. However, the supply of extra-household wage labour for the larger rubber holdings was derived mainly from outside the community. Upriver Iban from the Saribas and other less commercialised regions, as well as Chinese and Malay workers, flooded in during boom times. For the upriver Iban, working on rubber holdings in the middle Saribas was a transitional stage to planting rubber on their own land. The Chinese and Malay workers came from towns and villages in the lowlands of the Saribas District and beyond. They were attracted by the high wages but in most cases did not remain in the region when prices slumped. Hence the intermittent appearance of a large number of wage labourers in Saribas Iban communities did not signal agrarian differentiation in White’s sense of ‘a cumulative and permanent … process of change’ based on ‘increasing inequalities in access to land’ (1989: 20). Nevertheless, rubber planting did create or reinforce an economic gap between the more prosperous longhouses of the middle Saribas and those in the upriver zone that spilled over into subsequent involvement in com-
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merce, education, and politics. It was not until the pepper booms of the past three decades that this gap was substantially closed (Chapter 10).

The engagement of Iban communities with the market received minimal support from the Brooke state. The provision of rubber seed in the early years was crucial to the rapid adoption of the crop, but thereafter government officials merely looked on with some ambivalence. The marketing of rubber was entirely in the hands of Chinese traders. The main contribution of Brooke policy was the negative one of discouraging capitalist plantations, thereby avoiding a potential conflict over the appropriation of Iban land. Nevertheless, when the two rubber restriction schemes were initiated in Southeast Asia, the Sarawak state vigorously enforced them, even though they were designed to defend British and Dutch plantation interests and were detrimental to the livelihoods of large numbers of Iban and other smallholders. Iban from the Saribas and indeed throughout Sarawak resisted the ban on rubber planting, suffering fines and imprisonment as a consequence, adding to their resentment of the Brooke regime in the 1930s. Though the decision to participate in rubber restriction reflected the personal and cultural allegiances of the Brookes rather than high-modernist planning on the part of an extractive colonial state, it demonstrates that Sarawak under the Brookes was governed in many respects as if it were indeed part of the British colonial domain.

NOTES

1. Charles Brooke, writing to his son Harry Brooke, who had proposed giving support to a British plantation venture in Sarawak, March 5, 1910; reproduced in Pringle 1970, Appendix A.

2. As Clifford Sather points out in a personal communication, in the post-war period the social and economic impact of the Miri oilfield on the Iban has been substantial. The growth of the oil sector has induced first circular migration (pegi or bejalai), then permanent migration (pindah) from Iban longhouses. It was mentioned in Chapter 2 that residents of Batu Lintang see themselves as having ‘another longhouse’ in Miri due to the number of families who have settled there.


4. This discontinuity was partly related to the earlier polarisation between ‘upriver’ and ‘downriver’ Iban, referred to in Chapter 4, and persisted well into the post-war period.
5. ‘Neighbouring countries’ in this context refers to nearby river systems such as the Sarawak, Samarahan, and Sadong.

6. Chinese traders had expanded their activities along with the frontiers of the Brooke state, establishing shophouses in the vicinity of the Brooke forts and also engaging in riverine trade with the longhouses (Chew 1990, chs. 4–5). They largely displaced Malay traders who had controlled riverine and coastal trade in the pre-Brooke era.

7. Field Notes, Batu Lintang, September 1983.

8. vFrom a letter to his son Harry, dated March 5, 1910, reproduced in Pringle 1970: 360.


11. Sather (1981: 127) incorrectly places this event in the 1890s, citing an 1895 report in the Sarawak Gazette which in fact refers to coffee planting (SG 1895: 128).

12. Information from Peter Kedit.


14. When the Betong bazaar burned down in March 1916, among the goods destroyed were ‘some 25 pikuls of para rubber waiting shipment to Kuching’ (BCB 1916: 435).

15. From around the 1870s the Brooke government had encouraged a steady influx of Chinese labourers (sinkeh) to Sarawak, both contract labourers and free immigrants (Chin 1981, ch. 6). Hence there was a floating pool of landless labourers willing to take up opportunities such as working on Iban rubber holdings.


17. Sarawak participated in the Stevenson Scheme as it did in the more rigorous International Rubber Regulation Agreement of 1934 (Pringle 1970: 334).

18. Field Notes, September 1983.

19. Uchibori (1984) suggests this may have occurred in the early 1930s as an anxiety reaction to the Great Depression (see below). However, it seems more likely that anxiety about the encroachment of rubber would have arisen during the mid-late 1920s when the ‘rubber frenzy’ was in full swing rather than at a time when tapping and planting were in decline. Of course, it is also likely that there were many sources of the story and that it spread over a number of years.

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23. Sather records that the Pelandok longhouse in the Paku was constructed by Chinese carpenters who were paid with rubber coupons (1981: 128).
25. Details in this and the next three paragraphs are derived from Field Notes, April–May, 1985.
27. Field Notes, September 1983.
28. It is perhaps no coincidence that Alfred Jabu Numpang, arguably the most powerful and wealthy Iban political leader in recent decades (Chapter 8), is from Gensurai, one of the earliest and most successful rubber-planting communities.
The solution of the Dayak problem must be sought in the gradual conversion of the Dayak into a permanent cultivator of the land. So long as the Dayak is confined to his long-house and the land is held on customary tenure by each household it is useless to expect any improvement. (The Blue Report, 1935)

The spread of commercial smallholder agriculture in the Saribas uplands and elsewhere was an entirely new development that further tested the adaptability of the customary system of land tenure. In line with the views of colonial rulers throughout Southeast Asia, as reflected in the above quotation, Brooke officials saw the Iban system of community-based tenure and the very practice of living in longhouses as obstacles to any real agricultural progress. Yet the rapid adoption of cash crops by Saribas Iban communities seemed to belie this pessimistic view of Iban institutions and their capacity to adapt. This chapter analyses the changes in land tenure that emerged in response to the new commercial crops. These changes resulted from individual and collective choices within the community sphere, often entangled with bureaucratic rules and conventions imposed by the government administration.

RIGHTS TO INDIGENOUS TREE CROPS IN THE BROOKE PERIOD

As commercial agriculture in the Brooke period was almost entirely based on tree crops, many of the traditional principles governing access to fruit trees and other forest trees could be applied, though with some modification. Traditionally, as described in Chapter 3, an individual household retained exclusive rights to any valuable trees it had planted or been the first to claim. This meant that the household could freely utilise the produce of
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the trees for its own benefit and include or exclude other households as it chose. These rights were independent of the land on which the tree was growing; for example, isolated fruit trees which grew up around the farm hut on borrowed farming land usually belonged to the occupier of the hut and not to the household that controlled the land (Ward 1915: 101). It was typically the case that rights to trees were not partitioned when a household divided but continued to be shared by the senior household (bilek tuai) and its offshoot, with the head of the former having authority over the harvest. These rights existed so long as the original household remained a member of the community within whose territory the trees were located. When the household migrated, it could, by arrangement with the headman, transfer its rights to another closely-related household, or they could be taken over by the community as a whole.

As generations passed and household fission continued, the number of individuals claiming a share of the harvest from a particular tree increased (Sather 1990). In addition, it was usually the custom that other members of the community would be allowed to participate in the harvest, even though they had no claim to the trees based on descent. For example, in Kantan v. Empun, a dispute over fruit trees, a witness referred to the ‘Dyak custom when all the people in the house with the owners can take the fruit’ (BCB 1914: 262). Similarly, Penghulu Biju, referring to a compensation claim for damaged fruit trees (Abut v. Luyoh), stated ‘they were old trees and as usual the descendants do not restrain people from taking the fruit but keep their rights over the trunk’ (BCB 1913: 159). According to Sandin, the same customs governed the exploitation of tapang trees: ‘In Sarawak there are many old tapang (bee trees) which have been preserved by the people for many centuries. Some of these trees are called tapang tuai and are owned by the many descendants of the man who first located them ... Everyone living in the longhouse of the man claiming the honey may join in collecting it if they wish to’ (1980: 21).

The Brooke government, perhaps considering that the traditional arrangements for sharing the harvest of tree crops constituted a form of communal ownership which ought to be retained, took the view that all old trees should be regarded as belonging to the community and not to individual households. This was particularly the case with trees left by emigrant households. The 1899 order discussed in Chapter 5 in relation to the disposition of farming land, also referred to fruit trees which had ‘become common property of the inhabitants of a longhouse or village’, stating that they were ‘in no cases to be sold or in any way transferred or claimed
by individuals leaving such houses or villages’ (cited in Porter 1967: 13). Ward’s interpretation of this order, however, was more flexible, allowing some scope for the traditional right of transfer: ‘The fruit trees belonging to Dayaks who have moved out of the district, revert to the Government and are usually regarded as communal unless the owners obtain permission to sell or bestow their fruit groves on some kinsman’ (1915: 102).

In the case of wild trees, the government refused to acknowledge individual household claims, leaving it to longhouse elders to settle any disputes. Ward wrote: ‘By a regulation of His Highness the Rajah the Court does not recognize claims to jungle fruit trees or even bee-bearing trees (Tapang) though formerly the act of clearing around such a tree would constitute ownership’ (1915: 101). Charles Brooke took the same attitude to illipenut trees (engkabang): ‘It is a fruit or wild produce and belongs to the country and the people who gather it; it cannot be claimed by anyone … The inhabitants around should have prior claim to the fruits in their vicinity’ (cited in Ward 1915: 101–102). This view was probably a response to the increased disputation which arose in the early part of the twentieth century as the crop became more commercially valuable. In settling one such dispute from the Layar in 1914 (Bembuyan v. Enggong), the court commented that ‘it is only in the past three years or so that Dyaks have had any use for Engkabang. Twenty years ago no Dyak would have thought of planting up Engkabang for the sake of profit’ (BCB 1914: 270). There were bumper illipenut crops in 1908, 1912, and 1914–15 (Smythies 1958: 148). According to Ward: ‘In the opinion of many headmen, engkabang trees that were planted ages ago should come under the above restriction [concerning individual claims to wild fruit trees] and it is further commonly arranged amongst natives that the fruit from engkabang trees shall not be picked but that the fallen fruit can be gathered from the ground by anyone who pleases, and wherever possible this is upheld by the Court’ (1915: 101). Nevertheless, as Sather (1990) documents for the Paku, individual household claims to the illipenut trees themselves continued to be recognised at the longhouse level.

When the wild rubber or gutta tree (Palaquium gutta) became commercially valuable, it too was subject to property claims. The method of gutta extraction used when the Iban were far from home and regarded the forest as an ‘open access’ resource was to fell the tree and bleed the trunk by ringing it at intervals of a metre or so, thus destroying the resource (Roth 1896 [2]: 242–244). However, gutta trees found within a longhouse territory were left standing, and tapping was done in a conservative manner (Browne 1955: 323–325). In some cases the trees occurred in communal
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Fig. 7.1 A majestic tapang or bee tree (*Koompassia excelsa*), towering above the surrounding forest. These highly valued trees were owned by the first household to claim and harvest them but came to be shared by the wider kin network and community.

forest reserves (*pulau*), subject to the authority of the headman, and were thus available for the use of the community as a whole. The court upheld such claims, as seen in *Melina v. Latit*, a dispute between two communities along the Layar-Paku watershed (BCB 1906: 329). In other cases, individuals actually established small gardens in which naturally occurring gutta trees were encouraged by thinning out other growth and planting seedlings. For example, Penghulu Biju had planted some gutta (*kubal*) trees on a forested hill which he controlled at Stambak around the turn of the century (BCB 1913: 253). The planting of gutta trees naturally gave rise to
claims for exclusive household rights to tap them. The court, however, only recognised such claims if the trees were planted sufficiently densely and maintained so as to approximate a European idea of a garden or plantation. For example, one Luchan approached the Resident’s court at Simanggang in 1899 to ask for the exclusive right to certain gutta trees (SCB 1899: 312). He was given permission to clear round them and plant more trees and if after five months it was ‘really a garden’ he would be given a surat (literally, a letter), presumably some form of planting permit. If he failed to fulfil this condition the trees were to be ‘given to another and more worthy person’.

RIGHTS TO LAND PLANTED WITH THE NEW COMMERCIAL TREE CROPS

The traditional principles governing rights over wild and planted indigenous tree crops were directly applicable to the new commercial crops – coffee and (primarily) rubber. As before, the household establishing the trees retained exclusive rights of use and transfer within the community. However, with the new crops, the area planted was usually compact and extensive, so that exclusive household rights to the trees (which was all that fruit-tree tenure entailed) in effect conferred exclusive control over the tract of land on which the trees were planted. This conformed more closely to European concepts both of agriculture and of land tenure, enabling the government to issue incipient documents of title as it had been doing for Chinese commercial farmers since the 1870s. Initially these were in the form of Permits to Plant, but after 1920 Occupation Tickets were also issued.

From the government’s point of view, these documents were issued on the assumption that ‘the State remains the real owner of the land, though not of the plantation on it’ (Baring-Gould and Bampfylde 1909: 432). Hence, in the case of the early coffee plantations, once these were abandoned and became overgrown, they were treated as any other farming land and the individual planter’s exclusive claim was forfeited. For example, in Ngumbang and Guntor v. Saban, the plaintiffs accused Saban of clearing a hill which had been the site of Guntor’s coffee garden (BCB 1915: 417). The court stated that ‘the coffee garden, originally planted up by Guntor has been abandoned by him [and] is now overgrown with ten or more years growth of jungle. According to custom here, he has therefore no right to restrain others from using the land.’ The ‘custom’ referred to was not necessarily an Iban convention, but was probably the guideline adopted by the court that hill land could not be detained for more than seven years (Chapter 4).
With rubber, however, a household’s exclusive rights were allowed to exist indefinitely, even when the household left the community and the trees were no longer tapped. The indefinite duration of these rights is attributable in part to the ability of rubber to survive even when not maintained or utilised. In addition, the early profitability of rubber ensured that rights to the trees would not be easily abandoned. In Iban reckoning, however, the household’s indefinite claim to rubber gardens was further strengthened through the issuing of the above-mentioned permits or tickets. These documents (referred to as \textit{pala tanah} or \textit{pala kebun}), though not based on any survey and hence not amounting to a proper registration of title, became an important element in Iban land tenure. In effect, the longhouse territory came to be categorised as land to which some form of incipient title was attached (\textit{tanah ke bisi pala}) and the remainder, which had no such document to bolster indefinite individual claims. Land in the former category continues to be regarded by the Iban as subject to indefinite household rights even after the original rubber trees have been felled and the land brought back into the hill rice cycle, even though, from the government’s point of view, the title ‘reverts to the state’ when the land is no longer being used for the designated purpose.

The planting of rubber led to certain changes in the inheritance of rights to land. Whereas fruit trees were not part of the inheritance (\textit{pemai}) of an outmarrying member of the household, and were not usually divided when household fission occurred but continued to be under the control of the \textit{bilek tuai}, rubber gardens, because of their commercial value, acquired more significance as part of the inherited property (\textit{pesaka}) of the household. Accordingly, it sometimes became the practice for a wealthy household to include a small rubber garden in the \textit{pemai} of an outmarrying member along with the usual heirlooms.\textsuperscript{1} On household fission, the custom was to make a once-for-all division of the rubber gardens between the original household and its offshoot. For example, \textit{Ulik v. Jimbun} was an early dispute between two brothers at Bangai in the Layar over a rubber garden (BCB 1916: 526). Ulik had helped to plant the garden when he was living in the same household as Jimbun but had since moved out. Jimbun was rightly ordered to give Ulik a share of the garden. Nevertheless, it was customary for the original household to retain the larger share in any division of rubber gardens.\textsuperscript{2}

The existence of permits and licences added complexity to the customary arrangements for the transfer of household property, without providing any obvious benefits. Whereas in the case of farming land or fruit trees it
was sufficient to make arrangements for the transfer of rights clear (*terang*) to the headman and other witnesses, for rubber gardens it became necessary to have documents altered at the district office. *Ludan v. Jenap* illustrates how the increased bureaucratic involvement in the administration of rights to cash crops could confuse the customary arrangements of pre-literate farmers (BCB 1927: 445). Jenap’s mother, Mingat, had requested that certain rubber trees should go to Jenap when she died. Penghulu Jabieng testified that 800 trees had been given to Jenap along with the planting permit and licences, which she still held. However, the papers were still in Mingat’s name, and the court ruled that if the garden had ‘really’ been given to Jenap she would have had the name altered, so the garden was awarded to Ludan (Mingat’s father). It can be assumed that such foul-ups did not occur very often once the Iban understood the rules of the game.

**THE ALLOCATION OF LAND FOR RUBBER PLANTING**

The extensive nature of rubber planting meant that, for the first time, households and communities were faced with a significant choice between land uses. Even the smallest rubber holding occupied the equivalent area of one hill rice farm and so took that land out of food crop production for a lengthy period. Hence there was an issue, not only of allocating rice land among individual households to enable their consumption needs to be met, but of deciding on the allocation of land between rice and rubber, to enable households to participate in a purely cash-earning activity.

Individual households had the authority to use any of their own land for rubber planting, it being a matter for each household to weigh the benefits of rubber against the cost of having less fallow land for rice. The household’s right of control over its farming land became particularly important when that land was used by others. Rubber could not be planted on land which had been borrowed or rented for rice farming, as this would have enabled the planter to occupy the land indefinitely. Where an attempt was made to do this, the planter was usually required to uproot his rubber seedlings, thus depriving him of any basis for a longer-term claim to the land (see below).

The use of shared farming land (*tanah saum*) for rubber required careful arrangements at the community level to avoid disputes. Planting rubber effectively converted shared land to individually held land and so any household not involved in rubber planting stood to lose. Moreover, there was the possibility that a household might use rubber planting simply as a device to bring more land under its exclusive control. This led communities to adopt the principle that as far as possible all those with an interest in a
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tract of tanah saum should be included in the allocation of plots for rubber and that these should be roughly equal in size. This was essentially an extension of the arrangements governing the periodic allocation of such land for rice farming and was a clear example of the consensual basis of collective decision-making. At Stambak, for example, the headman (Budin) divided a stretch of riverine land into 12 household shares, each 26 fathoms (about 50 metres) wide, meaning each garden was perhaps half a hectare (BCB 1920: 3). Contemporary informants at Nanga Tapih and elsewhere confirm that in allocating tanah saum for rubber it was an established convention that the total area allocated was a community decision, taking into account the requirements of the hill rice cycle, and that individual holdings were of equal area.\(^3\) This arrangement ensured that no individual was allowed to obtain an unfair share of the available land and profit at the expense of his neighbours. At the same time, the requirement that all households plant together may have acted as a stimulus to the less innovative members of a community to participate in the new activity. Rather than being a brake on innovation, the consensus rule may have been a decidedly progressive factor.

The risk remained, however, that one of the interested parties would not agree to the proposed use of the land and so dispute the legitimacy of the allocation, as illustrated by Blayau v. Entring, a case from Buai in the Padeh (BCB 1916: 456). In a previous case (in 1907) the court had ruled that the land in question was common (saum) between Blayau’s mother and Entring’s father. Blayau now complained that Entring and others were planting rubber on the common land and she (Blayau) had nowhere to farm. She asked for a share (bagi) of Entring’s fallow land (temuda) to replace her share of the land now used for rubber. Entring acknowledged that the land was common but claimed that they had all arranged to open up rubber gardens together, with only Blayau (an elderly woman) opting out. Moreover, there was still ample common land for rice farming. Blayau lost her pledge but the defendants’ gardens were each ordered to be limited to 60 fathoms square (1.2 ha).

The principle of including all interested parties in the allocation of tanah saum for rubber planting was also applied to land shared by two or more communities. In Dindang v. Entri, Entri claimed authority (kuasa) over the upper part of Sungai Pasa (near Betong) and said that ‘everyone who has wanted rubber gardens Dindang included has asked his leave first’ (BCB 1927: 207). The court stated that in a former case it was settled that ‘the whole land in the Pasa was saum [shared] but that to the ulu [upriver] of a boundary as given Entri and Gundol had authority to divide the farm-

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ing land while to the ili [downriver] Buda had this authority. This gives no authority to alienate the land for purposes of planting rubber. This gives all houses holding common rights over the land a say to the division of the land in cases of definite alienation.’

GOVERNMENT REGULATION OF RUBBER PLANTING

The government was involved in regulating the allocation of land for rubber beyond the mere settlement of disputes. Government policy encouraged the use of hill land for rubber planting, including that under primary forest, taking the view that this was a productive use of otherwise unutilised land. In a set of instructions issued to Residents in 1876, Charles Brooke had urged the need to reserve virgin forest on hills ‘with a view of encouraging other cultures at a future day’ (Porter 1967: 39). That day had clearly arrived with the advent of rubber. In the Second Division, anyone wanting to fell primary forest had to apply to the Resident, but the policy was always to grant permission to prospective rubber planters. Even when planters failed to seek official approval, and their action came to the government’s attention, the court took a lenient view so as not to discourage the spread of commercial agriculture.

Penghulu Biju v. Ketit and Janting was an early dispute at Stambak occasioned by rubber planting which illustrates the government’s position on the use of hill land (BCB 1913: 212). The defendants had extended their rubber gardens onto a hill claimed by Penghulu Biju, in the process felling some penyau (Shorea geniculata), a valuable hardwood, and kubal (Palaquium sp.), a source of gutta. The hill, previously unfarmed, had been allocated to Biju by Pengarah Ringkai in a general division of virgin hill land some years before. The defendants were found to be in the wrong because they had not applied to the Resident for permission to fell the forest and, though they had asked Biju privately for the land, he had refused. However, the court noted:

It is by no means the policy of the Government to hinder the planting up with rubber, and other products, of the surrounding country, providing the planters have a proper claim to the land or have made application, as customary, in Court for the right to fell. Also it has always been customary so far in this district that, should anyone make the proper application to fell old jungle for the purposes of planting up rubber etc., no one has any right to restrain him from doing so.

Consequently, though the defendants had ‘in every point been found to be entirely at fault’, they were merely censured and ordered to pay $1 in costs,
and were allowed to proceed with their rubber garden on the disputed hill, no doubt much to Biju’s chagrin.

However, the planting of rubber (and sago) on swamp rice land (often referred to simply as ‘farming land’) was against government policy, on the basis that this was the most productive rice land and needed to be conserved. Some Iban leaders concurred with this view, though it is clear that others used their authority to allocate swamp rice land to their followers for rubber planting, and in general the Iban saw no problem in utilising this class of land for rubber. For example, Nyelang v. Usit was a dispute over rubber in the swamp rice zone at Loban in the lower Paku (BCB 1916: 470). Usit, a newcomer from the Layar, had borrowed land for rice farming and then planted it with rubber. Penghulu Saang sent word to the court that the land was indeed Nyelang’s and that he ‘did not wish Dyaks to plant rubber on farming land.’ Usit was ordered to remove the rubber saplings, the court declaring: ‘If deft. makes a rubber garden on this land it will only cause trouble at a future date, as it is purely farming land.’ Usit apparently moved straight back to the Layar and joined the community at Stambak. In Asok v. Usit, the plaintiff complained that Usit had cleared his fallow land (temuda) to plant rubber (BCB 1920: 3). Usit argued that the late headman (Budin) had allocated everyone land for rubber gardens but Asok had not bothered to clear his share. The court, however, took a dim view of Usit’s actions, noting that he had been fined in the Paku for planting rubber on farming land and that the land presently under dispute was also definitely farming land. He was fined $10 ‘for planting rubber without a permit on farming land … as the Govt. has always prohibited this being done.’

It is significant that in both these cases Usit was brought to court because he had contravened land adat by unilaterally taking over another person’s plot to plant rubber, indicating some of the potential for conflict which rubber planting had introduced (particularly when, as in Usit’s case, ties to a specific community were weak). However, the court’s principal objection to his behaviour was that he had planted rubber on swamp rice land. This accounts for his harsh treatment relative to that given to Ketit and Janting in the case just cited, though they had infringed just as much on another’s rights.

THE LEASING AND SALE OF LAND FOR COMMERCIAL AGRICULTURE

As mentioned above, the extensive areas planted to rubber by many Saribas households required them to employ Iban labourers from other areas, as well as Chinese and Malays, to tap their gardens. Several different contrac-
tual arrangements prevailed. The most common was a form of share-cropping whereby the rubber, or the revenue from its sale, was divided equally between the owner of the garden and the tapper. The latter usually provided the tapping knife and coagulant, though this was variable and sometimes a source of dispute (BCB 1927: 146). A second arrangement was cash leasing, in which the tapper would pay a fixed sum and keep all the output for himself, as well as meeting all costs. A third possibility was to work as a hired labourer, frequently for someone who had contracted to tap a large garden on a cash-lease basis.

These arrangements did not always work smoothly. For example, in 1918 a number of Gensurai rubber owners brought Libau of the Padeh to court for failing to honour his cash-lease agreement (SCB 1918: 62). Libau had agreed to work a total of 4,504 trees (about nine ha) at $2 per tree per year, but after paying his ‘coolies’ he had spent the balance of the revenue and absconded. A more common problem with both share-cropping and cash-leasing was the risk of damage to trees. For example, in 1922 Menggin, also of Gensurai, took legal action against the firm of Sin Tet Shin of Engkili for bad tapping of his rubber trees (BCB 1922: 160). An extraordinarily diligent government officer testified that precisely 6,785 trees (about 14 ha) had been badly tapped by the defendant’s labourers through tapping too deeply, tapping two-thirds of the tree’s circumference, and tapping in up to five places on a tree. Though pointing out that standards of management were poor even in owner-tapped gardens, the court awarded the plaintiff damages of 10 cents per tree.

Though share-cropping and cash-leasing were common in the Saribas, it is unlikely that many rubber gardens permanently changed hands in this period. An early limitation on the sale of gardens was contained in a 1910 order which prohibited the sale or transfer of gardens planted by either ‘natives’ or ‘settlers of Asian origin’ (principally Chinese) without official permission, and imposed a complete ban on the sale of gardens to Europeans or European companies (Porter 1967: 45). The policy behind this legislation was stated in an editorial in the Sarawak Gazette of the same year:

The object of the Sarawak Government is to develop the cultivation of the land for the good of the inhabitants in order that they may have the profits and benefit in the possession of such gardens as an inheritance or pesaka to their descendants – and this object would not be achieved or realised unless the plantations were protected and strictly prohibited from falling into the hands of the richer and more speculative class of the white races (cited in Tremeer 1964: 52).
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It is likely that Charles Brooke had in mind the early Malayan experience with rubber where, as Barlow writes, ‘some “European” plantings were areas originally established by Chinese or Malays, but subsequently bought by companies prepared to pay large sums to avoid the expense of clearing jungle and to reduce the wait before trees commenced yielding. Malay residents began to sell their ancestral lands to estate groups and other outside interests, and such activity led quickly to the rupture of whole communities’ (1978: 33, 39). According to Barlow, this phenomenon was behind the passing of the Malay Reservations Enactment by the Federated Malay States government in 1913.

However, the limited development of European estates in Sarawak (there have never been any in the Second Division) meant that no such selling off of Iban rubber gardens occurred. By 1915, A. B. Ward, the Second Division Resident, held the view that although ‘land reserved for [rice] farming cannot be sold by anyone, … now-a-days certain progressive Dayaks have planted portions of their clearings with sago, rubber or coconuts. etc., and there would be no objection to the sale or transfer of these gardens provided the sale does not infringe any of the Orders in force’ (Ward 1915: 107–108).

Another effect of the spread of commercial agriculture was a localised demand for Iban land emanating from Chinese commercial farmers. This first occurred with the spread of Chinese pepper growing into the Second Division during the early part of the century but was largely confined to low-lying and accessible areas around Simanggang and Engkilili and did not extend to the hill farming region. The transfer of land to Chinese pepper planters was a novel situation for the Iban and gave rise to a number of disputes. Typically, such a dispute occurred when an individual Iban received a cash payment for authorising a Chinese farmer to use a plot of land, without consulting the headman or others in the community who held an interest in the land or giving them any share of the money (SCB 1918: 121, 131, 142, 268; SCB 1919: 126, 137). Sometimes the Iban concerned was only loosely connected with the longhouse community, having long since joined another longhouse or, in several cases, being married or otherwise related to the Chinese using the land. In several rulings in 1918, the Simanggang Court laid down, first, that any Chinese wanting to open up a pepper garden on Iban land had to get the permission of the last person to cultivate the plot and of the headman or headmen controlling the territory in which the plot was situated, and second, that any compensation paid should be a small sum (serving mainly as a token (tanda) of the transaction) to be shared among the community members, one third going to the headman and two thirds divided equally among the remaining households. Never-
theless, in 1930 the Resident reported: ‘It was brought to my knowledge that many Dayaks sell land (to which they have no title or right) to pepper gardeners, for a certain sum of money … It is hoped to put a stop to this kind of transaction’ (SG 1930: 22).

It is not entirely clear whether the transfer of land to Chinese farmers was viewed by the Iban as permanent alienation or simply as a long-term lease with a lump-sum payment of rent in advance, though the latter is more likely. This ambiguity was accentuated by the flexibility of the term *tungkus asi* (literally, a package of rice) which was used to refer to such payments. *Tungkus asi* was originally paid as a token (*tanda*) on borrowing another household’s farm clearing soon after the rice harvest, but came to mean a ‘recompense for the original clearing’ and hence in some cases a purchase price (Richards 1963: 50; Lee n.d.: 74). The government’s system of land administration itself gave rise to considerable confusion in this respect, as Keith Kitto (a post-war Director of Lands and Survey) pointed out:

Before 1930 in the 2nd Division, when there was no Land Office there, the Resident issued Pepper Garden Registration Certificates to Chinese but it was always understood that the land (native *temuda*) would later on be returned to the Dayaks, in fact this was a definite Government guarantee. Subsequently Occupation Tickets were issued to the Chinese by the Land Office in replacement of the certificates. These titles then reverted to the Crown. According to our written land laws all rights were then extinguished and the Land Office proceeded to alienate to new-comers. This naturally caused quite a fuss and the Dayaks kept on claiming the land; but it is evidence to shew the native’s idea of a registered title differs considerably from that of an English Land Registrar (1952: 93).

The institutional dissonance implied in Kitto’s remarks was to continue in the postwar period and be the subject of intense debate.

**CONCLUSION**

The rapid development of a semi-commercial form of hill farming in the Saribas and elsewhere during the Brooke period indicates that the community-based land tenure system was not a hindrance to the adoption of cash crops, notwithstanding the views of many Brooke officials. The customary rules providing for individual household rights to hill rice land and to indigenous tree crops were readily extended to cover the case of exotic cash crops such as rubber. The planting of rubber in effect combined these two types of tenure, creating exclusive and permanent household rights over
both the trees and the land on which they were planted. These rights were not held in common with subsequent offshoots of the original household, as was customary with fruit and forest trees, but were divided up at the time of household partition following the rules of inheritance. Thus the tenure of rubber gardens represented the strongest form of private property rights to emerge to this point.

Where individual household rights to hill rice land prevailed – the dominant case – each household had the choice of allocating land for rubber planting based on the total number of plots it controlled, so the cost of removing land from the hill rice cycle for an extended period was fully borne by the household concerned. In addition, the security of tenure provided by traditional enforcement procedures assured rubber planters of obtaining the full return on their investment when the trees matured. The result appears to have been that fallow-land that was considered surplus to the requirements of a normal crop-fallow cycle was planted with rubber, meaning that households and communities with rights to more land planted extensively, while those that were not well-endowed with land only planted on a small scale. Newly developed contractual arrangements for share-cropping and cash-leasing enabled those with extensive holdings to utilise their extra capacity effectively by drawing on a pool of Iban, Chinese and Malay labour from outside the community. This no doubt introduced greater inequality in income, but not in a way that contravened Iban notions of fairness.

Where some or all of a longhouse territory was subject to shared household rights, the decision to plant rubber not only involved a change in land use but a change in the tenure status of the land, with exclusive household rights displacing shared rights. Iban principles of collective choice required that all those with an interest in such land should be involved in the decision to plant and that all should receive an equal share of land for this purpose. The same convention applied where rubber was planted on territory shared by two or more communities. This prevented some households from unfairly removing land from the hill rice cycle at the expense of others. Conversely, the rule of ‘one in, all in’ may have stimulated less innovative members of the community to take part in what turned out to be a very remunerative enterprise.

Overall, then, the advent of rubber led to a shift in the balance of rights within the longhouse territory from common to private property, supporting the proposition of Binswanger and McIntire (1987) that the introduction of commercial crops, especially tree crops, accelerates the emergence
of the specific use right described by Boserup (1965). In their schema, this use right then becomes transferable within and beyond the village, so that land acquires a market value, and a value as collateral for credit. This in turn results in unequal landholdings, landlessness, and tenancy. However, apart from an emerging phenomenon in some localities of the leasing/sale of land to Chinese smallholders, there was no evidence of such a trend. Rather, the shift to exclusive household rights occurred within the framework of the community-based tenure system, which remained the basic unit of land administration. Thus again the political economy and moral economy views converge, with the community collectively managing the growing engagement with the market to the extent needed to protect its customary values and so sustain its existence.

The role of the state in these developments was of limited significance. It is true that the Brooke government took a more active role in the administration of land for commercial agriculture than it did for subsistence farming. However, the requirement to take out a Planting Permit or an Occupation Ticket before planting rubber can only have been a disincentive to prospective planters and a hindrance to the transfer of rights within and between households. Issuing such documents in the name of an individual was clearly contrary to Iban notions of ownership and inheritance, in which the household was the primary right-holding unit. Moreover, in the absence of an accurate survey and system of registration, these quasi-titles added little or nothing to the information preserved in the memory of the headman and other community members. The reason such documents came to be so highly valued by the Iban was that they strengthened individual claims to land in the eyes of the Court and so were an essential weapon in what Bromley (1985) calls the ‘struggle over entitlements,’ at both the household and the community levels. The ready use of these documents was thus a strategic adaptation to an imposed institutional environment rather than a useful innovation in its own right. In recent years their continued existence has become a minor irritant to the present government, as discussed in Chapter 11.

NOTES
4. It was tanah tanjong, or land enclosed by a river bend, and supported melai grass (Ischaemum magnum) which commonly grows on silty land.
PART IV

Post-War Agrarian Transformation
It appears that the face of Sarawak is to be literally transformed in the coming years, largely due to the efforts of its visionary Chief Minister.¹

The creation of the new [Betong] Division will ... enable the Government to concentrate on development and transformation of the people in the rural areas ... The new Division will shed its rural image and assume a rightful place in the mainstream of modernisation. (Alfred Jabu Numpang)²

Apart from Indonesia’s armed confrontation with the newly-formed Malaysia from 1963 to 1966, and a disruptive but narrowly-based communist insurgency in the decade following, upland communities in Sarawak escaped the worst of the conflicts and upheavals experienced in many parts of the Southeast Asian region in the decades following the Second World War (Pluvier 1974; Tarling 1999; Owen 2005). There was no armed struggle for independence as in neighbouring Indonesia, nor any prolonged revolutionary or separatist conflict such as ravaged the uplands of Indochina, Burma, and the southern Philippines. Nor did Sarawak experience the traumas of military rule as in Burma, New Order Indonesia, or the Philippines under Marcos. Sarawak’s farmers also escaped the collectivist agrarian policies of the first decade or so of socialist regimes in Indochina (Evans 1988; Tran 1998).

Nevertheless, the post-war period saw the gradual emergence of a more powerful, centralised, and modernising state than was evident under the Brooke rajahs, one that was intent on the ‘development and transformation of people in rural areas’ and bringing them into the ‘mainstream of modernisation’. Though formally a democratic state after the formation of Malaysia, it is one in which upland communities have been increasingly
marginalised, being regarded by the political and commercial elite as first objects of, then obstacles to development, rather than active agents in directing the development process. Though to varying degrees the state has attempted to promote the development of Iban agriculture, both through technical and material support for individual farmers and a variety of land development schemes, government laws and policies have become increasingly antagonistic to the semi-subsistence smallholder farming system practised by Iban longhouse communities, and to the framework of ‘native customary rights’ by which access to land has been governed at the community level. This impatience with the longhouse-based agrarian system has partly reflected well-intentioned concerns to eradicate rural poverty, the incidence of which was disproportionately high among Iban communities (Masing 1988; Dimbab 2000), but mainly it has derived from the political economy of a state in which the elite relies on the control and exploitation of land and timber resources for its power and material advancement (Leigh 1979, 2001).

This chapter outlines the key political, legal and judicial developments in the post-war period in Sarawak affecting the transformation of Iban land use and tenure, while Chapter 9 focuses in particular on the agencies established by the state to develop upland agriculture. In the next two chapters the focus shifts back to the Saribas itself and the case study communities, Chapter 10 tracing the on-going transformation of smallholder agriculture in the post-war period and Chapter 11 examining variations in land tenure at the longhouse level and the impacts of large-scale land development schemes, mainly for oil palm.

THE POLITICAL CONTEXT

The British Colonial Government

Following the Japanese Occupation and a brief period of rule by an Allied military administration, Sarawak was ceded by Vyner Brooke to the British Crown in 1946 (Reece 1982). Though there was considerable continuity with the later period of Brooke rule, the British colonial government, under a succession of four governors (Charles Arden Clarke, Duncan Stewart, Anthony Abell, and Alexander Waddell), made a more explicit commitment of resources to social and economic development, building roads and airfields, establishing schools and hospitals, and providing agricultural research and extension services (Porritt 1997). Pringle states: ‘The colonial regime which began in 1946 and endured until the inauguration of Malaysia eighteen years later gave an entirely new priority to education and

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economic development, but it also made a conscious effort to reaffirm the humane, idealistic ethic of Brooke rule, and indeed to exploit in every possible way the legacy of the preceding century’ (1970: 344). Nevertheless, the trend towards the creation of a more centralised and bureaucratic state (which had troubled Brooke traditionalists in the decade or so before the war) continued. The Secretariat in Kuching and the directors of the major government departments were now the key players in determining laws and policies (Morrison 1988, 1993; Porritt 1997). Moreover, the educated Iban elite, many of whom had experienced advancement under the Japanese, were largely excluded from senior government positions.4

District administration also came more firmly under European control, an expatriate district officer being stationed at Betong, for example, through most of the colonial period.5 It was only in 1960 that the first Iban district officer in Sarawak, Hermanus Assan, was appointed to the Saribas.6 In addition, various government departments, principally Agriculture, Medical Services, and Land and Survey, were better represented at the divisional and district levels. However, in anticipation of independence, the colonial government also encouraged the setting up of popularly elected local authorities with responsibility for raising revenue and funding community services, particularly schools. The Saribas Local Authority was one of the earliest and most successful of these, being described in 1951 as ‘the most go ahead in the Division’ (SG 1951: 72). The Saribas Iban also responded enthusiastically to the setting up of cooperative societies (having established one of their own immediately before the war), though many of these eventually failed (SAR 1950: 14–15; 1952: 96). More successful were the Iban community development schemes initiated by John Wilson in the upper reaches of the Krian, Julau, Entabai, and Kanowit – streams bordering the Saribas District (Dickson 1971).7

In terms of land and agricultural policy, the colonial government emphasised smallholder development rather than large-scale estates – no new commercial plantations were established during this period. However, the government viewed shifting cultivation and what it regarded as the ‘communal’ longhouse system of land management as inimical to rural development. Hence it tried to discourage shifting cultivation and gave assistance to farmers to take up wet rice cultivation and to plant cash crops, particularly rubber. At the same time it moved to restrict access to the remaining stands of primary forest, substantially increasing the area of forest reserves, something the Third Rajah’s government had been unable to achieve due to Iban resistance (Cramb, 1988b). In Alastair Morrison’s (1988) view, how-
ever, the colonial government made little progress in two important respects: (1) it failed to incorporate customary land tenure into a satisfactory system of land administration which would both protect Dayak interests and promote agricultural development; (2) it failed to establish a diversified and genuinely prosperous rural economy which, by the end of the colonial period, still relied mainly on the fortunes of the rubber industry.

As in the wider Southeast Asian region, a clandestine communist movement gained ground in Sarawak in the colonial period. From the early 1950s a succession of communist organisations, precursors to the Sarawak Communist Organisation (SCO), successfully penetrated the Chinese education system, the trade unions, the Chinese-dominated Sarawak United People’s Party (SUPP) and the Chinese printed media, but largely failed to secure a following among Iban and other farmers, despite attempts to register the Sarawak Farmers’ Association in 1960 (Porritt 1997). The colonial government diverted resources from development to embark on a counter-insurgency campaign and used emergency powers to conduct a series of purges, but ‘the movement was still able to retain a wide following amongst the Chinese community’ (Porritt 1997: 89). In 1963 about 1,000 Chinese youths slipped over the border to Kalimantan to pursue armed resistance to the formation of Malaysia in collaboration with Indonesian forces.

The Post-Independence Government

In 1963 Sarawak gained independence from Britain by entering the Malaysian Federation, which was established as a constitutional monarchy with a parliamentary system of government (despite the four-year Indonesian Confrontation). For Sarawak this meant that the position of Governor or Head of State (Yang di-Pertua Negeri) became largely ceremonial, with legislative power the responsibility of an elected State Assembly (Dewan Undangan Negeri) and executive power in the hands of the Chief Minister (Ketua Menteri) and cabinet (Majlis Mesyuarat Kerajaan Negeri). Though increasingly subject to federal policies, particularly as articulated in successive five-year plans, Sarawak retained control over land, forests, and other natural resources, apart from petroleum and gas. Hence, though it entered Malaysia ‘as an economically supplicant state’ (Leigh 2001: 119), Sarawak was from the mid-1970s able to maintain relative financial independence through the rapid exploitation of its abundant forest resources, so assiduously reserved by the colonial government.

As with the transition from Brooke to British colonial regimes, there was a good deal of continuity with the structures and policies of the pre-
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vious administration, particularly through the 1960s and 1970s. The colonial emphasis on smallholder agricultural development continued, with drainage and irrigation schemes for wet rice, coconut, and other crops in the coastal and riverine zone, and planting schemes for rubber, pepper and other activities in the uplands (Cramb 1990). Long-established government departments such as the Department of Agriculture were central to the implementation of this policy. In the 1960s the Department also established seven resettlement schemes based on rubber, including two at Melugu and Skrang for Iban communities along the Indonesian border that were caught in the firing line during Confrontation (Kedit 1974). These schemes were the forerunners of a trend towards the promotion of large-scale commercial agriculture via newly-formed statutory agencies, beginning in the 1970s and rapidly accelerating in the 1990s.

The Saribas Iban were particularly active and successful in the early phase of Sarawak’s political development, reflecting their previous close association with government during the Brooke period and their early exposure to education and commerce. The Sarawak National Party (SNAP), which led a coalition government from 1963 to 1966 and supplied Sarawak’s first chief minister, Stephen Kalong Ningkan, was at the outset a predominantly Saribas Iban party. After SNAP fell foul of Kuala Lumpur and was ousted from government in 1966, another Second Division Iban, Tawi Sli of Parti Pesaka, was installed as chief minister in Kalong Ningkan’s place. However, by then it was Malay and Melanau politicians of Parti Bumiputera, with backing from Kuala Lumpur, who were controlling political developments in Sarawak (Leigh 1974; Jayum 1994).

This became explicit with the installation of Parti Bumiputera’s Abdul Rahman Ya’kub, a Melanau, as chief minister in 1970, following a period as cabinet minister in the Federal Government (Leigh 1974). He subsequently merged Bumiputera and Pesaka to form Parti Pesaka Bumiputera Bersatu (PBB) and brought the major Chinese party, the Sarawak United People’s Party (SUPP), into a coalition government, thus inaugurating the Barisan Nasional (National Front) pattern of politics at the state level. Parti PBB has been the increasingly dominant partner in successive Barisan Nasional (BN) governments. SNAP became the major opposition party, supported by Dayak and Chinese voters, until it was persuaded to join the BN government in 1976. With regard to land policy, Rahman initiated the rapid expansion of logging activities in Sarawak’s hill forests and oversaw the formation of two land development agencies – the Sarawak Land Development Board (SLDB) in 1972 and the Sarawak Land Consolidation and Rehabilitation
Authority (SALCRA) in 1976, the former focusing on State land and the latter on Native Customary Land (see Chapter 9).

The Rahman government also had to deal with a resurgent communist movement. In 1967–1968, following the cessation of Confrontation, SCO cadres re-crossed the border into Sarawak and established sanctuaries in remote upland areas, mostly in Iban territory. The insurgency reached its height in 1970–1973, with government administration in many rural areas unable to function and major towns under threat, particularly in the Rejang (Empeni 1995). Deteriorating economic conditions at the time led Iban in some districts to cooperate with the SCO, which ‘won local Iban support by a mixture of beneficial agricultural extension work and intimidation of those ... known to be pro-government’ (Leigh 1974: 158). The government countered in 1971 by launching Operation Ngayau (the Iban term for war), then Operation Sarak (divorce), to contain communist recruitment of Ibans, and forming the Rajang Security Command (RASCOM) in 1972, which had overall authority over both military and government operations in this Iban-dominated region (Empeni 1995). Curfews were put in force and controls on trade instituted, creating considerable hardship for Iban in the affected districts (Leigh 1974: 158). RASCOM also undertook resettlement and regrouping programs, inspired by the ‘new villages’ established during the Malayan Emergency, under the rubric of Operation Empuru (to gather) and Operation Bebatak (to drag or pull) (Empeni 1995). This resulted in the hurried establishment of six schemes involving 69 longhouses and 6,579 residents, with fifteen or more longhouses concentrated in each site. Understandably, these schemes were a social and economic disaster. In the 1970s SLDB planted large blocks of pepper for the settlers but this failed due to the spread of pepper footrot. Subsequently cocoa was tried but falling prices soon made the crop unprofitable. Meanwhile, by the mid-1970s large numbers of communist guerillas surrendered, taking advantage of a government amnesty under Operation Sri Aman. While ‘communist remnants’ remained in the forest for some years, the SCO was now effectively disbanded and the insurgency was no longer a serious threat.

In 1981 Abdul Taib Mahmud, a nephew of Rahman Ya’kub, left his federal cabinet post to take over as chief minister, with Rahman being appointed to the previously ceremonial position of governor. In time a split developed between the two men and their respective supporters, Rahman was not reappointed governor, and in the 1987 elections he formed a new Muslim party, PERMAS, which teamed up with a breakaway Dayak party, Parti Bansa Dayak Sarawak (PBDS), to oppose Taib and the BN. Though
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PBDS did well in the election, reflecting widespread Dayak discontent with government policies and economic conditions in the 1980s, PERMAS received little support and Taib retained power. He continued to consolidate his hold on government in the 1990s, increasing PBB’s share of seats in the state legislature while expanding the BN coalition to encompass all local parties, including PBDS in 1994 (Jayum 1994; Aeria 1997). In the 2001 election the BN won all but two seats in the State Assembly.

Taib continued his predecessor’s forest policies, with logging expanding further into remote hill country during the 1980s and 1990s, despite local and international protest (WRM/SAM 1989). In the bitter 1987 election campaign it was revealed that Taib’s family, friends, and clients controlled about 1.6 million ha of timber concessions. Taib also had a remarkably clear and ambitious vision for land policy that he has consistently pursued for over 20 years. In 1981 he formed a new and powerful land development agency, the Land Custody and Development Authority (LCDA or Pelita), to initiate joint ventures between native landholders and private developers in both urban and rural areas. His aim was to consolidate land held under customary tenure into extensive ‘land banks’ suitable for plantation development, and to resettle scattered rural communities into large townships. This policy proved difficult to implement while there was an Iban opposition party in the State Assembly. However, following the inclusion of PBDS in the government, Taib was able to launch his Konsep Baru (New Concept) policy in 1995, involving a state-wide campaign to promote the joint venture approach to commercial land development, mainly for oil palm, with LCDA or SLDB acting as the ‘managing agent’ (Sarawak 1997). More important, in the 1990s the Taib Government allocated over 600,000 hectares to private plantation companies, much of which is subject to customary land claims. To facilitate these land policies the government made extensive changes to the Land Code and Forests Ordinance (discussed below), with the overall effect of restricting customary rights to land (Leigh 2001; Dimbab 2002). Opposition parties and non-government organisations protested against these land policies (e.g., IDEAL 1999), which were anticipated to be an important issue in the 2001 election. However, as indicated above, with the major Iban parties effectively neutralised, the Taib Government easily retained power. As Chief Minister, Minister for Resource Planning, Chairman of the State Planning Authority, and Chairman of LCDA, Taib was in as powerful a position as ever to implement his ‘politics of development.’
Saribas Politics

Political developments within the Saribas partly reflected the above changes at the state level. After SNAP was ousted from government in 1966 and began to broaden its electoral base, many of its supporters in the Saribas gradually became disillusioned and turned to other parties, including its main rival for Iban support, Parti Pesaka, a party with mainly Rejang origins. As Searle (1983) observes, the Saribas Iban elite, which had its roots in the political, economic, and cultural transformations of the preceding century, was seriously affected by the 1966 political crisis, the subsequent loss of power, and the decline in economic prosperity due to low commodity prices in the late 1960s (Chapter 10).

In the 1974 elections, despite a state-wide increase in support for SNAP, Kalong Ningkan was defeated by the Pesaka (by then part of PBB) candidate, Alfred Jabu Numpang from Gensurai in the middle Layar, a New Zealand graduate in agricultural science who had worked for the Department of Agriculture and RASCOM. He has held the seat for the BN government

Fig. 8.1 Chief Minister Abdul Taib Mahmud (left) with Deputy Chief Minister and Member for Layar, Alfred Jabu Numpang. (Photo courtesy of Sarawak Press Sdn Bhd)
ever since, notwithstanding a strong challenge from PBDS in 1987 when Iban disaffection with economic conditions and government policies was at its height (Jayum 1994). He is one of three Deputy Chief Ministers, serving in that capacity under both Rahman and Taib, and has held the important portfolios of Lands, Agriculture, and Land and Rural Development, as well as serving as chairman of SALCRA and deputy chairman of LCDA.

Jabu has established himself as the dominant political patron in the Saribas, tightly controlling the allocation of development funds and projects. Both his admirers and detractors claim that he has made use of his position to channel extra public resources into the region, as evidenced by such projects as the Layar Road, the Nanga Spak Rural Growth Centre, and Rubber Mini Estates. He is also said to have influenced the allocation of government subsidies, such as planting grants for pepper, to favour his political supporters and deny his opponents in order to bring the latter into line, particularly following the 1987 upsurge of support for the opposition. In a tactic reminiscent of James Brooke, the headmen of opposition long-houses (including Nanga Tapih) were forced to seek an audience with Jabu at his palatial residence in Kuching to apologise for their disloyalty and thus ensure his future patronage. His image as patron is continually reinforced through helicopter trips to the longhouses to officiate at opening ceremonies or to hand over the spoils of development.15

Jabu’s top-down view of development and his role as political patron are highlighted in an adulatory article in the Sarawak Tribune to commemorate the elevation of Betong to the status of a Division in 2002. Jabu is quoted as saying: ‘The creation of the new Division will … enable the Government to concentrate on development and transformation of the people in the rural areas … The new Division will shed its rural image and assume a rightful place in the mainstream of modernisation.’ The article concludes: ‘To many, the development of Betong and the greater part of the Saribas basin is synonymous with Jabu’s stewardship … Most of the major development projects implemented in Betong over the last two decades … were initiated by Jabu.’16

During his time in government Jabu has acquired extensive logging and plantation interests throughout Sarawak, through companies such as Seatex Plantations and Sarimas in which his wife and associates are principal shareholders (Jayum 1994: 251). He is widely regarded as having taken a subservient role to successive chief ministers, on whom he has been dependent for access to land resources, thus reducing his effectiveness as an advocate for Iban interests at the longhouse level (Khoo 2004). In particu-
lar, as the senior Iban in the BN government he has taken a prominent role in supporting and promoting Taib’s land policies to Dayak communities throughout the state.\textsuperscript{17}

\section*{Land and Longhouse}

\section*{Land Law and the Attenuation of Iban Land Rights}

\subsection*{Pre-1958 Land Laws}

The colonial government took over the existing land laws from the Brooke period, namely, the 1931 Land Order and the 1933 Land Settlement Order (reissuing them as Ordinances), and these continued to operate in tandem until 1958, when the present Land Code came into force.\textsuperscript{18} From the outset, however, the colonial government adopted a more explicit policy than its predecessor in two important respects: first, restricting the areas in which Chinese could acquire title to land – the intention being, while making some land available for Chinese farmers in more accessible areas, to prevent the Iban and other indigenous groups from impoverishing themselves by selling their land to the more commercially-oriented Chinese – and second, limiting the expansion of shifting cultivation, which was seen as a primitive and totally wasteful system of land use.

Accordingly, the Land Classification Ordinance of 1948 defined the following categories of land (Fig. 8.2): (1) Mixed Zone Land, in which there were no restrictions on who could acquire title to land; (2) Native Area Land, in which only ‘natives’ of Sarawak could hold a title; (3) Native Customary Land, that is, land not held under title but subject to ‘native customary rights’; (4) Reserved Land, or land held by the government (principally as forest reserves in which no shifting cultivation could take place); and (5) Interior Area Land, a residual category, which nevertheless accounted (and still accounts) for the bulk of the state’s land (Porter 1967: 61). ‘Natives’ were elsewhere defined as those belonging to a number of indigenous ethnic groups, such as Malays and Iban, but excluding Chinese. Any dealings between ‘Natives’ and ‘non-Natives’ in respect of land outside the gazetted Mixed Zones were deemed invalid and, in a subsequent amendment, substantial penalties were introduced for such dealings.

It was the government’s intention to increase the area of Reserved Land and to restrict the creation of new areas for shifting cultivation in the other zones. The latter objective required an amendment that came into force in May 1954, prohibiting the creation of native customary rights by occupying Mixed Zone or Native Area Land. A further amendment, effective from April 1955, prevented the creation of native customary rights over Interior Area Land without a permit from the district officer. These dates became
crucial in determining the legal validity of customary land claims in the post-war era.

In 1949 the Natural Resources Ordinance was passed, setting up a Natural Resources Board with power to order the owner or occupier of any land to adopt those measures considered necessary for the conservation of natural resources, including ‘the prohibition, restriction or control of the firing, clearing or destruction of vegetation, or the breaking up or clearing of land for any purpose’. Failure to carry out such an order rendered the offender liable to six months’ imprisonment and a $1,000 fine. The Sarawak Annual Report for 1949 regarded the ordinance as ‘of far-reaching importance to agricultural development in Sarawak’, its object being ‘to control the destructive systems of shifting cultivation’ (SAR 1949: 34–35). Similarly, the 1951 Report, after the routine condemnation of what it termed ‘shifting land robbing’, remarked that ‘powers to control and rationalise this practice are now available under the Natural Resources Ordinance’ (SAR 1951: 39). There is no evidence, however, that the ordinance was ever widely used to regulate shifting cultivation. Indeed, given the government’s view that this form of land use was inherently destructive of natural resources, any con-

![Fig. 8.2 Land Classification in Sarawak. Map by Gale Dixon, originally published in Cramb and Dixon (1988).](image-url)
sistent attempt to enforce the ordinance would have soon filled Sarawak’s jails to overflowing and engendered an agrarian revolt.\textsuperscript{19}

The 1953 Forests Ordinance (replacing a 1934 Order) provided for the creation of three classes of Permanent Forest: (1) Forest Reserves, in which no customary rights to land could be established or exercised; (2) Protected Forests, in which limited rights of access were allowed, and (3) Communal Forests, which were reserved for the use of a particular local community. The area of Forest Reserves (the most restrictive category) was increased from 5 per cent of the total land area in 1940 to 24 per cent in 1960 (Smythies 1961; Cramb 1988). Porter rightly comments with regard to the third category that ‘the close similarity of the community privileges exercised under the Ordinance to those which may well have been exercised over a great many years under \textit{adat} questions the benefit which the creation of a communal forest can bring’ (1967: 69). However, with the spread of logging operations into the hill forests of central and northern Sarawak in the 1970s and 1980s, a number of communities applied for communal forests to be gazetted as a way of pre-empting logging within their traditional domain, though with little success (Chin 1985; Sarawak Study Group n.d.). Thus the area of Communal Forest has remained small – only 56 sq. km out of a total Permanent Forest area of 31,761 sq. km at the end of 1983, down from 303 sq. km in 1968 (Sarawak 1983b; WRM/SAM 1989: 110). In Sri Aman Division there was only one block of Communal Forest in 1983, at Kabong in Saratok District.

\textit{The 1958 Land Code}

The 1958 Land Code consolidated the two principal land ordinances, as well as subsidiary legislation such as the Land Classification Ordinance (Laws of Sarawak, Cap. 81). As before, State land (in the colonial period, ‘Crown land’) was defined as ‘all land for which no document of title has been issued’ as well as land forfeited or surrendered to or resumed by the State (Crown). Detailed provision continued to be made for the adjudication and registration of rights to land within gazetted settlement areas.

The status of Native Customary Land as at 1st January 1958 was preserved, whether it fell within the boundaries of an area gazetted as Mixed Zone Land, Native Area Land, or Interior Area Land. Once such land had been surveyed the holder of customary rights could be issued with a 99-year lease, requiring payment of rent at $3 per acre per year. This provision was amended in 1963 to abolish the payment of rent, and in 1974 to allow the holder of customary rights to be issued with a grant in perpetuity. These
changes imply recognition in principle that traditional land rights amount to ownership, reflecting the view of native customary rights put forward by the 1962 Land Committee (see below).

However, the Code states that ‘until a document of title has been issued in respect thereof, such land shall continue to be State land and any native lawfully in occupation thereof shall be deemed to hold by licence from the State’. In practice, then, native customary rights were (and continue to be) viewed as an ‘encumbrance’ on State land (Porter 1967: 84). Moreover, Section 5(3) of the Code provided for native customary rights to be extinguished, at the direction of the Governor in Council (subsequently the Minister for Lands), by the payment of compensation or by making available other land, ‘whether the land over which the customary rights are exercised is required for a public purpose or the extinction of such rights is expedient for the purpose of facilitating alienation’.

In principle, native customary rights could be acquired after the introduction of the Land Code by the following methods, listed in Section 5(2): (a) the felling of virgin jungle and the occupation of the land thereby cleared; (b) the planting of land with fruit trees; (c) the occupation or cultivation of land; (d) the use of land for a burial ground or shrine; (e) the use of land of any class for rights of way; or (f) any other lawful method. However (as under the Land Classification Ordinance since 1955), this was only allowed on Interior Area Land and then only if a permit was obtained under Section 10 from a district officer. Anyone attempting to acquire customary rights without permission was deemed to be in unlawful occupation of State land. An administrative circular issued in 1958 instructed district officers not to give permission for the felling of virgin jungle, effectively precluding this method of acquiring rights to land (Porter 1967), though in fact such permits were issued in some districts during the 1960s when district officers felt that farming land was in short supply.20

The Land Code does not explicitly recognise the concept of territorial rights. However, the Code defines Native Customary Land as ‘land in which native customary rights, whether communal or otherwise, have lawfully been created’, including ‘land from time to time comprised in a reserve to which section 6 applies’ (emphasis added). Thus the Code does recognise that native customary rights may be held ‘communally’ as well as by individuals. Section 6 makes provision for the declaration of a Native Communal Reserve, to be ‘regulated by the customary law of the community for whose use it was declared to be reserved’. Such a reserve is surveyed and adjudicated, but is not registered in the name of any individual and
so remains Native Customary Land. The provision for Native Communal Reserves incorporates similar provisions under previous land laws, going back to the Land Order of 1931.

As mentioned in Chapter 4, in the later years of Brooke rule the government had initiated a process of establishing village councils to determine and record the boundaries of community territories, including areas of virgin forest for future expansion. It was envisaged in the Secretariat Circular of 1939 on Native Land Tenure that these longhouse territories would become Native Communal Reserves. In 1952 Keith Kitto, a senior officer and later director of the Department of Land and Survey, remarked that ‘these areas were looked upon as fixed native communal reserves and no doubt the communities concerned must remember the promises made to them by Government although the reserves have never been gazetted.’ Kitto suggested ‘we have reached the point now where it is vital for economic reasons to once again examine these communal areas’ (1952: 91–92). He proposed that land settlement officers should ‘decide on generous lines the limits of native customary tenure land’ (i.e., longhouse territorial boundaries) and that ‘native trusts’ should be established which would be ‘responsible for the administration of the areas under their control in accordance with native customary law as accepted by the communities themselves and not as laid down in our present land laws.’ Among their prerogatives ‘these Trusts could, if necessary, lease on yearly rentals portions of the communities’ land to non-natives or to other natives,’ utilising the revenue for community projects (Kitto 1952: 92).

However, Kitto’s views did not prevail and the pre-war effort in delineating territorial boundaries and recording territorial claims was never followed up. In practice Native Communal Reserves comprise a relatively small proportion of land in any given land settlement area, such as longhouse sites or other communally held land (e.g., fruit or illipenut groves). For example, in the Layar Settlement Area within the Batu Api Land District, covering the lands of Gensurai and nearby longhouses, only 14 small parcels (around 5 per cent of the total area) are mapped as Native Communal Reserves. As will be seen below, however, the failure of the system of land administration under the Land Code and Forest Ordinance to demarcate longhouse territories and areas of communal forest has not prevented the courts from recognising that native customary rights are indeed held in such ways.

**The 1962 Land Committee and the 1965 Land Bills**

For these and other reasons, the Land Code soon came into disrepute within the colonial civil service (not least in the Department of Land and Survey)
and in 1962 a Land Committee, comprising Anthony Richards, an experienced administrative officer with a thorough knowledge of Iban adat (he had served as Saribas District Officer), and two British experts, was set up to recommend changes to the Governor, Anthony Waddell (Sarawak 1962; Porter 1967: 97–104). The Committee argued for giving stronger recognition to native customary rights than provided for in the Land Code. In the Committee’s view, ‘where an individual or family has the right to exclude other individuals or families from the occupation or use of a piece of land, then the rights in that land must be regarded as amounting to ownership’ (Sarawak 1962: 43). Hence, in the process of ‘land settlement’ (or as the Committee preferred to call it, adjudication and registration), rather than requiring that native customary rights be ‘extinguished’ or ‘surrendered’ in return for a 99-year lease with premium and rent (as in the Land Code), they should be simply ‘converted’ to a grant in perpetuity with neither premium nor rent.23

The Committee also maintained (supporting both Brooke and colonial land policy) that, ‘though we appreciate the urgent need of the Chinese for more land, ... we believe the native must be prevented from disposing of his land until he has been better educated in how to use it properly’ (Sarawak 1962: 14). However, they argued against using land classification as the means of protecting native interests, suggesting instead a simple law requiring the consent of the Resident (or his delegate) before a native can ‘sell, lease, charge, or in any way dispose of or deal with his land or any right or interest in it’ (Sarawak 1962: 16).

The recommendations of the Land Committee were largely accepted by the colonial government, resulting in the publication in 1965 (two years after independence) of four land bills designed to replace the Land Code with a simpler system of land administration. In particular, the Land (Native Dealings) Bill sought to abolish the system of land classification, replacing it with ‘a simple method of control through Land Committees whose consent to any dealing in land by a native is required’24 In other words, the bill would have made it possible for Sarawakian Chinese to buy (with approval) what had previously been Native Area and Native Customary Land. However, the land bills were withdrawn when they became the focus of a political crisis in May–June 1965, it being argued by the opponents of the Saribas Iban chief minister, Stephen Kalong Ningkan, that he and his party (SNAP) were subject to undue influence by Chinese interests (Leigh 1974: 86–88; Searle 1983: 36–37). Consequently the 1958 Land Code (as progressively amended) continues to form the basis of land administration in Sarawak.
Land and Longhouse

Post-1981 Amendments to the Land Laws

Since 1981 the Taib Government has made extensive changes to the Land Code and other land laws to support its policy of promoting large-scale commercial land development. The effect of many of these changes has been to attenuate native customary rights in land. The first and most significant change was the establishment of the Land Custody and Development Authority (LCDA) in 1981, with Taib as chairman. This is discussed in Chapter 9. As one senior officer in the Land and Survey Department remarked during a government seminar on land development in 1982, ‘LCDA is more powerful than the Land Code’.25 Thus during the 1980s it was assumed that the LCDA Ordinance would be sufficient to bring Native Customary Land into the sphere of commercial land development.

In any case, the main land issue in the 1980s was the rapid expansion of commercial logging in hill forests in central and northern Sarawak, encroaching on land and forest resources which shifting cultivators (such as the Iban, Kayan and Kenyah) and forest nomads (the Penan) regarded as their own. By the mid-1980s this had led to widespread protest action, culminating in a series of blockades mounted on timber access roads, which typically cut through longhouse territories in order to link forest concession areas to the main rivers. The blockades were said to cost the timber companies affected millions of dollars in lost revenue (WRM/SAM 1989). The government’s response in 1987 was to amend the Forest Ordinance by the addition of the draconian Section 90B which makes it an offence to put up or prevent the removal of a barricade on a logging road, even on Native Customary Land. The penalty is two years jail and a $6,000 fine. Many arrests were made. However, the difficulty of obtaining convictions led the government to further amend the Ordinance in 1993, so that any person merely found or arrested at the place where a barricade is set up is to be presumed guilty of erecting the barricade.

By the mid-1990s, with forest resources dwindling, oil palm plantations attracting good returns, and the major Dayak opposition party (PBDS) now incorporated in the BN, the government could refocus attention on the so-called ‘problem of Native Customary Land’, that is, the difficulty of encouraging large-scale private investment in plantation agriculture when it required negotiation with the holders of native customary rights to the land. Even ostensibly unencumbered State land earmarked for land development often turned out to be subject to native customary rights claims. The government organised seminars to address the issue of the development of Native Customary Land in 1987 and 1994. With the appointment of J. C. Fong
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(previously Taib’s private lawyer and a board member of Sarawak Oil Palm Sdn Bhd) to the position of Attorney General, a series of major changes to the Land Code were drafted and put through the legislature with little or no opposition.

Thus the Land Code (Amendment) Ordinance of 1994 (Laws of Sarawak, Cap. A23) broadened the scope for the resumption of land by the government, including in Section 46 the following purposes: ‘(e) the provision of land for aquaculture or the cultivation of agricultural crops’ and ‘(g) any work or undertaking by any person, corporation or statutory body, which in the opinion of the Minister is beneficial to the economic or social development of the State or any part thereof or to the public generally or any class of the public’. This enabled the government to resume land, not just for a public purpose such as road construction, but in order to make the land available for large-scale private land development.

In 1996, and again in 1998, Section 5 of the Land Code was amended to streamline the extinguishment of native customary rights (Laws of Sarawak, Cap. A42 and A59). Section 5(3) allows the Director to extinguish native customary rights over a given area by issuing a direction in the Government Gazette and one newspaper, exhibited at a notice board of the district office, with 60 days to submit a claim for compensation. The land reverts to the Government from the date specified in the direction. Section 5(4) allows 21 days to give notice in writing to require arbitration if dissatisfied with the Superintendent’s decision. Section 5(6), amended in 1998, allows the state cabinet to make rules for the assessment of compensation payable for the extinguishment of native customary rights. That the intention was to reduce the rate of compensation for the resumption of customary land seems clear from the Minister of Land Development’s explanation: ‘The government is concerned that increasing land value and increasing rate of land compensation will hamper development because the government will not be able to pay huge sums in compensation for land needed for the implementation of its development projects’ (Adenan Satem, quoted in IDEAL 1999: 31). To further clear the way for development of customary land, Section 5(7) (inserted in 1996 and amended in 1998) provides that ‘whenever any dispute shall arise as to whether any native customary rights exists or subsists over any State land, it shall be presumed until the contrary is proved, that such State land is free of and not encumbered by any such rights’.

It was noted above that native customary rights could be created after 1958 on Interior Area Land with a permit from the district officer, as pro-
provided for in Section 10 of the Land Code. In the 1996 amendment, the authority to grant Section 10 permits was transferred to the Divisional Superintendents of Land and Survey (Laws of Sarawak, Cap. A42), eliminating the possibility of such local-level decisions. Section 10(3) sets the penalty for attempting to create customary rights over Interior Area Land without such a permit at $1,000 in the first instance, then two years imprisonment and a fine of $5,000. Section 10(4) states that occupation by a native or native community of Interior Area Land without a written permit shall not confer any right or privilege. They shall be deemed to be in unlawful occupation of State land and Section 209 shall apply (regarding arrest, seizure, and eviction for unlawful occupation). This amendment seeks to remove any possibility of claiming customary rights through long possession and gives so-called ‘rural squatters’ no recourse.

The 1997 amendment to the Land Code (Laws of Sarawak, Cap. A50) was designed to support the Konsep Baru policy, that is, the utilisation of Native Customary Land in large 5,000 ha blocks by joint-venture companies, each comprising a private plantation company, the landholders, and a managing agent (LCDA or SLDB). The amendment adds Section 18A which allows the Superintendent to amalgamate Native Customary Land within a ‘development area’ (declared under the LCDA Ordinance or the SLDB Order; see Chapter 9) into one parcel of land, and to grant a lease of up to 60 years over the land to a body corporate approved by the Minister (i.e., the joint venture company). The body corporate is one which has been ‘deemed to be a native’ by the cabinet. This provides the legal underpinning for the commercial use of Native Customary Land by a private plantation company.

The most extensive raft of amendments to the Land Code was passed in May 2000 (Laws of Sarawak, Cap. A78). One of the amendments was to remove the sixth method listed in Section 5(2) for acquiring (now ‘creating’) native customary rights, namely ‘(f) any other lawful method’. The ostensible argument advanced by the Attorney General for deleting 5(2)(f) was that it was redundant. However, advocates for native rights in the 1980s and 1990s had argued that reserving forest land for community use within a longhouse territory (menoa) (or within the territorial area of a nomadic Penan group) was a ‘lawful method’ under native adat that did not involve felling, cultivating, planting, or other activities listed in 5(2)(a) to (e). Hence deleting 5(2)(f) may be seen as an attempt by the government to restrict the scope of native customary rights claims in order to facilitate the appropriation of forested land for logging and large-scale private land development.
As mentioned above, Section 5(3) of the original Code provided for native customary rights to be extinguished. This sub-section and three following sub-sections dealing with compensation for extinguishment of native customary rights were deleted in the 2000 amendment and replaced by Section 5(4): ‘Any native customary rights lawfully created under subsection (1) or (2) may be terminated and the State land over which such rights have been created shall be resumed by the Government and compensation shall be paid to any person lawfully having such rights, in accordance with Part IV.’ Part IV deals with the resumption of alienated land. Thus the amendment placed the extinguishment (now ‘termination’) of native customary rights in the same category as other forms of resumption, further diminishing the status of customary land. A similar statement was inserted in Section 6(4), providing for the resumption of land in Native Communal Reserves. In the process, the previous wording – requiring that the Minister first be satisfied that the land ‘is no longer required as a Native Communal Reserve and that this subsection may be applied without causing injustice or oppression’ – was omitted.

The 2000 amendment to the Land Code also inserted Sections 7A to 7E, which provide for the registration of native rights to land in a central register maintained by the Department of Land and Survey (Chapter A78 Laws of Sarawak). According to Section 7A, it is the landholder’s responsibility to register his rights and ‘to prove to the satisfaction of the Registrar that such rights have been lawfully created or that he is lawfully entitled to enjoy or have the benefit of any of the rights referred to …’ The Registrar is not authorised to register any claims over land ‘if such claims are the subject matter of any dispute or proceedings pending before any Court including a Native Court or of any arbitration proceedings’ or ‘if a grant or lease has been issued’ (presumably including a provisional lease for private plantation development). There is a strong incentive for landholders to have their rights registered, as Section 7D states: ‘Any person whose name appears in the Register of Native Rights as the person lawfully entitled to any such rights shall, until the contrary is proved to the High Court … be deemed to be the lawful owner of such rights.’ In Section 7E the Government is declared to be not liable for any errors in the Register. The effect of the registration provisions will be to weaken substantially the claims of any landholder who fails to or is unable to register his claims. This places the onus on the individual landholder (not the longhouse community) to demonstrate formally the validity of his or her customary claims.
The Extent of Native Customary Land

It is important to gauge the extent of the different classes of land defined in the Land Code. Fig. 8.2 shows the distribution of each of the four mutually exclusive zones as at the beginning of 1986 (note that Native Customary Land is a category which overlaps these four zones, as discussed in the next paragraph). At that time Mixed Zone Land accounted for 8 per cent of the total land area, Native Area Land for 7 per cent, Reserved Land for 16 per cent, and Interior Area land for 69 per cent (Cramb and Dixon 1988). It is noteworthy that over 40 per cent of Mixed Zone Land was found in Sri Aman Division, mostly in the Saribas District. This probably reflects the colonial administration’s view that the Saribas Iban were more commercially sophisticated and hence able to participate in a land market on an equal footing with the Chinese. However, the area of land for which titles have actually been issued (including unsurveyed titles such as Occupation Tickets and Rubber Garden Registration Certificates) remains small. In Sri Aman Division in 1998 only 13 per cent of Mixed Zone and Native Area Land (881 sq. km) was actually titled (Sarawak 1999b). Only 9 per cent of the total land area in the Division was titled.

Untitled land within a region classified as Mixed Zone or Native Area Land can be presumed to be State land subject to native customary rights, that is, Native Customary Land. In addition, that proportion of Interior Area Land that was subject to customary rights before 1958 continues to be legally recognised as Native Customary Land. This can be roughly estimated from the area under shifting cultivation as shown on the Department of Land and Survey’s 1956 land use map. Additional tracts of Interior Area Land, and indeed of Reserved Land, have been felled for shifting cultivation since 1958 and claimed under traditional land tenure, but rights to these areas are not legally recognised by the state. On the basis of these assumptions, Cramb and Dixon (1988) estimated the total area of Native Customary Land as 30,700 sq. km, about 25 per cent of Sarawak’s land area. Within Sri Aman Division, the area of Native Customary Land was estimated to be 7,750 sq. km, 75 per cent of the total area of the Division and 25 per cent of the total area of Native Customary Land in the state.

Official estimates of the area of Native Customary Land vary. Foo (1987) provides a figure of 27,379 sq. km or 22 per cent of the state’s land area, whereas Zainie (1994) puts it at 16,287 sq. km or 13 per cent, both figures based on Department of Land and Survey data. Whereas Foo’s figure is not greatly different from Cramb and Dixon’s (1988) estimate, Zainie’s figure is significantly lower. It is likely the latter figure reflects the government’s
increasing emphasis on commercial land development in the 1990s, hence a desire to exclude as much land as possible from officially recognised customary claims. It is now widely asserted that there are 1.5 million ha (15,000 sq. km) of Native Customary Land in Sarawak (e.g., Sarawak 1997), though the basis of this figure has not been made clear.

THE COURT SYSTEM AND IBAN LAND RIGHTS

The Courts and Customary Law

The trend towards greater formality in the legal system, which emerged in the last years of Brooke rule, continued in the post-war period (Digby 1980). As mentioned in Chapter 4, the Native Courts Order of 1940 had established three classes of Native Court: (1) the district court, (2) the court of a native officer or chief, and (3) a headman’s court. In 1955 the Native Courts Ordinance extended this system by creating a Native Court of Appeal presided over by a judge.29 The Native Customary Law Ordinance, issued in the same year, referred to ‘authorised versions’ of native law, made provision for the keeping of records, and gave power to the Governor in Council to amend any native system of personal law. According to Hooker (n.d.: xviii), the present judicial system is thus ‘formulated in such a way as to make Native Law a (distinct) part of an English-derived legal system’. He continues: ‘Such was not the position under the first two Rajahs where a localized and highly fact-specific administration was the norm. This is still characteristic of the lower levels of the Native Courts as at present constituted, but at the level of the Native Court of Appeal the common law legal system demands something else, viz., a body of precedent or an ascertainable body of principle’ (Hooker n.d.: xviii).

This has resulted in the incorporation of codes or fine lists (*tusun tung-gu*) as subsidiary legislation. According to Richards (1963: 4–6), the first attempt to codify Iban *adat* was a set of notes prepared by A. B. Ward in 1915 for the Simanggang court. A list of fines was made for the Rejang Iban in 1932 and this was revised and printed in 1936. The Rejang list was revised again by a meeting of *penghulu* at Sibu in 1952 (hence is referred to as the 1952 *Tusun Tunggu*)30 and in 1958 was incorporated as subsidiary legislation under the Customary Laws Ordinance, with application to Iban in the Third, Fourth and Fifth Divisions. Between 1946 and 1950, unsuccessful attempts were made to produce a similar list for the Second Division. Such a list was eventually prepared in 1958 but proved unsatisfactory, leading to a major conference of *penghulu* at Simanggang in 1961 chaired by Anthony Richards and Hermanus Assan, of which Richards’s (1963) compilation was
the outcome. It appears from Richards’s remarks that the main reason behind the initial compilation of the lists was a felt need by those administering customary law, in particular the penghulu, for standardisation of the fines they handed out and greater government backing for their decisions, perhaps reflecting incomplete acceptance at the local level of the state-imposed legal system.

Hence the lists should not be regarded as a full and accurate expression of Iban adat. As Sather remarks of the Second Division code, ‘the main fine list inadequately reflects the actual intricacies of adat and is far from exhaustive’ (1980: xviii). The Third Division Tusun Tunggu is more a statement of what might be termed ‘administrative custom’ under the Brooke and British regimes than a considered exposition of Iban adat. That the conference of penghulu in 1952 ratified the document is an indication of the extent to which they had become functionaries of the colonial state rather than genuine exponents of Iban custom.31 The section of the Tusun Tunggu concerning land tenure illustrates the way in which it combines selected elements of adat with statements of colonial legal principles which in some respects limit or distort customary rights (Richards 1963: 86–87):

Theoretically all untitled land whether jungle or cleared for padi farming (Temuda) is the property of the Crown. The fact that Dayaks do clear a portion of virgin land for the site of their padi farms confers on them a restricted right of proprietorship over the land thus cleared. Once the jungle has been cleared it becomes temuda. It is a recognised custom that temuda is for the use of the original worker, his heirs and descendants. This is the only way Dayaks can acquire land other than by gift or inheritance.

In former days there were no restrictions on anyone felling jungle provided that he did not destroy valuable commercial trees such as gutta, jelutong and engkabang. But it is not so now. Since the introduction of the Forest and Erosion Ordinance no one is allowed to fell jungle without permission from the proper authority.

No Dayak is allowed to sell, purchase or lease (by way of demanding rent either in kind or in cash) untitled land. It would be an infringement of the right of the Crown if they did so, and they may be prosecuted in view of the fact that selling of untitled land is prevalent in this Division, and Dayaks seem to forget this custom.

There are no other ways in which Dayaks can part with possession of untitled land other than by gift or on death. When a Dayak abandons his temuda land and moves to another district he loses all rights to it. The land that has been farmed by him reverts to the Crown (as legally it is Crown land) and it is usually set aside for the benefit of
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the general community or to help those who are otherwise lacking in land. In such a case the original owner has no right to prevent others from making use of the land and the user acquires the right. This was made clear in the Rajah’s order dated 10th August, 1899, Land Tenure Act, which states that ‘Any Dayak removing from a river or district may not claim, sell or transfer any farming ground in such river or district nor may he prevent others farming thereon unless he holds such land under grant.’

The tell-tale statement that ‘Dayaks seem to forget this custom’, acting in practice as though they were owners of the land, strongly suggests that this and other so-called customs were in fact imposed from above rather than a true expression of Iban land adat. As Justice Lascelles remarked in Sat v. Randong (1958): ‘Temuda rights are rights to farm over Crown Land and are a form of customary tenure; the holders are mere licensees of the Crown, but it has been my experience that this is difficult to explain to Dayaks in general and they regard it as land owned by them’ (Lee n.d.: 131). Nevertheless, the Native Court of Appeal and the High Court have regarded the codes as definitive statements of customary law. For example, in a land dispute, Injing v. Tuah and Anor (1970) in the Native Court of Appeal at Sibu, Justice Seah stated: ‘It is clear from the authorities that this disputed temuda is governed by the Native Customary Laws, which are contained in Vol. 7 of the Laws of Sarawak,’ referring to the Third Division Tusun Tunggu (Lee n.d.: 181). The judge went on to quote extensively from and base his decision on the section on land tenure reproduced above.

Notwithstanding the deficiencies of the published codes, the Majlis Adat Istiadat (Council for Customs and Traditions) organised a meeting of Iban leaders at Kapit in 1981, followed by a series of seminars in various towns in 1986, in order to produce a consolidated and revised version of the 1952 Tusun Tunggu and the 1963 compilation for the Second Division. This was enacted as the Adat Iban Order of 1993 and the previous codes were revoked. However, although it deals with various farming taboos and offences, the Adat Iban now makes no reference to land adat, other than an ambiguous reference in Section 73 to the loss of farming rights on out-migration (pindah). This is a curious omission, particularly given the extensive reference to land matters in the Tusun Tunggu. According to some informants, the Attorney General’s office pressured Gerunsin Lembat, the head of the Majlis Adat Istiadat at the time, to leave out any reference to land in the Adat Iban 1993, arguing that the Land Code was adequate. However, as discussed above, the Land Code makes scant reference to the actual nature
and functioning of customary rights to land, other than to list some of the means by which they may be created. In particular it makes no reference to the crucial concept of territorial (menoa) rights, something which the Adat Iban could well have clarified.  

The Native Customary Laws Ordinance was replaced in 1996 with the Native Customs (Declaration) Ordinance, to make statutory provision for regulating the codification of native customary laws and for the publication of authorised versions of such codes. It empowers the Majlis Adat Istiadat 'after consultation with the Chiefs and Headmen of the native community concerned; and with the approval of the cabinet, to 'compile and publish codes of the customs of any of the native races of Sarawak.' Section 7(1) states: 'Where a code has been published under this Ordinance, it shall be conclusive as to the customs of the native race in respect of which it was compiled and its correctness shall not be questioned in any court whatsoever.' Moreover, Section 7(2) provides that 'no code or amendment of a code shall be held invalid by reason only of the failure of the Majlis Adat Istiadat Sarawak to consult with one or more of the Chiefs or Headmen of the native community concerned before publication.' Finally, Section 9 declares that 'if any provision of a code is found to be repugnant to or is inconsistent with a provision of any written law, the latter shall prevail.' The new Ordinance thus serves to complete the subordination of adat to officially-sanctioned written codes.

*Important Judgements on Iban Land Rights*

The greater formality in the legal structure, particularly the provision for appeal to the Native Court of Appeal or the Supreme (later High) Court meant that a number of Iban land disputes in the post-war period were subjected to formal judicial assessment. Chief Justice Lee Hun Hoe compiled a number of these cases from the late 1940s through to the late 1960s, embracing the colonial and early Malaysian periods. A selection of land cases from this compilation indicates both the issues confronting the courts and the emerging judicial consensus about the nature of Iban land rights. The issues included: (1) the nature of territorial or 'communal' rights and the role and status of the tuai rumah with regard to both the longhouse territory itself and common land within that territory; (2) the circumstances in which an individual forfeits farming rights after moving or migrating (pindah) from one longhouse territory to another; and (3) the practice of leasing and selling customary land, in particular to Chinese farmers. These have been issues of increasing importance which are inadequately dealt
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with in the Land Code and the Adat Iban, hence the judicial response to them constitutes an important alternative strand in the post-war institutional environment governing Iban land use and tenure. Particularly in the post-1981 period, policy makers who relied on the narrow concept of native customary rights embodied in the Land Code have found that judicial interpretations sometimes take a broader view. This conflict between the political perspective and the judicial perspective came to a head with the High Court's 2001 decision in *Nor anak Nyawai and others v. Borneo Pulp Plantation Sdn Bhd and others*.

(a) The nature of territorial rights. A clear statement of the nature of territorial boundaries is found in *Galau and others v. Penghulu Imang and others* (1966), a case heard by the Native Court of Appeal, which concerned the validity of a boundary between the Oya and Sibu Iban in Third (Sibu) Division (Lee n.d.: 128–133). The two Iban members of the Court were 'firmly of the opinion that the Ibans may delimit the areas in which they, as members of any one community, may hold temuda rights over land [i.e., rights to clear secondary forest for farming]. They are equally adamant that such an agreement when made may extinguish existing rights,' while adding the proviso that 'no agreement between communities could deprive an individual and his heirs to their property in [fruit and rubber] trees.' Justice Williams observed: 'That there are territorial areas within which rights may be held, or rather retained, cannot be doubted.' He made reference to *Bujang v. Tanjong*, in which 'it was recognised that longhouse communities can agree to boundary lines which will prevent others from acquiring temuda rights in each other's area.' Though he acknowledged that 'there is no direct authority for the proposition that temuda rights once established may be lost by the drawing of a boundary,' the opinion was given that 'a Native Court has jurisdiction to decide questions of customary rights over land by reference to an agreement between the parties or their predecessors ... defining the boundary between the two communities.' This recognises the fundamental importance of the territorial boundary in Iban land tenure and the priority of territorial rights over individual household rights to land.

The nature of the longhouse community as a landholding or territorial unit is further brought out in *Gembar v. Janting* (1968), heard by the Native Court of Appeal at Simanggang (Lee n.d.: 151–155). As a result of a dispute between two individuals, the Penghulu's Court made a decision in 1950 on the 'communal areas' of their respective longhouses. In 1966 the matter was again brought to the Penghulu's Court, then by successive appeals to the Native Court of Appeal. In delivering the Court's judgement, Justice
Silke made the following remarks: ‘The 1950 case started as a dispute as to individual rights and not communal rights but in its course its nature was altered so that its decision was on communal rights. Without the parties being properly represented, that is, by their respective Tuai Rumahs who litigate on behalf of their anakbiaks [followers] – for it must be remembered that it is the Tuai Rumah who holds in trust, if we may use that expression, the communal rights on behalf of his anakbiaks – then the decision is of no binding effect.’ Thus the negotiation of exclusive longhouse territories is evidence of the corporate status of the longhouse community, the community itself being regarded by the court as a ‘legal person’ with a definite claim to land which incorporates the claims of its individual member households. Accordingly, the longhouse headman is here being viewed as the ‘trustee’ and legal representative of the corporate community in relation to its land.

Though land disputes were mostly about the use of land for hill rice farming, the territorial claims of a longhouse community embraced more than farming land. Hii Tiong Yew v. Buduol and others (1962) was an appeal to the High Court concerning a piece of land in Sibu District for which Hii had obtained a title and which he had engaged some labourers to clear (Lee n.d.: 107–110). The Iban respondents had stopped the workers from clearing the land, claiming it was part of a burial ground. This was subsequently confirmed. Justice Harley argued that ‘if the Superintendent of Lands and Surveys … makes an error in delineating the boundaries [of a lease], he does not thereby extinguish prior existing rights.’ Hence ‘the Iban customary rights of burial were not extinguished by the grant of title to the Plaintiff’. This implies that if, due to an error on the part of the relevant officer, other categories of community land, such as a forest reserve (pulau), are not excised from the area of a lease, the customary rights to such land are not thereby extinguished. This is an important principle brought out in the High Court’s May 2001 judgement.

(b) The issue of migration. The question of territorial boundaries is related to the second issue confronting the courts, that of movement between long-houses or ‘migration’ (pindah). An appeal to the Supreme Court in 1949 (Udin v. Utom 1949) illustrates well the judicial approach to the issue of migration in the post-war period (Lee n.d.: 15–16). The appellant, Udin anak Lampon of Sarikie District, had ‘claimed a right of individual occupation by customary tenure’ through his ancestor, Juing, even though Juing had left the district many years before. Justice Hedges, in dismissing the appeal, stated that ‘the land in dispute is communal farming land in the occupation of Tuai Rumah Utom’ (the defendant in the original case), and that Juing’s
rights ‘were extinguished long ago when [he] moved to Binatang’ (a neighbouring district). This judgement recognises the Iban custom whereby the land of an emigrating household would sometimes revert to the longhouse community, becoming *tanah saum*, to be administered by the headman. However, in support of his conclusion, Justice Hedges cited the Rajah’s Order of 1899, discussed in Chapter 5, which states that ‘any Dayak removing from a river of district may not claim, sell or transfer any farming ground in such river or district, nor may he prevent others farming thereon, unless he holds such land under a grant’. In the judge’s view, ‘that Order was declaratory of the customary law, and although the Order is no longer on the Statute Book, the force of the customary law is in no way diminished’. Yet the Order only partially captures Iban *adat* (an emigrant could transfer his rights to a kinsman and could re-activate them if he returned) and the notion of a ‘grant’ had no place in customary land tenure. This blending of genuine *adat* and ‘administrative custom’ is characteristic of judicial pronouncements in the Brooke period and the early post-war period.

Keleman v. Linang (1954) was an appeal to the Supreme Court concerning land in the Skrang (Simanggang District) over which Sabit had established farming rights (Lee n.d.: 60–61). Sabit had two daughters, Nari and Jawai, the second of whom had moved with her husband to a neighbouring longhouse within the same *penghulu*’s jurisdiction; the two longhouses were separated by a ridge which served as a territorial boundary. Keleman was the direct descendant of Nari and Linang of Jawai. The dispute concerned Linang’s attempts to farm the land in question, despite living in the longhouse to which his ancestor Jawai had moved. Keleman, who remained in the original longhouse, was said to hold the position of *ketua di atas mempekat beruma* (a Malay expression for ‘the senior elder for arranging farming’) with regard to the land that was once Sabit’s. The judgement of the court, delivered by Justice Lascelles, was that ‘Jawai (f) by moving to Sungei Sempadi did not forfeit her right to farm this land and her heirs naturally have also this right ... but must *aum* [hold a meeting] with Appellant [i.e., Keleman] first’. This judgement reflects a subtle aspect of Iban land tenure, discussed in Chapter 3, namely that a household member who leaves (in this case, moving to a neighbouring longhouse) retains a secondary interest (not amounting to a right) in the parental household’s farming land, but the exercise of that interest is subject to the agreement of the *pun bilek* of the original household (*bilek tuai* or *bilek asal*). However, the judgement gives the impression that full farming rights are retained after moving to a longhouse within the same *penghulu*’s jurisdiction, which is contrary to *adat*. In
fact, under \textit{adat} the original household has the authority (\textit{kuasa}) to refuse access to its farming land.

\textit{Sumbang v. Engkarong} (1958) was an appeal to the Native Court of Appeal at Sibu, comprising Justice Lascelles and three Iban assessors (Lee n.d.: 72–75). The land in question was originally held by Perada. However, Perada’s heirs, including Engkarong (the respondent), had subsequently moved to another, nearby longhouse, and Sumbang (the appellant) had claimed the rights to the land with a view to applying for a title, as the land was now classified as Mixed Zone and had already been surveyed. The Court gave the opinion ‘that if the holder of customary farming rights moves from a particular longhouse but remains within the same Penghulu’s jurisdiction, he continues to retain in full such farming rights provided his move does not take him beyond what can only be described as “reasonable farming distance” from the land.’ In this case 1¼ hours in an outboard-powered longboat was considered ‘reasonable.’ The Court concluded that ‘the heirs of Perada still hold full customary farming rights’ hence they ‘have prior right to apply for a title now the land has become situated within a Mixed Zone.’

However, the principle that migration within the same \textit{penghulu}’s district does not involve loss of farming rights clearly undermines the territorial integrity of the longhouse community, imposing instead an arbitrary administrative boundary. It is another example of ‘administrative custom’ superseding \textit{adat}. Though the courts continued to invoke this principle, it is significant that the 1961 conference of \textit{penghulu} in Simanggang, referred to above, agreed that ‘removal from one longhouse to another constituted \textit{pindah}, and not only from one river or Penghulu’s area to another. Resumption of rights relinquished on \textit{pindah} could not be had without prior agreement of the ‘Tuai Rumah, except the land was under title’ (Richards 1963: 8). This statement is in accord with Iban custom as it had evolved over the preceding century.

\textit{Nasat v. Mandai} (1962) was a case in the Native Court of Appeal at Sibu before Justice Harley and two Iban assessors concerning land in Kapit District (Lee n.d.: 97–98). Mandai had moved from one longhouse to another within the same \textit{penghulu}’s area 30 years previously. Nasat had planted part of the land left behind by Mandai with rubber, without objection from Mandai. He had also tried to claim the unplanted part of the land which was under secondary forest (\textit{temuda}). The Court ruled that Nasat could keep the land planted with rubber but had ‘no foundation in law or custom for his claim that the unplanted \textit{temuda} should also pass’ to him. In short, Mandai had ‘not lost his original rights to that part of his land which is still
temuda (secondary jungle), despite an absence of 30 years. This judgement once again invoked the principle that migration within the same penghulu’s area did not involve loss of farming rights, despite indications that this was contrary to adat. However, the judgement does accurately reflect the principle that, assuming customary farming rights have not been transferred, they are of indefinite duration, that is, that they are not simply ‘abandoned’ through long periods (in this case 30 years) of non-use.

This latter issue emerges in Nyalong v. The Superintendent of Lands and Surveys, Simanggang (1967) in the High Court (Lee n.d.: 139–143). Nyalong sought a declaration that he was the rightful owner of a parcel of 8 acres on the Serian-Simanggang Road, on the basis that his father and he had first cleared the land (berimba) sometime before the Japanese Occupation. He had planted padi there twice while living at Kampong Skra, 1½ hours away by boat, but in a different penghulu’s area. (That he clearly lived within a ‘reasonable farming distance’ but in another penghulu’s area shows the arbitrary nature of the principle that farming rights are retained only if migration is within the same penghulu’s area.) However he had not farmed the land for over 20 years, though he claimed to have regularly visited the land. Justice Silke made a curious judgement in the light of preceding cases: ‘The right which the Plaintiff may have created by his original clearing and cultivation is a restricted one and it can be lost by abandonment.’ A witness, Penghulu Geringan, had said in evidence ‘that abandonment for a period of ten years meant loss of temuda rights on the logical basis that after ten years the land had reverted to virgin jungle and was there for whomsoever recleared it.’

However, this assertion is not consistent with Iban adat nor with judicial pronouncements in the cases summarised above. Indeed, in this case Justice Silke cites Sigip v. R. (1954) in which Justice Lascelles notes that ‘the value of the land in farming dry padi lies in the growth on the land and the longer the jungle is allowed to grow the better the land becomes for the purpose of farming.’ Thus in Justice Silke’s judgement the issue of migration is confused with the issue of abandonment. As discussed in Chapter 3, migration involves the immediate and openly negotiated transfer of farming rights, whether to a kinsman or another representative, or to the tuai rumah acting for the longhouse community. The notion that rights to temuda could be lost simply because the land remained uncleared for a period of 10 years completely misconstrues the nature of Iban land use and tenure. Yet this notion has filtered through to contemporary policymakers who are seeking to weaken customary claims to hill farming land.
(c) **Leasing and selling land.** The third issue confronting the courts in the post-war period was that of leasing and selling untitled (i.e., customary) land. In Sumbang v. Engkarong (1958), discussed above in relation to the migration issue, the background to the case was that one Guyu had moved from the area to Bintulu many years before and transferred his farming rights to Perada, in return receiving payment of *tungkus asi*, the customary token of such a transfer (Lee n.d.: 72–75). The Court ruled that this did not amount to a sale, which would have rendered the transaction invalid as ‘individual customary rights are not transferable by sale or otherwise for value.’ Hence Perada and her heirs retained the rights to the land. However, the Court noted that *tungkus asi* ‘may now well be misused and disguise what is really in fact a sale.’ In such a case the land would revert to the longhouse and come under the disposition of the headman.

In *Abang v. Saripah* (1969) in the Native Court of Appeal before Justice Lee and two Iban assessors, it emerged that Saripah, an Iban woman, had originally occupied a portion of *temuda* land in Binatang District comprising swamp land (*paya*) and a small hill planted with young rubber (Lee n.d.: 163–167). She had moved to Sibu District 20 years before but still claimed the land. Abang, however, claimed the land had been sold to him by Saripah’s brother-in-law. The Court decided that neither party had any claim to the land under customary rights. Saripah had lost her rights by moving to another district. Abang could not claim rights by way of purchase as, according to the Tusun Tunggu, ‘no Dayak is allowed to sell, purchase or lease (by way of demanding rent either in kind or in cash) untitled land.’ The judgement of the Resident’s Native Court, which the Native Court of Appeal was here upholding, stated that Saripah ‘has no right to receive *sua* or *tasih temuda* from anybody.’

Yet these terms refer to the long established and widespread Iban practice of charging some form of rent or transfer payment for the use of farming land in situations where the user has no inherited right to use the land. Moreover, as noted in Chapter 5, the value of the rent or transfer payment charged had been increasing since late in the nineteenth century, reflecting the increasing scarcity of land. It would seem that the courts were again allowing ‘administrative custom’ to take precedence over evolving practices which were indeed part of Iban *adat*. This issue is taken up again in Chapter 11.

(d) **The Nor case.** These judgements, despite their ambiguity and outright error in some cases, served to augment the increasingly restrictive legislative interpretation of customary land rights with a fuller recognition of the nature and functioning of Iban land use and tenure. This recognition was
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taken to a new level with the High Court’s May 2001 judgement in Nor Anak Nyawai and others v. Borneo Pulp Plantation Sdn Bhd and others.

This was a representative action taken out in January 1999 by Nor and three others on behalf of themselves and ‘all other occupiers, holders and claimants of native customary land at Sungai Sekabai’ and its tributaries in Sebauh District, Bintulu Division. Nor was the headman of a long-established longhouse community that claimed native customary rights, described as temuda, pulau, and pemakai menoa, over an area of 672 ha that had been included in a lease issued to Borneo Pulp Plantation Sdn Bhd. This was part of a planned 600,000 ha government-approved project involving the planting of fast-growing pulpwood trees (Acacia mangium) by the second defendant, Borneo Pulp and Paper Sdn Bhd, to supply a large pulp mill in Bintulu. The Superintendent of Lands and Surveys, Bintulu, who had issued the lease, was the third defendant.

The defence lawyers claimed that no customary rights existed in the disputed area because aerial photographs taken in 1951 showed only primary forest while photographs taken in 1963 showed only one 2-acre clearing. Justice Ian Chin accepted the argument of Baru Bian, the lawyer for the plaintiffs, that this did not rule out the possibility that some or all of the land had been farmed previously (hence was in fact temuda) but had been fallowed long enough by 1951 for the forest to regenerate and appear from the air to be primary forest.

More significant, however, was his conclusion that the disputed land was part of the territory (pemakai menoa) of Rumah Nor and constituted a communal forest reserve (pulau galau) which the community members and their ancestors had used for hunting, fishing, and the collection of forest produce (if not for farming). The judge thus accepted that native customary rights included territorial rights and hence the various shared use rights, other than cultivation rights, which Iban longhouse communities traditionally exercised over their territories (even though these terms were not explicitly mentioned in the Land Code or the Adat Iban). Along with the testimony of the plaintiffs, the presence of the current longhouse and a series of old longhouse sites (tembawai) within ready access of the disputed area was taken to imply long customary usage of the territory, hence the establishment of native customary rights. In addition, a map prepared for the plaintiffs in 1999 by an unqualified surveyor using a geographical positioning system (GPS) was accepted as sufficiently accurate to indicate that the disputed area fell within the menoa of Rumah Nor. (The government introduced the Land Surveyors Bill in October 2001, shortly after the High
Justice Chin then proceeded to address the question whether those rights had been affected by any orders or legislation from the time of James Brooke. He cited the principle emerging from the landmark *Mabo* case in Australia that ‘mere change in sovereignty does not extinguish native title to land’ and ‘native title is not extinguished unless there be a clear and plain intention to do so’. His extensive review of Sarawak’s legislative history led him to conclude that the customs relating to *temuda*, *pulau*, and *pemakai menoa* were in existence before the arrival of the first rajah and had survived all the subsequent orders and legislation, there being no explicit intention in any of these legislative or executive instruments to extinguish such rights. Indeed, many of them explicitly affirmed the status of, and sought to protect customary rights to land.

Justice Chin declared that the plaintiffs were entitled to exercise their native customary rights in the disputed area and handed down an injunction against the first two defendants, preventing them from entering the area. No damages were awarded. The title issued was declared void and a new title was to be issued which excluded the disputed area. Because the decision recognised and upheld the customary land usage and territorial rights of Rumah Nor, it provided a precedent for the resolution of numerous other disputes which had arisen in the 1990s (IDEAL 1999). It has been estimated that there are 50 similar cases pending in Sarawak against companies involved in oil palm and pulpwod plantations, logging and mining (Thien 2004).

Both the company and the government appealed the Nor decision (the ubiquitous State Attorney-General J. C. Fong was in fact on the board of Borneo Pulp and Paper). Though the area involved was small and nothing in the decision prevented the government from using recently amended provisions in the Land Code to extinguish or terminate the native customary rights of Rumah Nor in order to make the land available for commercial development, such action would require compensation. Clearly the government preferred to be able to regard such land as unencumbered State land, available for alienation to private developers without consultation, let alone compensation, being required. In June 2005 the Court of Appeal in fact overturned the High Court’s decision on the question of evidence of ownership, but explicitly reaffirmed the principle enunciated in the original decision regarding the survival of customary rights, including territorial rights. The government immediately announced its intention to appeal this reaffirmation. By recognising the community-based land tenure system of
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Rumah Nor, the High Court’s judgement, and the Court of Appeal’s agreement with the principles underlying that judgement, had seriously undermined the government’s policy of large-scale private land development. It also called into question much of the logging activity in Sarawak’s hill forests sanctioned by the government in the preceding decades, which had likewise given rise to persistent local resistance by longhouse communities (Hong 1987; Colchester 1989; WRM/SAM 1989). The judgement thus provided an important countervailing tendency to the statutory erosion of Iban land rights in the Taib era.

CONCLUSION

It is possible to depict the post-war trend in land and forest policy purely in ethnic terms – the ascendancy of Malay-Melanau interests, supported by Chinese capital, at the expense of traditional Dayak landowners. There is certainly some plausibility in this interpretation. Taib Mahmud’s alliance with prominent Chinese businessmen is, of course, well known. It is also the case that the defeat and/or incorporation of Iban political opposition (first Pesaka, then SNAP, then PBDS) has weakened resistance to government policies favouring the attenuation of Iban land rights and the appropriation of Iban land for commercial development, particularly since the 1990s. While there have been Iban civil servants in relatively senior positions, and Iban political leaders such as James Masing are at pains to argue that they are more effective in presenting a countervailing voice to the more extreme government policies by operating within the government (Khoo 2004), the freedom of civil servants and even cabinet members to criticise the direction of the Taib Government’s policies is severely circumscribed. One of Taib’s long-term achievements has been to promote Malay-Melanau dominance of the senior civil service, thereby ensuring a compliant bureaucracy.40 Another has been his apparent ability to exploit the factionalism among Iban politicians, leaving Iban intellectuals debating whether they are culturally predisposed to climb over each other like river snails (tekuyong) in a jar (Dimbab 2000).41

However, an explanation purely in terms of ethnic politics would be dangerously misleading. Dayak political leaders such as Alfred Jabu were among those to gain most from the government’s land and forest policies in recent decades, and Malay and Melanau villagers as well as Dayak longhouse dwellers have sometimes gained and often suffered as a result of those policies.42 Indeed, in the lead-up to the 2001 state elections, the government was as much concerned to placate irate Malay landowners in Kuching and Samarahan Divisions as to deal with Dayak discontent over land matters.
It is also important to note that, while legislative change since early in the colonial period has certainly tended to undermine and curtail customary land rights, some amendments to the Land Code have strengthened the status of those rights, namely, those providing for native customary rights to be replaced by a grant in perpetuity without premium or rent. Moreover, the court system, by linking native courts to higher courts and recognising *adat* as part of the common law, has provided an alternative avenue for the assertion and elaboration of customary land rights, including recognition of territorial rights. This can be seen most clearly in the High Court's 2001 *Nor* decision (the principles of which were reaffirmed by the Court of Appeal in 2005), but previous judgements by the courts have also served to counterbalance the increasingly narrow legislative interpretation of customary rights.

However, the overwhelming institutional change in Sarawak in the post-war period, particularly since 1970, has been the steady rise of a powerful, high-modernist state, in close alignment with market or business interests, with the vision and the capacity to transform Sarawak's rural landscape in unprecedented ways. It is clearly a 'clientelist' state, one in which a tightly managed system of patron-client politics has been instituted, with Taib Mahmud a 'super-patron' in almost complete control of the state's land and timber resources. Patron-client networks cut across ethnic and religious lines and pervade the activities of the state from the capital city to the most remote longhouse.

The state has relentlessly pursued the kind of territorial strategies identified by Vandergeest and Peluso (1995) to establish control over natural resources and the people who use them, despite a legacy of comparatively extensive de facto recognition of customary land rights in Brooke Sarawak (Peluso and Vandergeest 2001). These strategies have included an ethnically-based system of land classification, an exclusive focus on registering individual title to land, an exclusionary system of forest reservation, and an increasingly restrictive approach to the recognition of customary land, thereby extending the domain of public land at the government's disposal. The state's territorialisation project has had no place for the customary notion of the longhouse territory and the community-based tenure system it underpins. Hence it has rejected attempts to specify and register *menoa* titles and outlawed such activities as community mapping of longhouse boundaries that threaten its control over the definition and disposition of land and forest. The territorialisation project ties in with the dynamics of patron-client politics, facilitating the wholesale transfer of land and timber
resources from the community and public domains to enhance the private wealth of a small number of favoured clients. This ‘politics of development’ (to use the Taib Government’s slogan) has created a deep-seated conflict between community, market and state that has yet to be resolved.

NOTES
1. K. C. Jong, concluding an adulatory article to mark Abdul Taib Mahmud’s first year in office as Chief Minister, *Borneo Bulletin* April 10, 1982: 11.


3. Duncan Stewart served as Governor for only 19 days when he was stabbed and killed by a member of the anti-cession movement in 1949 (Porritt 1997: 389). The reaction to this assassination brought an end to the Malay-led movement to continue the Brooke Raj and thus maintain an independent Sarawak (Reece 1982).

4. In particular, Eliab Bay, who had been the Iban adviser to the Japanese military administration in Simanggang, functioning effectively as Resident, was dismissed from the government service in 1946 and blocked from obtaining a clerical job with Shell in Brunei (Reece 1998: 227).

5. Saribas district officers included A. J. N. Richards, A. M. Phillips, and R. H. Morris, all of whom became very familiar with Iban affairs.

6. His early death prevented him from probably becoming the first Sarawakian State Secretary (Clifford Sather, personal communication).

7. Wilson had been principal of the Batu Lintang Teachers College from 1949 to 1952, when he resigned to take up the post of teacher in a remote Iban longhouse in the Budu tributary of the Krian. From 1953 to 1968 he initiated a series of community development schemes involving education, cooperatives, health, and agricultural improvement. His unconventional approach, while enthusiastically supported at the longhouse level, frequently annoyed officials and, after independence, he was expelled from Sarawak, reflecting the ‘Malaysianisation’ of politics from 1966 (Dickson 1971; Leigh 1974).

8. As part of the Malaysia agreement, Sarawak also retained control over immigration and the right to retain English rather than Malay as the official language for at least a ten-year period (Leigh 1974; Jayum 1994).

9. These rubber schemes were eventually taken over by the Sarawak Land Development Board (Chapter 9).

10. When I was conducting surveys in Julau District in 1978, local trade and movements of personnel were still closely monitored by RASCOM.
11. This revelation was made in response to Taib’s disclosure that Rahman Yaakub and his clients controlled 1.25 million ha. Hence between them the two groups controlled over 30 per cent of Sarawak’s forest area. Taib’s freezing of concessions held by Rahman’s group helped him win the 1987 election as Rahman’s patron-client network lost its main source of patronage (Dauvergne 1997: 110).

12. Khoo observes that when PBDS was in opposition, ‘lands policies that were already in place were shelved for fear that PBDS would be a rallying point for mass dissent’ (2004: 3)

13. An election leaflet distributed by Parti Keadilan Nasional was headed: ‘Scandal of Taib Mauhmud Government Uncovered! Where Have 3,000,000 Hectares of Land Gone?’ The leaflet stated that the party had ‘uncovered official government documents that clearly show the 3 million hectares of land – approximately 25% of the total land in Sarawak – have been transferred to a handful of BN companies and people who are controlled or owned by BN political elites and or those related or connected to them.’ A list of 121 companies was attached, including Durafarm, Seatex and Sarimas, companies connected to Alfred Jabu, the Member for Layar.

14. The post-1963 ascendancy of politics in the Saribas District and elsewhere has introduced an extra-community and ultimately extra-regional focal point for personal loyalties, sometimes causing factions to develop along party lines within and between longhouse communities.

15. This has given rise to a typically wry Saribas Iban saying to express feelings of ennui – *baka nanti Menteri datai* (like waiting for the Minister to arrive).


17. Philip Khoo writes that ‘in the local parlance of Sarawak Dayak politics’ Jabu as Deputy Chief Minister is ‘popularly portrayed as the paradigm of the subservient and obsequious Dayak.’ In fact, all Iban political leaders fell in line with Taib’s land policies, despite privately expressed misgivings. ‘Instead, and in common with the state leadership, SNAP and PBDS leaders exhorted Dayaks to adhere to the very state policies and actions they privately questioned. Indeed, they even upbraided Dayaks who sought redress for many wrongs, particularly related to Sarawak’s last great resource – land’ (Khoo 2004: 3).

18. The Japanese administration made little if any change to Brooke land law, simply ratifying existing titles for a $2 fee.

19. After decades of lying in abeyance, the Natural Resources Ordinance was extensively amended in 1993 to create the Natural Resources and Environment Board (NREB), effectively an environment protection agency with wide powers to ensure ‘that the exploitation, conservation and management of natural resources in the State will not cause any adverse impact on the environment’
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(Laws of Sarawak, Cap A12). A further amendment in 1997 requires a permit to be obtained before open burning can take place on any type of land, the penalty for non-compliance being a fine of $20,000 or three years imprisonment. This measure was prompted by the severe haze over Sarawak in that year due to uncontrolled burning in Indonesian Borneo. However, Native Customary Land, where most shifting cultivation is practised, is specifically excluded. This exclusion was only inserted after the draft bill was discussed in cabinet and the implications for Iban and other shifting cultivators became clear (James Masing, pers. comm, June 2001).


21. In the 1980s, some Iban politicians and lawyers revived the notion of registering title to land in the name of the longhouse community. One discussion paper proposed that land settlement should follow the procedure of first conducting a perimeter survey of the territory (menoa) of a particular community, making it possible to issue a ‘menoa title’ in the name of the headman, endorsed with the names of each household head. The paper argued that this would prevent boundary disputes, consolidate individual claims within the territory of the community concerned, and facilitate participation in land development schemes (Unpublished Report on Native Customary Land (1985?), obtained by courtesy of James Masing).

22. These were almost all old longhouse sites (tembawai). Minutes of Layar Settlement Committee, Nanga Peka, Saribas District, 19 September 1978.

23. As noted above, this was largely achieved with amendments to the Land Code in 1963 and 1974, though native customary rights still have to be surrendered before a title is granted.


25. Author’s notes.


27. Francis Jana Lian, pers. comm.

28. Zainie’s (1994) estimate for Sri Aman Division is only 1,742 sq. km, less than one quarter of Cramb and Dixon’s (1988) estimate. While some titles have been issued to SALCRA participants in Saratok District, this would not explain such a large discrepancy.

29. The Native Courts Ordinance was amended in 1992 to provide the native courts with criminal jurisdiction and to increase the quantum of fines. The amended ordinance also increased the number of levels in the native court system: (1) the District Native Court; (2) the Chief’s Superior Court; (3) the Chief’s Court; (4) the Headman’s Court. There is also an additional court of appeal between
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the district court and the Native Court of Appeal, namely the Resident’s Native Court (Jayl Langub, personal communication).

30. The list was compiled by Hermanus Assan, an Iban administrative officer, and was sub-titled ‘A guide to Judges, Magistrates and others on adoption, divorce, the acquisition and disposition of property as practised amongst Sea Dayaks of the Third Division, ratified at the Penghulus’ Conference, held at Sibu on 15th July, 1952’ (Richards 1963: 81).

31. A picture by Hedda Morrison in Cramb and Reece (1988: 76) shows Temenggong Koh addressing the Sibu conference alongside two other Iban leaders dressed in their government uniforms and adorned with government medals.

32. Though the Tusun Tunggu was meant to apply to Third Division Iban, the wording of this section closely follows the section on ‘Land’ in A. B. Ward’s 1915 ‘Notes on Certain Sea Dayak Fines and Customs Recognised in the Court at Simanggang’, reproduced in Richards (1963: 107–108) and discussed in Chapter 4.

33. The Majlis Adat Istiadat was established in 1977 within the Chief Minister’s Office, to advise on the customs of the non-Muslim indigenous communities. It was for many years headed by a distinguished Iban from Saratok, Gerunsin Lembat, who was the first indigenous State Secretary in Sarawak.

34. Gerunsin perhaps sought to rectify this omission with his paper to the government’s Native Customary Rights Land Development Seminar at Santubong in 1994 in which he spelled out very clearly the concepts of territory (menoa), boundary (garis), forest reserve (pulau), etc. which have become so important in subsequent legal and political debate (Gerunsin Lembat 1994). An informant states that there was stunned silence after Gerunsin’s presentation, presumably because it flew in the face of the government’s much more restrictive interpretation of native customary rights. Members of the Majlis were subsequently reprimanded by a senior official for their part in drafting the paper.

35. The Supreme Court of Borneo, established in the colonial period, is now the High Court of Sabah and Sarawak, presided over by the Chief Justice, and subordinate to the Federal Court of Malaysia.

36. However, it is noteworthy that the judge invokes the principle that customary law is ‘in no way diminished’ because it is not written in any statute.

37. This resolution was incorporated in the Second Division Tusun Tunggu at Part IV, Section 21(j): ‘Anyone who removes to another house relinquishes all claim to any land for which no payment is made to Government. The Tuai Rumah may allocate such land to anyone in the house who does not have enough for farming’ (Richards 1963, p.32). This principle was incorporated in the Adat Iban 1993 as part of Section 73 but in the process it became confused with the case of a person leaving a longhouse without prior approval.
38. The people of Rumah Nor had been preparing to farm the area in 1998, apparently unaware that it had been included in a provisional lease. In June of that year an enforcement team of about 80 people from the Department of Land and Survey had come to the area, demolished their farm huts, and ordered them off the land (IDEAL 1999:68).

39. The area had been selectively logged from 1984 to 1987, with compensation to the longhouse community. Before the area was clear-felled and replanted by Borneo Pulp and Paper, there were pockets of cleared land with *temuda* of 6–8 years, indicating that some hill padi farming had taken place after logging.


41. Khoo writes perceptively: ‘Fractious and ineffective as they may have been, Dayaks, their leaders and politicians cannot be ignored; they have, however, to be kept in line – a process that has been going on in one form or another since the Stephen Kalong Ningkan affair and even prior to that in the consolidation of Brooke rule’ (2004: 6). Since 2002 this process has involved the deregistration of both SNAP and PBDS and the re-emergence of factions under new party names, leaving the Iban as politically divided as ever.

42. It is said that large areas of coastal Melanau land have been bought by Melanau politicians and businessmen, and then sold to plantation companies for oil palm development. Many Melanau occupy land along the roadside under temporary occupation licences, lacking any land of their own (Patrick Sibat, pers. comm., June 2001).

43. Dauvergne writes: ‘The most powerful patron in Sarawak is Chief Minister Datuk Patinggi Tan Sri Haji Abdul Taib Mahmud. The *Asian Wall Street Journal* describes him as one of Malaysia’s most “flamboyant” politicians. He has a penchant for extravagant purchases, and owns a vintage Rolls-Royce, a mansion in Kuching, and a grand piano once owned by Liberace. Timber underpins Taib’s personal wealth and political power’ (1997: 109). To this must now be added ‘land’.
CHAPTER 9

Public and Private Agents of Agrarian Development in the Uplands

My vision for the next twenty years is to see modern agricultural development along the major trunk road with rows of plantations and villages well organised in centrally managed estates with a stake of their own in them. (Abdul Taib Mahmud, 1984)

Southeast Asian states have implemented their ‘visionary’ policies for the uplands through an array of public- and private-sector agencies, each with their own history, agenda, and mode of operation. These agencies have thus become distinct social actors in the upland arena, pursuing their own goals and interests (organisational growth, achieving development targets, maintaining jurisdiction over resources), and responding to pressures from governments, donors, business interests, their own employees, local elites, and landholders. The way they have translated government policies into operational development programs has had a profound effect on the livelihoods of upland farmers, who have in turn responded in a variety of ways ranging from active participation to organised resistance.

Sarawak has seen a succession of such agencies established in the post-war period, each embodying a particular approach to agrarian development in the uplands. The earliest and most wide-reaching approach, beginning in the colonial era, was systematic support for smallholder agriculture through the Department of Agriculture. This approach was eventually dwarfed, however, by the creation in the 1970s and 1980s of three public agencies designed to promote large-scale land development – the Sarawak Land Development Board (SLDB), the Sarawak Land Consolidation and Rehabilitation Authority (SALCRA), and the Land Custody and Development Authority (LCDA or Pelita). From the 1990s, the land schemes promoted by these agencies were themselves overshadowed by the rapid
and extensive development of land for oil palm and other crops by private plantation companies, either in government-brokered joint ventures with customary landholders or, more commonly, as independent ventures. This chapter analyses the implications of each of these institutional arrangements for the control and utilisation of Iban land.

THE DEPARTMENT OF AGRICULTURE

From its modest pre-war beginnings (Cramb 1998), the Department of Agriculture progressively built up a network of offices at divisional, district, sub-district, and area levels, such that by the 1970s every longhouse had reasonable access to and was occasionally visited by an agricultural extension worker. These field staff were supported by research stations and training centres scattered throughout the state. While recognising that shifting cultivation of hill rice was the major form of agricultural land use, the Department concentrated on assisting Iban and other Dayak farmers to develop permanent or settled agriculture. This entailed annual cropping of wet rice in swampy lowland environments and cultivation of perennial cash crops (rubber, pepper, cocoa and others) in the sloping uplands.

The agricultural extension program was largely based on supervised farm development grants or ‘subsidy schemes’. Farmers applied for these grants, either individually or in small groups, and, if successful, received support in cash and kind over a specified period, provided they followed an approved schedule of activities to the satisfaction of the extension worker. The land involved was usually Native Customary Land and in each case the longhouse headman was required to verify that the applicant was indeed the owner of the land.

The first such scheme was the Rubber Planting Scheme, introduced in 1956, offering subsidies in cash and kind to the value of $450 per acre to those replanting old gardens and $200 per acre to new planters. The subsidy was intended to offset foregone income during replanting and to provide seedlings of improved clones, fertiliser, and other inputs to help upgrade the yield potential. The Rubber Planting Scheme dominated the Department’s activities throughout the 1950s and 1960s. In the 1964–1968 period the scheme absorbed $39.2 million, compared with $15.3 million for all other Department of Agriculture programs, though the figure for rubber planting presumably included the seven resettlement schemes, such as the Melugu and Skrang schemes in Second Division, that were subsequently taken over by the Sarawak Land Development Board (see below).
Two other smallholder schemes that began in the colonial period were mainly for farmers in the coastal and riverine zones. The Assistance to Padi Planters Scheme was introduced in 1958 to encourage Iban and other farmers who had access to swampland (paya) to intensify their use of such land. Assistance took the form of a small cash incentive for clearing and de-stumping and materials for water gates, tools for land preparation, pesticides, fertilisers, and seeds of recommended varieties. These grants were given to groups of at least five farmers to improve blocks of from 4 ha to around 120 ha. The Coconut Planting Scheme, modelled on the rubber scheme, was introduced in 1959.

In the 1960s and after, the subsidy scheme approach was extended to include a range of farm development activities. These included a fruit tree

Fig. 9.1 Pengarah Banyang, an Iban leader from the Julau District, with some of his new high-yielding rubber established under the Rubber Planting Scheme. (Photo by Hedda Morrison, reproduced by courtesy of Alastair Morrison)
subsidy scheme to encourage planting of improved varieties of local fruits; a ‘good farming’ subsidy which included various farm tools and equipment; an agricultural diversification scheme, promoting off-season annual crops, such as maize, and alternative perennials to rubber, such as cocoa, coffee, and oil palm; livestock schemes, dispersing improved breeds of pigs, poultry, cattle, and buffaloes; and a fishpond subsidy scheme.

The most important scheme for Iban hill farmers in the post-independence period was the Pepper Subsidy Scheme, introduced in 1972. As with the Rubber Planting Scheme, a grant in cash and kind was given to the selected farmers to assist them during the establishment phase, which in the case of pepper lasted three years. The subsidy was intended to cover 50 per cent of the establishment costs for a 200-vine garden, including fertilisers and hardwood supports for the pepper vines. The scheme was supplemented with a maintenance component in the 1990s to enable farmers to keep their pepper vines alive during the cyclical downturns in the market and thereby be better placed to capture the benefits of the next upswing in prices. A Cocoa Subsidy Scheme was also introduced in the late 1970s and an Oil Palm Subsidy Scheme in 1991 for areas close to existing palm oil mills.

Fig. 9.2 Agricultural Assistant for the Spak River in the upper Saribas, Matthew Kalong (right), talking with farmers on the riverbank.
From the late 1970s to the early 1980s the Department received major support from the World Bank’s National Extension Project, which sought to introduce the Training and Visit (T&V) System of extension in ten districts, including the Saribas District. However, the system proved poorly suited to Sarawak's conditions. From the mid-1980s the Department adopted a model village approach in which villagers were assisted to develop a comprehensive plan for agricultural development and to work cooperatively on development projects. The intention was to use subsidies in a coordinated way within each village, for example, by establishing a group cocoa project in a single block. In the late 1980s there was an attempt to provide an alternative to the subsidy approach by introducing a group credit scheme (Skim DeSSA) in collaboration with the national agricultural bank, Bank Pertah

Fig. 9.3 Agricultural Assistant Lawrence Lattit (left) advising a Batu Lintang farmer on his recently established pepper garden.
nian. This involved the Bank financing small groups of farmers to establish pepper or cocoa gardens under supervision from the Department, with the group members accepting joint liability for the loan. By the early 1990s 510 DeSSA units had been formed with over 5,000 members. However, low prices for pepper and cocoa meant that enthusiasm had waned and loan recovery rates were low. The Department reported that in 1992 no loans were repaid due to ‘the disruption of some DeSSA units’ (Sarawak 1993b: 47). Relations between the Department and both the farmers concerned and Bank Pertanian were considerably strained by this episode.

In the early 1990s (i.e., the Sixth Malaysia Plan period) the extension program was centred on the Agricultural Development Package (ADP), a broadening of the model village approach that involved a ‘comprehensive and intensive strategy in poverty areas with village project planning based on food production, income generation, and community development’. The various subsidy schemes continued (including padi, coconut, sago, rubber, pepper, cocoa, oil palm, fruit trees, rattan, silkworm raising, and bee-keeping), but these were concentrated in selected villages, the aim being to make a major impact in a short time and then to move on to other villages. By the end of 1996 the ADP had been implemented in 1,661 villages embracing almost 63,000 farm families, representing 37 per cent of the farm families in the state. In the Saribas District, 105 villages had been included with 2,848 farm families, again representing 37 per cent of the total number of farm families (Sarawak 1996: 15).

However, in the second half of the decade (i.e., the Seventh Malaysia Plan period) the Department of Agriculture shifted its approach away from poverty-focused community development to emphasise ‘commercial small-holder agriculture enterprises integrated with estate-type group farming; ... entrepreneur managed commercialised projects; ... village-based agri-business infrastructure and organised group projects in poverty areas’; and ‘phasing out of the existing agricultural input subsidies which will be replaced by grants and credits’ (Sarawak 1998: 8). However, the individual crop subsidy schemes continued and were included in modified form in the Department’s budget for the Eighth Malaysia Plan (2001–2005).

The new emphasis on agribusiness and estate-type farming included Rubber Mini-Estates (RME), which were implemented mainly in the Saribas District starting in 1996, following a directive from the Ministry of Agriculture and Community Development (MACD). By 2001 there were 13 RME under development, totalling 2,242 ha and involving 501 households from 15 longhouses, all in the vicinity of Minister Alfred Jabu’s own
longhouse at Gensurai. They involved a financial outlay of $6,000 per ha to pay for local Iban contractors to clear, terrace, plant and fertilise the estates, as well as construct roads and drains. The development was supervised intensively by local field staff of the Department, though this input was not costed. The production, processing and marketing of the rubber was to be managed by the Farmers’ Organisation, a quasi-commercial offshoot of the Department. It was considered unlikely that the landowners themselves would tap the rubber trees, hence Indonesian labourers would need to be recruited. It is ironic that such a costly venture should be undertaken in the name of a more commercial approach when rubber smallholders elsewhere were finding rubber tapping uneconomic. Indeed, in mid-2001 the Federal Government allocated $100 million Malaysia-wide (including $3–5 million for Sarawak) to help rubber smallholders in government schemes leave the industry. Yet the MACD was outlaying $13.5 million to expand the area of rubber in the Saribas. From the landholders’ point of view, they had nothing to lose as the land was now surplus to their requirements (Chapter 10) and the full costs of land development and the subsequent management of the estates were met by the government. The increase in world rubber prices from 2002 after two decades of decline may have delivered them a substantial windfall.

The Department of Agriculture’s subsidy schemes have been criticised as ‘development cosmetics’ that create a mentality of dependence among Iban farmers (Dimbab 2000: 3). In addition, particularly from the late 1980s, subsidies became a source of political patronage, with allocation controlled by the Ministry of Agriculture in Kuching rather than field officers of the Department of Agriculture. Particularly in the Saribas-Kalaka region, approving applications for subsidies (or even allocating subsidies for which no application had been made) became a means of rewarding political supporters, and withholding subsidies a way to punish defectors. Hatta (1988) has analysed the political logic of subsidy schemes in this respect. The rubber mini-estates were an extreme example of such costly political patronage. However, notwithstanding such abuses, the small-scale planting grants (particularly the rubber and pepper planting schemes) were an important initial source of capital for Iban smallholders in an environment where the supply of credit for farm investment was limited (Cramb 1989).

**THE SARAWAK LAND DEVELOPMENT BOARD**

The SLDB was established in 1972 under the Federal Land Development Ordinance, its purpose being ‘to promote and assist the investigation, for-
mulation and carrying out of projects for the development and settlement of land in the State of Sarawak. The Board took over the management of seven rubber schemes, with a planted area of about 5,600 ha, in which about 1,175 households had been settled by the Department of Agriculture in the 1960s. The land for these schemes was initially State land, including in many cases Native Customary Land that had been surrendered to the government, but following development the settlers (many of whom were the original holders of the customary rights to the land) were to be issued with individual Mixed Zone titles, subject to full repayment of development and housing costs. However, the Board’s financial difficulties, compounded by the discontinuation of funding for staff salaries from Sarawak’s rubber cess fund, led SLDB to withdraw from almost all involvement in these schemes in 1981, though in most cases settlers had not completed their repayments (Awang Zain 1986).

In addition to the rubber schemes that it inherited, the SLDB proceeded to develop extensive areas in the northern and central part of Sarawak for oil palm and (to a lesser extent) cocoa (Awang Zain 1986). These were primarily in Forest Reserves that had been designated for conversion to agriculture (that is, unencumbered State land), but included 3,500 ha of Native Customary Land in the Ulu Mukah region of Third (Sibu) Division that was acquired from the Iban occupants (Awang Zain 1986). These land schemes too were at first to be subdivided following crop establishment, with titles being issued to individual settlers. However, in 1974 it was decided to place a freeze on the issuing of titles, partly because of the disproportionate number of Iban among the prospective settlers, and from that point the oil palm schemes were run on conventional estate lines. By 1980, SLDB had established 15,294 ha of oil palm and cocoa, including 11,772 ha on unencumbered State land and 3,522 ha on what was formerly Native Customary Land (Awang Zain 1986).

In 1982 SLDB was given power to enter into partnerships or joint ventures with private companies and to acquire and deal with shares in such companies, reflecting the new policy emphasis of the Taib Government on private land development. However, it was making substantial losses and carried major liabilities, making it unattractive to the private sector. King (1986: 86) attributed the Board’s financial problems to poor management, inadequate accounting procedures, poor field supervision, frequent breakdowns in machinery and plant, and inadequate infrastructure. The Board itself identified the shortage and high turnover of local labour as a prime constraint. In the mid-1980s King observed that ‘until privatisation can be
effectuated, if indeed it can be, the state government will have to continue to maintain the Board, and it is calculated that the SLDB’s financial position will continue to deteriorate by about M$20 million a year’ (1986: 86). In a detailed review of the Board’s activities around this time the General Manager concluded: ‘With all the constraints and limitations, it had been extremely difficult for SLDB to open up and develop large scale plantations in State land; it had been much more trying to open up and maintain Native Customary Lands where the people still attach allegiance to the ownership of the land after being compensated for acquisition’ (Awang Zain 1986: 135).

However, in 1987 the management of SLDB was contracted to Sime-Darby, a commercial plantation company. Due to shedding of staff (largely accomplished by moving the headquarters from Kuching to Miri) and improved field management, it claims to have been ‘consistently profitable’ since 1988 (SLDB 2000), though this presumably excludes the servicing of its accumulated debts. It was ‘corporatised’ in 1993 and is now managed by Sarawak Plantation Services. By 2000 SLDB held 35,300 ha of land in northern Sarawak, 50 per cent under oil palm plantations and 49 per cent undeveloped forest land. It was also a partner in several joint venture companies, including Suai Plantations and Bintulu Edible Oils, which owned and operated Sarawak’s only palm oil refinery at Bintulu. It had also ‘earmarked’ a further 20,000 ha of Native Customary Land for joint venture development under the Taib government’s Konsep Baru policy (SLDB 2000).

THE SARAWAK LAND CONSOLIDATION AND REHABILITATION AUTHORITY

In 1976 the Sarawak Land Consolidation and Rehabilitation Authority (SALCRA) was established, primarily to develop Native Customary Land for the benefit of the ‘owners’, though it was authorised to initiate projects on any land, including unencumbered State land. For purposes of the Land Code, SALCRA is deemed to be a native of Sarawak, enabling it to deal in native land. After taking adequate steps to ‘ascertain the wishes of the owners’, SALCRA can declare a tract of land to be a ‘development area’, thereby giving it powers to carry out any work to improve or develop the land, without however affecting ‘the legal ownership of that land or any customary rights’. In fact, the inclusion of land within a development area managed by SALCRA helps to confirm existing customary rights, for the SALCRA ordinance requires it to arrange and record a survey and valuation of every right or interest within such an area and, upon completion of the development of the land, the holders of such rights are to be issued with grants in
perpetuity, in accordance with the 1974 amendment to the Land Code. The greater recognition given to the rights and interests of customary landowners reflected the involvement of Iban officials such as Sidi Munan in the design of SALCRA.\(^7\)

In the 1970s and 1980s SALCRA initiated projects for oil palm, cocoa, rubber, and tea, primarily in the Kuching, Samarahan, and Sri Aman Divisions, with oil palm the dominant crop. Its earliest and largest project was the Lemanak (Merindun) Oil Palm Scheme which, with the associated Batang Ai (Batu Kaya) Scheme, initially involved a planted area of about 3,600 ha owned by 508 households, all from Iban communities in Lubok Antu District. The Lemanak Scheme began producing a return in 1985, after considerable delay in getting the oil palm mill operating.\(^8\) SALCRA was also required to implement the Batang Ai Resettlement Scheme, establishing rubber and cocoa lots for 25 Iban longhouses relocated in the early 1980s because of the damming of the Batang Ai for hydroelectricity.\(^9\) This scheme also met with significant delays. Thus in the mid-1980s King commented that ‘SALCRA has spent substantial monies without realising any income to date, and with the possibility that it will not (as SLDB did not) recover its development costs. There is some room for optimism in the SALCRA-sponsored tea project; and the general concept of in situ development of Native Customary Land pursued by SALCRA is a good one, and acceptable to most natives. It is in implementation that SALCRA activities leave much to be desired’ (1986: 95). According to King, implementation problems were attributable to the unduly heavy demands being placed on SALCRA’s (and Sarawak’s) limited managerial and technical expertise.

Nevertheless, in the mid-1980s SALCRA was given responsibility for oil palm development in the Kalaka-Saribas Integrated Agricultural Development Project (IADP), one of two such projects in Sarawak funded by the Federal Government and the Asian Development Bank. The controversy surrounding land issues at the time of the 1987 election, in which the new Dayak opposition party, PBDS, gained substantial Iban support, made it difficult for SALCRA to negotiate with Iban landholders in the Kalaka-Saribas Project, hence development was delayed and the oil palm area was fragmented. However, SALCRA eventually established over 10,000 ha of oil palm in this region, including the area originally allocated for the failed Paku-Layar Cocoa Scheme.

Since 1996 SALCRA has been managed by Sarawak Plantation Services (SPS), the same group now managing SLDB. The appointment of SPS is seen by some as a way of wresting control of this organisation from Iban manage-
Land and Longhouse

ment. It also provides a mechanism for creaming off some of the growing profits of SALCRA’s plantations through management fees. By 1999 SALCRA had established almost 42,000 ha of oil palm in Kuching, Samarahan and Sri Aman Divisions (including almost 3,000 ha in Betong District), as well as just over 1,000 ha of rubber in the Batang Ai Resettlement Scheme and 188 ha of tea in the Mayang Tea Project (SALCRA 2000). The oil palm schemes involved over 12,500 participants, including 6,800 Iban in Sri Aman Division, which was about 8 per cent of the 1991 Iban population in the Division. SALCRA also had three palm oil mills (two of them joint ventures), a bulk oil installation in Kuching, and a tea factory (SALCRA 2000). However, SALCRA’s growth beyond south-west Sarawak has been restricted, with priority being given to joint venture projects involving SLDB and LCDA under the Konsep Baru policy. Moreover, the agency continues to be plagued by allegations of inefficiency and corruption (Thien 2005).

THE LAND CUSTODY AND DEVELOPMENT AUTHORITY

The Land Custody and Development Authority (LCDA) was established in 1981 by the new chief minister, Taib Mahmud, to initiate and coordinate

Fig. 9.4 Newly planted SALCRA oil palm plantation in Sri Aman Division. Note the shifting cultivation on steeper land in the background.
schemes for land development on agricultural, residential, and industrial sites, as well as for ‘economic and social development’, whether in its own capacity or by acting as an intermediary between land-owners and private corporations (in the case of agricultural projects, mainly plantation companies). As with SALCRA, LCDA is deemed to be a native, giving it power to deal in native land. LCDA too proceeds by declaring land to be a development area. However, the requirement for prior consultation evident in the SALCRA Ordinance is considerably weakened, the only condition being that ‘it appears to the Minister that it would be in the interest of the inhabitants of any area that such area should be developed’. Moreover, as Section 15 of the ordinance states, ‘where it is not possible to develop any land by arrangement or agreement with the owner, the Authority may, with the approval of the Minister, acquire such land by compulsory acquisition for the purpose of carrying out any of its functions under this Ordinance.’ Where an agreement to develop the land has been entered into with the owner, he is required to transfer his title or rights to the land to the Authority, which holds them in trust until the development is completed, after which the land is sold, the net proceeds going to the original owner. Alternatively, with the consent of the owner, the title or rights may be re-conveyed to him.
'upon such terms as may be agreed'. With regard to Native Area or Native Customary Land, the Authority acts as a purchaser of last resort.

Under its General Manager, Hamid Bugo, LCDA initially concentrated on the more lucrative urban land development, having made little progress in negotiating arrangements for the development of agricultural estates, though this remained a prominent policy objective. According to King, ‘private companies have been wary of involvement, because of the uncertainty surrounding native rights in land. There has been great resistance on the part of the native population to participation in the schemes because of their unwillingness to surrender land rights, and their suspicion of private commercial plantation companies’ (1986: 94). Even the Federal Land Development Agency (FELDA), which was seeking clear title to state land in western Sarawak for expansion of its commercial oil palm holdings, was discouraged by local resistance from Dayak claimants. The LCDA General Manager remarked ruefully in an interview: ‘We cannot send the police in around the clock’.

However, in the 1990s there was a stronger push into plantation development and by 2000 LCDA claimed to have developed (as managing agent) more than 50,000 ha of land as commercial plantations of oil palm, sago, and coffee (though the sago plantation still faces technical problems) and to have plans for another 90,000 ha. This would make it the largest of the three land development agencies in terms of area planted (Fig. 9.6).

![Fig. 9.6 Plantation area by agency](image-url)
Public and Private Agents of Agrarian Development in the Uplands

dition, by 2000 LCDA had identified 115,000 ha of Native Customary Land in Lundu, Sri Aman, Kanowit, Mukah, and Bintulu Districts for oil palm development under the Konsep Baru policy, of which 40,000 ha was said to be ‘approved’ (LCDA 2000).

IBAN ATTITUDES TO PUBLIC LAND DEVELOPMENT AGENCIES IN THE 1980S

In 1985 group interviews were conducted in four Iban longhouse communities in the Lemanak region to examine their attitudes to the four agencies described above (Cramb and Wills 1990). The Lemanak was considered to be a particularly impoverished region and had consequently been the focus of a variety of agricultural development projects. The communities were chosen to represent different degrees of exposure to government-sponsored land development schemes. Their collective responses are here paraphrased and summarised.

Bangai, located at the headwaters of the Lemanak, was a remote, conservative community, still felling some primary forest and reminiscent in some ways of pioneer Iban communities:

We prefer small-scale schemes (skim mit) on our own land, such as the Department of Agriculture’s pepper and cocoa subsidy schemes. We do not want to move to a large-scale scheme such as SALCRA or SLDB; we prefer to have our own land developed here. We would not have enough land if resettled and would lose control over our resources here. We do not want to be told what to do; we want to be our own boss. Our ancestors fought for this land and we have continually defended it against outsiders, so we must not give it up or the effort will have been wasted.

Sekandis, located along the Kesit branch of the Lemanak, was a very poor community with insufficient land for hill rice cultivation, no involvement in any land development scheme, and a high dependence on wage migration for economic survival:

The Department of Agriculture’s approach is helpful. As for SLDB, as at the Melugu and Skrang rubber schemes, the government’s arrangements (ator perintah) were bad. People there do not have enough to eat. It is difficult mixing strangers together. The area is not big enough for expansion; the land cannot be divided among the next generation. Many have left those schemes. Concerning SALCRA, it is good to be able to work on one’s own land. There is no objection to being managed. The wages are not high, but this means the repay-
ments are correspondingly lower. Large-scale schemes arranged and managed by the government are the best alternative. A number of neighbouring longhouses in the same penghulu’s district could agree that their land be used for oil palm, cocoa, and so on. The size of our share in the project would be an important consideration.

Sarubah, in the middle Lemanak, was a relatively prosperous community that had successfully organised a group-farming project for cocoa with assistance from the Department of Agriculture:

We are very satisfied with the cocoa project. The Department of Agriculture’s fertilizer subsidy is very important to us, especially on the hilly land. Our present arrangement is the preferred one because no-one controls us. As for SALCRA, we are still willing to join the oil palm scheme, but only if everyone agrees (sama setuju). It has the advantage that we would all be in it together. However, the wages are too low, not providing enough to live on; they would only be attractive to a poor family. Moreover, with SALCRA we would be somewhat trapped – we would not be sure if the land was truly our own and we would have less freedom of action than now, for example with respect to selling our crop. The experience of those who have worked on SLDB oil palm schemes shows that there is no profit. SLDB schemes are only for very poor families with no land or unsuitable land. With regard to LCDA, we would be interested, provided we have a good agreement, sufficiently clarified in advance, which does not limit the number of workers per household who can gain employment in the scheme and which indicates what our share in the venture would be. Whatever alternative is chosen, we have to rely on cash crops; rice cultivation will not get us anywhere.

Merindun was one of the major participants in SALCRA’s Lemenak Oil Palm Scheme:

The Department of Agriculture’s planting grants would be the best approach if the whole longhouse participated and received assistance at the same time (though not necessarily for the same crops). Otherwise some benefit and others miss out and we are not all pulling together. The SALCRA approach is somewhat beneficial because we work on our own land and can decide whether we accept outsiders. We remain territorial elders (tuai menoa) and control our own land. The problem is that the benefits are yet to be seen. With regard to the SLDB approach, there is not enough land here for outsiders and we would not agree to such a scheme on our land. We do not quite understand the LCDA concept, but before agreeing to an LCDA
scheme we would insist on being offered a very much better place with assured living conditions, including provision for rice farming and other agricultural activities, and we would want to be compensated for our land.

The recurring theme in these statements is the desire to retain control over community territory, with resettlement a last resort for the very poor. There was a clear desire to improve the productivity of land use and to move away from the traditional emphasis on shifting cultivation to greater involvement in commercial agriculture, but without sacrificing community cohesion. They were not averse to large-scale land development and indeed Sekandis and Merindun saw it as the way forward, but any arrangement with a government agency had to be subject to a clear and binding agreement, satisfactorily negotiated in advance, and approved by all community members.

PRIVATE PLANTATION COMPANIES

Private plantation companies have played a minor role throughout most of Sarawak’s agrarian history. However, this changed dramatically in the 1990s as a result of the surge in the profitability of oil palm (Fig. 9.7) and the policies and legislative changes described in the previous chapter. With local timber companies and plantation companies from Peninsular Malaysia (including state agencies such as FELDA) keen to invest in large-scale oil palm estates, the Taib Government sought to streamline access to State land for this purpose, including large areas subject to native customary rights claims. Though depicted as a ‘new concept’, it in fact mirrored developments in neighbouring Indonesia where the scale of expansion and the extent of privatisation or ‘enclosure’ has been even greater.

The resultant transformation of the countryside is reflected in Fig. 9.8.13 In 1980 the area of oil palm in Sarawak was 22,750 ha, of which 79 per cent was in government land schemes (primarily SLDB and SLCRA schemes), 17 per cent in private estates, and 4 per cent in smallholdings. By 1990 the area had doubled to 55,000 ha, with 63 per cent in schemes, 36 per cent in estates, and 1 per cent in smallholdings. By 2000 the total area of oil palm was 368,000 ha – a nearly seven-fold increase on the 1990 figure. Almost all this increase was in the private estate sector, which now accounted for 74 per cent of the total, more than twice its 1990 share. The share of government schemes was now only 24 per cent (including 4 per cent in joint venture arrangements with private companies, discussed below), while smallholdings had risen to 2 per cent. (In terms of area, smallholdings had increased from
only 670 ha in 1990 to 7,886 ha in 2000, reflecting the growth of Iban smallholdings in northern Sarawak in the vicinity of established mills. Many of these were assisted by the Department of Agriculture’s oil palm subsidy scheme, which started in 1991.

The government’s target for 2010 was one million ha under oil palm, a threefold increase on the figure for 2000, and about 8 per cent of the total land area in the state. Almost two thirds of the area planted with oil palm in 2000 was in northern Sarawak, encompassing Bintulu, Miri, and Limbang Divisions. As described in Chapter 2, these are regions of more recent Iban settlement (hence more tenuous land claims under the Land Code) and lower overall population density, as well as having larger areas of undulating land. Most of the labourers on the oil palm estates (including both private and government estates) were from Indonesia; even some Iban smallholders employed Indonesian workers.

The oil palm plantation companies obtained title to the land in the form of a provisional lease, as provided for in Section 28 of the Land Code. In essence, this gave them the right to develop the land for an oil palm estate, provided they resolved any claims to land within the lease area. Such claims might be resolved by offering compensation in the form of cash or shares in the development, or by excluding the claimed land from the area to be developed. In practice, capital was raised and land clearing commenced on
the assumption that the provisional lease gave the company clear title to all
the land falling within the perimeter of the lease area. As discussed above,
the addition of Section 5(7) of the Land Code encouraged this interpreta-
tion, stating that ‘whenever any dispute shall arise as to whether any native
customary rights exists or subsists over any State land, it shall be presumed
until the contrary is proved, that such State land is free of and not encum-
bered by any such rights’.

Hence longhouse communities who claimed customary rights to part
or all of the land allocated for an oil palm estate often knew nothing of the
granting of a provisional lease until bulldozers arrived to clear the area for
planting. When they protested they were mostly ignored, given notice to
leave the area or, in the worst cases, subjected to violence. The response of
a number of Iban communities has been to blockade estate access roads,
prevent bulldozers from working (e.g., by removing the keys or impound-
ing the bulldozers), and in some cases institute legal proceedings (IDEAL
1999). In two incidents, one in 1997 in Bakong, and another in 1999 in Ulu
Niah, both in Miri Division in northern Sarawak, clashes between long-
house members and police or plantation company employees have resulted
in fatalities.¹⁴

Such incidents represent the extreme outcomes of a widespread con-
fusion over land. The Ministry of Land Development recorded 107 private

![Fig. 9.8 Oil palm area in Sarawak by plantation type, 1970–2000 ('000 ha)](image-url)
oil palm estates in June 2000 with a planted area of 263,000 ha (an average of almost 2,500 ha per estate). Of these, 24 were listed as having problems with their provisional lease. However, these 24 accounted for an approved area of 206,500 ha and a planted area of 105,500 ha (about 40 per cent of the private sector planted area). Of the total approved area, 46,100 ha (22 per cent) were under native customary rights claims and 16,400 ha (8 per cent) were occupied by ‘squatters’. For individual estates the area under such land claims ranged from zero to 5,700 ha in the case of the Sarawak Oil Palm Plantations’ Suai estate, the latter comprising 87 per cent of the approved area. The total area under native customary rights claims comprised seven per cent of the area allocated for private sector oil palm development.

Similar problems emerged with private timber plantations. In 1997 provisional leases were issued to Borneo Pulp and Paper Sdn. Bhd. to establish extensive pulpwood plantations at various sites in Bintulu and Sibu Divisions. The intention was to plant over 600,000 ha of mostly *Acacia mangium* to feed a large mill to be located about 45 km south of Bintulu. However, the implementation of the project led to protests and arrests as Iban communities sought to defend their land from encroachment (IDEAL 1999). As discussed in Chapter 8, one community in Sebauh took their case to the High Court, which upheld their territorial rights over the disputed area in a landmark decision. Though this decision was subsequently overturned on appeal, the principle of territorial rights was reaffirmed. Up to 50 similar cases are pending.

Private plantation companies have also been involved in joint venture projects set up under the Konsep Baru policy, initiated in 1995, though by June 2000 these accounted for only 4 per cent the total oil palm area in the state. In this case native customary rights to the land are recognised at the outset. According to the government handbook on the policy (Sarawak 1997), the landholders agree to assign their land rights to a government agency (LCDA or SLDB), which then forms a joint venture company with a private-sector partner. A consolidated land title covering 5,000 ha or more is issued to the joint venture company for a 60-year period (two cycles of oil palm). Following a rough ground survey (termed a ‘picket survey’) of individual holdings within the lease area, the joint venture company pays the value of the land to the owners, pegged at $1,200 per ha. Of this, 10 per cent is paid up-front in cash, 30 per cent invested in a government unit trust scheme, and 60 per cent is regarded as the landowners’ (30 per cent) equity in the company. The private-sector partner has 60 per cent equity and the managing agent 10 per cent.
Public and Private Agents of Agrarian Development in the Uplands

At the end of May 2001, there were 27 approved projects. In 15 cases an investor had been selected and in seven a joint venture company had been formed. The total approved area was 255,569 ha, encompassing 138,643 ha of land claimed under native customary rights. Perimeter surveys had been completed for 99,295 ha and picket surveys for 43,976 ha. The area cleared was 26,846 ha, the area planted with oil palm, 18,986 ha, and the area in production, only 4,245 ha.

Most of the productive area was in one of the largest and earliest projects, located in the lower Kanowit. The joint venture company (Kanowit Oil Palm Plantations), involving LCDA as the managing agent, Kuala Siddim Bhd (a subsidiary of Boustead Holdings Bhd) as the investor, and 900 or more Iban landholders, was formed in 1996. By March 2001 a total of 11,835 ha had been surrendered and planted with oil palm. Around 97 per cent of the 1,400 plantation workers at that time were local Iban. However, the project had given rise to a number of issues (IDEAL 2001; Matsubura 2003). Some of the concerns expressed to researchers by both participants and non-participants were: the developer often bulldozed land indiscriminately without taking account of the locations of fruit groves and cemeteries, or of the land withheld from the project by non-participating households or longhouses; up-front payment was not always received; there was little opportunity to pursue alternative land-use options as almost all the land was planted with oil palm; the workers received low wages and disliked the monotonous and regimented nature of plantation work; there was no involvement in the management of the joint venture company; there was uncertainty about the level of future dividends to the landholders; there was uncertainty about the status of the land at the end of the project, or if the project failed.15

The second major project under the Konsep Baru policy was at Ulu Teru in northern Sarawak, managed initially by SLDB. This project was approved in 1995 and involved a total area of 7,900 ha. Ten Iban longhouses were involved with 281 households and 524 landowners. Just over 6,000 ha were surrendered by the landowners and perimeter and picket surveys were completed. However, by 2001 no joint venture company had been formed and no land development had occurred. The project was handed over to LCDA in January 2001, with SLDB seeking full reimbursement of the $975,000 it had incurred on the project. Songan (2000) found that non-government organisations (NGOs) and an opposition politician had influenced landholders in this area to go back on their initial commitment. But, as noted above, researchers at Kanowit found that local opinions did genuinely change, that is, some participants later regretted their decision to join the project.
The various institutions concerned with agrarian development in the uplands present a diverse picture. From the mid-1950s the Department of Agriculture provided assistance to Iban farmers through supervised planting grants which, though subject to inefficiencies and abuse in recent decades, helped to establish the small-scale commercial use of Native Customary Land, especially for rubber and pepper. Notwithstanding financial and management problems and some localised opposition, SALCRA (largely a Dayak institution) proved acceptable to many Iban and Bidayuh communities in south-western Sarawak, not least in the Saribas and neighbouring districts. With SALCRA’s form of in situ development, customary ownership of the land was confirmed (including both territorial and household rights), the landowners gained employment in the schemes, and alternative land uses could continue. This tended to contrast with agencies such as SLDB and LCDA, which in practice seemed more intent on developing so-called idle land for commercial gain than facilitating the development of rural communities. Private plantation companies have now become the major players in land development, whether operating in their own right under a provisional lease or in joint venture arrangements with customary landholders, though the former type of development far outweighs the latter in terms of planted area.

The different modes of agrarian development bring together the spheres of community, market and state in different ways. The Department of Agriculture’s approach represents the state providing support to community-based smallholders as they engage directly with the market. SALCRA’s approach involves the state intervening between community and market by organising communities to develop and manage their land and purchasing their produce to process and sell. With SLDB and LCDA, particularly under Konsep Baru, the emphasis is on the state linking with market actors in the form of private land developers, and using its powers to consolidate and deliver large tracts of community land, with little further community control or involvement. In the case of private plantation development, the state merely transfers community and public land resources for private gain, without the involvement of rural communities, nor of civil society in general.

The high modernist thinking behind the shift in emphasis from the first to the last of these approaches is readily apparent. Support for the diverse and fragmented efforts of smallholders to manage and develop their land, within the context of ‘illegible’ customary tenure rules, has been superseded
Public and Private Agents of Agrarian Development in the Uplands

by an approach which simply bypasses the tangle of customary usage and
maps out large blocks of 5,000 ha or more for monocrop development on
‘scientific’ and commercial lines. Chief Minister Taib repeatedly berates his
audiences with this ideology, as in his exhortation to the East Malaysia Business
Summit in June 2001: ‘We have to transform our agriculture to large-
scale agriculture for more controlled management, integrate research into
production and [decide] how best to market our products.’ The unstated
argument for this approach is the enhanced capacity to capture land rent
and other commercial benefits from large-scale private land development
and thus maintain the extensive patron-client network on which Sarawak’s
political system is based. The unintended consequence is increasing am-
bivalence on the part of Iban communities towards participation in these
projects, in many cases resulting in outright resistance.

NOTES


2. Two federal agencies – the Federal Land Development Authority (FELDA) and
the Federal Land Consolidation and Rehabilitation Authority (FELCRA) – have
also been involved to a minor extent in land development in Sarawak but are
not considered here.

3. Sarawak Land Development Board Order, Sarawak Government Gazette,
1972.

The rubber schemes were initiated by the Sarawak Development Finance Cor-
poration and implemented by the Department of Agriculture, starting from
1964.

5. Information from Sidi Munan, at that time secretary to the Board.

6. Sarawak Land Consolidation and Rehabilitation Authority Ordinance, Sarawak

7. Sidi Munan had been a district officer and secretary to the SLDB before becom-
ing Deputy Chair (i.e., the chief executive officer) of SALCRA. At that time he
was aligned with the Pesaka wing of Parti PBB, so presumably had the ear of the
chief minister.


9. The farm plan for the Batang Ai scheme was provided by the Department of
Agriculture (Cramb 1979). The plan envisaged a diversified farming system as
close as possible to that previously practised by the settlers, including 2 acres of
terraced dryland rice, 3 acres of cocoa, 5 acres of rubber, 1 acre for other crops
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(including pepper if desired), and 4 acres as a reserve for future expansion. However, the Steering Committee reduced the total area from 15 to 9 acres to save on costs, the dryland rice component proved unviable and was excluded, with no alternative rice land provided, and the soils turned out to be too poor for profitable cocoa production and this crop was replaced with oil palm. Implementation problems led to serious delays in establishing the crops (Sim and Kedit 1987; Dimbab 1996). The whole episode is an example of the limitations of top-down planning and an experience from which the youthful author of the original farm plan has learned much!


13. The statistics in this paragraph were obtained from the Planning Branch, Department of Agriculture, Sarawak.

14. In 1997 when the members of a longhouse community at Sungai Sebukut, Bakong, in Miri Division, protested the clearing of their land for an oil palm estate by confiscating three bulldozers, 48 members of the Police Field Force were dispatched to the site. In the ensuing encounter four community members were shot (one subsequently died) and eight police were reportedly injured. The headman was later arrested and charged under the Penal Code. No public enquiry was held. In 1999, after repeated intimidation by employees working for a sub-contractor of Sarawak Oil Palm Sdn Bhd (in which LCDA has a majority share), two longhouse communities in Ulu Niah allegedly retaliated by murdering four of them. Nineteen community members were subsequently arrested. The community leaders had earlier written to police headquarters in Kuala Lumpur complaining of encroachment on their land by the oil palm company and the employment of gangsters to intimidate them (IDEAL 1999).

15. By 2005 the initial 11,000 ha was fruiting and another 3,000 ha had been planted. There were reports of an illegal syndicate allegedly selling oil palm land in the estate (Bernama 16 May 2005).

In the early decades of the twentieth century, as described in Chapter 6, the Saribas Iban had confidently embarked on a path of agricultural commercialisation through smallholder rubber planting, resulting in a period of ‘unparalleled material prosperity’ which Benedict Sandin recalled as a ‘golden age’ in Saribas history. In Sather’s words, ‘memory of a fully traditional way of life was still fresh and the new-found wealth contributed to a distinctive florescence of Iban culture’ (Sather 1981: 127–128). Yet Sandin emphasised that ‘no matter how well off [the Saribas people] became, they did not abandon rice growing’ (Sather 1981: 129). As with many upland societies in Southeast Asia, their livelihood strategy involved engaging opportunistically with global markets while maintaining their customary subsistence pursuits.

In the post-war period, however, the growth of population, in many cases beyond the carrying capacity of shifting cultivation, and the fluctuating profitability of cash crops created the need to develop a semi-commercial farming system in which, for the first time, rice growing took on a subsidiary role to the main cash crops, rubber and pepper. This was not a smooth transition but involved a continual struggle to find a balance between food crops, cash crops and wage work. By the new millennium, traditional hill rice cultivation had all but disappeared and Iban hill farmers throughout the Saribas were almost totally reliant on a single cash crop – pepper – for their livelihood. For those in land development schemes (considered in Chapter 11) the crop was oil palm.

THE BRITISH COLONIAL PERIOD
The colonial period was one of mixed fortunes for the Saribas Iban economy. On the one hand the boom in rubber and pepper prices in 1950–51, and
to a lesser extent in 1960, supplemented by several bumper illipenut crops, provided considerable (if erratic) cash-earning opportunities. In addition, the introduction of outboard engines drastically reduced travel time to the market towns and enhanced the returns to commercial agriculture. On the other hand, growing population led to a chronic shortage of land for hill rice cultivation and made it increasingly difficult to maintain local self-sufficiency in rice, especially in the remote inland regions. These two trends were mutually reinforcing in that the allocation of more land to cash crops, particularly rubber, accelerated the development of land shortage for hill rice, and the poor harvests consequent on land shortage created increasing dependence on cash crops (and wage labour) as a source of money to buy rice.

The Expansion of Cash Crops in the 1950s

Iban rubber gardens had remained intact during the Japanese Occupation and some new planting had taken place. Tapping steadily increased and in 1947 exports of rubber had already reached their pre-war tonnage. Despite low prices, the urgent need for cash in the immediate post-war years, compounded by poor rice harvests, compelled the Iban (and others) to utilise their chief cash-earning resource. Share-tapping of Saribas Iban gardens by Malay and Chinese workers had resumed by 1948 (SG 1948: 116). When the Korean War caused rubber prices to boom in 1950–1951 the rate of tapping increased accordingly. Derek Freeman visited the Paku branch of the Saribas in 1951 and found that the thirteen households of Plandok longhouse had 52 Malay share-croppers working their rubber gardens, along with one Chinese (Freeman 1981: 7).

The rapid increase in output was not only due to share-tapping, however, but was partly at the expense of rice production. Some Iban farmers did not plant any rice in the 1950–1951 season, while most reduced the area cultivated (SG 1950: 311). The favourable prices also resulted in extensive new planting of rubber. In many parts of the Saribas the area of rubber within a longhouse territory came to exceed the area under forest-fallow, though in the upper Saribas individual holdings remained small, probably around one hectare (SG 1953: 155). The expanding rubber area alarmed a government still concerned with food supplies, and in 1950 certain sections of the suspended Rubber Regulation Ordinance were re-imposed to conserve land suitable for wet rice cultivation (SAR 1951). When prices slumped in 1953–1954 rubber output dropped to its immediate post-war level. From 1955, however, the rubber price again began to improve, reaching another peak in 1960 before the long, slow decline of the sixties set in. Hence rubber
continued as the principal cash-earning activity until the end of the colonial period. A record illipenut crop in 1959 and another heavy crop in 1962 substantially added to the earnings from rubber in those years.

From the outset, the colonial government had been concerned about the need to rehabilitate Sarawak’s rubber holdings. A Rubber Development Scheme was approved in 1947 to ‘provide the small holder with high yielding planting material for both replanting and new planting’ (SAR 1947: 17). Yet the 1956 Annual Report summarised the situation as follows:

The acreage of selected high-yielding rubber is negligible and the majority of the holdings comprises old, unselected seedling trees, badly

Fig. 10.1 Outboard engines, available from the 1950s, drastically reduced the time and effort for transporting produce.
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planted, maintained and tapped, and rapidly approaching the stage where production will become uneconomic, even for smallholders, except during periods when an exceptionally satisfactory price is obtainable (SAR 1956: 46).

The Rubber Planting Scheme was introduced in May 1956, offering subsidies in cash and kind of $450 per acre to re-planters and $200 per acre to new planters (SAR 1956). The initial aim was to plant 4,000 ha mainly with clonal seedling stumps in the next five years, but applications for nearly 7,000 ha had been received for 1957 alone. In 1959 a revised five-year target of 36,000 ha was set and $21 million budgeted as part of the 1959–1963 Development Plan. The Rubber Planting Scheme was seen as ‘the first major step to break the vicious circle of subsistence dry padi farming which for generations has slowed down worthwhile development’ (SAR 1959: 53). In 1960 a supplementary scheme was introduced for remote areas such as the upper Saribas and met with an immediate response (SAR 1960). By the end of 1962 the total rubber area in Sarawak was estimated to be 148,000 ha (compared with the pre-war figure of 96,000 ha), of which 18 per cent was under high-yielding rubber (SAR 1962). Much of the high-yielding rubber was owned by Iban farmers, though the area planted in the more remote areas was insignificant. For example, in the Saribas District, by the end of 1962, 1,060 ha of high-yielding rubber had been approved for planting, mostly by Iban in the region from Betong to the middle Layar, and in the Paku and Rimbas (SG 1963: 83).

As noted in Chapter 6, some Saribas Iban did take up pepper planting late in the nineteenth century. However, pepper planting was not widespread among the Iban before the war and largely occurred in the immediate vicinity of Chinese pepper growing areas. This was probably due to the labour-intensive nature of the pepper enterprise and the need to maintain the crop continually if any benefit was to be obtained. In contrast, rubber was easier to establish and could be tapped or left unutilised as the market price or the demands of rice cultivation dictated. In 1947 the Resident of Second Division commented that ‘the reluctance [of the Iban] to plant pepper is quite understandable since this is a full-time job, and, if they were to plant pepper successfully, there would not be sufficient time to attend to the normal farming and their rubber gardens’ (SG 1947: 215). Iban informants recall that this was indeed their concern at the time.

The post-war boom in pepper prices was more dramatic and protracted than in the case of rubber. Administrative reports for 1949 and 1950 indicate that Iban throughout the Second Division were now planting pepper.
The 1952 Annual Report noted ‘a major increase in the gardens planted by Dayaks in interior areas’ (SAR 1952: 55). The early Iban gardens were small, usually around 50 vines. The largest would have been 100–200 vines, or less than 0.1 ha. They were planted in hill farms following the rice harvest and, as they were unterraced and clean-weeded, the erosion was considerable, though the total area affected was not great. The gardens were fertilised with burnt earth (\textit{tanah masak}) and soil collected from under the longhouse (\textit{tanah baroh rumah}). At a later stage organic fertilisers such as guano, prawn meal and soya meal were purchased. For insecticide a traditional \textit{tubai} (\textit{Derris} spp.) preparation was sprayed, using home-made bamboo pistons. Weed control was entirely by hand. The annual labour input for a 50–vine garden was probably around 25 man-days. The output would have been less than 100 kg, nevertheless returning over $1,000 in 1952 when Iban gardens were first coming into production. This would have been sufficient to buy the equivalent of 2,300 kg of unhusked rice, or almost twice the average household’s annual requirements. Thus the enterprise was kept to modest proportions in terms of land, labour and capital inputs and, despite being very remunerative, remained a small-scale supplementary activity.\(^3\)

Though most Iban pepper planters missed out on the record prices of 1950–1951, they enjoyed several years of high prices as the boom receded towards the middle of the decade. With the 1956–1958 slump in pepper prices the Iban gradually abandoned their small gardens and concentrated once again on rubber. When prices rallied around 1959–1960 few Iban were in a position to take advantage of the situation, though interest renewed and further small-scale planting took place. However, favourable rubber prices at this time meant that pepper remained a subsidiary crop in the Iban farming system.

\textit{The Emerging Shortage of Hill Rice Land}

The colonial period saw the emergence of a chronic shortage of land for hill rice farming in the Saribas District and elsewhere in the Second Division, and hence a failure of many communities to attain their goal of self-sufficiency in rice. This first became apparent in the immediate post-war years, before the rubber and pepper booms provided an additional source of income to help cover the rice deficit. With characteristic irony an Iban man from Kalaka summed up the situation in 1947 as follows: ‘The harvest was bad; rubber has no price; the Dayaks have no money. Things are much better than last year’ (SG 1947: 171). The shortage of rice in the late 1940s may have been in part a temporary problem due to a run of bad seasons and to the strong incentive
to sell rice immediately after harvest to alleviate the pressing need for cash. Certainly the 1949 harvest in the Saribas was much better and there was ‘no shortage of rice for self-producers’ in that year (SG 1950: 89).

Reports of serious rice shortage continued during the 1950s, however, particularly for the more remote and less commercialised areas of the upper Saribas. For example:

[T]he hills yield less and less each year. The majority of Spak people were buying rice ... by June ... [The Ulu Rimbas and Ulu Layar Iban] never grow enough rice for their needs, and this coming year there will definitely be a shortage ... In the Ulu Spak and Ulu Layar ... malnutrition seems to be the rule rather than the exception ... In the Spak and Ulu Layar the harvest is said to be sufficient for seed and approximately three months’ consumption ... The padi harvest in most areas was good, in the Lemanak, Spak and Engkari it was pitiful. (SG 1958: 167, 1959: 224, 1962: 184)

In evaluating these reports allowance must be made for Iban hyperbole (‘parai kami, we are all dying’) and for the variability in yields which has always been a characteristic of hill rice production. Nevertheless, the evidence does indicate that rice yields in upriver areas were on the decline and that this was due to a shortage of land that prevented the observance of an adequate period of forest-fallow. The Resident of Second Division reported that in the worst affected areas the usual ten-year fallow cycle had been reduced to four or five years and the farming land was consequently worn out (SG 1957: 62). The Conservator of Forests toured the upper Layar and Spak in May 1957 and noted: ‘By far the greater part of the land is now covered with resam [Gleichenia sp., a fern] and lalang (Imperata cylindrica), good temuda [secondary forest] occurring only in scattered patches. Landslides on the steeper slopes are common and often cause serious accidents. There is a certain amount of rubber, but the rice-land is practically gone. It is the worst hill-rice land that I have seen’ (SG 1959: 78).

There were two main reasons for the shortage of hill rice land and the consequent failure to achieve self-sufficiency. The first was population growth. It is generally regarded that the Second Division Iban population grew little if at all in the century of Brooke rule. Pringle (1970) estimated the mid-nineteenth century population to be around 50,000. The 1939 census put it at 58,000 (Noakes 1950). This slow growth was primarily due to out-migration. From early in the nineteenth century a significant proportion of each new generation born in the Second Division struck out for virgin land in the Rejang Valley and beyond. This did not mean there was no surplus land in the Second Division, but there was clearly an impending land short-
Post-War Transformation of Smallholder Agriculture in the Saribas District

age for hill rice and, perhaps more important, a decline in the availability of forest resources. However, from 1939 to 1960 the Second Division Iban population grew at one per cent per annum, from 58,000 to 71,000 (Jones 1962). The result was a 21 per cent increase in population density, which, if the cultivated area per person was kept constant, would reduce a ten-year forest-fallow rotation to eight years.

The second reason for land shortage, particularly in the more commercialised longhouses, was extensive planting of rubber on hill rice land. Those communities which restricted the rubber area to 1–2 ha per household made a limited impact on the area of forest-fallow. However, by the 1950s some Iban farmers in the Saribas had planted up to 20 ha and many communities had as much land under rubber as within the shifting cultivation cycle. For example, the Ulu Babu community in the Rimbas continued planting rubber until about 1959, by which time more than half their small territory was under rubber and therefore unavailable (mati, literally ‘dead’) for hill rice. In the absence of rubber, the territory could have supported a ten-year hill rice cycle. The incentive to plant such large areas was that in boom times share-tappers could be readily hired and this had proved to be a source of considerable wealth. There was the added attraction that owners of rubber gardens were issued with a form of title, which strengthened their claim over the land (Chapter 11). However, the allocation of so much land to rubber eventually undermined the capacity of a longhouse community to grow its own food. While the extensive rubber planters had had abundant surplus land at the outset, by the 1950s and 1960s land pressure was clearly being felt.

The 1959 Annual Report provided a neat, if somewhat overstated summary of the Iban situation:

In many areas, an increasing population and a gradual degeneration of the soils, and, to a lesser extent, the use of more land for scattered patches of settled cultivation has caused the land under bush-fallow to be used more frequently than is necessary for an adequate regeneration of secondary forest and extensive areas are rapidly becoming useless for agriculture. The production of rice by this method of farming [shifting cultivation] seldom enables the farmers’ standard of living to rise above subsistence level (SAR 1959: 32).

The Response to Land Shortage

The response to the shortage of hill rice land varied. One response, particularly favoured by the more commercialised communities, was to move onto swamp rice land downriver. The Saribas District Officer reported in 1951:
'Large areas of swamp land are being asked for padi farming by both Malays and Dayaks', and in 1956: ‘There is a great and ever increasing pressure from the half upriver houses (i.e., big belian [ironwood] structures with plenty of rubber and fruit trees) for tanjong [river-bend] and riverine land down river. At present they beg, borrow, hire or steal land higgledy-piggledy from downriver Dayaks, Malays, or Government, year by year.’ Again: ‘Upriver Dayaks continue to seek swamp padi land downriver as the hill lands become progressively poorer’ (SG 1952: 71, 1956: 261, 1957: 63).

Farmers had to apply to the government for permission to fell the primary forest on previously unclaimed land, thereby acquiring customary rights to the land. The Malays, who predominated in the riverine farming zone, had anticipated that rubber planting would make the Iban short of rice land and were moving to safeguard their own capacity to expand (SG 1952: 69). In this context the government was concerned to avoid ‘land grabbing’, or the acquisition of title to land without any immediate intention to use it. The Saribas District Officer advised:

Until Government knows how much potential swamp and tanjong land there is, and to whom it belongs, and how many doors [households] require land within the district (these big substantial houses will not move outside the district, whereas the small upriver houses do not mind where they go), it is unwise to alienate this farming land piecemeal, and even more unwise to admit speculators from outside the district onto potential padi land (SG 1956: 261).

However, the demand from Iban hill farmers was seen to reflect a genuine need and the move to open up new land was generally encouraged. Apart from those who acquired swamp land, which involved a substantial investment of labour (whether family or hired) for clearing, many more upriver Iban rented established swamp rice areas from Malays and other Iban, paying $15–40 annually per farm (the average size of which was about 0.5 ha) (SG 1958: 168).

Although the greatest demand for swamp rice land (whether acquired or rented) came from the more commercialised longhouses with extensive areas under rubber, the movement downriver also included farmers from the less commercialised areas, such as the Ulu Layar and the Spak, where land shortage was due more to population pressure than competition from rubber. For example, Penghulu Ulin’s success with wet rice cultivation led to a flood of applications for swamp land from his people in the Spak (SG 1962: 208). In all cases those farming downriver retained their landholdings and longhouse upriver and continued to tap rubber in the off-season,
or to rent their gardens to share-tappers. The shift from hill rice to swamp rice was a form of spatial intensification that enabled many Saribas Iban to maintain self-sufficiency in rice without reducing their investment in commercial agriculture.

A second response to the shortage of land for rice farming, particularly among the more remote and less commercialised longhouses, was permanent migration to land surplus regions in the Fourth and Fifth Divisions. This had always been the Iban response to impending land shortage — indeed, as described in Chapter 2, the upper reaches of the Saribas and Lupar watersheds had been the source of a continuous stream of migrants from early in the nineteenth century. In the 1950s, migration offered one last chance to perpetuate the traditional economy based on hill rice farming and forest exploitation. The Saribas District Officer wrote of the Spak Iban in 1958: ‘Their only interest is to get away from the degraded hill soils to areas where they can have a boat, hunt, get belian and rotan and to grow enough rice to supply their own needs’ (SG 1958: 169). The difficulty was that such areas were now in short supply and far distant from the Saribas.

The colonial government favoured limited migration from the poorest hill farming districts as a way to alleviate pressure on the land. For example, the Director of Agriculture reported after a visit to the upper Lupar that ‘controlled emigration is the only answer to the agricultural problem here, the alternative being ‘gradual starvation’ (1956: 263). An Internal Migration Committee was set up in the 1950s to coordinate the transfer of population. However, it was unable to satisfy either its own initial expectations or those of the Iban. For example:

Representatives from four houses in the Spak and Ulu Layar visited the Kakus [in Bintulu District] in September to inspect land offered to them under the internal migration scheme. The Ulu Layar houses accepted the offer of resettlement but the Spak houses found the land not up to their expectations and refused to join the scheme. It seems clear that they still consider they should be allowed to move where they like without any conditions attached. In 1958 migration from the Saribas district will be confined to twenty-four doors from Ru-mah Jerangku and Rumah Tigum in the Ulu Layar (SG 1958: 91).

In May 1962, when a mere 203 persons from 24 households in the Layar and Spak moved to the Jelalong River, also in Bintulu District, it was called ‘the greatest migration in the recent history of this district’ (SG 1962: 207).

A third response, one that most communities made at some stage whether through choice or necessity, was to rely on commercial agriculture.
and off-farm work to provide the money to buy rice. In some cases farmers
continued to maximise rice production, tapping rubber only in the slack
periods of the hill rice cycle and using the money to buy rice if necessary.
In others they consciously reduced the cultivated area, thereby releasing
more labour for tapping. The latter strategy was more common when rub-
ber prices were high. At such times there was little demand for wage work.
For example, in 1951, at the height of the post-war boom, the Resident
observed: ‘The difficulty in obtaining labour is reflected in the small and
debilitated Government maintenance gangs. Few unskilled workers will
work for less than $10.00 per day’ (SG 1951: 117). When prices were low
there was greater emphasis on rice production, but it was also necessary for
many households to look for other cash-earning activities, and this usually
involved an increase in off-farm work.

Such work was increasingly available on the oilfields at Seria in Brunei
and Miri in northern Sarawak, and on the agricultural estates in British
North Borneo (now Sabah), and many hundreds of young men from the
Saribas and elsewhere found temporary employment in these places. The
government initially tried to discourage Iban circular or wage migration,
believing that it was mainly due to ‘wanderlust’ and that local agriculture
could absorb the available labour. The *Annual Report* for 1953, referring to
employment in the oil industry, commented that ‘the work is popular as it
enables the innately vagrant native to see new lands and to find many novel
experiences’ (SAR 1953: 11). While it is true that this kind of work was
firmly within the Iban tradition whereby young men embarked on journeys
(*pegi* or *bejalai*) to find fame and fortune (Kedit 1993), there is no doubt
of a substantial economic motivation behind the post-war phenomenon of
Iban circular migration. In a situation where the traditional farming system
was no longer able to meet domestic requirements for food and cash, off-
farm work provided an important alternative activity to commercial agri-
culture, enabling the Iban to respond more flexibly to changing economic
conditions.

*Overview*

The shortage of rice land that emerged in the colonial period was thus pri-
marily caused by extensive rubber planting in the commercialised long-
house-communities of the middle Saribas and by population pressure in
the less commercialised communities of the upper Saribas. The primary
response of the former was spatial diversification onto swamp rice land
within the district (and, importantly, investment in education, enabling a
proportion of the younger generation to obtain permanent non-farm employment). The less commercialised communities looked more to migration – both temporary or circular migration and permanent migration out of the district.

To illustrate the differential impact of population pressure, commercialisation, and education on the economies of the upper and middle Saribas up to the end of the colonial period, it is worth quoting at length from a 1959 Saribas District report (SG 1959: 78–79). According to the report, ‘the Iban of the Saribas do not form a homogeneous community, on the contrary they are divided into two completely different and antipathetic groups – the “Conservatives” of the Ulu Layar and the Spak and the “Progressives” of areas such as the Paku and lower Padeh. The ‘conservative’ group is described as follows:

In the steep hills of the upper Layar and Spak … the population density approaches one door [household] to every forty acres. The soil is poor and exhausted and the only method of restoring its fertility – known to the inhabitants – is a very long bush fallow … Communications are, to say the least, poor. The rivers are not navigable. The economy is largely a subsistence one … The standard of housing is deplorably low … The houses rarely last more than a few years so that an unduly large proportion of the people’s time has to be devoted to collecting material and building houses … Quite a large proportion of the men wander off each year in search of work … In consequence there is a dearth of labour which prevents any major improvement in the local environment. The standard of living in the Spak and Ulu Layar is deplorably low and until such time as they can be moved to more fertile areas or assisted in some other way this part of the Saribas will remain a black spot.

The District Officer’s account of the ‘progressive’ group presents a striking contrast:

In the Paku, the Padeh, the Rimbas and around Betong there are large areas under rubber. These areas together produce some 2,000 tons of rubber each year, that is over 5 per cent of the rubber exported from Sarawak in 1958. The Sea Dayaks of the Paku … employ considerable numbers of Malay and Chinese rubber tappers and many own house property in the various bazaars. Some are absentee landlords whose income is derived from letting their land to Chinese and Malay share-farmers. A proportion are salaried workers in the public service or in the employ of commercial firms in Sarawak, North Borneo and Brunei. Many of the longhouses … are massive buildings,
fittingly described by Dr Edmund Leach as the ‘Plank Palaces of the Saribas’ ... the standard of living is unquestionably higher ... and the people appear to be healthier and better fed.

Though the biases of the colonial District Officer are apparent in this extract, and some of the distinctions he makes may be overdrawn, in its basic outlines it remains a valid account. The contrast continued well into the post-colonial period, as shown below.

**THE MALAYSIAN PERIOD**

In the first decade after Sarawak entered Malaysia, the Saribas agricultural economy initially received a setback with the long-term decline in the profitability of rubber, but then as pepper prices steadily improved, particularly in the mid-1970s, commercialisation was taken to new lengths and for the first time hill rice farming became a supplementary activity for the majority of farm households in the district – in both the prosperous middle Saribas and the Ulu Layar and Spak. The dominance of pepper increased in the 1980s and 1990s, encouraged by dramatic price booms towards the end of each decade (Fig. 10.2).

This process of commercialisation was encouraged by gradual improvements in transportation. The trunk road through Second Division was completed in 1967, spanning the middle reaches of the major Saribas tributaries, the Padeh, the Layar, the Paku and the Rimbas, with spur roads to the main towns – Betong, Spaoh and Debak. Feeder roads were progressively...
Post-War Transformation of Smallholder Agriculture in the Saribas District

built, linking communities along the upper reaches of these tributaries to the trunk road, and thence to the towns they had previously accessed only by river – the Paku road in the 1970s, and the Layar and Padeh roads in the 1980s and 1990s.6

In addition, as indicated in Chapter 9, the Department of Agriculture expanded its support, particularly for upriver farmers, establishing outposts at Nanga Tiga in the Ulu Layar and Nanga Lawih in the Spak. In 1980, under the World Bank-funded National Extension Project, a new post was established at Nanga Spak, servicing the middle Layar and lower Spak. Under the Seventh Malaysia Plan (1996–2000) this area was designated (somewhat optimistically) one of eight ‘rural growth centres’ in Sarawak, providing further governmental support for commercial activities. Moreover, the farm population was becoming better educated. Whereas in the colonial period the more remote Saribas communities had resisted the establishment of schools, by the mid-1970s there were five primary schools in the Layar and Spak area and in the 1980s a junior secondary school was established.7

In this period, the pattern of rural-rural migration that had characterised Iban expansion in the preceding centuries – and was given a final fillip by the Internal Migration Committee in the colonial period – gave way to a trend of rural-urban migration, both temporary and permanent, as educated young people, men and women, sought jobs in the secondary and tertiary sectors (Sutlive 1988; Kedit 1993). As noted in Chapter 2 (Table 2.3), between 1980 and 1991 the Iban population in Sri Aman Division declined for the first time, largely due to rural-urban migration, and this trend continued in the 1990s.

The Demise of Rubber in the 1960s

The difficulty of relying on a single cash crop was well illustrated in the 1960s. The average export value of rubber declined from a peak of $2.41 per kg in 1960 to $0.73 per kg in 1972, the lowest since 1947. Tapping accordingly fell away in all districts and Sarawak’s rubber exports dropped from 50,000 tonnes in 1960 to 19,000 tonnes in 1971. Interest in new planting and replanting also waned and without the incentives offered through the Rubber Planting Scheme almost no planting would have taken place. The scheme at least provided a cash bonus to the fortunate recipients and the fertiliser could always be used on other crops or simply sold (though of course in the longer term the higher yields due to improved planting material would have helped to offset the decline in revenue due to lower prices).
Land and Longhouse

From 1960 to 1972 the area of rubber in the Second Division increased from 25,000 ha (14 per cent of which was high-yielding) to 36,000 ha (44 per cent of which was high-yielding) (Sarawak 1968, 1975). This net increase was almost entirely due to the Rubber Planting Scheme, and included 2,000 ha planted for the Melugu and Skrang land development schemes where approximately 1,000 Iban had been resettled in response to Indonesia’s armed confrontation with Malaysia from 1963 to 1966. Once the Rubber Planting Scheme was suspended in 1972 almost no further planting took place until its reintroduction in 1977.

The demise of rubber again highlighted the problems of shifting cultivation in long-settled areas such as the Saribas. Between 1960 and 1970 the population density in the Second Division rose by another 25 per cent (Sarawak 1975). Fallow periods were further reduced and the fertility of the soil continued to decline. Whereas a seven or eight-year fallow may have been sufficient in the past, the truly exhausted hill farming areas now required ten or more years to recuperate. Yet in some districts fallow periods of only five years were not uncommon (SG 1969: 127). Farmers in the upper Saribas and elsewhere were faced with a chronic shortage of rice. A 1963 report stated: ‘It is quite clear that the Dayaks in the Saribas generally grow insufficient padi (be it wet padi or hill padi) for their real needs. There is far too much reliance placed on rubber for cash with which to buy rice. A long spell of wet weather as was experienced in December and later in the new year prevented tapping and in many cases there was no cash to buy rice and the padi bins were also empty’ (SG 1963: 83). As the price of rubber continued to fall it became even more difficult to generate the cash needed for rice purchases. The situation was worsened by a sharp increase in the price of imported rice around 1967, reflecting a world shortage at that time (SG 1968: 29–30).

In these circumstances more hill farmers began renting swamp rice land, including many communities from remoter parts of the Saribas such as the Spak. Those who cultivated swamp rice were able to maintain their self-sufficiency in rice while giving their hill rice lands a much-needed rest. Hill farmers with pockets of flat land within their territory also began to utilise these more intensively as the returns to cultivating hill slopes diminished.

In addition, the incidence of circular migration increased as men moved out of the longhouses to find work in Sabah and Brunei and at the Miri oilfields. A 1970 report noted that ‘those Dayaks in the ulu Layar and Spak still favoured going to Sabah and Brunei looking for temporary employment’ (SG 1970: 140). The burgeoning timber industry in Sarawak also provided a growing source of casual employment, the value of timber exports increas-
Post-War Transformation of Smallholder Agriculture in the Saribas District

ing more than four times from 1960 to 1970 (Sarawak 1968, 1975). The sharp slump in timber in 1971–1972 provided a major setback for the many Iban migrant workers who had found logging jobs in the 1960s. Though the government continued to have the ambivalent attitude of its colonial predecessor to the phenomenon of Iban circular migration (Austin 1977: 205), there is no doubt that off-farm work had become a necessary element in the Iban livelihood strategy. Rice farming and some commercial agriculture (particularly rubber tapping) could continue in the absence of substantial numbers of males and, even if remittances were small or non-existent, at least the absent worker was supporting himself and therefore temporarily easing the population pressure on the land.

The Swing to Pepper in the 1970s

From the late 1960s pepper cultivation became an increasingly attractive alternative for the beleaguered longhouse economy. The price of pepper had also declined after 1960, recovering somewhat in the mid-sixties before

Fig. 10.3 Pepper holdings at Nanga Tapih.
reaching a low in 1968. From that point, however, prices steadily rose until by 1977 they had reached their highest level since the boom period of the early 1950s (Fig. 10.1). A further development was the introduction of improved management practices based on a detailed program of research that had been carried out by the Department of Agriculture since the colonial period. This involved the use of inorganic fertilisers and a range of measures to control the pests and diseases that had made pepper such a risky undertaking. The most serious disease, ‘footrot’ or ‘sudden death’ (caused by the soil fungus *Phytophthora cinnamomi*), though still without remedy, had nev-

*Fig. 10.4* Harvesting pepper at Nanga Tapih. This operation requires the greatest amount of labour and is undertaken by men and women.
Nevertheless been thoroughly researched and methods of containing it were now known. Finally, the trunk road through the Second Division, which was completed by 1967, greatly improved the ratio of prices to costs at the farm level, which was particularly important for a crop such as pepper with high fertiliser requirements. Some Iban from the more commercialised areas had persisted with pepper during the 1960s even when prices were at their lowest. As prices began to pick up, increasing numbers of farmers began planting pepper and adopting the modern management practices. In 1970 it was reported: ‘Rubber continues to be the main [source] of income for most Saribas farmers although pepper planting is fast gaining popularity’ (SG 1971: 136).

The swing to pepper was given added impetus in 1972 with the introduction of the Pepper Subsidy Scheme. As described in Chapter 9, the subsidy was intended to cover 50 per cent of the establishment costs for a 200-vine garden, including fertilisers and hardwood supports for the pepper vines. The scheme met a genuine need among the Iban for medium-term investment capital. The Chinese shopkeepers would willingly provide fertiliser on credit within a year of the pepper harvest, on condition that the crop was then sold to them, but few would consider providing credit over a longer period. Institutional credit was also insufficient to meet the need.

By the mid-1970s, after several years of sustained increase in pepper prices and an improvement in the price of rubber, most Saribas Iban who had been renting swamp rice land or depending on non-farm wage work returned to hill farming in order to concentrate on the now-profitable cash crops. This return was further prompted by the dramatic rise in the price of rice in 1974, again reflecting a global food shortage. This, while making home-grown rice more attractive, also pushed up rentals for the increasingly scarce swamp rice land (though those who owned land downriver or were closely related to the owners often continued to farm swamp rice). By this time much of the hill rice land had had a prolonged fallow and some of the excess senile rubber could also be felled for hill rice. Moreover the widespread use of the herbicide paraquat to control weed growth (a significant labour-saving innovation) and the subsidised sale of hill rice fertiliser by the Department of Agriculture, albeit in small quantities, gave new incentives for hill rice cultivation.

However, with the Iban population continuing to grow at just under two per cent per annum from 1970 to 1980, and the population density in the Second Division increasing at 1.4 per cent, there was no question of returning to major reliance on hill rice. At best the accumulated reserves
of forest fallow would sustain a further five to ten years of large-scale hill rice cultivation before once again being reduced to a critical level, and in many parts of the upper Saribas there was little or no reserve. Consequently in many areas hill rice farms were made smaller than was the traditional practice, both to maintain an adequate fallow period and to release labour for the more profitable pepper cultivation and, to a lesser extent, rubber. Commercial agriculture had become the dominant activity, with hill rice cultivation in many cases a supplementary activity. This changed perspective is reflected in the comment of the headman of Nanga Tapih at the time, that hill rice farming was still useful because it occupied people during the slack periods for pepper cultivation.

The Longhouse Economy at the End of the 1970s
A survey in early 1978 of hill farmers in seven longhouses in the upper Saribas found that, although all households planted both hill rice and pepper, those in the main Layar river had hill rice farms one quarter the size of those in the Ulu Layar and Spak (averaging 0.7 ha compared with 2.9 ha)
while their pepper gardens averaged over 400 vines (about 0.4 ha) – 40 per cent larger than those of the upriver farmers (Cramb 1978; Cramb and Dian 1979). This not only enabled them to concentrate their energies on pepper cultivation but the yield per hectare from their smaller hill rice plots was substantially higher, due mainly to more intensive and timely weeding and more judicious application of fertiliser. Hence, although they were no longer self-sufficient in rice, the Layar farmers produced more income from pepper and almost as much rice as those from the Ulu Layar and Spak. The 1978 survey also found that all households interviewed had applied for the Pepper Subsidy Scheme at some stage, and 59 per cent had been approved. Hence just over a third of the planted area had been established with assistance from the scheme. This showed that farmers found the scheme of considerable help, particularly in getting a garden established, but that most of the pepper had been planted using their own resources. On average farmers spent $420 per year just on fertiliser (more than the market value of their rice harvest) and obtained a yield of about 1.5 tons of black pepper per ha. As expected, almost all households (93 per cent) owned a rubber garden, averaging about 7 ha of mostly low-yielding trees. Only 17 per cent had gardens with high-yielding clones, established under the Rubber Planting Scheme in the 1960s. A majority of households (59 per cent) tapped rubber in the preceding year, but only sporadically (mostly less than 90 days per year), hence average production was only about 500 kg of unsmoked rubber sheets. Thus the survey revealed a farm economy increasingly focused on pepper production, in which both rubber and rice were taking a secondary role.

This was confirmed in a more detailed study in 1979–1980 of the two longhouses introduced in Chapter 2 – Batu Lintang (representing the Layar region) and Nanga Tapih (representing the Ulu Layar and Spak region). As described in previous chapters, this regional division was of long historical standing. Figures 10.6 and 10.7 show the pattern of land use in the two longhouse-territories, derived from aerial photographs and detailed mapping on the ground, and Table 10.1 gives the areas of each category of land use (Cramb 1991). The shifting cultivation cycle, including the 1979–1980 hill rice farms and the various stages of secondary growth, accounted for 54 per cent of the total area at Batu Lintang and 66 per cent at Nanga Tapih. The ratio of fallowed land to cropped land was 14:1 and 12:1 respectively. Hence Batu Lintang was more favourably situated in terms of land for subsistence production. Rubber gardens occupied 41 per cent of the total area at Batu Lintang and 26 per cent at Nanga Tapih, mostly concentrated along the
Fig. 10.6 Land use of Batu Lintang, 1980.
main rivers. The area classified as 'rubber' included both productive gardens and old, overgrown gardens, interspersed with fruit trees. Nevertheless, Batu Lintang had about 19 ha of rubber per household, whereas Nanga Tapih had only 9 ha, again highlighting the former's historical economic advantage. Pepper gardens were scattered along various side-streams close to the main river and to the longhouse. Altogether they accounted for less than one per cent of the area at Batu Lintang and 1.5 per cent at Nanga Tapih, averaging 0.2 ha and 0.5 ha per household respectively. Thus Nanga Tapih, though faced with limited land for rice and rubber, was able to sur-
pass Batu Lintang in planting pepper, which required only a fraction of the area of the other crops to support a family. Forest reserves and fruit groves comprised 2 to 5 per cent of the territory, including riparian strips enriched with numerous fruit and illipenut trees planted over the decades, forest islands (pulau) reserved for fruit, timber and bee trees, and old longhouse sites (tembawai) scattered over the territory that supported small groves of fruit trees.

Table 10.2 summarises the production and income of the two longhouses for the 1979–1980 farming year. Consistent with the general trend in the Layar identified in the earlier survey, households in both longhouses cultivated smaller hill rice farms than in the past in order to allocate more labour to pepper cultivation; the figure of 1.5 ha for Nanga Tapih showed that the Spak Iban were now beginning to follow this trend. The average age of the fallow vegetation cleared for the 1979–1980 farms was over 10 years, considered by experienced farmers to represent a more than adequate fallow period in this environment. However, the higher average for Nanga Tapih masked a bimodal distribution, with half the farms cleared from old secondary forest (pengerang) of 20–25 years growth or from old rubber gardens. This reserve of older forest was fully utilised in the 1979–80 season, meaning that the average fallow period was set to fall dramatically (by the 1984–1985 season it was 7 years, whereas at Batu Lintang it remained at around 10 years). Farming techniques remained essentially the same as described in Chapter 3 for established shifting cultivation, except that 80 per cent of farmers now sprayed the herbicide paraquat to assist with weed control, thereby reducing the labour input for weeding by nearly 40 per cent (about 32 worker-days per ha).11 Batu Lintang households averaged a
higher yield of hill rice, though it was considered a generally poor or ‘black’ season (*taun celum*) in both communities. This yield differential, which was even greater in subsequent seasons, was presumably due to the greater pressure on the Nanga Tapih lands in previous decades, consistent with reports from the colonial period cited above about conditions in the Spak River. The end result was that Batu Lintang households, with somewhat smaller farms, produced more rice and a greater proportion of their subsistence requirements, rising to over 100 per cent in better seasons.

Batu Lintang farmers also produced four times as much rubber as at Nanga Tapih, reflecting their greater stock of productive rubber land and also their greater allocation of labour to tapping. However, Nanga Tapih households produced more than twice as much of the more valuable pepper, hav-

| Table 10.2 Production and income statistics for two Saribas longhouses, 1979–1980 |
|---------------------------------|------|------|
| **Batu Lintang**                | **Nanga Tapih** |
| **Shifting Cultivation**        |      |      |
| Average hill rice area per household (ha) | 1.3  | 1.5  |
| Average fallow period (yrs)     | 10.3 | 13.5 |
| Average yield of hill rice (kg/ha) | 611  | 329  |
| Average output of hill rice (kg) | 766  | 494  |
| Aggregate self-sufficiency (%)  | 79   | 48   |
| **Cash Crops**                  |      |      |
| Average rubber output (kg)      | 425  | 109  |
| Average pepper output (kg)      | 284  | 587  |
| **Labour Use**                  |      |      |
| Proportion of labour allocated to: |      |      |
| Shifting cultivation (%)        | 36.8 | 29.7 |
| Rubber (%)                      | 14.0 | 3.6  |
| Pepper (%)                      | 25.7 | 35.0 |
| **Household Income**            |      |      |
| Average gross farm income ($M)  | 2,633| 3,062|
| Proportion of gross farm income from: |      |      |
| Shifting cultivation (%)        | 26.5 | 19.6 |
| Rubber (%)                      | 22.9 | 4.9  |
| Pepper (%)                      | 29.2 | 60.7 |
| Average remittances received ($M) | 250 | 93 |
| Average non-farm income ($M)    | 515  | 554  |
| Average household income ($M)   | 2,594| 2,728|
ing allocated over a third of their total labour-time to this crop – more than they did to food production. Placing a monetary value on all farm output (including hill rice and secondary crops such as maize and cassava) shows that Nanga Tapih farmers, by concentrating their efforts on pepper, earned more gross farm income on average than those at Batu Lintang. Sixty one per cent of gross farm income at Nanga Tapih was from pepper. Nevertheless, when production costs were deducted and remittances and other non-farm income were included, there was little difference in household income between the two communities. Thus Nanga Tapih farmers, with limited resources, chose to focus on pepper partly as a survival strategy, to achieve the same level of household income obtained by better resourced and hence more diversified communities such as Batu Lintang. In both communities, however, pepper had become a significant component of a livelihood system in which shifting cultivation now played a subsidiary role. Table 10.3 shows the economics of the two crops based on average data from farm records.

Fig. 10.8 Aerial view of central portion of Nanga Tapih’s territory in 1982, looking north-west (cf. Fig. 10.7). Note longhouse in centre on the riverbank; recently burned hill rice farms at lower left, upper left, and upper centre; pepper gardens at upper centre and upper right; rubber gardens at lower right; and riparian forest reserves.
for 1979–1980. These data underline the much higher returns to land and labour from pepper production at that time.

**Pepper Boom and Bust in the 1980s and 1990s**

The Saribas Iban economy of the late 1970s, while prosperous, was highly vulnerable. From its peak of $3.50 per kg in 1977, the export value of black pepper steadily declined to average $2.20 per kg in 1982, a drop of nearly 40 per cent. The area under pepper declined and pepper yields and production fell as farmers economised on inputs. At Nanga Tapih, total pepper output fell by 41 per cent, from a peak of 10.5 tonnes in 1979–1980 to a low of 6.3 tonnes in 1982–1983. To reduce expenditure on rice, farmers enlarged their hill rice farms again, hence total rice production increased (Cramb 1993). Many communities tried planting cocoa, which had been fetching favourable prices for a number of years and was being promoted by the Department of Agriculture. Although farmers in the undulating hill country close to the trunk road profited briefly from this crop, it was generally not successful on the steeper hills further inland, where soil and pest problems (such as squirrels) proved largely insurmountable.\(^{12}\) The major alternative source of cash was non-farm work, and the rate of circular migration to destinations such as Brunei again increased, particularly from the upriver

### Table 10.3 Average returns from hill rice and pepper production, 1979–1980

<table>
<thead>
<tr>
<th></th>
<th>Hill Rice (n = 44)</th>
<th>Pepper (n = 32)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Family Resources</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area cultivated (ha)</td>
<td>1.4</td>
<td>0.5</td>
</tr>
<tr>
<td>Family labour (days)</td>
<td>267.5</td>
<td>233.5</td>
</tr>
<tr>
<td><strong>Income</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rice ($)</td>
<td>407</td>
<td>791</td>
</tr>
<tr>
<td>Secondary crops ($)</td>
<td>298</td>
<td>938</td>
</tr>
<tr>
<td>Total ($)</td>
<td>705</td>
<td>1,729</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid-out costs ($)</td>
<td>33</td>
<td>271</td>
</tr>
<tr>
<td>Imputed costs ($)</td>
<td>16</td>
<td>184</td>
</tr>
<tr>
<td>Total ($)</td>
<td>49</td>
<td>455</td>
</tr>
<tr>
<td><strong>Net Returns</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total ($)</td>
<td>656</td>
<td>1,274</td>
</tr>
<tr>
<td>Per ha ($)</td>
<td>508</td>
<td>2,710</td>
</tr>
<tr>
<td>Per work-day ($)</td>
<td>2.41</td>
<td>5.46</td>
</tr>
</tbody>
</table>
longhouses such as Nanga Tapih. It was not only single men who participated but also many household heads who saw this as the only livelihood strategy remaining to them in the short term.

However, there were two further pepper booms, in the late 1980s and late 1990s, each more dramatic than the last. Prices began to rise from 1983, peaking in 1987 at over $9 per kg for black pepper – a four-fold increase. This encouraged further expansion of Iban pepper holdings and even greater specialisation in this crop. Now a proportion of households ceased hill rice production altogether for several years in succession and allocated almost all their time to pepper. Once again, though, the boom was followed by a steep price decline and by 1992 prices were at their lowest level in two decades. Hill rice production was reactivated, as was swamp rice production on rented and borrowed lands near Betong (though some of these lands had now been drained and converted to housing). The feeder roads made these downriver areas more accessible than ever to farmers from upriver, and the use of herbicides enabled them to minimise labour requirements for land preparation and weeding. Hence they could remain in their longhouses and commute to their swamp rice farm as required.

Windle (1997) conducted a survey of 90 households in six upper Saribas longhouses in 1994, after pepper prices had started to recover from their 1992 low. The results of the survey are directly comparable with the Cramb and Dian (1979) survey conducted 16 years earlier. Windle found that, in the 1993–1994 season, 82 per cent of households planted hill rice. However, farms were small, averaging about 0.75 ha. With most households using fertiliser and weedicide, yields averaged just over one ton per hectare. Total production of unhusked padi averaged about 730 kg and was sufficient for household needs for 3 to 12 or more months. In the earlier survey, 100 per cent of households were planting hill rice and only those along the main Layar had small, intensively managed farms. Hence the trend away from traditional, large hill rice farms had continued, with a corresponding increase in yield per hectare.

Windle’s (1997) survey also found that, in 1994, 90 per cent of households had pepper gardens. The average area was 0.4 ha, no different from the Cramb and Dian (1979) survey. However, the yield was about 2 tons of black pepper per ha, compared with 1.5 tons per ha in the earlier survey, probably reflecting somewhat higher levels of fertiliser use and an accumulation of technical skills. Windle (1997) found that 83 per cent of households owned rubber gardens, averaging about 3 ha, less than in the earlier survey. However, only a third tapped their rubber trees in 1994 (down from nearly
two thirds in 1978), producing an annual total of only 325 kg of rubber sheets (compared with around 500 kg in 1978). Only 10 per cent of rubber trees had been established under the Rubber Planting Scheme, though the Department of Agriculture had recently been promoting rubber planting and many households in the survey had rubber nurseries. The comparison between the two surveys shows that, even with periodic downturns in the pepper market, Saribas hill farmers were increasingly reliant on this crop, while rubber and hill rice continued to decline in importance.

The 1990s boom had an even greater impact. From 1993 prices again began to rise steeply and were given an added fillip by the Asian economic crisis of 1997, which saw the Malaysian ringgit tumble in value along with other Asian currencies. Hence by 1998 the average Kuching price of black pepper had reached more than $14 per kg, eight times the 1992 level and considerably higher than the 1987 peak (Fig. 10.1). This boom induced a higher degree of specialisation in pepper farming than ever before. After a decade or two of cultivating smaller hill rice farms and extended periods in which many households did not cultivate any rice at all, most farmers had now abandoned the shifting cultivation of hill rice. The income from pepper was not only sufficient to buy rice and other food but provided a surplus to invest in motorbikes, cars, vans, and improvements to housing. At the end of the decade the most successful farmers (e.g., from Jambu in the Ulu Layar, which in 1959 was said to be a ‘black spot’ with a ‘deplorably low’ standard of living) had up to $200,000 invested in government securities (Amanah Saham Nasional).15

It appeared that each successive pepper boom, from the late 1970s to the late 1990s, had a ratchet effect, progressively undermining the subsistence sector of the longhouse economy. It is true that, at the end of the period, there was land available to return to hill rice farming should market conditions require this. However, with the average age of the farm workforce increasing as more young people continued on to secondary school and then sought paid work in the towns, both the motivation and the skills and experience required for hill rice cultivation were disappearing. Moreover, it was difficult for individual households to resume hill rice cultivation on their own, not least because of the populations of animals (monkeys, squirrels, pigs) that were flourishing in the growing reserves of largely unutilised secondary forest. By 2000 much of this forest was 20 or more years old. In any case, many households no longer had any seed stocks with which to resume planting.

A re-survey of Batu Lintang and Nanga Tapih in 2001, 21 years after the study summarised above, showed the extent of these demographic and
Land and Longhouse

economic changes (Table 10.4). The number of apartments (bilek) in each longhouse had increased, from 29 to 34 at Batu Lintang and from 18 to 25 at Nanga Tapih (which had constructed a completely new longhouse with government support). However, at Batu Lintang eight rooms (24 per cent) were unoccupied, in most cases because none of the younger generation had taken up residence in the parental bilek, having migrated permanently to urban centres. Instead, the elderly parents had moved to stay with their married children, in many cases in or near Miri in northern Sarawak. Another two bilek were occupied by elderly widows living alone. Hence the resident population had actually declined by 37 per cent from the 1980 figure to 116. At Nanga Tapih there was only one unoccupied bilek, the owners of which lived and worked a short distance upriver at the Nanga Lawih clinic. The resident population was unchanged from the 1980 figure of 110, indicating that although married children were staying on in the parental bilek, most educated young people had temporarily or permanently migrated.

The pattern of land use in the two communities differed substantially from that in 1979–1980. In the 2000–2001 farming year, only four households, all at Nanga Tapih, cultivated any hill rice, and then only very small farms of 0.1 to 0.5 ha. Most had not cultivated any hill rice for several years

Table 10.4 Demographic and economic data for two Saribas longhouses, 2000–2001

<table>
<thead>
<tr>
<th></th>
<th>Batu Lintang</th>
<th>Nanga Tapih</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of rooms in longhouse (2001)</td>
<td>34</td>
<td>25</td>
</tr>
<tr>
<td>No. of occupied rooms (2001)</td>
<td>26</td>
<td>24</td>
</tr>
<tr>
<td>No. of occupied rooms (1980)</td>
<td>29</td>
<td>18</td>
</tr>
<tr>
<td>Resident population (2001)</td>
<td>116</td>
<td>110</td>
</tr>
<tr>
<td>Resident population (1980)</td>
<td>185</td>
<td>110</td>
</tr>
<tr>
<td>No. of households cultivating hill rice in 2000–2001</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>No. of households cultivating wet rice in 2001–2001</td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td>No. of households with rubber gardens</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Average area of rubber owned (ha)</td>
<td>13</td>
<td>4</td>
</tr>
<tr>
<td>No. with land in Rubber Mini Estate</td>
<td>24</td>
<td>0</td>
</tr>
<tr>
<td>No. of households tapping rubber in 2000–2001</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No. of households cultivating pepper in 2000–2001</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Average area of pepper gardens (ha)</td>
<td>0.6</td>
<td>0.6</td>
</tr>
<tr>
<td>Average pepper output in 2000–2001 (kg)</td>
<td>480</td>
<td>850</td>
</tr>
<tr>
<td>Average revenue from pepper ($)</td>
<td>5,690</td>
<td>6,370</td>
</tr>
</tbody>
</table>
and had no plans to resume. Interestingly, 11 households at Batu Lintang cultivated wet rice near Betong, using their own land or land they had borrowed from relatives or rented. The ease of transport to Betong via the Layar road meant they could commute to their rice farms while still concentrating on pepper cultivation.

Almost all households owned rubber gardens. As before, Batu Lintang farmers had more land under rubber, averaging about 13 ha compared with about 4 ha at Nanga Tapih. Moreover, 24 households at Batu Lintang had up to 4 ha each in a Rubber Mini Estate being developed on their behalf by the Department of Agriculture (Chapter 9). However, in general the area under rubber had declined and no household in either longhouse tapped their rubber in 2000–2001 because of the low price and the demands of pepper cultivation.

Fig. 10.9 School-aged boys at Nanga Tapih in 1980. Many of this generation are now employed away from the longhouse. (Photo: Larry R. Kalajainen)
Land and Longhouse

All but two resident households (the solitary widows at Batu Lintang) cultivated pepper, averaging 0.6 ha (about 1,200 vines), an increase from 1979–1980, especially at Batu Lintang. Pepper output averaged 480 kg at Batu Lintang, 69 per cent higher than 1979–1980, and 850 kg at Nanga Tapih, 45 per cent higher than 1979–1980. The income from pepper depended on whether farmers produced black pepper, white pepper, or creamy white pepper (for which the government had provided specialised processing equipment), and whether they had managed to sell at peak prices or later in the season when prices had fallen. The average value of pepper sales was $5,690 at Batu Lintang (up by 740 per cent) and $6,370 at Nanga Tapih (up by 340 per cent). In aggregate terms, Batu Lintang produced over 10 tons of pepper in 2000–2001, worth about $120,000, while Nanga Tapih produced over 20 tons worth about $153,000.

In the mid-1980s it seemed reasonable to write: ‘The evolution of a diversified, semi-commercial agriculture, supplemented by off-farm employment, has been the Iban mode of adjustment to the spread of market forces and the growth of population in the post-war period. Given the limitations of shifting cultivation on the one hand and the vagaries of export markets on the other, it has been a highly adaptive response’ (Cramb 1987: 130). However, by 2001 it was clear that most Saribas hill farmers had gone beyond this balancing of subsistence and commercial farming and had become specialised pepper farmers. Jensen (1974) quoted Iban from the Le manhak in the early 1960s as saying that ‘hill rice farming is our customary way of life’ (adat kami bumai). Saribas Iban farmers in 1985, referring to the decades of prosperity from rubber, emphasised that ‘we never stopped hill rice farming’ (enda kela enda bumai kami). By 2001 they were saying, ‘no longer do we farm hill rice’ (nadai agi bumai kami).16

CONCLUSION

The evolution of smallholder agriculture in the Saribas in the post-war period demonstrated the severe limits to Boserupian intensification in this inelastic upland environment. As mounting population pressure and competition from rubber forced a shortening of the forest fallow, the productivity of the shifting cultivation system declined and food security was threatened. The main innovation adopted was the use of herbicide, which substituted for labour rather than for land – there were no yield-increasing breakthroughs such as modern, fertiliser-responsive rice varieties. Rather than intensifying hill rice production, then, Iban farmers initially followed a path of spatial intensification as outlined by Pingali and Binswanger (1987),
moving downriver to clear, buy, or rent land for swamp rice cultivation. It is interesting to speculate how far this process may have gone in the absence of other livelihood opportunities. The investment of labour in the more elastic lowland rice environment may have eventually led to greatly increased yields and carrying capacity, as in other parts of lowland Southeast Asia, particularly if augmented by improved cultivation practices and inputs.

However, the lowlands did not experience the full weight of population pressure as many upland households pursued a migration strategy instead. At first this mostly involved circular migration to take advantage of economic growth in other sectors (including agricultural plantations, petroleum, forestry, and construction) and in other provinces, notably Brunei and British North Borneo (Sabah) to the north. In some cases the response was permanent rural-rural migration, with government assistance, but not many communities participated. The era of major migrations from the Iban heartland to the less densely populated forests of northern Sarawak was over. From the 1980s the major demographic change has been rural-urban migration, both circular and permanent, mainly involving educated young people and including both men and women. As Sather remarks, ‘urban migration has accelerated, and today is draining many local longhouses of the young, able-bodied, and better educated, most of whom, unlike the previous generation, seem little inclined to return to the countryside except for holidays and family gatherings’ (2003: 184).

Apart from intensification and migration, the major strategic response of the Saribas Iban to demographic and economic change was further agricultural commercialisation. Commercial agriculture in the Brooke and British colonial periods typically involved augmenting subsistence production with part-time production of a cash crop (rubber), conforming to Myint’s first stage in the transition to a market economy. However, from the mid-1970s it was clear that further expansion of the cash crop sector (now predominantly pepper production) required scaling back the production of hill rice and an unambiguous movement into Myint’s second stage, in which subsistence production was supplementary to the production of cash. While for some decades shifting cultivation of hill rice retained an important buffering role, able to be scaled up again whenever pepper and rubber prices fell (Cramb 1993; Wadley and Mertz 2005), by the end of the 1990s most households were completely specialised for the market and hill rice cultivation had been abandoned, perhaps irreversibly. As Myint emphasises, while this stage can generate more income, the risks associated with such a degree of market de-
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pendence are high. Iban pepper farmers were not in debt to moneylenders, other than short-term credit for farm inputs such as fertiliser. In fact, many had substantial savings, as well as support from urban-based family members via remittances. Moreover, the land tenure system prevented the use of customary land as collateral, limiting the risk that indebtedness would lead to landlessness. Nevertheless, the lack of diversification in the longhouse economy made farmers particularly vulnerable to the inevitable fluctuations in the price of a single commodity.

The environmental consequences of this specialisation in pepper cultivation were mixed. Pepper cultivation involved exposing the soil for an extended period, causing severe erosion, and it required near-total reliance on imported nutrients and pesticides. However, the total area affected was stable and accounted for less than two per cent of the longhouse territory.\(^{17}\) The demise of shifting cultivation meant a loss of agricultural biodiversity that can only be guessed at – not only rice varieties but the complex of secondary food crops. At the same time, secondary forest, occupying half to two thirds of the territory, was steadily returning to the size, if not the species composition, of old growth forest, with a corresponding upsurge in wildlife.\(^{18}\) When asked in 2001 about their plans for the future, Batu Lintang and Nanga Tapih residents were almost unanimous in wanting, first, to expand their pepper operations, and second, to invite SALCRA to develop this extensive area of ‘empty land’ (tanah puang) for oil palm. The record of such large-scale land development in the Saribas and neighbouring districts is considered in the following chapter.

NOTES


2. As noted in Chapter 1, the ready adoption of high-yielding clones in an extensive farming system where labour rather than land is the relatively scare factor is because, with rubber, the labour input is largely fixed by the number of trees to be tapped, so an increased yield per tree has a labour-saving effect, translating into substantially enhanced returns to a given input of labour.


5. It is interesting to speculate on the current legal status of the land occupied by these government-sponsored migrants as they would have first cleared the land after the cut-off date for the creation of customary rights under the Land Code (Chapter 8).
Post-War Transformation of Smallholder Agriculture in the Saribas District

6. Windle (1997) studied the social and economic impact of the Layar road. She describes how the difficult terrain and the low construction standards employed combined to make the building of the road a drawn-out process, particularly past Nanga Spak. ‘The road branches from the main trunk road which traverses Sarawak (nine kilometres from Betong) and stretches 26.5 km to Nanga Tiga. Construction of the road began in 1975 and although it briefly reached Nanga Tiga (an official opening ceremony was held) in late 1992, by early 1993 the road had been washed out and Nanga Mutok was the furthermost longhouse to retain road access.’ The road now extends to Nanga Tiga, though the steepness of some sections prevents the bus service from proceeding past Batu Lintang.

7. Education to Form 5 was provided in Betong and to Form 6 in Simanggang (Bandar Sri Aman).

8. These schemes were among the seven rubber schemes implemented by the Department of Agriculture in the 1960s that were taken over by the Sarawak Land Development Board in 1972 (see Chapter 9).


11. Other changes in hill rice techniques of less significance included the use of kerosene-fuelled bamboo torches (culut) instead of traditional bark torches, the use of biscuit tins to store seed, the application of small doses of fertiliser (mostly diammonium phosphate supplied by the Department of Agriculture at a subsidised price), the sporadic use of insecticides (supplied free of charge by the Department), the absence of fencing due to the decline in mammalian pests (pigs, deer), the increased planting of maize and cassava, and the use of gunny sacks to store the rice grain. Chainsaws, though used for other purposes, were seldom used to fell trees for hill rice cultivation.


13. Note that the prices quoted are annual averages, hence the actual price at the peak of the boom was even higher.


17. Informants at Nanga Tapih, after 25 years of intensive pepper cultivation, claimed the land had not been spoilt (nadai jai) and they could keep it productive with fertiliser, even though the topsoil had been eroded (tusor) (Field Notes, June 2001).

18. The impact on vegetation and wildlife was not uniform. Supplies of rutau and bemban (a reed used for mat-making) were relatively abundant, but senggang
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(a wild ginger used for making rough mats) was less common because it was not suited to old secondary forest. Similarly, while long-tailed macaques (kera), pig-tailed macaques (nyumboh), tree shrews and squirrels (tupai) were on the increase, sambur deer (rusak) and barking deer (kijang) were in decline, being more suited to younger regrowth, and wild pig (babi kampong) were seen less often, there being fewer hill rice farms to attract them. Longhouse residents now rarely engaged in hunting with dogs (ngasu) or shotguns (seterum). However, increased fishing effort in the streams and rivers, especially by younger people, had led to a sharp decline in fish populations over the past 20 years. Field Notes, Nanga Tapih, June 2001.
CHAPTER 11

Land Tenure and Land Development in the Saribas District

There are officials from SALCRA ... who come to our place to explain the concept of the project and its benefits to us ... Even though the explanation is very clear, we, especially the elders are still very worried. We are not very sure whether the project will work the way that it is explained to us. Throughout our lives, we have seen many cases where there are failures in other projects that have been implemented by the government, although the people who carry them out are educated. That is why people like us do not want to participate yet, because it takes time for us to make our decisions. (Iban elders in Kalaka-Saribas Integrated Agricultural Development Project)

The changes described in the preceding three chapters created new challenges for the longhouse institutions governing access to land in the Saribas. The pressure on land for shifting cultivation, the increasing focus on perennial cash crops, the rise in rural-urban migration, the more formal legal arrangements for land administration embodied in the Land Code, and the advent of government schemes for agricultural development – both small-scale planting schemes for rubber and pepper and large-scale land development schemes for oil palm – radically altered the context in which the customary system of land tenure operated. This chapter describes the variety of tenure arrangements adopted within the longhouse community to deal with these challenges, and explores the interaction between customary tenure and state agencies, institutions, and policies as experienced at the local level. Though the story is complex, it is clear that community institutions did not disintegrate under the corrosive influence of the market economy (Hayami’s ‘evil market’ thesis), nor did they solidify to galvanise resistance to the market and the modernising initiatives of the state (the ‘community yoke’ thesis). Rather
the longhouse community actively mediated between farm households, the market, and the state, contributing to collectively chosen outcomes ranging from protest, delay, and resistance on the one hand through to negotiated participation on the other.

THE STABILISATION OF TERRITORIAL RIGHTS

The concept of the exclusive longhouse territory remained central to Saribas Iban land tenure in the post-war period. Disputes over territorial boundaries became less common, though such disputes did still occur, particularly in the colonial period. These were often due to unresolved or imperfectly resolved conflicts carried over from the Brooke period and reflected the failure to follow through on the 1939 plan, described in Chapter 4, to map and register longhouse territories. A particularly acrimonious Saribas dispute in the 1950s was reported as follows:

Another case concerning a land dispute which had been taken as far as His Excellency the Governor came to a head when a Sergeant and four policemen were met upriver in the Layar by a score of men with loaded shotguns, *parang* [choppers], and *pengaroh* (war charms) who said that if there were any of the opposing party with the Sergeant they were going to kill them. Fortunately the opposing party had wisely stayed away (SG 1956: 261).

One year later, referring to the same dispute, the district report stated:

In the upper Layar a land dispute first settled in 1937 and which has since been the subject of unsuccessful appeals culminating in an unsuccessful petition to H.E. the Governor showed signs of being settled by administrative action. After much persuasion the successful party agreed to sell 1,000 acres to Government to be given to the unsuccessful party. This gift horse was turned down with heat and scorn and it looks as though the annual farce of fining the unsuccessful party for farming outside their boundaries will be played out again this year (SG 1957: 199).

On another occasion reference was made to a boundary dispute, originally heard in the late 1920s, which had been brought up again in 1955 and was to go to the Native Court of Appeal. Each of the ten households in the community making the appeal had contributed at least $100 towards a lawyer’s fees (SG 1956: 67).

R. H. Morris, who for several years was District Officer in the Saribas, observed: ‘Time and time again one finds that disputes arise because nei-
ther party is certain where the boundaries lie and the easiest method of resolving the difficulty is to refer it to Prentah [government] for a decision’ (SG 1959: 82). However, the suggestion that communities were uncertain about the location of their territorial boundaries is implausible. An earlier Saribas District Officer commented as follows:

Whilst every Tuai Rumah knows his house’s farming area, the boundaries are not written down anywhere. This means that in land dispute cases over these areas, the Court has no definite data to work on. In a court case all members of one house will swear their boundaries are in such a place whereas the opposing side will swear that this is not so. An inspection of the land even, does not always help, and this, in any case, involves one or two days’ journey. It does not matter that these boundaries are not accurate to the yard, but it is of the utmost importance whether, for example, a boundary runs between bukit [hill] X to bukit Y or from bukit X to bukit Z, as the difference may involve many acres of land. In this district anyway, so far, the writing down of boundaries has reduced the length of land cases to hours instead of days (SG 1955: 38).

As discussed in Chapters 4 and 5, the government clearly had an important role in adjudicating and recording territorial rights, but it continued to be left to the courts and the district officer to deal with this in an ad hoc way.

Thus the requirement to settle territorial disputes was a continual bugbear to colonial officials, leading some to advocate the speedy replacement of customary tenure with individual titles to land. The Second Division Resident’s report for 1961 stated: ‘The Native Courts are still busy with the interminable list of land disputes. There is no sign of any reduction in the time that has to be devoted to them and on the contrary it seems inevitable that the number will increase until such time as customary land is surveyed and title issued ... In this Division the decision of the Penghulu’s court is virtually never accepted, appeals to the District Native Court are almost inevitable’ (SG 1962: 183). A Saribas district report concluded: ‘In the Saribas it would seem that the time may have come for the abolition in some areas of communal ownership and the substitution therefor of a system of consolidation of title’ (SG 1959: 82). However, A. M. Phillips (1954), based on his experience as Saribas District Officer, argued that farming land in long-established communities should be alienated to the community itself rather than to individuals. This again echoes the proposals for Native Communal Reserves or menoa titles.

Nevertheless, the use of the courts to settle territorial and other land disputes, which was characteristic of the Saribas Iban in the Brooke and
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colonial periods, gradually became less common. Sather, referring largely but not only to land disputes, makes the following observations:

The Saribas Iban now resort far less often to government courts than they did formerly. For example, in the Paku area of the Saribas, which has an Iban population of some four thousand persons, court hearings are extremely rare today, and even local bechara are infrequent; to my knowledge less than two dozen formal bechara, including longhouse bechara, have been held in the whole area since the Japanese occupation. This situation reflects, I believe, the continued resilience of adat and continuing effectiveness of the more informal process of longhouse conciliation (1980: xxvii).

It was also the case that most territorial boundaries had in fact been settled and that there was far less movement of longhouse communities – both movement of the longhouse site within a territory and wholesale migration (pindah) to other districts – which might disrupt established boundaries. Hence the association of a given community with a particular tract of land had become much more stable and accepted within the regional society.

The expansion of perennial cash crops added to this stability. Sometimes blocks of rubber were planted specifically to confirm longhouse ownership of areas of land that had previously been disputed, the ownership of trees being a stronger claim to land than the ownership of temuda. This was so in the case-study communities. The blocks of rubber at the eastern extremity of Batu Lintang’s territory (Fig. 10.6) and the western extremity of Nanga Tapih’s territory (Fig. 10.7) had both been planted to confirm ownership of land following a territorial dispute. Moreover, from the 1970s, as attention shifted to more intensive cash crops – especially pepper, which required at most one hectare per household compared with say 20 hectares for the hill rice cycle – the pressure to maximise the extent of the longhouse territory was reduced. Nevertheless, the established territorial boundaries were still jealously guarded. For example, in the 1980s Batu Lintang was still in contention with its southern neighbour, Nanga Jelau, over their shared boundary.

RECEIVING HOUSEHOLD ACCESS TO HILL RICE LAND

Within the longhouse territory, the growth of population, the expansion of cash crops (particularly rubber), and the emerging shortage of hill rice land in the first few decades of the post-war period increased the value of household access to land for hill rice farming. Moreover, the inequality in the distribution of landholdings that emerged in the established phase of shifting cultivation meant that some households were now suffering severe land
shortage, enough to threaten their subsistence. As discussed in Chapter 5, two solutions to this problem had been developed – the temporary transfer of cultivation rights among longhouse members and the permanent pooling of cultivation rights to form a reserve of common land (tanah saum) from which an annual allocation was made to each household.

The two case-study longhouses can be used to illustrate the workings of each of these variants of Iban land tenure as practised in the 1970s and 1980s. Batu Lintang represents those communities (probably the majority) retaining exclusive household rights to rice land with temporary transfers between households. Nanga Tapih represents those communities adopting a system of common land with annual allocation of cultivation rights.

Exclusive Household Rights at Batu Lintang
The rights to hill rice land within the Batu Lintang community accord closely with those outlined in Chapter 3, reflecting continuity with the era of pioneer land settlement. The starting point is the principle of the first feller, which in its most general form was stated by Panji, a Batu Lintang elder (tuai), as follows: ‘The land that I have cleared of primary forest, all my descendants can use’ (tanah ti aku rimba, semua turun, semua anak ucu, tau makai). Initially, those holding rights to the first feller’s estate belong to one pioneer household (bilek tuai or bilek asal). When a new household breaks away (kadiri or pecah ari bilek asal) it continues to share rights of access to the land holdings of the bilek tuai, that is, the land is not immediately apportioned (nadai bagi). These rights of access, however, are subject to the authority (kuasa) of the head of the bilek tuai. Each year the new household must approach the bilek tuai to be allocated a plot of land to farm. If the original plot is large enough it may be divided so that the two households can farm side-by-side (berimbai). Alternatively, there may be two plots within the same farming area and one of these will be allocated to the new household. As this land is permanently given (beri) to the new household, it eventually builds up a sufficient stock to enable it to carry on independently of the bilek tuai. In time it may become the bilek tuai of its own offshoot households.

When an individual marries out (nguai) of the parental household, thereby becoming a full member in the spouse’s household, there is usually no further claim on the parental household’s land. However, if the parental household has rights to many plots while the spouse’s household does not, and provided the spouse’s household is in the same longhouse (agi begulai), it is perfectly acceptable for the out-marrying member to approach the
senior member of the parental household with a request for farming land. This may be given permanently, as in the case of a new household, or it may be simply borrowed (*pinjau*) for a season, as discussed below. Even if the out-marrying member has moved to a neighbouring longhouse he or she is permitted to request land from the parental household. In all such cases the claim to the land is based on descent from the first feller, despite the claimant’s no longer being in the first feller’s household, though in practice claims are only made on an individual’s own parental household, not on other households from which that parental household may have been de-

Fig. 11.1 Panji anak Empeni, a Batu Lintang elder expert in customary law (*tuai adat*), harvesting his pepper garden in 1980.
rived in previous generations. It is in this somewhat restricted sense that Panji’s principle applies, namely, that all the descendants of the first feller can continue to use his land.

An inventory was made in 1985 of each household’s hill rice land, including currently cropped plots and those in fallow. It was found that senior household members had a very clear recollection of the size, location, and usage of the plots under their control. The average area of hill rice land per household was 13 ha in 10 separate plots, sufficient to maintain an adequate rotation of one year of cropping and nine years of forest fallow. However, the number of plots ranged from 0 to 22 per household. Table 11.1 shows the distribution of rice plots, which was approximately normal with a pronounced mode at 10–14 plots. Based on this distribution, the top 20 per cent of households had rights to 33 per cent of plots while the bottom 20 per cent had rights to only three per cent. It is clear that many households (perhaps a third of the total) had an insufficient number of hill rice plots to observe an adequate fallow period, whereas others had more than enough plots. The temporary transfer of cultivation rights between households, whether borrowing (pinjau) or renting (nyua), was the principal method adopted to resolve this problem.

In accordance with Panji’s principle, one household can usually borrow farming land from another, free of rent, if the households are closely related. Borrowing farming land from relatives is a regular occurrence, even in cases where the borrower is well endowed with land. Often it is simply a matter of having access to a plot of suitable size and location for the current season. For example, in the 1982–1983 season, Dana borrowed a plot from his father, Uking, though he had recently moved out of Uking’s household to join his wife’s household. In the same year, Uking himself borrowed a

Table 11.1 Distribution of hill rice land at Batu Lintang, 1985

<table>
<thead>
<tr>
<th>No. of plots</th>
<th>Households</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>3</td>
<td>9.4</td>
</tr>
<tr>
<td>1–4</td>
<td>2</td>
<td>6.3</td>
</tr>
<tr>
<td>5–9</td>
<td>5</td>
<td>15.6</td>
</tr>
<tr>
<td>10–14</td>
<td>13</td>
<td>40.6</td>
</tr>
<tr>
<td>15–19</td>
<td>3</td>
<td>9.4</td>
</tr>
<tr>
<td>20–24</td>
<td>1</td>
<td>3.1</td>
</tr>
<tr>
<td>n.a.</td>
<td>5</td>
<td>15.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>32</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
plot from his father-in-law, Majang. The more important function of borrowing, however, is to distribute access to land more evenly among the descendants of the first feller.

Non-relatives or distant relatives also regularly transfer cultivation rights to rice land for a season, but in this case rent is usually charged. In the past this was termed *tasih tanah* and was a nominal sum, for example, a plate, a *pasu* of unhusked rice (about 19 kg), or between $10 and $20. The main purpose of *tasih* was as a witness (*saksi*) that the user did not have any permanent claim to the land by right of descent. However, *tasih* has not been paid at Batu Lintang for a generation or more. Those leasing out land now charge what is considered a commercial rent (*sua*), saying they do not want to make a loss on the transaction. The value of *sua* may be up to 120 kg of unhusked rice per plot, worth about $70 in the 1980s.

Thus, it is possible to distinguish two types of contract involving the transfer of cultivation rights for a single cropping season – *pinjau* or borrowing, usually confined to close relatives and requiring no payment, and *nyua* or renting, which tends to be used among non-relatives or distant relatives and entails a substantial payment in cash or rice. In the five seasons from 1980–1981 to 1984–1985 there were 26 instances of rights to hill rice land being transferred. Eighteen of these involved *pinjau* contracts and eight involved *nyua* contracts. Table 11.2 shows the relationship between the households concerned. Only 25 per cent of the *nyua* contracts were between related households, and then the link was only at the second-cousin level, whereas 73 per cent of the *pinjau* contracts were between related households, mostly with sibling ties.

Six of the eight *nyua* contracts involved payment in unhusked rice, ranging from 10 to 120 kg. The other two were paid in cash. In all cases,

<table>
<thead>
<tr>
<th>Relationship between households</th>
<th>Nyua No.</th>
<th>Nyua %</th>
<th>Pinjau No.</th>
<th>Pinjau %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sibling ties</td>
<td>0</td>
<td>0.0</td>
<td>11</td>
<td>61.9</td>
</tr>
<tr>
<td>First cousin ties</td>
<td>0</td>
<td>0.0</td>
<td>1</td>
<td>5.5</td>
</tr>
<tr>
<td>Second cousin ties</td>
<td>2</td>
<td>25.0</td>
<td>1</td>
<td>5.5</td>
</tr>
<tr>
<td>Not related</td>
<td>6</td>
<td>75.0</td>
<td>3</td>
<td>16.7</td>
</tr>
<tr>
<td>Not ascertained</td>
<td>0</td>
<td>0.0</td>
<td>2</td>
<td>11.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8</strong></td>
<td><strong>100.0</strong></td>
<td><strong>18</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
however, the amount was determined in advance of the harvest, hence they can be termed ‘fixed-rent’ rather than ‘crop-share’ contracts. The size of the rent payment averaged $29 and varied from $6 for a 1.2 ha plot which had been fallowed for 13 years to $70 for a 2.6 ha plot which had been fallowed for several decades. There was no clear relationship, however, between the rent charged and either the size of the plot or the age of fallow vegetation. The rent per ha varied widely, from $5 to $40, and was not correlated at all with fallow period. In terms of unhusked rice, the rent averaged 48 kg per ha, which corresponded to about five per cent of the average rice yield at Batu Lintang, so it was relatively low.

Of the 29 farm households that existed throughout the period from 1980–1981 to 1984–1985, 21 participated in at least one pinjau or nyua transaction during that time, 11 of them as ‘transferees’ and 10 as ‘transferors.’ (Three of the 11 transferees also lent or leased land out, but did so less frequently than they borrowed or leased land in.) Table 11.3 shows that transferees owned on average only 8.3 plots of hill rice land whereas transferors averaged 14.6 plots. Those who did not enter into any contract in the five years averaged 12.7 plots. Hence, in general, the transfer of cultivation rights was enabling those with insufficient land to draw on the resources of those with a more than adequate stock of land. In almost half the cases the transferors were also small, elderly households who did not need much land for their own rice farms.

**Shared Household Rights at Nanga Tapih**

As described in Chapter 5, when the Nanga Tapih community was formed late in the nineteenth century from two smaller groups, it was decided to pool all individual claims to land and operate the resultant territory as a single tract of common land (*tanah saum*). The reason for the decision was that the land was limited and the pooling of land rights would ensure that

<table>
<thead>
<tr>
<th>Household category</th>
<th>No. of households</th>
<th>No. of plots owned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transferees’</td>
<td>11</td>
<td>8.3</td>
</tr>
<tr>
<td>Transferors</td>
<td>10</td>
<td>14.6</td>
</tr>
<tr>
<td>Neither</td>
<td>8</td>
<td>12.7</td>
</tr>
<tr>
<td>All</td>
<td>29</td>
<td>11.4</td>
</tr>
</tbody>
</table>

* Including three households that also transferred plots to others.
everyone had an adequate share. The pooling of land rights was also said to facilitate the practice of farming in a single block (*bumai betangkir*), which not only promoted a better burn and easier pest control, but better enabled the community to regulate the long-term cycle of land utilisation. These considerations became especially important from 1977 when, as described in Chapter 10, the whole community resumed hill rice farming after a long period in which many households had been farming on rented land downriver. In particular, the explicit concern from 1977 was to ration the limited land available for hill rice among a greatly increased population.

**Fig. 11.2** Part of common land (*tanah saum*) at Nanga Tapih divided for farming in 1979–1980. Portions of 5–6 farms can be seen out of a total of 18 in the farming block.
The procedure for allocating plots for hill rice in the 1970s and 1980s was as follows. First a particular sector of the longhouse territory was selected for the coming hill rice season. At the annual farm meeting (aim umai) those present would discuss the division of the farming area into individual farm plots. Two principles were important in determining this division: (1) the size of a plot should correspond to the size of the household; (2) it was forbidden (mali) for one household to be ‘squeezed in’ (bekepit) between two relatives, forcing them to ‘peep’ at each other (bejengok) over the interloper’s farm. Both principles were related to the desire to maintain the harmony of the community. On the same day as the farm meeting, each household would go to its allotted area to confirm the location of the boundaries and perform the preliminary clearing and associated rites (manggol) that traditionally inaugurate the farming season.

If for some reason a person was unable or unwilling to make a farm, he could reserve (ngalau) the designated plot for use at another time when the fallow vegetation would be older, or he could allocate it to another household. For example, in 1982 Nyandang opted to reserve his plot to enable him to concentrate his limited family labour on his pepper garden. In 1983 he continued this policy but this time allocated his plot to his father, whose plot as originally allocated was inconveniently far from the remaining households. In the event that a household was able to farm but could not do so in the chosen farming area, the longhouse meeting would nominate another suitable plot anywhere in the longhouse territory. This occurred in 1979 when Merom, after taking up a plot within the community farming area for that year, encountered an inauspicious omen requiring him to relocate, and again in 1982, when Minjun, who had no canoe, could not easily reach the community farming area. If this alternative allocation was made in sufficient time, those farming in the main block would ‘move up’ to fill the gap left by the one opting out, while still retaining roughly the same plot size.

After harvest, when fallow vegetation took over the farming area, the land became ‘commorable’; that is, anyone in the community was free to hunt game or collect wild plant products. However, if a household had planted useful items during its period of occupancy, such as bemban (Clinogynne dichotoma, a reed used for mat-making), kerupok (Pandanus spp., or screw-pine, used for making coarse mats), or rutan (Calamus spp., providing canes for a variety of uses), others had to ask permission before appropriating them. When the community came back to the same farming area in a later year, each household may or may not have found itself farm-
ing in the same place as before – adjustments would have to be made to accommodate larger households or those which had been formed in the intervening period. There was thus no enduring claim to a particular plot.

Although most of the hill rice land was shared by the whole community as described, and hence subject to the authority (kuasa) of the headman, there were some exceptions. These concerned land that had been planted with rubber and to which the household in question had an Occupation Ticket (pala tanah). When the rubber was felled to plant rice, such land continued to be controlled exclusively by the holder of the pala tanah. In this case the household head was said to have the kuasa over the plot and not the headman. In one case the rubber had apparently been felled many years ago and the household concerned had since divided twice, meaning that three households shared rights to land that, although it had long since reverted to the hill rice cycle, was held independently of the headman’s authority.

Given that cultivation rights were allocated by the community, there was, at least in principle, no occasion for leasing cultivation rights and charging rent (tasih or sua) as at Batu Lintang. The option a household had of passing on its cultivation rights to another household if it did not want to make use of its allocated plot did not give it the right to receive income from the plot. However, an interesting new development occurred in the 1984–1985 season that contradicts this view. Robin, one of the more successful commercial farmers at Nanga Tapih and the proprietor of a new longhouse shop, continued to concentrate on his cash crops, as he had

Table 11.4 Disposition of hill rice plots at Nanga Tapih, 1980–1984

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of plots allocated by headman</td>
<td>17</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>19</td>
<td>96</td>
</tr>
<tr>
<td>No. reserved</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>No. transferred</td>
<td>(1)</td>
<td>(0)</td>
<td>(1)</td>
<td>(2)</td>
<td>(1)</td>
<td>(5)</td>
</tr>
<tr>
<td>No. of allocated plots used</td>
<td>14</td>
<td>16</td>
<td>18</td>
<td>17</td>
<td>15</td>
<td>80</td>
</tr>
<tr>
<td>No. of plots individually claimed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleared from rubber</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Previously under rubber</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Reserved from a previous year</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>No. obtained from outside</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Borrowed</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Rented</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total plots farmed</td>
<td>18</td>
<td>19</td>
<td>22</td>
<td>20</td>
<td>25</td>
<td>104</td>
</tr>
</tbody>
</table>

320
done for a number of years, making only a small rice farm in a former rubber garden. This enabled him to transfer his cultivation rights over the plot of land he had been allocated in the main farming block to his father-in-law, Merom, who had a large number of dependants and regularly farmed two plots. However, on this occasion Robin charged Merom tasih of two pikuls (121 kg) of unhusked rice. This was done entirely without the headman’s knowledge; when it was drawn to his attention by the research team he at first expressed surprise but then granted that it was a matter between Robin and Merom. The selling of annual cultivation rights seemed inconsistent with the community orientation of the tenure system and was not a common occurrence. Nevertheless, it illustrates how customary rules could change over time, not only through group decisions but through the agency of individual actors who renegotiated previously accepted practices, thereby initiating new ‘customs’.

Several other households had borrowed or rented rice land in the 1980s, but from neighbouring longhouses, particularly Kabok, the next longhouse downriver, which was said to be better endowed with land. Kabok did not have common farming land but practised a system of land tenure like that at Batu Lintang (one of the few in the Spak River to do so). Hence those leasing land were involved in transactions with individual Kabok households, though always with the knowledge of the Kabok headman, who was closely related to several households at Nanga Tapih. In addition, there were some cases of Nanga Tapih households activating secondary rights to land in other longhouse territories, that is, they borrowed land free of charge based on their descent from the household with authority over the land.

Table 11.4 summarises the sources of authority over hill rice plots farmed or reserved during the five seasons from 1980–1981 to 1984–1985. In total, the headman allocated 96 plots during that period. Of these, 16 were reserved for future use, mainly by two or three households that were concentrating on their commercial farming activities, and five were transferred to other households for use in the current season (in one case in exchange for tasih, as noted). This means that 80 of the 96 plots allocated from the common pool were actually farmed. In addition, 18 individually claimed plots were farmed in the same period – nine of these were rubber gardens, eight had been cleared from rubber in a previous season, and one had been allocated in a previous season and reserved. Another five plots were borrowed (pinjau) from individuals in other longhouses. Of these, at least two were claimed on the basis of a kinship link. In only one case was a plot leased (nyua) from outside.
However, the marked decline of shifting cultivation in the 1990s described in Chapter 10 meant that this system for allocating land for hill rice inevitably fell into disuse. By the end of the decade, those few households that wanted to cultivate a small rice farm merely selected a plot from the land previously allocated to them, without any need for reference to the headman or the longhouse meeting. When asked in 2001 about the system that had prevailed from the formation of the community for the best part of a century, the current headman remarked that that was how the older generation (*orang tuai*) had arranged things, implying that it was no longer relevant. Nevertheless, the virtual abandonment of shifting cultivation meant there was now a large area (over 400 ha) of common land under secondary forest that had no immediate economic use. As discussed below, this had prompted Nanga Tapih, together with adjacent communities, to approach the government requesting that this land be developed as part of a SAL-CRA oil palm scheme. Thus, at the same time as individual rights were being more strongly asserted over smaller areas of intensively cultivated

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**Fig. 11.3** Clearing an old rubber garden for hill rice cultivation at Batu Lintang. The exclusive household rights to rubber land remain in force even when the rubber trees are cleared.
and better situated land (that is, close to the longhouse and the main river), the uncultivated hinterland was still being regarded as a shared community resource to be exploited in the common interest.

**ALLOCATING LAND FOR CASH CROPS**

Further extensive planting of rubber in the post-war period, frequently under the auspices of the Rubber Planting Scheme, enabled individual households to consolidate their rights to land and to increase the value of those rights. In the post-war rubber boom those with large holdings were again able to lease their gardens to share-tappers at considerable profit. In subsequent years some Iban sold their rubber gardens, particularly those migrating to other districts. Where road construction (e.g., the Layar Road) and other government projects required the use of land under rubber, the right HOLDERS were compensated with cash payments, even when the rubber had been unutilised for many years and its productive value was close to zero. The many incentives for planting rubber, and the growing competition for land between rubber and rice, motivated some communities to place greater restriction on the allocation of land for rubber, requiring that all households agree to plant simultaneously and on a similar scale, before any one household could obtain approval to plant.

The expansion of other cash crops, notably pepper and cocoa, both involving considerable investment of labour and materials, again required the recognition of exclusive household rights to the land if the investment was to be considered worthwhile. In the case of pepper, individual households mostly made their own decision to plant, usually in a section of their hill rice farms following harvest. It was not necessary to take out Planting Permits or Occupation Tickets as with rubber in the Brooke period; nevertheless, household rights to pepper gardens were secure. Some pepper farmers borrowed the land required to establish their gardens, retaining secure cultivation rights to the land for the productive life of the vines. Communities with extensive areas of common land sometimes allocated a single block of the most accessible land for pepper planting, dividing it among community members. The small size of pepper plots meant that it was not considered necessary to impose any restriction on the area planted by each household, in contrast with the allocation of common land for rubber planting. Once allocated, pepper plots generally remained subject to exclusive household rights. However, some communities exercised a reversionary right over land planted with pepper when the pepper vines themselves were abandoned.
Similarly, with the upsurge of interest in cocoa in the early 1980s, many households established small gardens on hill rice land after harvest, or interplanted cocoa in about-to-be-abandoned pepper gardens. The collective benefits associated with consolidating individual gardens in a large block (primarily for pest control) placed a premium on coordinated planting arrangements. Where the land was individually held at the outset this was not easy to achieve. There were several examples, however, of common land being allocated for a community cocoa planting scheme, the land being sub-divided into plots of equal area that were then allocated among participating households.

The institutional arrangements governing the ownership of cash crops at Batu Lintang and Nanga Tapih again illustrate the diversity of practice in the Saribas District in the 1970s and 1980s.

**Individual Decisions about Cash Crops at Batu Lintang**

When Batu Lintang residents first planted rubber, each household planted on its own land (*tanah diri empu*) following the rice harvest. There was no restriction on planting (*nadai penti*), though they needed a Planting Permit or Occupation Ticket (*pala tanah*) from the government that specified the number of trees they could plant. Similarly with pepper, each household planted on its own land without restriction. Land under rubber and pepper continues to be held exclusively by the household concerned. If the household has the *pala tanah* to the land it can, in principle, do what it wants with the land, even if it is no longer resident in the longhouse.

Rubber gardens were regularly leased to outsiders in the pre-war period, mainly other Iban from the Lemanak and Batang Ai. This was done on a share-cropping basis (*bagi dua*, literally, divided in two), with half the output going to the tapper and half to the owner of the garden. Share tapping is now uncommon; from 1979–1980 to 1984–1985 only one household leased out a rubber garden in this way, and this was to another Batu Lintang resident. Rubber gardens were occasionally bought and sold in the past but not in recent years. No buying or selling of pepper gardens has occurred.

The inheritance of rights to rubber and pepper gardens differs from the inheritance of rights to hill rice land in that the former are apportioned at one time (*bagi turus*). When a son or daughter marries out of the parental household, he or she may be given a share of the parental household’s rubber and pepper gardens as part of the customary inheritance (*pemai*). The size of the share (if any) depends on the wealth of the spouse’s family, that is, on their relative need. Similarly, when household partition oc-
curs the new household may be given a share of the original household’s gardens. However, the household that did the planting usually retains the largest share, meaning that the son or daughter who remains in the parental household inherits rights to more land under cash crops than any other sibling. Though the inheritance of household property is considered a family matter, in which the pun bilek has ultimate authority (kuasa), it is customary to inform the headman (madah ka tuai rumah), and many witnesses (saksi) gather to hear what the division of property is to be. Also, the document (pala tanah) associated with a garden is inherited along with the rights to the garden and has to be brought to the district office to have the name altered. However, no will or other document is involved.

Uking’s household in the 1980s provides a useful illustration of these principles. Of his 10 rubber gardens (totalling about 20 ha), four were planted by his grandfather and four by his father. Uking holds these gardens by virtue of inheriting the household from his grandfather and father (that is, he is the present pun bilek). In addition, one garden of about 0.5 ha was brought to the household by his grandmother as part of her pemai and this, too, remains part of the household’s property. Another garden of about one ha was brought by Uking’s wife as part of her pemai. Uking’s brother, who formed his own household (kadiri), was given six rubber gardens totalling about 15 ha.

The average number of rubber gardens owned by each household at Batu Lintang in 1985 was 7.2 and the range was from 0 to 13 gardens. The average rubber area was around 9.5 ha. Table 11.5 shows the distribution of rubber area by household. The distribution was more uneven than the distribution for rice plots. The top 20 per cent of households had 51 per cent of the land under rubber, compared with 33 per cent of rice land. The greater

Table 11.5 Distribution of rubber holdings at Batu Lintang, 1985

<table>
<thead>
<tr>
<th>Area of rubber (ha)</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>1</td>
<td>3.1</td>
</tr>
<tr>
<td>1–4</td>
<td>3</td>
<td>9.4</td>
</tr>
<tr>
<td>5–8</td>
<td>9</td>
<td>28.1</td>
</tr>
<tr>
<td>9–12</td>
<td>7</td>
<td>21.9</td>
</tr>
<tr>
<td>13–16</td>
<td>4</td>
<td>12.5</td>
</tr>
<tr>
<td>17–20</td>
<td>3</td>
<td>9.4</td>
</tr>
<tr>
<td>n.a.</td>
<td>5</td>
<td>15.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>32</td>
<td>100.0</td>
</tr>
</tbody>
</table>
inequality in the distribution of rubber plots as compared with the distribution of rice plots suggests that households first reserved an adequate number of plots for the hill rice cycle and then progressively planted the remainder with rubber. Hence those households with rights to more total plots of land were able to plant more of them with rubber. Table 11.6 shows the average number of rubber plots held as a function of the total number of plots held. The average number of rubber plots rose steadily from 1.8 for those with under five plots in total, to 13.0 for the largest landholder with 35 plots in total. This gives some support to the suggestion that rubber was planted on land perceived as ‘surplus’, though clearly those households with more rubber plots tended to have more rice plots as well.

In aggregate, about 42 per cent of the land that would have been available for hill rice had been planted with rubber. However, as noted in Chapter 6, rubber planting has been closely linked with the hill rice rotation, with rubber in many ways serving as an alternative fallow. Hence farmers tend to regard their land holdings as including a certain number of plots, some of which are ‘empty’ (puang) or under forest (babas) and some of which are currently under rubber. This accurately reflects the long-term movement of plots between the two forms of land use. Taking all plots together, the average number was 17.0 and the range from 2 to 35. The total area owned averaged 22 ha. Table 11.6 shows the distribution of all plots, whether currently under fallow or planted to rubber. This distribution is more even than that for rubber alone, with the top 20 per cent of households having rights to 31 per cent of the plots (compared with 33 per cent for rice plots alone).

A survey in 2001 found that twenty-four households at Batu Lintang had contributed from one to four hectares each, or 75 ha in total, to one of

<table>
<thead>
<tr>
<th>Total plots owned</th>
<th>No. of households</th>
<th>Average no. of rubber plots</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–4</td>
<td>4</td>
<td>1.8</td>
</tr>
<tr>
<td>5–9</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>10–14</td>
<td>4</td>
<td>5.0</td>
</tr>
<tr>
<td>15–19</td>
<td>8</td>
<td>6.3</td>
</tr>
<tr>
<td>20–24</td>
<td>6</td>
<td>9.8</td>
</tr>
<tr>
<td>25–29</td>
<td>4</td>
<td>11.0</td>
</tr>
<tr>
<td>30–39</td>
<td>1</td>
<td>13.0</td>
</tr>
<tr>
<td>n.a.</td>
<td>5</td>
<td>–</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>32</strong></td>
<td><strong>7.2</strong></td>
</tr>
</tbody>
</table>
the Rubber Mini-Estates being developed by the Department of Agriculture, as described in Chapter 9. This constituted a 33 per cent increase in the area under rubber at that time and accounted for about 6 per cent of Batu Lintang’s total land area.

**Coordinated Decisions about Cash Crops at Nanga Tapih**

Given the extent of common land at Nanga Tapih, as described above, the use of land for cash crops was bound to require some collective decisions. The arrangement (*ator*) for planting rubber at Nanga Tapih was initially quite flexible in that anyone could use a plot of hill rice land for this purpose. In due course, however, as land became increasingly scarce, the community began to exercise tighter control. Rubber could only be planted on the plot of land allocated for hill rice each year, and then only if the whole community agreed (*sama setuju*) to plant at the same time. This ensured that no household obtained an excessive share of the longhouse territory for rubber planting and that an overall balance was maintained between the two major forms of land use – rice and rubber.

As discussed above, planting rubber confers exclusive household rights to use and transfer the land. The possession of Occupation Tickets helped to strengthen this claim so that even when the rubber was felled to make way for a hill rice farm, the land continued to be regarded as exclusive household property and was exempt from the general pooling of rights over hill rice land. Within Nanga Tapih, as elsewhere, the phrase *bisi pala tanah* (‘possessing a land document’) is taken as an adequate explanation of a household’s claim to a specific plot of land, even though the District Office had no map specifying the location of the land, nor even a description of its location other than the name of the longhouse territory within which it could be found. Hence this form of title depends on local knowledge and conventions to have any practical effect. Not all rubber had been ‘registered’ in this way. For example, in the 1980s Tani’s household had about 4 ha of old rubber, for only half of which an Occupation Ticket has been taken out. Nevertheless it is clear that all rubber land is treated as exclusive household property, whether or not it has an Occupation Ticket associated with it. Hence the issuing of such documents added nothing to the community’s internal institutional arrangements but were perceived to strengthen claims against outsiders.

Rubber gardens are inherited in much the same way as at Batu Lintang. That is, on household partition, existing gardens will usually be divided to give the new household a share. For example, when Gillie separated from
his father’s household in 1979, he was given about one ha of rubber, leaving his father with about 3.5 ha. Though his father had no children living with him, it was expected that his eldest son, who was a longboat driver at a nearby government clinic, would eventually return to inherit the household and its property. However, Manggat’s household represents an exception to the usual practice. Though Manggat separated from his father’s household in the 1970s and was clearly well established in the 1980s, he still had no rubber garden under his own authority but shared access to his father’s gardens. In this case, then, the principle of inheritance was more akin to that used for fruit and illipenut trees, showing again the potential for variation in land tenure arrangements.

When a household leaves the Nanga Tapih community it abandons any claim to hill rice land or fruit trees. Rubber gardens, however, remain the household’s property indefinitely. The emigrant household can sell the garden or simply exclude others from using it. In fact no household has emigrated since the Japanese Occupation, but immediately before the Occupation one did move to Jaloh in the Layar and retained rights to a rubber garden until 1983, when it was bought by the Chinese shopkeeper at Nanga Tapih (in the name of his Iban wife) for $550. The owner had initially put the selling price at $1,000.

Individual holdings of rubber averaged about four ha in 1985, less than half the Batu Lintang average. The distribution of holdings is shown in Table 11.7. Only one household had no rubber to its name but, as just mentioned, it had free access to a garden owned by its parental household. Two other households had only immature rubber. The largest holding was about eight ha. Two thirds of the households had between two and six ha. In general, then, rubber holdings were fairly evenly distributed, reflecting the overall restriction on extensive individual planting. This compares with Batu Lintang, where holdings ranged from two or three ha up to about 20 ha.

Table 11.7 Distribution of rubber holdings at Nanga Tapih, 1985

<table>
<thead>
<tr>
<th>Area of rubber (ha)</th>
<th>No. of households</th>
<th>% of households</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.0</td>
<td>1</td>
<td>5.0</td>
</tr>
<tr>
<td>0.1–1.9</td>
<td>4</td>
<td>20.0</td>
</tr>
<tr>
<td>2.0–3.9</td>
<td>5</td>
<td>25.0</td>
</tr>
<tr>
<td>4.0–5.9</td>
<td>3</td>
<td>15.0</td>
</tr>
<tr>
<td>6.0–7.9</td>
<td>5</td>
<td>25.0</td>
</tr>
<tr>
<td>8.0–9.9</td>
<td>2</td>
<td>10.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
The restriction on planting has meant that there is insufficient productive rubber for the community as a whole to depend on it as a major source of income, and that newer households have less rubber than those that were in existence when most of the planting took place. It is significant that a number of these younger households were, at the time of the 1985 survey, putting in high-yielding gardens with the assistance of the Rubber Planting Scheme. However, Nanga Tapih was too remote to be included in one of the more recently developed Rubber Mini-Estates.

The small size of rubber holdings has meant that leasing of gardens has not been common. Even in the boom periods of the 1920s and 1950s, no outsiders came to tap rubber at Nanga Tapih. In 1981, one household, then with no rubber of its own, share-tapped a garden at neighbouring Merunjau. Interestingly, the tapper’s share in this case was not the customary half, but two-thirds of the garden’s output, reflecting the increased value of labour relative to land.

The arrangement for pepper planting in the 1970s and 1980s again differed from that at Batu Lintang. If a household wanted a plot of common land for pepper planting it had to approach the headman for permission and then give up its rights to an equivalent area of farming land, presumably in the current year’s farm block. Before planting pepper in 1977 the community held a conference (aum) and reached a consensus (sama setuju), in the same way as for post-war rubber planting. The most suitable land was allocated for this purpose with the result that most of the pepper gardens in 1980 were grouped together in a central block directly opposite the longhouse. This contrasts with Batu Lintang, where pepper gardens are scattered quite widely. (See the land use maps in Figs. 10.6 and 10.7.) Nevertheless each household at Nanga Tapih has exclusive rights to its own pepper garden and can manage it as it sees fit. A household could, of course, use its rubber land for pepper planting without consulting anyone else.

Pepper gardens are inherited in much the same way as rubber gardens. However, the high input of labour and cash required to establish pepper (and the recency with which gardens have been established) means that gardens are divided largely according to the contribution each person has made. In addition, the Pepper Subsidy Scheme requires gardens to be registered in the name of an individual, so that often, even before a household divides, the two sections will already have separate scheme gardens referred to by community members and extension officers as belonging to the individuals who received the planting grant. When Gillie divided from Renggian in 1979, Renggian kept one garden of 279 vines, planted in 1973.
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with assistance from the Pepper Subsidy Scheme, and another garden of 61 vines, planted in 1975. Gillie was given a garden of 271 vines planted in 1976. Renggian and Gillie had both contributed to establishing these gardens and accordingly the division was into approximately equal shares, in contrast with the division of rubber gardens mentioned above, which gave Gillie a share of about one quarter.

Cocoa was first introduced to Nanga Tapih in 1979 in the context of a community project supported by the Department of Agriculture. Once again the community allocated a single block of land for this purpose, with the intention of dividing it into equal household shares when the cocoa was established. As it turned out the site was poorly chosen, being of shallow, stony soil and too far from the longhouse for proper supervision and maintenance. Cocoa was also planted on individual holdings, usually intercropped with the then unprofitable pepper, but these efforts too did not succeed and no further attempt has been made to establish the crop.

By the late 1990s, with pepper the dominant crop and hill rice cultivation all but discontinued, the longhouse meeting no longer exercised control over the allocation of land, whether for hill rice (as discussed above) or for cash crops. Households continued to establish and maintain their separate pepper holdings on land that was now individually owned, it having been previously allocated from the common pool. In most cases, pepper was planted in or near the same gardens that had been allocated in the 1970s. If, however, the community was successful in having SALCRA establish oil palm on its ‘empty’ land (menoa puang) – all things considered, an unlikely outcome – there would again be a need for the longhouse meeting to coordinate the allocation of common land for this purpose.

THE RIGHTS OF EMIGRANT HOUSEHOLDS

The question of the rights of those who move out of a community and migrate to other regions took on new significance in the post-war period, particularly with the rise of rural-urban migration. As discussed in Chapter 4, Charles Brooke issued an order in 1899 which stated: ‘Any Dayak removing from a river or district may not claim, sell or transfer any farming ground in such river or district, nor may he prevent others farming thereon, unless he holds such land under grant’ (Porter 1967: 12–13). It was mentioned in Chapter 8 that in Udin v. Utom (1949), heard by the Supreme Court, the judge confirmed the 1899 order, stating that it was ‘declaratory of the customary law, and although the Order itself is no longer on the statute book the force of the customary law is in no way diminished’ (Lee n.d.: 15–16).
However, as Keith Kitto, a senior officer of the Land and Survey Department, pointed out, the 1899 order was in fact a directive from the state and not entirely consistent with traditional principles of land tenure (SG 1952: 92). An emigrant could, under Saribas Iban *adat*, transfer his rights to a kinsman to be guarded (*nyaga*) by him pending the emigrant’s return; or he could permanently transfer his rights to another resident, whether by gift or sale. Even when his rights were taken over by the headman, this was usually an arrangement made prior to his departure and hence was a form of transfer. Despite its inadequacies and ambiguities, however, the 1899 order became the basis for subsequent interpretation by the courts of the rights of emigrants.

One complicating factor was that the 1899 order applied to migration (*pindah*) out of ‘a river or district,’ but was silent on the rights of a household that moved to another community within the same local region. In the Brooke period and after, this was interpreted to mean that short-range migration did not entail loss of cultivation rights, provided the household remained within the same *penghulu*’s district (*Keleman v. Linang* 1954), or at least did not move beyond ‘a reasonable farming distance’ from the land (*Sumbang v. Engkarong* 1958) (Lee n.d.: 60–61, 72). These judgements were at variance with *adat*, which recognised the exclusive nature of a territorial boundary. However, at a conference of Second Division *penghulu* and other leaders held in 1961 (including ten leaders from the Saribas), it was agreed that: ‘Removal from one longhouse to another constituted *pindah*, and not only from one river or *Penghulu*’s area to another. Resumption of rights relinquished on *pindah* could not be had without prior agreement of the *Tuai Rumah*, except the land was under title’ (*Richards* 1963: 8; *Adenan Satem* 1977: 19). This accords with the view widely held among contemporary longhouse headmen in the Saribas, that when a person moves out of the community, those who possess the territory (that is, the remaining community) assume possession of his farming land (*orang empu menoa empu temuda*). Notwithstanding this reassertion of the territorial principle, individual rights to rubber gardens continued to be recognised for as long as the trees survived, even after the owner of the trees had permanently migrated to another community (Chapter 7). This enabled individuals who no longer belonged to the community to exercise control over plots of land within the longhouse territory. A Saribas District Officer in the colonial period observed: ‘[I]n many parts of the Saribas customary law receives little respect ... An individual planning to leave the district has only to apply for
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land [and] plant a few rubber trees and he converts the communal land into leasehold and thereby prevents his temuda [rice farming land] from reverting to the community’ (SG 1959: 82). It is doubtful that this particular practice was very widespread, but it remains true that land already planted with rubber when a household migrates is not available for reallocation within the community.

This emerged as an acute problem in areas outside the Saribas, particularly in the Lemanak, which historically experienced a high rate of emigration and yet in the post-war period continued to suffer from land shortage and poverty. In this situation indefinite tenure of rubber gardens meant that some of the best land was rendered unavailable for community projects because it was under senile rubber claimed by someone living in another district or division, whose interests therefore no longer coincided with those of the longhouse community. In the 1980s this led at least one Lemanak community (Serembai in Sungai Kesit) to change their adat and resume control over rubber land owned by emigrants, cutting down the rubber to release the land for a community cocoa scheme.11 It was agreed that compensation would be paid if the owners of the rubber returned to make a claim. This kind of action, implying an extension of the community’s reversionary rights, was being considered by other communities in the Lemanak (e.g., Nanga Kesit) that were in similar circumstances.

The need to define carefully the rights of emigrants was reinforced by the post-war phenomenon of migration to urban centres. Here again the traditional principles have proved adaptable.12 The case of an individual, whether single or married, who left temporarily to take up urban wage work was relatively straightforward – as in the past, the emigrant’s rights to land were held and continued to be utilised by the household to which he or she belonged at the time of departure. A married couple who left the community to work in the town (or an individual who married while absent from the longhouse) could also return to the community and activate rights to land, whether by rejoining the parental household (often an elderly couple in need of heirs to inherit the household) or by setting up a separate apartment in the longhouse and requesting land from the parental household (bilek tuai) in the traditional manner. Where the heirs of a bilek tuai continued living and working in town, even after the parents had died, they sometimes retained an empty room in the longhouse to which they might return only occasionally (typically during the annual Gawai Dayak festivities).13 This served as a symbol of their continuing rights to land within the community territory. (As noted in Chapter 10, in 2001 there were eight
such empty rooms at Batu Lintang and one at Nanga Tapih.) If there was no *bilek tuai* from which to request cultivation rights, a household returning from a period of long-term urban employment was in the same position as any incoming household. It could borrow, rent, purchase, or simply be allocated land from community residents, or be allocated some of the community’s pool of common land.

Justice Ian Chin argued in the 2001 *Nor* case, summarised in Chapter 8, that moving to town to work is not the same as *pindah*, where that involves shifting to a new territory with no intention to return. The case of the historian and ethnologist, Benedict Sandin, one of the best-known Saribas Iban of the post-war period, illustrates this point (Sather 1981). Benedict Sandin was born at Kerangan Pinggai longhouse in the Paku branch of the Saribas in 1918. He was educated at Anglican schools in Betong and Kuching and joined the Brooke civil service as a Native Officer in 1941. He served in various districts until he was transferred to the Education Department in Kuching in 1950. From 1952 until his retirement in 1973 he worked for the Sarawak Museum, rising to the position of Curator. Thus in one sense he had clearly left his longhouse and for most of his adult life was not dependent on longhouse lands for his livelihood. Yet he maintained a room (*bilek*) in the Kerangan Pinggai longhouse and returned to live in a bungalow near the longhouse on his retirement. In his words (as recorded by Sather 1981: 125):

> I had my bungalow built in 1971, two years before my retirement. I have also a house in Kuching. But Kuching is not my home. It is not the place founded by my ancestors. I prefer to stay here. The site on which this house is built is my own land; I did not buy it from anyone else. It was cleared by my ancestor Garran, the great great grandfather of Penghulu Garran, who was my own grandfather. And that is why I chose this place for the last part of my life.

Many other educated Iban who have worked in urban employment all their lives express similar sentiments. They do not consider they have ‘abandoned’ their rights to land on this account, and intend their children to inherit those rights. This of course implies a somewhat different pattern of inheritance whereby land is divided among all those siblings who move into permanent urban employment. As subsequent generations are born and grow up in the city and have progressively less contact with the longhouse and its activities, the question of inherited land rights will doubtless become more complex, unless the land is titled (see below).
TRANSFER OF RIGHTS TO OUTSIDERS

The practice of leasing and selling land to Chinese farmers that first occurred in the Brooke period continued after the war, though generally it was more common in the Kuching and Sibu Divisions than Sri Aman Division, which had a smaller population of Chinese farmers. The Sarawak Gazette commented in 1947: ‘Untitled land over which rights are claimed is administered according to native custom. There is a growing tendency for natives to dispose of their rights over such land for valuable consideration’ (SG 1947: 80). One colonial officer observed:

In customary law the individual has the right of land usage only but every District Officer who has Dayaks occupying Mixed Zone Land in his District will be familiar with the bogus land transactions and payments to ‘extinguish’ Native land rights, nearly always direct and improper sales by an individual Dayak to a Chinese and usually with commission payable to the Penghulu. It is difficult to stop these transactions and they have a disruptive effect where some members of the native community are clinging to their old ways of life while greedy individuals are disposing of the community’s land to Chinese settlers (SG 1957: 31).

In 1972, at a time when rubber prices were at their lowest since the war, it was reported in the Saribas that ‘a number of Ibans had sold their rubber gardens to the Chinese’ (SG 1972: 74). This sometimes resulted in one or two Chinese smallholders becoming established within the longhouse territory.16

Though it is true that the Land Code (and the Tusun Tunggu) prohibited both leasing and sale of Native Customary Land to ‘non-natives,’ such transactions were not necessarily contrary to Iban adat. Leasing and sale of land to other Iban was certainly an accepted practice in the traditional system of land tenure. As discussed in Chapter 10, many Iban hill farmers in the Saribas leased swamp rice land from other Iban at times of economic necessity, and there were signs that rentals moved according to market conditions, rising as the price of rice rose and the prices of rubber and pepper fell. Moreover, as Keith Kitto argued in 1952, ‘for at least two decades, we of to-day have witnessed natives renting customary land to non-natives. Therefore in our opinion the renting of customary tenure land to non-natives is in accordance with customary law, having undoubtedly the approval of the elders of the native communities’ (SG 1952: 92). A Second Division report included the comment: ‘[W]hatever the law says, the Iban is convinced he owns the land over which he has temuda rights, and that it is his
to dispose of within the context of Native law and custom ... The practical effect is that Ibans are selling land to the Chinese, and consider they have every right to do so. The Chinese, on the other hand, are for the most part aware of the law and are keeping the land secretly for future speculation’ (SG 1962: 235).

Hence the transfer of land to outsiders does not in itself violate customary principles, provided all those with an interest in the land are consulted and included in the transaction. This should of course include the community headman as the one holding the community’s reversionary right over land. In the case of rubber gardens, however, especially those for which an Occupation Ticket had been issued, the household concerned had complete autonomy over the use and disposal of the land. The relative lack of litigation over such transfers suggests that, where it was occurring, there was no perception that traditionally recognised interests had been over-ridden. It should be noted, however, that in the vast majority of hill farming communities in the Saribas District the question of alienating land to outsiders simply did not arise as there was little demand for such steep and inaccessible areas.

In any case, a more pressing issue than the alienation of land to Chinese settlers emerged in the 1980s and 1990s, namely the extent to which wealthy, urban-based Iban were accumulating Native Customary Land in favourable locations for speculative purposes. This not only included the political and business elite but middle-class Iban such as school teachers and other government officers. In this respect, a report prepared for discussion within Iban political circles in 1985 states that ‘the law ... which intends to protect native rights over land as against non-natives has been punctured by parties of the same kind. And in the final analysis, it is only the question of the survival of the fittest unless the government intervenes’. The government, however, showed no inclination to do so.

**TITLED LAND**

One important change in the post-war period, cutting across all the issues discussed above, was the increased focus on establishing registered title to land. As described in Chapter 8, the 1958 Land Code provided for settlement areas to be declared in which individual land holdings were to be adjudicated, surveyed, and registered by the Department of Land and Survey, resulting in the issue of a Torrens title to the land. By 1998 there were over 57,000 extant land titles in Sri Aman Division, accounting for a total area of over 88,000 ha (about 1.5 ha per title). However, the area of titled land was
only 9 per cent of the total land area in the Division and 13 per cent of the area classified as Mixed Zone or Native Area Land, the classes of land in which settlement activities occurred (Sarawak 1999). Hence, after 40 years of land settlement operations under the Land Code (as well as pre-1958 titling activity), most Iban land remained untitled, particularly in the hilly, upriver regions.

About three quarters of the extant titles in Sri Aman Division in 1998 were issued under the Land Code through the land settlement process. These titles were mainly in and around urban centres and along the main roads, that is, in the undulating midland region most suitable for commercial agriculture. However, over 11,000 titles were in the form of Occupation Tickets issued during the last two decades of the Brooke period, including a form of title unique to Sri Aman Division, the Jubilee Occupation Ticket, issued mainly in the mid-1930s as a 60-year or 99-year lease. The occupation tickets were referred to as *oti* (O.T.) or *surat pala tanah* (land document). They were mainly issued for rubber planting and applied to scattered plots of land throughout the division, including quite remote locations such as the Spak and Ulu Layar. Though the plots were initially marked out with wooden pegs, they were not recorded on any map and the boundaries were no longer recognisable in the post-war period. The 1962 Land Committee had recommended ignoring them and foregoing the rent (from $0.50 to $4.00 per year, depending on the area). However, they remained on the books and, as discussed above, continued to be highly valued by the Iban as evidence of permanent title to the land. In fact, many 60-year occupation tickets in the Saribas District were due for replacement by the 1990s, and Iban from the Paku in particular had protested that the Department of Land and Survey was proposing to replace occupation tickets with term leases, requiring the payment of a premium. Though the premium required was small, their preference was to be issued with grants in perpetuity without premium or rent, thus confirming that they were full owners of the land.

However, as indicated, the majority of titles were issued through the post-war process of land settlement, which involved determining all land claims within a contiguous block or settlement area. Notwithstanding the recommendation of the 1962 Land Committee that the longhouse territory should be the basic unit for adjudicating, surveying and registering title to land, the general practice was to ignore territorial boundaries in establishing a settlement area. A senior Iban officer in the Department of Land and Survey did in fact use the longhouse territory as a basis for settlement in
some districts but was subsequently overruled by the Department, reflecting the unstated policy of playing down the significance of territorial rights. Nevertheless, there was nothing in the settlement process that actually violated the boundaries between longhouses, as territorial rights in long-established areas had always been an aggregation of private and shared rights to specific parcels of land. Hence surveying and registering title to these parcels sometimes helped to clarify uncertainty over territorial boundaries as well.

The case of the Layar Settlement Area in the middle Saribas illustrates the titling process. The settlement area included some or all of the territories of seven longhouses, centring on Gensurai, a prosperous community that had been one of the pioneers in rubber planting and was also the home of the Deputy Chief Minister, Alfred Jabu. The recommendation to declare the settlement area had been made by the Resident’s Native Court in Be-tong in 1971 following a recurring boundary dispute between Gensurai and Engkeranji. The area was declared in 1973 but the process did not really get underway until 1976, following Jabu’s intervention (he was at that time Minister for Lands). The headmen of the longhouses concerned were informed of the procedure at a meeting convened by the Iban settlement officer (Boniface Anceh) and all agreed that it should go ahead. They were to be involved in settling minor disputes if they arose and certifying the field reports made by the surveyors.

The Settlement Order, made in 1980 (14 years after the settlement process began), lists the owners by lot, and only their addresses indicate to which community they belonged. In some cases, the listed address is outside the settlement area or even the district (reflecting the continuing rights of emigrants to rubber land in particular). The cadastral map of surveyed parcels is a patchwork of irregular shapes of varying size (mostly from 0.05 ha to 5 ha) with no reference to territorial boundaries. The map does include some parcels listed as Native Communal Reserves, but these are small areas of common land such as longhouse reserves, graveyards, and communal orchards, rather than entire longhouse territories.

The outcome of the Layar settlement process can be illustrated by collating the information from the 1980 Settlement Order for landholders from Gensurai. The Settlement Order lists 57 individual owners from this community, 23 of whom (40 per cent) were female. Hence the process of issuing individual rather than household titles had not apparently led to the loss of women’s land rights. Most parcels were held exclusively by one individual, but in some cases the parcel was held in undivided shares by 2–4
individuals, presumably the joint heirs of the household; in an extreme case 7 people shared one parcel of only 0.35 ha. The number of parcels (hence titles) averaged 3.4 per individual and ranged from 1 to 13. The area of land averaged 5.1 ha per individual (allowing for shared parcels) and ranged from 1.2 to 19.1 ha. These data are not strictly comparable with the data for Batu Lintang in Table 11.6 above, as the latter were compiled on a household basis. In the case of Gensurai, it is likely that the holdings of a given household were divided by mutual agreement into individual holdings for the settlement process, following the intended pattern of inheritance. Nevertheless, the Gensurai data suggest a similar degree of inequality in the distribution of land ownership as found at Batu Lintang.

Most of the titles issued to Gensurai residents were grants in perpetuity without premium or rent, in recognition of their customary ownership of the land, as provided for in Section 18 of the Land Code (Chapter 8). If a landholder subsequently applied to transfer such a Section 18 title to someone other than his or her customary heir, or to use the land for a new, non-agricultural purpose, rent would become due from the day of transfer as for other Land Code leases. In addition to grants in perpetuity, 50 per cent of Gensurai landholders possessed one or more fixed-term leases, accounting for 23.5 per cent of the total land area. In almost all cases these were 99-year Jubilee Occupation Tickets, issued for rubber gardens in the 1930s (mostly in 1935) and restricted to agricultural purposes. Thus the settlement process merely surveyed and reconfirmed these previously unsurveyed titles, which were now in a sense inferior to the Section 18 titles.

Most of the Saribas Iban land, including the Layar Settlement Area, falls within a Mixed Zone, declared as such in 1952 under the Land Classification Ordinance (see Fig. 8.2). Only the Ulu Layar and Spak were classified as Native Area Land. The decision of the colonial government to zone the Saribas in this way presumably reflected the early success of commercial agriculture in the region as a whole, along with the relative backwardness of the Ulu Layar and Spak in the 1950s, as described in Chapter 10. While the Section 18 titles issued to Gensurai residents were categorised in the Schedule of Alienated Land as Native Customary Land, they could be freely sold or leased provided the appropriate premium, rent and other charges were then paid. The Jubilee Occupation Tickets were categorised as Mixed Zone Land in the Schedule and were thus transferable in their current form. However, there is little evidence that wholesale disposal of mixed zone titles has occurred. Given the limited demand for such land and the relative prosperity of the landholders, this is not surprising.
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LAND DEVELOPMENT

Of the various institutional arrangements for large-scale commercial land development reviewed in Chapter 9, SALCRA has had the greatest impact in the Saribas and neighbouring districts in Sri Aman Division. SLDB managed the Skrang and Melugu rubber schemes in the 1970s but has concentrated its subsequent activities in central and northern Sarawak, while LCDA has not been active in this region. SALCRA has established around 23,000 ha of oil palm in Sri Aman Division, involving 8 per cent of the Iban population. Hence Iban attitudes to land development have been largely shaped by their experience with SALCRA.

SALCRA Schemes in Sri Aman Division

As mentioned in Chapter 9, SALCRA began at the south-eastern end of Sri Aman division in 1978 with the Lemanak Oil Palm Scheme. A significant feature of this scheme was that the land for the estate was acquired on a community basis, with each of the 16 participating longhouses arriving at a group decision to contribute a portion (up to a third) of the longhouse territory. Moreover, the estate was pegged out into sectors belonging to individual communities, so that each community adhered to its own land (nitih tanah diri empu). In the establishment phase, community members had first right to employment in their own sectors and could organise the way in which work was distributed. In one case the whole community worked on the oil palm together (including harvesting), sharing the wages equally among all the participants; in others, smaller groups carried out the work.26 Eventually individual households were allocated their own four-hectare lots to maintain and harvest, yet the recording of output and payment of dividends, which by the 1990s were substantial (e.g., around $10,000 for a four-hectare lot in 1999), was done on a longhouse basis. However, the yield of individual lots varied enormously, from 2–3 tons of fresh fruit bunches (ffb) per ha to 25 tons per ha. In one longhouse some households had even cut down their oil palm yet still received a dividend. Hence by the end of the decade there was pressure from longhouse headmen and the more productive farmers in the scheme for SALCRA to move away from the longhouse-based accounting system and to record outputs and allocate dividends on an individual lot basis.27

SALCRA began operations in the Saribas District in 1981 with the Paku-Layar Cocoa Scheme. This comprised 800 ha along the trunk road between those two rivers. In contrast to the Lemanak case, the land for the Paku-Layar scheme had been surveyed and registered in the 1970s and in-
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dividual titles had been issued, as described above. Hence it was a relatively simple matter to negotiate participation in the scheme; in longhouse meetings SALCRA officials pinned up a map from the Department of Land and Survey showing lot numbers and boundaries and asked individual owners one by one whether they wanted to join. The question of longhouse territorial rights or community coordination did not arise. Even so, SALCRA’s 1982 Annual Report indicated that the demarcation of the boundary for the second phase of the scheme had ‘proved to be rather difficult and time consuming because of the reluctance of the people to surrender their lands’ (SALCRA 1982: 12). There were also technical and marketing problems with the scheme. In the first phase the land was clear-felled, but unanticipated problems with soil acidity created difficulties in establishing shade trees, hence by 1985 no cocoa seedlings had been planted. The technique adopted in subsequent phases involved thinning the secondary forest and replacing the remaining trees with permanent shade trees after six months. Once the cocoa was established and bearing, the main problem was that individual owners harvested and sold cocoa beans to private dealers outside the scheme, thereby circumventing SALCRA’s deductions to pay for the development costs. Eventually the cocoa was replaced with oil palm, which generated higher returns than cocoa in the 1990s, and the marketing of which was easier to control as SALCRA owned the mills.

In the mid-1980s SALCRA was designated as the agency to establish oil palm and cocoa estates as part of the multi-million dollar Kalaka-Sari-bas Integrated Agricultural Development Project (IADP), one of two such projects funded by the Federal Government and the Asian Development Bank. The consultants conducting the feasibility study for the project found that ‘the LCDA approach was unanimously rejected. None of the farmers could imagine the possibility of stopping work on his own land. The idea of placing their land in the hands of a development organisation for a long period was also rejected’ (Malaysia 1984, para 4.8). On the other hand, ‘SALCRA is considered to be the organisation best able to implement the scheme as it offers sufficient guarantees that land ownership will remain in the hands of the farmers ... but, more important, the ‘identity’ of this land (i.e., its limits) will be respected and individual plantation management will remain under the responsibility of each household’ (Malaysia 1984, para 4.24). Nevertheless, farmers were ‘worried to know whether, with SALCRA, each longhouse would keep its land, fearing that it would be lumped together with the land from other longhouses’ (para 4.23). They were particularly concerned about oil palm, preferring cocoa (which was doing well
at the time). However, the proposal was for 10,000 ha of oil palm to be established over 10 years. Advocating a lot size of six hectares per household for the oil palm estates, the consultants considered that ‘the settler may or may not be given title to this six hectares of land’ (Malaysia 1984, para 1.6), noting that the share system was becoming more widespread (e.g., in FELDA and FELCRA schemes in Peninsular Malaysia).

However, initially, there was widespread resistance to the Kalaka-Saribas oil palm schemes (divided into Roban North, Roban South, Saratok, and Rimbas), largely due to concerns about land ownership. To allay these concerns and allow the project to proceed on an adequate scale, the land policy was changed and titles were issued up front, the Minister (Alfred Jabu) presenting title documents to landholders at public ceremonies with extensive media coverage. A total of 3,107 titles were issued, converting native customary rights into grants in perpetuity. However, much of the scheme area was situated in a Mixed Zone, as discussed above, hence the titles could be freely sold, thereupon reverting to a standard Mixed Zone lease. While the demand for undeveloped titled land in other parts of the Saribas and Kalaka districts was not sufficiently great to induce a significant number of sales, in this case the land had been planted with oil palm and by the mid-1990s was generating good returns, with SALCRA paying dividends to the landholders. Hence in the Roban schemes, not far from the commercial centres of Sarikei and Bintangor (Binatang) to the north, around half of the titled land was subsequently sold, mainly to Foochow Chinese. The original owners often continued to work on the schemes, receiving daily wages, while the new owners received the dividends from SALCRA.

Songan (1993) undertook a qualitative survey of 30 farmers and four scheme staff in 1991, when the first oil palm lots in the Kalaka-Saribas scheme were about ready for harvest. The survey included farmers who had joined the scheme at the outset, some who had joined subsequently, and some who remained outside. Respondents identified the deterrents to participation as the fear that they would lose their land and scepticism about the project’s success. ‘We are still not clear about the purpose and intentions of the project … we are worried that the government will take away our land … Some of us think that the project will not succeed … and we are still very sceptical’ (Songan 1993: 107). Many preferred to persist with a combination of hill rice and pepper cultivation, with support from the Department of Agriculture. Scheme participants felt that others had been influenced not to surrender their land by educated locals working in...
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both the public and private sectors, some of whom were members of the opposition political party (PBDS), and some of whom wanted to acquire the land themselves in times of economic distress. However, there was also an element of cautious pragmatism on the part of longhouse communities who needed convincing that they would in fact be better off by contributing their land to the schemes, as reflected in the quote at the head of this chapter.

Nevertheless, interviewed participants considered they now had a better life, with no need to practise shifting cultivation and the opportunity to work on the scheme for wages as well as in their pepper and cocoa gardens. The wage work was especially beneficial for women who were more restricted in their ability to migrate for wage employment. In addition to their wages, they were looking forward to receiving dividends as the oil palm was harvested. Ancillary benefits included the scheme roads and assistance in constructing their longhouses. The receipt of land titles was clearly a major factor in their positive overall assessment of the schemes.

Upriver Iban Views of Land Development Options

Though outside the boundaries of any large-scale land development project, Batu Lintang and Nanga Tapih leaders were asked in 1985 to express their views about the four major options for the development of their customary land at that time – the Department of Agriculture’s smallholder crop development schemes, the SLDB approach (identified with resettlement, as in the nearby Skrang rubber scheme), the SALCRA approach (identified with in situ development as in the Lemanak Oil Palm Scheme and the recently started Paku-Layar Cocoa Scheme), and the as yet untested approach of the Land Custody and Development Authority (LCDA). What follows is a summary and paraphrase of the collective response given at each longhouse.

In Batu Lintang’s case there was a more obvious sense of being satisfied with the status quo, subject to continued material assistance, and of being cautious about major change, especially if it involved the possible loss of control over the community’s land:

The way for us to progress is through smallholdings (kebun) of pepper and rubber. This enables us to sell enough to meet our expenses. The Department of Agriculture helps us by providing fertiliser and other farm inputs. We must improve our land so we can hold onto it. What is the use of retaining our land if we do not improve it? We do not want to take part in any resettlement. The Batang Ai people have had to discard their own territory (menoa diri empu buai) and have
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ended up with a much smaller area. They are worse off now. As for SALCRA schemes, such as the Paku-Layar cocoa scheme, we do not know whether they will gain or lose. There must be general agreement first before joining such a scheme. At present, some want to and others do not. We are not yet aware of LCDA's approach, but if it means that we lose control of our land we would be worse off.

In Nanga Tapih's case there was a more lively discussion reflecting strong feelings about economic difficulties at the time and a degree of ambivalence about future options, though there was no doubt that some form of in situ development, whether small- or large-scale, was favoured:

If we were not helped by the Department of Agriculture we would have to migrate elsewhere. Fertiliser and other inputs are truly beneficial. However we need more assistance, particularly with pest control for pepper. We know how to plant and harvest pepper, but need help for pest control. If the government gives fertiliser but not pesticides, we make a loss and the government makes a loss. If supplies cannot be given free then they should be sold to us at half price; we will be willing to buy. But we must have cheap inputs. Tell that to those in Kuching and Kuala Lumpur! If we were given $100 worth of fertilizer and $100 worth of agrochemicals (never mind cash subsidies) we could survive and would not have to consider large-scale schemes. We do not want to migrate at all (though if we could have swamp rice land downriver and keep our land here we would be happy with that). As for SALCRA, this depends on general agreement. If the government wants to help us here on our own land, that is better than being resettled. The outlook here is not good; rice yields are declining. Some of us want to give SALCRA a try. But we need a clear agreement. What is to be our share? If the scheme is not successful, who bears the cost and who claims the land? If we participate without an agreement, that is not good. A disadvantage with SALCRA is that we have to get rid of our rubber and pepper gardens, but these are still useful to us. If the scheme is a failure we would have nothing to fall back on and would be worse off. This is what makes small-scale schemes (skim mit) seem more attractive.

However, the perceived success of the SALCRA oil palm schemes in the 1990s (particularly when palm oil prices doubled from 1996 to 1998) prompted communities in more remote locations, including Batu Lintang and Nanga Tapih, to apply for schemes on their own land. For example, in October 2000 seven longhouses in the Layar, Spak and Padeh with adjoining territories jointly applied to the Ministry of Land Development for a
Land and Longhouse

SALCRA scheme on their lands. The communities were: Batu Lintang, Jelau Ulu, Mupoh, Kabok, Nanga Tapih, Merunjau, and Melanjan. Four other communities (Engkalat, Temedak, Mujau, and Jelang) were also invited to join in the submission but declined, reflecting the ongoing uncertainty and differences of opinion about such schemes (as seen in the Kanowit Oil Palm joint venture briefly described in Chapter 9). According to informants at Nanga Tapih, the seven applicants were motivated to request a SALCRA scheme because, with the decline of hill rice cultivation, much of their territory was now unutilised or ‘empty’ (menoa puang) and was giving them no return (nadai asil). They had seen that the SALCRA oil palm schemes were paying a good dividend in the late 1990s and that land titles were issued to scheme participants. Moreover, with SALCRA schemes came feeder roads and other amenities, and their young people could get employment, not so much as labourers but as field supervisors, drivers, and clerks. However, by June 2001 the applicants had not been informed.32 The steep terrain and the lack of road access (though the Padeh road had reached as far as Merunjau) would make it difficult to justify an oil palm scheme in this area. A smaller area (800 ha) had been identified for oil palm out-growers in the medium-term plan for the Nanga Spak Rural Growth Centre, however this was concentrated in the undulating land along the Layar Road, downriver from Batu Lintang.

Notwithstanding the desire of many upriver longhouses to participate in SALCRA schemes, doubts remain over SALCRA’s performance. In 2005, Edwin Dundang, a participant in the Paku-Layar Scheme, claimed that over the previous five years he had received dividends of only $2,500 a year from his 30 acres (12 ha), or just over $200 per ha.33 He alleged that SALCRA was creaming off profits for a privileged few while scheme participants remained poor, and that the lack of transparency in SALCRA’s financial reporting disguised this corruption. Dundang’s remarks, of course, were made in his capacity as the president of SNAP and were directed at Alfred Jabu, his political rival and chair of SALCRA. Nevertheless, they reflect concerns that SALCRA, having overcome its earlier technical and financial constraints to establish productive plantations, has become more attractive to the political elite as a source of surplus extraction and patronage.

Private Land Development in the Lower and Middle Saribas

Despite being one of the longest settled, most densely populated and most commercialised Iban districts, the Saribas District was included in the government’s push towards large-scale commercial agriculture since the mid-
Land Tenure and Land Development in the Saribas District

1990s. By 2001 around 40,000 ha (23 per cent of the total land area) had been earmarked for estate development, including 20,000 ha in SALCRA schemes (compared with the 3,000 ha already established by this agency in the district) and 20,000 ha for private developers. The Ministry of Land Development had determined that SALCRA schemes would be concentrated along the trunk road, while private companies were to develop plantations on peat-lands downriver.

A Konsep Baru scheme of 21,639 ha (12% of the district) had been approved for the Lower Saribas, an area of state land and Native Customary Land held by Malay and Iban landholders. A perimeter survey had already been conducted as well as a picket survey for an area of 4,396 ha. However, no land had been cleared and the designated private developer, Perlis Plantations, had withdrawn (perhaps because of the fall in palm oil prices in 2001). The scheme was said to have ‘problems’ and was ‘on hold’. Another large area had been identified as the Betong-Spaoh Native Customary Rights Development Area, encompassing land between the Paku and Layar in the vicinity of Betong and Spaoh. However, again the private developer had withdrawn and the scheme had been allocated to another government agency, FELCRA. It was no longer considered a Konsep Baru scheme because of the absence of a private sector partner.

Other plantation companies were only interested in private development on state land. Tradewinds Sdn Bhd, one of Malaysia’s largest plantation companies with a total of 113,000 ha of oil palm plantations, and planned oil palm development of over 90,000 ha in Sarawak, had an office in Betong and land totalling 24,000 ha in the Saribas District. Sarawak-based companies with links to Sarawak’s political and business elite had also been allocated state land for private development. For example, Durafarm Sdn Bhd had a 5,000 ha block between the Saribas and Lupar rivers downstream from Betong. This company was registered in 1998 with its address in Sibu. The directors were mainly family members of Wong Kie Yik, a Sibu timber magnate of the WTK group, and included Robert Lawson Chuat, a nephew of Alfred Jabu.

CONCLUSION

The relationships between community, market and state intensified and became more complex in the post-war period. The community-based system of land tenure continued to function flexibly and effectively in this rapidly changing context. Though state land law and policy largely ignored the role of the longhouse community in land administration and management,
the concept of the community territory remained important to the Saribas Iban and territorial rights continued to be highly valued, notwithstanding a decline in territorial disputes since independence. Iban leaders consistently expressed the view that, whatever type of agricultural development was introduced, an assurance of continued effective control over community territory was a prime consideration.

Within longhouse territories, the pressure on land in the first few decades after the war meant that shifting cultivation had to be managed to limit the area cultivated and maintain an adequate fallow period. The limited land was shared among community members either through the wider use of lending and renting agreements or through annual redistribution by the longhouse meeting. Individual investment in production for the market was secured by community recognition of permanent household rights to land under perennial crops, whether the land was formally titled or (as in most cases) not. Yet the need to maintain an overall balance between land for rice and rubber led some communities eventually to restrict the area any one household could plant with rubber and to coordinate planting arrangements among households.

The early post-war period also saw the need to clarify the rights of emigrant households relative to those of community members who remained within the longhouse territory. Whereas traditional land tenure was clear in stating that ‘those who hold the territory hold the farming land,’ government legislation and judicial and administrative interpretations had introduced some contradictions. With input from Saribas headmen, the principle was officially laid down that an emigrant household’s rights to hill rice land were taken over by remaining community members and could only be reactivated with the consent of the headman, even if the emigrant had only moved to a neighbouring longhouse. Permanent rural-urban migration, however, created new issues of ownership and inheritance that are still being resolved.

By the 1990s, however, with hill rice cultivation on the wane, the role of the community in coordinating access to land had declined. With few people in the longhouse wanting land for hill rice, the annual farm meeting ceased to have its traditional function, whether merely to coordinate individual farming activities within one or more large farming blocks (as in the majority of communities) or actually to allocate plots from the pool of common land. Those few who wanted to plant hill rice simply made use of their own plots from previous cultivation cycles without reference to the community. Similarly, households continued to establish and maintain...
their separate pepper holdings on individually owned land. Hence the balance between private and common property rights within the community had shifted further towards private rights, though the large areas of unused secondary forest were viewed as a common resource for which the community took overall responsibility.

The provisions of the Land Code for issuing titles to Iban landholders represented the most radical departure from the community-based tenure system. However, the slow progress of land settlement meant that over 80 per cent of Iban land was still unaffected. In any case, where it has been implemented, the land settlement process has not disrupted customary tenure as much as might be expected. On the face of it, registering title to land in the name of an individual undermines both household and community rights. However, community boundaries (though ignored in the settlement process) were not in fact violated, and household members reached agreement on the division of the household estate in line with customary principles of inheritance, hence women were not obviously disadvantaged by the process. In most cases, the title issued was a grant in perpetuity in recognition of customary ownership, hence the land continued to be categorised as Native Customary Land until it was leased or sold. Though titled land in the Saribas was in a Mixed Zone, there was no tendency for wholesale disposal of the land to Chinese farmers or business interests (at least until the case of the Roban Oil Palm Scheme).

Such titles added nothing to customary notions of land ownership and in fact involved some attenuation of customary rights (given restrictions on the use and disposal of the land). Nor did the titles add greatly to security of tenure within the community. However, what a title did provide was security of tenure in the eyes of the state. Given the official notion that unregistered native customary rights were an ‘encumbrance’ on state land, and the holders of such rights mere ‘licensees’ of the state, such security was highly valued. Holding a registered title also simplified such issues as the rights of urban migrants and made decisions about participation in land development schemes more straightforward. Nevertheless, it is true that the gradual conversion of longhouse territories to individually titled land was creating the conditions for the ultimate demise of community-based land tenure.

SALCRA land development schemes created a new form of institutional link between community, market and state. The SALCRA approach of in situ development was clearly the preferred model, not least because the participants retained ownership and management of their land. The early
phase of the Lemanak Oil Palm Scheme demonstrated that community territory could be readily incorporated in a large-scale land development project. Landholders in the Kalaka-Saribas oil palm schemes were initially concerned to ensure that their territorial integrity would be retained if they agreed to participate. These schemes generated considerable controversy and resistance until land titles were issued, confirming customary ownership. The Paku-Layar Scheme, on the other hand, made use of the fact that the land had already been titled to encourage individual participation.

In all these cases, apart from questions of land tenure, there were technical and management difficulties with SALCRA operations, causing serious delays and inefficiencies, and an unevenness of performance more characteristic of what Barlow (1986) terms 'loosely structured land development schemes'. However, with improved productivity and prices in the 1990s, and landholders beginning to receive substantial dividends, local attitudes towards SALCRA had shifted. Upriver communities were now petitioning the Ministry of Land Development to incorporate their otherwise unused forest land into a SALCRA oil palm scheme, though the unsuitably steep terrain made this unlikely in the immediate future, except perhaps as out-growers.

The Konsep Baru or joint venture approach to linking community, market and state was being introduced in the middle and lower Saribas on a large scale, but with apparently little success. Given the expressed attitudes of farmers in the upper Saribas to the retention of land rights and community control, there was little likelihood that farmers would choose to hand over their land for a 60-year period in return for shares in a company in which they had no representation or control. Meanwhile, perhaps 30,000 ha of public land (16 per cent of the district) had been allocated to private land developers in the lower Saribas with no community involvement whatsoever. While theory predicts a shift from common to private property with population growth and economic development, this leasing of land to plantation companies in the Saribas and elsewhere represents the privatisation of public property on a massive scale, with benefits accruing to the political and commercial elite rather than ordinary longhouse-dwellers. Thus the Saribas Iban, though not subject to the evictions and abuses experienced by their kin in central and northern Sarawak, have by no means been exempt from the radical agrarian program of the Taib Government, confirming the degree to which their representatives are complicit in this massive redistribution of land rights.

2. Five of the 32 households were not available for interview at the time of visit, hence the extent of their land holdings was not ascertained.

3. As Michael Heppell points out in a personal communication, the rules governing the alignment of plots also have deeper cultural significance, relating to the sleeping patterns of children and designs on blankets.


10. Field Notes, April, 1985. As Sather (1990) points out, however, emigrant households within the district retained their secondary rights to fruit trees and could expect to participate in their harvest when informed by the ancestral household (bilek tuai).

11. Information from David Hon, Department of Agriculture, Engkilili.


13. As Michael Dove points out in a personal communication, this practice would contravene the traditional restriction on allowing the hearth to grow cold (pemali chelap dapor), which requires a household to light the kitchen fire at least twice in a month (Richards 1963: 57). It is likely that local adat has been modified to relax this restriction given the new reasons for these extended absences.

14. Benedict Sandin planted rice and other crops in his retirement. I first met him when he came to the Department of Agriculture’s headquarters in Kuching in the late 1970s to inquire about assistance in establishing a fishpond.


16. Information from Michael Heppell.

18. The 1962 Land Committee reported over 18,000 Jubilee Occupation Tickets comprising 48,500 acres (Sarawak 1962: 36).

19. For example, in a discussion about land titles at Nanga Tapih in 1985, an elderly man, Chaling, produced three occupation tickets issued to his father, Usit. Each was for 200 rubber trees, issued on 31 December 1935 (though the trees were planted before that), and expired on 30 December 2034, that is a 99-year lease. The annual rent was 50 cents. These creased and grimy documents had been wrapped in a plastic bag and kept in a safe location in the bilek, to be passed from generation to generation. About a dozen households at Nanga Tapih still held occupation tickets in 2001 and had been waiting five or more years to have them converted to full titles by the Department of Land and Survey in Sri Aman.

20. Information from Wilson Kudang, Betong, July 2001. The landholders had protested to Alfred Jabu, their PBB assemblyman and chief patron. However, James Masing, then of PBDS, advised the Chief Minister not to make an exception in this case.


23. Minutes of meeting held at Gensurai, 20 February 1976.

24. Thus Batu Lintang falls within a Mixed Zone while Nanga Tapih is in Native Area Land.

25. The Land Committee reported that from 1958 to 1961, of a total of 4,545 parcels of Mixed Zone land alienated to natives, only 766 parcels or 18 per cent had been transferred to Chinese (only 8 per cent in the Second Division). The Committee concluded that in most cases Iban and other customary landholders took out title for their own benefit, not to dispose of it (Sarawak 1962, p.25). However, titled land planted with oil palm was another matter, as discussed below for the Roban Oil Palm Scheme.

26. Field Notes, Merindun, April 1985; interview with Dennys Lang, Deputy Chairman, SALCRA, April 1985.


28. Interview with Dennys Lang, Deputy Chairman, SALCRA, April 1985. In private cocoa estates in Kuching and Samarahan Divisions, forest thinning was the preferred technique and no introduced shade was thought necessary (Andrew Bong, pers. comm.).

29. This represents 68 per cent of titles issued to SALCRA participants by 2004 (Dimbab Ngidang, pers. comm., January 2005).
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30. Patrick Sibat (pers. comm., June 2001) and Dimbab Ngidang (pers. comm., January 2005), based on information from SALCRA officials.

31. Their boundaries converged around Bukit Pentik and Tuchong Bungkang, two adjacent peaks of about 350 metres which form part of the watershed between the Layar, Spak and Padeh.


33. The five year period in question included the severe slump in palm oil prices in 2000–2001 that led SALCRA to suspend dividend payments to landowners, but prices climbed again to profitable levels from 2002.

34. Interview with Wilson Entabang, Agricultural Officer, Betong, June 2001.

35. Perlis had also withdrawn from the Ulu Teru scheme in northern Sarawak, one of the first of the Konsep Baru schemes (see Chapter 9).

36. Interview with officer in Ministry of Land and Rural Development, Kuching, June 2001. The approach in a designated Konsep Baru area was for Ministry staff to obtain at least 70 per cent participation with an area of at least 5,000 ha before proceeding to bring in a private land developer. Failing that, the Ministry would ‘just wait’.

37. WTK is the oldest of the big five timber conglomerates in Sarawak, founded in 1940 by Wong Tuong Kwong. According to its website, it has timber concessions totalling 1,125,811 ha in Sarawak, and forest operations in PNG, Central African Republic, Indonesia, and Brazil. Its logging operations in the Baram were blockaded by Iban and Orang Ulu protestors in 1987, leading to the controversial amendment of the Forest Ordinance (Section 90B) outlawing such blockades, as described in Chapter 8. Its operations overseas have also attracted protests.
PART V

Conclusion
The Struggle for Balanced Development in the Southeast Asian Uplands

This freedom-centred understanding of economics and of the process of development is very much an agent-oriented view. With adequate social opportunities, individuals can effectively shape their own destiny and help each other. They need not be seen primarily as passive recipients of the benefits of cunning development programs. (Amartya Sen)

The philosopher John Ralston Saul (2001) argues persuasively that to live humanely and creatively as individuals and societies we need continually to strive for balance between the essential human qualities of common sense, ethics, imagination, intuition, memory, and reason. To allow one of these to dominate gives rise to ideology, a narrowing of vision, and oppression. Thus the ideology of high modernism that James Scott (1998) identifies as the source of failed schemes for agricultural and rural development since the late nineteenth century derives from the elevation of reason – rational, scientific, holistic planning – at the expense of the other essential qualities, notably the common sense, ethical values, and memory of ordinary people in diverse communities and landscapes. This is not to denigrate reason, science, or planning but to call for the equal recognition of other attributes so that each can balance and complement the other. As Saul acknowledges, this striving for balance is a seemingly impossible task but nevertheless one in which we must be constantly engaged, for in his view it is ‘the essence of civilisation’ (Saul 2001: 14).

Scholars such as Yujiro Hayami (1998) and Amartya Sen (1999) have argued for a balance in development between the institutional spheres of community, market, and state, recognising their potential for complementarity. In Sen’s words:

Individuals live and operate in a world of institutions. Our opportunities and prospects depend crucially on what institutions exist
and how they function ... Even though different commentators have chosen to focus on particular institutions ... we have to view them together, to be able to see what they can or cannot do in combination with other institutions. It is in this integrated perspective that the different institutions can be reasonably assessed and examined ... The overall achievements of the market are deeply contingent on political and social arrangements (Sen 1999: 142).

Yet successive strategies and programs for rural development espoused by national governments and international agencies in the post-war era have tended to champion one institutional sphere or the other, with each rising to prominence as the failures of the preceding emphasis become apparent (Belshaw 1997; Ellis and Biggs 2001). In the 1950s community development schemes were advocated to educate and mobilise the rural poor. In the 1960s and 1970s state-led rural development programs predominated, such as the large-scale integrated rural development projects funded by the World Bank and other donors. In the 1980s the call was to roll back the state and allow markets to do their work more efficiently. In the 1990s, in recognition of the harm inflicted on the poor by many government and market reforms, community-based approaches were rediscovered, both for rural development and environmental management.

With this kind of monistic thinking it has been difficult to get a hearing for a more balanced approach, in which the strengths and weaknesses of each sphere are given due recognition. In particular, the potential to build on community institutions and the qualities they support in such a way as to complement the legitimate functions of markets and states has long been overlooked by economists (Rohrlich 1984). The rise of participatory, community-based, and livelihoods approaches (Chambers 1997; Ellis and Biggs 2001), the growing recognition of the ‘agency’ of individual and social actors (Sen 1999; Long 2001), and the exploding interest in the role of ‘social capital’ (Woolcock 1998; Pretty and Ward 2001; Cramb 2005b) may seem to suggest progress towards more balanced and humane development. However, such approaches are not easy to translate into widespread improvements in rural development practice. They are readily formalised, standardised, put into manuals, and subordinated to Goulet’s (1986) political and technological logic, subverting the struggle for genuinely participatory development and, according to some commentators, creating a new form of ‘tyranny’ (Cooke and Kothari 2001).

Of course, the struggle for balanced development is essentially a political struggle in which powerful actors continually seek to pursue their
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interests and impose their values and solutions. Institutional economists analysing tensions between local, national, and international interests in the uplands of Asia have long advocated that

... the development process as it relates to natural resource use should be designed in such a manner that the resource problems as defined by those at the village level carry significant influence vis-à-vis the problems as defined by national or foreign participants. The process must be such that the needs of the local participants are met and it must be consonant with the larger part of the existing technical and institutional structure at the local level (Bromley and Verma 1983: 262).

More recently, Bryant and Bailey (1997), in their overview of the diverse new field of political ecology, point to broad agreement across political viewpoints on the need to correct the imbalance between local and extra-local actors in the management of the rural environment:

To the extent it is possible to speak of a blueprint for change linked to Third World political ecology, it would undoubtedly encompass movement towards an ideal type in which local-level decision-making by grassroots actors (... poor farmers, shifting cultivators, fishers, hunter-gatherers, and the like) would figure prominently at the expense of ... traditionally powerful actors [including] states, large businesses or multilateral institutions ... The latter group of actors would still have a role to play, but it would be a supportive role that would revolve around coordinating the interaction of local-level actors and communities at various scales. Decision-making in such a political system would be animated by considerations of social justice (i.e. equity) and environmental conservation (i.e. sustainable local livelihoods) (Bryant and Bailey 1997: 4–5).

Such ideals may seem impossible to achieve given the centralised structures developed by the authoritarian high modernist state to pursue its ‘aspiration to the administrative ordering of nature and society’ (Scott 1998: 88). However, this may be to overestimate the power and cohesiveness of the institutions of the state and to underestimate the agency of local-level actors as they engage with structures at higher levels (Li 2005). As Scott’s analysis implies, unbalanced and oppressive development schemes require ‘the unrestrained use of the power of the modern state’ and ‘a weakened or prostrate civil society that lacks the capacity to resist’ (1998: 88). Recalling the discussion of the Highland Clearances in Chapter 1, ‘it was the legal and customary defencelessness of the people which made the clearances
possible', leaving few obstacles in the path of ‘radical and rapid agrarian modernization’ (Devine 1999: 180). Conversely, then, where individual and community capabilities can be mobilised and institutional restraints and defences put in place, the prospects for ‘equitable and sustainable local livelihoods’ can be enhanced.

The process of agrarian transformation in the Southeast Asian uplands can thus be viewed as a struggle for more balanced development, involving a variety of actors at various levels. At the household level upland farmers have been engaged in a continual struggle to balance alternative livelihood strategies in an ever-changing environment. At the community level these same uplanders have struggled collectively to find a balance between economic development and cultural survival. At the level of national and international policy the key issue is to find ways to balance the interests and claims of community, market, and state institutions so that ‘individuals can effectively shape their own destiny and help each other’, without being treated as ‘passive recipients of the benefits of cunning development programs’ (Sen 1999: 11).

What has the story of agrarian transformation among the Saribas Iban told us about this multi-faceted struggle for balanced development in the uplands? How does this story relate to the experience of other upland societies in Southeast Asia?

**THE SARIBAS IBAN EXPERIENCE**

*Balancing Livelihood Strategies*

Having developed over the centuries ‘a remarkable cultural and ecological adaptation’ (Freeman 1975: 277), based on the collective acquisition of extensive tracts of territory within which to practise shifting cultivation, the Saribas Iban have been pursuing new livelihood strategies as their world has changed around them during the past 150 years.

Once the Saribas lands were fully occupied and brought into cultivation by around the middle of the nineteenth century, Iban farmers made the transition to established shifting cultivation, based on the continual reutilisation of secondary forest (which was a resource in itself apart from its function as a forest-fallow). But the ‘inelasticity’ of the upland environment they inhabited did not permit a sequence of Boserupian intensification and by the middle of the twentieth century their capacity to achieve subsistence was under threat. Spatial intensification onto the narrow river flats of the lower and middle Saribas provided an alternative for some, but it was not enough to sustain the entire upland population for an extended period.
And no ‘green revolution’ came their way in the 1960s and 1970s to generate increased yields in either their upland or lowland rice fields.

Yet before this subsistence crisis loomed, the desire for personal achievement and material wealth in the altered political and economic context of the late nineteenth and early twentieth centuries induced the Saribas Iban to pursue the opportunities provided by the emerging markets for cash crops, notably rubber. Working rubber into their farming system provided an acceptable ecological and economic balance. For many decades they remained at Myint’s first stage in the transition to a cash economy, using rubber to augment rather than substitute for their subsistence production. Even so, they generated considerable wealth on the back of successive rubber booms, enhancing both the material and cultural dimensions of their existence, as symbolised by the substantial new longhouses they built and the elaborate collective rituals they staged within them.

When both rice and rubber began to fail them in the early post-war decades, they turned to an additional strategy – migration. Adapting their long tradition of male journeying (*bejalai*) for profit and prestige, both younger men and, when necessary, older married men, left the longhouse to seek wage work in oilfields, plantations, and construction sites. This extra source of income helped to buffer the longhouse economy during agriculturally lean times. With the expansion of formal education and rapid economic growth in the cities, circular migration was overtaken in the 1980s and 1990s by permanent rural-urban migration as both young men and women sought livelihoods beyond the longhouse.

In the meantime, by the mid-1970s, pepper had superseded rubber as the principal cash crop. Because of its intensive nature, the shift to pepper reduced the pressure on land for shifting cultivation. For another one or two decades, then, farm households sought to hold these two activities in balance, expanding the area of rice when pepper prices fell and cutting back on rice production in order to capitalise on the next boom in pepper prices. However, as the profitability of pepper increased with each successive boom, and the labour available for shifting cultivation declined, there was a kind of ratchet effect such that farm households moved emphatically into the second stage of agricultural commercialisation and all but abandoned their traditional hill rice system. Thus, by the year 2000, those who remained on the land were more narrowly specialised than at any time in the past, both in the sense of being specialised for the market and, within that, specialised in the production of a single crop (though many were buffered to a degree by non-farm income, including remittances). Their pre-
ferred strategy for the future was to allocate their now-extensive areas of uncultivated forestland for large-scale oil palm development, while retaining the benefits of smallholder pepper cultivation.

This balancing of livelihood strategies enabled Iban households to survive in difficult times and increase their wealth when market opportunities presented. Defying simple categorisation, they developed a hybrid household economy with elements of subsistence and commercial production, resource-based and non-resource-based activities, customary and modern practices, with local and global economic involvements. Though, for centuries, hill rice cultivation was their hallmark – both economically and culturally – in the end even this proved negotiable. A more fundamental characteristic was their continual resourcefulness and adaptability.

The process of agrarian transformation at the household level could thus be termed ‘adaptive development’ rather than ‘sustainable development’, conveying the reality of an evolving livelihood system in a changing environment rather than some idealised notion of a stable equilibrium (Conrad 1999; Ellis 2000). The Iban experience provides a powerful reminder not to underestimate the motivation and adaptability of upland farmers in Southeast Asia. Contrary to the stereotype still depicted in numerous political speeches and government plans, they are not backward, tradition-bound, subsistence-oriented farmers, ‘addicted’ to shifting cultivation, whose attitudes need to be modernised and behaviours coerced so they can be ‘brought into the mainstream of development’. Their pragmatism and adaptability underlines the need to move towards a more balanced approach to development planning in which ‘local-level decision-making by grassroots actors … would figure prominently’ (Bryant and Bailey 1997: 4).

Balancing Community Interests

Throughout this process of adaptive rural development in the Saribas, the longhouse community, its territorial domain, and its customary institutions remained crucial to the choices of individuals and households. Members of the community, in their role as longhouse ‘citizens’, sought to balance the impulse to individual economic achievement with a concern for maintaining the social and cultural arena within which that achievement took place and which gave it meaning. Recalling the point emphasised by Heppell, in Iban reckoning ‘the ultimate cultural value which is the criterion against which all change is evaluated, is the continued competitive advantage of the group or society’ (1988: 159). Though the culture of the Saribas Iban may have lost elements of the ‘pristine’ form so admired by Freeman (1981) in
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adapting to the influence of other cultures, education, religion, and political ideology, this ultimate value of the survival and well-being of the longhouse community has been vigorously upheld.

The strength of the community has been particularly evident in the evolution of land tenure institutions. The initial rules of land tenure were developed in a pioneering era that had come to an end in the Saribas by the mid-nineteenth century. However, the underlying norms – maintaining orderly and equitable access to land within and between communities, rewarding effort and achievement, negotiating with those who hold the recognised authority, maintaining clarity in any dealings and actions, obtaining agreement or consensus before embarking on a major land-use activity – were evident in the subsequent adaptation of land tenure rules and conventions.

These norms were prominent in the long struggle over territorial boundaries in the Brooke period. The principle of territoriality was central to the identity and survival of the longhouse community and was the underlying issue in most land disputes. The emergence of shared territories was an innovation to deal with the movement and emigration of longhouse communities and the conflicts arising from the growing scarcity of fallow land. However, the difficulties experienced with such arrangements made them unstable and eventually led to the reassertion almost everywhere of the exclusive longhouse territory.

Within the territory new customs were developed to deal with tendencies to agrarian differentiation that had the potential to undermine the cohesiveness and concord of the community. Where inequality in access to land for hill rice developed, two responses were evident – an increase in the temporary transfer of use rights through lending and leasing; and the development of a pool of common farming land, in many cases coterminous with the longhouse territory, with annual allocation by the headman through the longhouse meeting. When rubber planting in the twentieth century threatened to ‘eat up the rice spirits’, some communities restricted the use of common land for rubber, ensuring that all households had an equal chance to benefit from this new source of wealth. In most cases, however, the system of household authority over land ensured that the balancing of rice and rubber was achieved by individual decisions. Likewise, the tenure system provided secure and equitable access to land for pepper planting, the major source of wealth in the post-war period.

The Iban experience contradicts the still widespread perception that upland farmers in Southeast Asia are trapped in inefficient and unfair
‘communal’ land tenure institutions that inhibit development, or that readily break down when subjected to external pressures. The longhouse system balances private and common property rights to land and trees within an overarching community framework that has proved adaptable, resilient, and culturally acceptable. It has not inhibited the rapid adoption of commercial crops, nor has it allowed the emergence of landlessness and social conflict. The larger lesson, taken up below, is that such community-based tenure systems can form functional building blocks in a national system of land administration and do not have to be obliterated in the state’s program of territorialisation.

**Balancing Community, Market and State**

The adaptability and resilience of Saribas Iban land use and livelihoods, and of their community-based land tenure institutions, have been related to their active engagement with both market and state from the mid-nineteenth century.

When global markets began to extend their reach into Sarawak’s uplands, the Brooke state restricted large-scale plantation development, thereby (perhaps inadvertently) creating the space for the emergence of commercial smallholder agriculture among the Iban, an opportunity they readily grasped. The principal market actors with whom they engaged were Chinese shopkeepers and traders in the local bazaars and towns, who formed the essential link between local and global economic systems, buying Iban produce for export and distributing imported consumer goods. Though there was a degree of distrust and occasional conflict between Iban farmers and Chinese traders, in general this multi-stranded relationship was balanced, complementary, and mutually rewarding.

Though Brooke land laws and policies were often inconsistent with Iban land tenure, the state’s limited capacity to enforce these laws meant that Iban customary practices generally prevailed. Moreover, the participation of Iban leaders in the institutions of government at the local level, especially in the Saribas District, enabled them to articulate customary principles and temper the interventions of government officials in local affairs. In particular, the Resident’s Court provided an avenue, not only for Iban leaders to demonstrate their prowess and contend for status, but also for negotiating acceptable institutional arrangements governing community-state relations with regard to land. The late-Brooke era project of recording longhouse boundaries within the district, with the promise of officially gazetting them as ‘native areas’, demonstrated the degree of convergence at
that time between the customary principle of territoriality and the state’s program of internal territorialisation.

However, this potential for complementarity between community and state was not realised in the post-war era. Beginning in the British colonial period, statutory law increasingly diverged from customary law. The Land Code, which formed the framework for the state’s territorialisation program, used a system of zoning to restrict both the acquisition and disposal of customary rights and largely ignored the concept of community territory, focusing instead on procedures for granting individual title to land. In the process, customary, community-based tenure was seriously undermined, the holders of customary rights being regarded in legal terms as mere ‘licensees’ of the state or, in official usage, as an ‘encumbrance’ or ‘squatters’ on state land, until such time as Torrens titles were issued. It is not surprising, then, that such titles were highly valued and sought after, though the titling process was grudgingly slow and affected only a fraction of Iban land.

In the context of a policy of support for smallholder agricultural development, the deficiencies of the Land Code did not have serious ramifications for Iban communities. Indeed, the growth of commercial rubber and pepper production proceeded, without impediment, mainly on customary land, with Iban smallholders continuing to link with global markets via the network of Chinese and (increasingly) Iban traders. The state’s contribution was to provide support through research, extension and ‘start-up’ capital in the form of planting grants, thus complementing the role of the market, which was deficient in these dimensions. The minority of communities that came directly under the Land Code’s provisions for land titling (or ‘settlement’) found that the process could in fact be managed through the community in such a way as to minimise conflict with customary notions of household and territorial rights.

However, the rise of an aggressively high-modernist, patrimonial state, beginning with the Rahman Government in the 1970s and taken to extreme lengths by the Taib Government from 1981, radically shifted the balance between community and state. The state rather aligned itself with a new class of market actors – corporatised plantation agencies and private plantation companies eager to exploit Sarawak’s apparently vacant lands and the rising profitability of oil palm. This shift was also prompted by the imminent exhaustion of Sarawak’s forest reserves, previously the major source of political patronage. With its unquestioning belief in the merits of large-scale, centrally controlled agriculture, and its evident disdain for smallholders and their community structures, the Taib Government engi-
neered the appropriation of community and public land for private plantation development on an unprecedented scale, further redistributing wealth to favoured clients in the political and commercial elite. The acquiescence of Iban political leaders in this top-down process of agrarian transformation helped create the uncertainty, confusion, and conflict that particularly characterised land development schemes in central and northern Sarawak, giving added meaning to Sutlive’s statement that ‘the Iban are no longer at the centre of their universe, for many are anxious about what they perceive as their marginality’ (1988: 171). Though the High Court in 2001 (and the Court of Appeal in 2005) provided a degree of countervailing pressure, giving legal recognition to customary notions of land usage and tenure in a situation where statutory law had all but excluded such concepts, the transformation of the more favourably endowed uplands into a plantation monoculture was proceeding rapidly and irreversibly.

It is easy to gain the impression from the controversies over large-scale agriculture in central and northern Sarawak that the Iban are inherently opposed to oil palm development schemes on their land. Yet the experience of the Saribas Iban and their neighbours in the Iban heartland in southern Sarawak contradicts this view. Although there has been periodic discontent and even open resistance, there has not been the degree of conflict and violence witnessed in central and northern Sarawak. Iban elders thought long and hard about involvement in land schemes and were initially sceptical, based on their observations and shared experience (thus bringing memory, common sense, and intuition to bear on the ‘rational’ arguments of scheme proponents). They articulated norms for participation that were direct extensions of their own principles for managing land — clear contractual arrangements, properly negotiated in advance, agreed to by all. Above all, they wanted to retain their community territories and their capacity to adapt. Over time many came to embrace the SALCRA model for oil palm development whereby they gained the advantages of access to capital and technology for large-scale production and processing while retaining (in fact, reinforcing) both individual and community land rights. They also retained the capacity to adapt their livelihood strategies, with a balance between smallholder and estate modes.

The attitudes and norms of the Saribas Iban and their neighbours in southern Sarawak were no different from those held by Iban in central and northern Sarawak. However, the legal status of land claims and the state’s approach to land development differed markedly between the two regions. Whereas the SALCRA approach involved a relatively high degree of Iban participation and thus proved largely consonant with Iban norms, other
public and private sector agents were less inclined to take this more localised and accommodating approach. Hence, from an Iban perspective, the joint-venture approaches to land development have been seriously unbalanced, leaving many crucial issues unclear and unresolved and often failing to deliver the promises so readily made by political leaders. The imbalance is particularly marked in the overwhelming priority given to private plantation development, ruthlessly sweeping aside Iban land claims in a manner reminiscent of the Highland Clearances. The Iban in these regions are not resisting ‘development’ but a singularly unbalanced program of agrarian change that, in Sen’s (1999) terms, diminishes their capabilities to lead the kind of lives they value.

The historical experience of the Saribas Iban thus indicates that it is indeed possible to achieve a more acceptable balance between community, market and state institutions that gives greater prominence to local-level decision making by grassroots actors. Government support for smallholder agriculture can be targeted in such a way as to offset the failure of markets to provide capital and technology for investment in shrub and tree crops. Public-sector agencies can be designed and managed so as to promote equitable participation of upland farmers in large-scale agriculture, given the profitability of crops like oil palm that are suited to such forms of land development. Such agencies can have greater impact if they recognise the potential for independent smallholders to participate in the oil palm industry once local processing infrastructure is in place. Land titling schemes, if managed with community involvement, can help meet a genuine demand from upland farmers for greater security of tenure relative to extra-local actors. Such schemes could be accelerated if greater legal recognition was given to the community territory as the basic unit of land administration.

Yet the contrast between the Saribas Iban case and that of their kin in central and northern Sarawak serves as a sharp reminder of the historical and geographical contingency of the process of upland transformation, even within one political unit. This fundamental contingency is highlighted further when the Saribas experience is compared with other cases in the Southeast Asian region.

SOUTHEAST ASIAN COMPARISONS

Rubber Smallholders and Oil Palm Estates in Jambi, Sumatra

The flexible incorporation of plantation crops (coffee, coconut, and especially rubber) in a traditional farming system based on shifting cultivation was not unique to the Iban. It is true that the expansion of such crops
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in Southeast Asia from late in the nineteenth century was spearheaded by European estates, which were favoured over smallholders by all colonial regimes, in some cases to the exclusion of the latter. In Java, following the Agrarian Law of 1870, the uplands were made available for private estate development on 75-year leases at very attractive rates (Barlow 1985: 82). Thus the Javanese ‘were administratively barred from the bulk of their own frontier, the so-called “waste lands” which were filling up with coffee trees’ (Geertz 1963: 80). Yet in the Outer Islands of Indonesia there was no effective obstacle to smallholder adoption of plantation crops. Barlow (1985) describes the rapid expansion of estate production on the east coast of Sumatra after 1870, adding that

... these impressive developments by estates were more than matched by a previously quite unanticipated movement into export crops by the local shifting cultivators. In a classic example of spread effects from the estates, rubber cultivation expanded along the outer edges of the East Sumatra region and into many areas further south, including Jambi, Palembang, and Riau. By the mid-1920s, the smallholding rubber area in Sumatra exceeded that of the East Coast estates (Barlow 1985: 94).

The colonial government’s part was ‘largely one of ensuring that smallholder plantings did not interfere with estate activities’ (Barlow 1985: 95). In the post-war era, rubber smallholders have come to predominate, accounting for 86 per cent of total rubber area by 2000 (Dove 2002). Jambi Province accounts for about 500,000 ha of smallholder rubber, or 17 per cent of the national total (Wibawa et al. 2005). Though production technology has largely remained at what Barlow (1985) terms the ‘first tier’ due to inadequate government support, so-called ‘jungle rubber’ (including fruit and timber trees and secondary growth) has come to be recognised as a distinctive agroforestry system with many desirable features (Dove 2002; Wibawa et al. 2005).

John McCarthy (2005) provides an empirically rich analysis of agrarian change among Melayu villagers in the district of Jambi Sejati, an environment comparable to the uplands of Sarawak, where until recent decades the village economy has been based on shifting cultivation of rice and other food crops, harvesting forest resources, and planting jungle rubber, in a manner very similar to the Saribas Iban. Until the 1960s and 1970s this was a frontier area or, using Scott’s (1998) term, ‘non-state space’. The land tenure arrangements involved ‘a complex bundle of group and individual property rights under control of a customary (adat) authority system’
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(McCarthy 2005: 4). Settlements were located at strategic points along a river system, typically where a tributary joined the main stream. Villages developed territorial rights to lands accessible from these settlements, with borders formed by the watersheds between adjacent streams, the customary principle being ‘as long as the water drains to the river’ (*asal air jatuh di sungai*) (McCarthy 2005: 4). Thus the territorial area (*ulayat*) of a given village was extensive and clearly demarcated. Forest resources within these territories were regarded as common property under the control of each village. Individual use rights were recognised for shifting cultivation plots (*ladang*), though they were not necessarily enduring. A farmer wanting to make use of a fallowed plot previously used by someone else needed to obtain their consent or the approval of the *adat* authorities within the village. From the 1920s, after cultivating a *ladang*, farmers would frequently plant it with rubber and fruit trees, thereby turning it into a permanent forest garden (*kebun*). As among the Iban, property rights to a *kebun* were abiding. McCarthy emphasises that ‘the development of *adat* management ... occurred alongside colonial efforts to document, reform and utilise village traditions and enforce colonially approved practice and custom’ (2005: 5). However, crucially, as in Brooke and colonial Sarawak, ‘the colonial regime did not gazette land rights. Consequently, the entitlements of the Melayu people native to this area remained embedded in *adat* practices rather than formally registered by the state’ (McCarthy 2005: 4).

Under the New Order regime of President Suharto (1966–1998), the policy framework ‘facilitated a rapid process of agrarian change by altering the legal, political and hence economic entitlements in a number of ways’ (McCarthy 2005: 5). Though the Basic Agrarian Law of 1960 offered scope for the recognition of customary land rights such as claimed by Melayu villagers in Jambi, ‘its misuse under the New Order facilitated the delivery of extensive resources to private interests’ (McCarthy 2005: 5). The 1967 Forestry Act allowed for the re-zoning of 70 per cent of Indonesia’s land area as state forest and its allocation for logging and conversion to industrial timber and oil palm plantations, even though much of this land was already subject to customary land claims. From the late 1960s the Suharto regime pursued a policy of encouraging oil palm development through state-owned companies. From 1979, under pressure from donors to include smallholders in this development, the favoured model was the nucleus estate and smallholder (NES) scheme, often combined with resettlement or transmigration. From 1995, a ‘joint venture’ approach was adopted whereby oil palm developers received concessional credit on condition that they partnered with
smallholder cooperatives formed for the purpose. The cooperative members contributed their land while developers contributed the capital, with 30 per cent of the land allocated for the nucleus estate and 70 per cent for the cooperative members. As with the NES schemes, this allowed private companies access to community land and to control smallholder production. As a consequence of these policies, very similar to those pursued in Sarawak under the Taib Government, oil palm plantations expanded rapidly into forest areas and onto lands held under customary tenure. The total area under oil palm grew from only 120,000 ha in 1968 to 4.1 million ha in 2005. In Jambi there were 296,010 ha under oil palm by 2000.

In Jambi Sejati this process of ‘enclosure and privatisation of extensive areas of adat lands’ (McCarthy 2005: 6) resulted in Melayu villages being sandwiched between private estates on the one hand and NES schemes, primarily for Javanese transmigrants, on the other. The impacts on the livelihood system of local farmers were substantial. They had lost their access to income from forest resources. The land available for shifting cultivation was substantially reduced (exacerbated by population increase and in-migration), hence fallows were shortened from the customary 7–8 years to 3–4 years or less, resulting in increased land degradation and weed growth, declining yields, and reduced food security. Villagers were left with the option of trying to intensify their land use on smaller holdings or searching for opportunities outside the agricultural sector. Where government support was available, some planted clonal rubber on their remaining kebun land. Many were attracted by the good returns to oil palm, in some cases planting on disputed forest land in the hope of reasserting their customary claims. However, such claims have not been upheld as the various levels of government take a stronger stance against ‘illegal’ occupation of state land. Moreover, in the absence of government support for smallholders, oil palm favours the rural elites, in-migrants, and others with access to capital, technology, knowledge and influence, resulting in a process of agrarian differentiation within local communities. In one village, 90 per cent of households were said to be left without rubber or oil palm holdings and so were ‘living like chickens, scavenging for whatever grain they could find’ (McCarthy 2005: 9).

Though many of these processes were set in train during the New Order era, they have erupted into conflicts in the post-1998 reformasi period under the new conditions of regional autonomy. Land conflicts have been the single biggest issue occupying the district assembly in Jambi Sejati. ‘These accumulated grievances and unresolved claims manifested as demonstra-
tions, conflicts against plantations and even spontaneous occupations of areas. In these conflicts, adat territorial concepts retained a strong hold on community thinking regarding how land use decisions should occur’ (McCarthy 2005: 12). While regional autonomy ‘opened up some space for success’ where there were ‘congruent interests between villagers, local elites and district actors’ (McCarthy 2005: 22), in other cases the lack of such congruent interests worked against outcomes favouring local communities. District officials were easily bought off by corporate plantation interests and, ‘given the poor position of adat claims under the law, company representatives did not fear litigation’. Hence informal dispute resolution took place in a context of ‘wide imbalances in power between villagers and their company interlocutors’ (McCarthy 2005:25).

The Jambi case confirms the conclusion that, in the absence of secure land rights and ‘countervailing powers to ensure state accountability’ (McCarthy 2005: 25), an alliance between state and market actors pursuing private gain results in a seriously unbalanced form of development in those upland areas with commercial value, undermining the capacity of local communities to pursue their preferred livelihood strategies. The long history of centrally controlled, coercive, and exploitative land and forest policies in Indonesia has left a legacy of mistrust, disillusionment, and anger. Nevertheless, McCarthy concludes with cautious optimism and identifies a way forward:

Even the incremental steps towards negotiation and the instrumental forms of participation that have emerged under regional autonomy represent an improvement on the asymmetrical relations of the New Order period. Yet the problem remains the absence of the type of political vehicles required to give the reforms real meaning. There is a requirement for strong farmers’ organisations and associations with knowledge of the decision-making processes and legal framework, and with bargaining power vis-à-vis decision makers and politicians (2005: 25).

This again echoes the call to develop effective political systems in which ‘local-level decision-making by grassroots actors ... would figure prominently’ (Bryant and Bailey 1997: 4).

Smallholder Cocoa and Agrarian Differentiation in Central Sulawesi
Tania Murray Li (2002b) presents a different story of upland transformation, involving the rapid spread of smallholder cocoa production among shifting cultivators in two regions of Central Sulawesi – Lauje and Lore Lindu. Whereas crops like rubber and oil palm offer the prospect of sus-
tained long-term production, cocoa has been subject to a more volatile production pattern. Indeed, Li asserts that ‘cocoa is a world commodity well known not only for its boom-bust cycles, but also for its capacity to draw in then expel new populations, regions and nations’ (2002b: 419). Sulawesi in the 1990s had the conditions favouring a smallholder cocoa boom – available land, typically a forest frontier with rich forest soils to supply an initial nutrient ‘subsidy’; a location close to a pool of labour, encouraging spontaneous migration; prior knowledge of the crop and its profitability; and an opening in the world market as other cocoa regions go into decline. The typical trajectory of the cocoa cycle includes the emergence and spread of diseases once planting reaches a critical scale, causing productivity to decline unless expensive inputs are used. This in turn entails a need for credit and hence a tendency to uneven accumulation of land and wealth. There is an associated land-use dynamic in which the cocoa frontier moves through forested areas to capitalise on short-term returns until the limits of expansion are eventually reached.

In the Lauje hills, as in other parts of Central Sulawesi, shifting cultivation involves a short-fallow rotation, with one crop of upland rice, two to three crops of maize, and a three to five year fallow (Li 2002b). Though when compared with the Iban long-fallow system this might suggest a recent process of intensification and degradation, in fact the same cycle was recorded in the early nineteenth century, perhaps reflecting the more fertile soils of this region compared with either Sarawak or Jambi. However, the system has never been very productive or reliable – periodic drought and pest attack result in recourse to wild sago and tubers or, more recently, seeking out wage work on the coast. Tobacco was cultivated as a cash crop from the 1820s, providing funds for staple foods when needed and other necessities such as salt and clothing. From 1950 to 1990, shallots and garlic replaced tobacco as the principal source of cash. However, by the early 1990s shallot harvests had repeatedly failed and, without longer fallows or significant inputs, the production system had reached its limits. The extraction and sale of rattan from the surrounding forest also came to an end due to the exhaustion of the resource. Hence the attraction of cocoa production, which was already underway in neighbouring districts, thus providing both an exemplar and a source of seed.

Although the 1967 Forestry Act referred to above officially brought much of Sulawesi’s uplands into the public domain, Lauje farmers were still in effective control of their land (unlike in Jambi), hence customary tenure arrangements prevailed, though with some involvement of local govern-
ment administration. As with the Iban and other upland societies, private rights in land were established by the one who first cleared it. These rights had always been transferable, subject to compensation for the effort of land clearing. However, unlike the Iban, the ‘descendants did not divide up the land they inherited from the pioneer, so it gradually became a collective resource in which many people had an interest. They used it in a loose rotation according to their needs, and lent it freely to neighbours and kin for seasonal use’ (Li 2002b: 422). This was the case whether a plot was used for food or cash crops, none of the crops cultivated being permanent. Fruit and other tree crops were not planted because the plots were used and burned too frequently for trees to establish.

The adoption of cocoa by Lauje farmers disrupted this cycle. Cocoa seedlings were interplanted with the maize crop year by year until no areas remained for shifting cultivation. The incorporation of a tree crop into the farming system resulted in ‘the enclosure, commoditization, and uneven accumulation of land, to the point where many Lauje hill farmers are now effectively landless’ (Li 2002b: 422). This transformation occurred in three stages. In the first stage, land that was shared by a group of descendants was privatised by excluding the co-heirs. As Li explains, ‘planting tree crops on a swidden encloses it and withdraws the land from the inherited swidden pool’ (2002b: 422). Farmers with more capital, labour, and local knowledge of land claims were able to accumulate large areas, while those who were slower to begin or lacked ancestral claims missed out. In the second stage, land that had been privatised through planting cocoa trees began to be bought and sold. Farmers with an urgent need for cash, particularly those with gambling or other debts, sold their cocoa plots one by one to their more prosperous neighbours. They then found themselves landless, working as wage labourers on land they used to own or resorting to wage migration as in the past. A third stage had commenced in which ‘the coastal elite and some city-based entrepreneurs wielding significant capital are buying up hillside cocoa groves, to be managed by paid workers’ (Li 2002b: 423).

This process of differentiation has not been uncontested. However, disputes have been largely intractable, revolving around questions of who first cleared where and when, what subsequent transactions had occurred, and whether recent investment of labour, including that involved in establishing cocoa, conferred superior rights. Moreover, given that it was a ‘hybrid’ tenure system, with both customary and bureaucratic elements, neither the endorsement of village headmen nor government officials (including a development project to survey customary claims) was taken as decisive.
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Hence, despite the intention of Lauje hill farmers to plant cocoa for general economic improvement, ‘a cumulative process of agrarian differentiation has indeed been set in motion’ (Li 2002b: 425), leaving many landless and displaced.

In the Lore Lindu area, local farmers have not been planting cocoa, lacking knowledge about its potential, but good road access and high cocoa prices associated with the fall of the rupiah in 1997–1998 induced a flood of enterprising Bugis migrants from the more densely populated south, some of whom already had experience with cocoa (Li 2002b). Early arrivals with little capital were able to purchase land cheaply, while later arrivals had to pay much higher prices. Large areas of land were purchased and subsequently sold on to others within kin and home-village networks. In a very short time village populations had doubled due to the influx of Bugis migrants and locals looked on resentfully as their former lands increased in value and generated unprecedented wealth for the newcomers. Their future options for forest clearance were largely foreclosed as much of their ancestral lands now fell within the boundaries of the Lore Lindu National Park.

As Li remarks, ‘faced with a migrant influx, one might have expected upland communities to defend their land on a collective basis, and to assert their rights to territory under customary law’ (2002b: 427). However, the indigenous farmers in this area lacked the strong sense of territory and corporate tenure arrangements evident among both the Saribas Iban and the Melayu villagers of Jambi. Li explains that, early in the twentieth century, they were forcibly resettled from more remote locations by the Dutch authorities. ‘Resettlement weakened community solidarity as groups from the hills were mixed and recombined in new places ... Away from the land of their ancestors, they had no basis upon which to assert collective claims to forested areas beyond their individual fields. Nor did they form new community institutions which would empower them to exclude subsequent waves of migrants, especially when the latter had official backing’ (Li 2002b: 427). In addition, village officials, intent on profiting from land sales, have ignored customary principles when it suited them and bullied villagers with various administrative rules that purportedly undermine the validity of their customary land claims. ‘They tell villagers that their customary rights lapse if the land has not been used for five years, or if the area exceeds 2 hectares, or if no tree-crops have been planted, or if the land has not been registered with the headman, or taxed, or issued with a certificate’ (Li 2002b: 428). The individualised nature and uncertain official status of their customary land has further encouraged the sale of land to migrants.
The two cases from Central Sulawesi indicate that unbalanced development in the uplands can occur even in the absence of predatory state programs or corporate market actors pursuing private gain – the principal forces transforming both the Iban lands of central and northern Sarawak and the Melayu lands of Jambi. As Li makes clear, ‘Sulawesi’s upland farmers are not the hapless victims of market forces; if they have lost land it is not because they have been displaced by large-scale plantations or agribusiness schemes; nor have they been obliged to plant cocoa by the government’ (2002b: 416). Nor, it should be added, have the outcomes been determined by the essential characteristics of cocoa as a crop, notwithstanding Li’s graphic depiction of ‘its capacity to draw in then expel new populations, regions and nations’ (2002b: 419). Pepper, the crop that has come to dominate Saribas Iban agriculture, has many of the same features as cocoa – a boom and bust cycle, susceptibility to disease, high input requirements, a huge leap in value following the currency crisis of 1997–1998 – yet agrarian differentiation, in-migration, and landlessness have not occurred. Sarawak also had a brief cocoa boom in the 1980s, but again the Iban longhouse system ensured that lands were allocated equitably and outsiders were not involved.5

A key difference (though by no means the only one) was the relative weakness of community institutions in the Central Sulawesi cases. Hence Li advocates strengthening of community capacities – not, as in Jambi, in terms of ‘resistance’ to the depredations of outsiders (a dangerous course in the Lore Lindu case given the association of ethnic and religious identities with agrarian differentiation) – but the involvement of researchers and NGOs in assisting community members to analyse and understand both the local and global processes in which they have participated as individuals, and the unintended community consequences to which they have given rise. Thus she calls for a more balanced and participatory debate ‘which clearly identifies the process of agrarian differentiation currently underway, and works towards more inclusive agrarian futures in which all or most people living in the uplands can retain access to the basic means of production’ (Li 2002b: 433).

Migration, Intensification and Conservation in Southern Mindanao

Upland development in the Philippines has been marked by rapid growth and movement of population, the interventions of powerful state and market actors, and widespread environmental degradation (Broad and Cavagnagh 1993; Vitug 1993; Cramb 1998b). The case of Barangay Ned in southern Mindanao illustrates a process of upland transformation in which the
sheer weight of population pressure from in-migrating lowlanders, coupled with a government policy of agrarian settlement or ‘homesteading’, overwhelmed the customary land use practices and tenure arrangements of the indigenous upland population (Garcia et al. 1997; Cramb and Culasero 2003a, 2003b). Unlike the Saribas Iban case, traditional community institutions did not survive these external forces. Moreover, processes of agrarian differentiation, analogous to those in Central Sulawesi, were at work among the settler population. Yet, as advocated by McCarthy (2005) for Jambi and Li (2002b) for Central Sulawesi, new community arrangements are being forged by farm leaders, assisted by dedicated rural development workers, that may help to achieve more balanced development for both indigenous and immigrant farm households.

Barangay Ned is a remote and isolated district (barangay) in the Municipality of Lake Sebu in South Cotabato Province. It covers an area of over 41,000 ha, comprising the Ned Settlement Area (22,000 ha) and the Tasaday Reservation (19,000 ha). The population in 2000 was 14,800, residing in 30 villages (sitio), many of which comprise several hamlets or sub-villages (purok). The terrain is rolling to mountainous, ranging in elevation from 700 to 1,200 metres. Soils are moderately acidic, of low to moderate fertility, and highly erodible once the natural rainforest vegetation is cleared.

The area now known as Barangay Ned was originally part of the ancestral lands of the T’boli, an indigenous group of about 150,000 people occupying the Cotabato Cordillera along the south-western coast of Mindanao (Hyndman and Duhaylungsod 1992, 1996). Traditionally, some T’boli practised wet rice cultivation in the coastal lowlands while most cultivated upland rice (combined with maize, root crops, vegetables, and bananas) by long-fallow shifting cultivation (tniba) in the forested hills and mountains of the hinterland (Hyndman and Duhaylungsod 1992, 1996). Extensive use was made of rainforest resources for subsistence and barter (swa).

Social and economic relations between families were governed by a principle of generalised reciprocity or sharing (s’basa), including the formation of temporary work groups for major farming operations. Land rights were individual user rights, held through membership in clan groups occupying culturally defined territories. Thus, as with the Iban and Melayu, a principle of territoriality was embedded in their customary arrangements. The T’boli clans recognised leaders or chiefs (datu) who were linked by kinship and alliance into a political confederacy. By the early twentieth century, a pre-eminent datu had emerged whose seat of power was in Maitum on the coast, modelled on the Muslim sultanates to the west, though these
political structures were undermined by the massive influx of settlers from Luzon and the Visayas that began in mid-century (Hyndman and Duhaylungsod 1992, 1996).

From the 1920s, encouraged by government policy, colonisers from Luzon, dominated by Ilocano, began settling in the coastal districts of what is now Sarangani (Hyndman and Duhaylungsod 1992). Another wave of colonisation began in 1938, this time dominated by Ilonggo from the Visayas who in the 1940s and 1950s expanded into the fertile Koronodal and Allah valleys in South Cotabato. The population in what is now South Cotabato and Sarangani grew at 15 per cent during the 1948–1960 period and the migrant population rose from just over 40,000 in 1918 to over 450,000 in 1970. Thus ‘the T’boli were marginalised between the Ilocanos, who took their land on the coast, and the Visayans taking their land in the interior lowlands’ (Hyndman and Duhaylungsod 1992: 253).

From the early 1960s, the T’boli were further marginalised by the granting of logging concessions in the mountainous interior to powerful figures in the regional elite (Hyndman and Duhaylungsod 1992; Cramb and Culasero 2003a). Logging activity was limited due to the conflict between government forces and the Moro National Liberation Front (MNLF) that raged across southern Mindanao in the 1970s, claiming 50,000 lives and displacing 200,000 people (May 1992). Nevertheless logging intensified in the late 1970s and early 1980s, and was followed by slash-and-burn land clearing (kaingin) as settlers from the lowlands moved into the logged-over areas throughout the 1980s. By the early 1990s perhaps half of Barangay Ned, and 80 per cent or more of the Ned Settlement Area, had been deforested.

Meanwhile, Barangay Ned was declared part of the Sultan Kudarat Settlement Project, established by the Department of Agrarian Reform (DAR) in 1969 for landless farmers and farm workers from more densely populated parts of the country (Garcia et al. 1997). The logged-over uplands were considered suitable for allocation to smallholder rice and maize farmers in a continuation of the ‘homesteading’ policy of previous decades. During the Moro insurgency Ned became a ‘no-man’s land’ and settlement remained sparse until the 1980s (Cramb and Culasero 2003a). From 1981, with the waning of the insurgency and the establishment of a DAR office in the northern part of Ned, people began to arrive in large numbers, buying uncleared land from the indigenous occupants for up to 1,000 pesos (about USD 20) per ha (Garcia et al. 1997).

Migration to Ned was spontaneous rather than planned, individual households moving in and taking up land and encouraging friends and rela-
tives to join them (much as the Bugis moved into the hills of the Lore Lindu area). A DAR reconnaissance survey in 1980 estimated the population to be 1,600, comprising mainly T’boli. A subsequent survey in the 1980s found a total population of just over 3,000 in 12 sitio. By the mid-1990s the population had increased to 11,000, distributed in 28 sitio (Garcia et al. 1997). The population was dominated by Ilonggo settlers from the Allah Valley to the north, and also included many Cebuano and Ilocano settlers. The 2000 census put the population of Barangay Ned at 14,800 in 2,805 households, 90 per cent of which were settler-households. The number of sitio had risen to 30. Excluding the area occupied by the Tasaday Reservation, the population density had risen from 7 to 64 persons per sq. km in 20 years. The T’boli were now clearly in the minority, hemmed in by Ilonggo and other settlers who had occupied and acquired much of their ancestral lands. While some T’boli lived in their own sitio, mostly in remoter parts of the barangay close to or within the Tasaday Reservation, others were interspersed with the migrants in mixed communities.

In the 1980s DAR focused on land surveys and the subdivision of the settlement area into parcels for distribution (Garcia et al. 1997). Of the 22,700 ha comprising the Ned Settlement Area, about 75 per cent (over 17,000 ha) was classified as alienable and disposable (A&D) land, capable of distribution to settlers. The remaining 25 per cent, mainly in the south, was classified as public land. Since most of the area was already occupied the demarcation of parcels was based on existing occupancy and usage. The distribution of titles (Certificates of Land Ownership Award or CLOA) began in 1990 and was largely completed by 1999. Land held under this form of tenure could not be legally sold, transferred or conveyed except through hereditary succession for a period of ten years (Garcia et al. 1997). According to DAR statistics for 2002, a total of 16,699 ha had been distributed to 5,575 agrarian reform beneficiaries (including migrant and T’boli landholders), an average of 3 ha per beneficiary (DAR 2002).

The introduction of the Comprehensive Agrarian Reform Program (CARP) in 1988 broadened the scope of the government’s land reform activities (Garcia et al. 1997). In addition to land acquisition and distribution, CARP emphasised the provision of support services to both farmer beneficiaries and affected landowners. Individual communities were to serve both as the locus for land distribution activities and the development efforts of various agencies, government and non-government. Under CARP, the Ned Settlement Project became the Ned Agrarian Reform Community (ARC) in 1992. From this time DAR became responsible for the provision of a range
of support services, including organisation of agricultural cooperatives, extension services, credit support, marketing support, and infrastructure development. It was in this context that DAR contracted the Southeast Asian Regional Centre for Agriculture (SEARCA) in 1992 to implement the Ned Agro-Industrial Development Project (NAIDP). This was the precursor to the Ned Landcare Program, also implemented by SEARCA, which began in 1999 based on the experience of the International Centre for Research in Agroforestry (ICRAF) in northern Mindanao (Mercado et al. 2001).

Though shifting cultivation of upland rice was once the dominant land use, by the 1990s the farming systems of both indigenous and migrant farmers involved intensive plough cultivation of maize and (to a lesser degree) rice (Garcia et al. 1997). Hence carabao for draught power now played a vital role in farming operations. The typical cropping pattern involved two crops per year, with upland rice or maize cultivated in the first season and maize in the second. Maize was mainly cultivated for sale, though some was consumed as a staple, while upland rice was entirely for home consumption. There was limited use of fertiliser, though adoption of hybrid maize seed and inorganic fertiliser was increasing. Soil erosion and soil fertility decline were evident but there was little use of soil conservation measures before the NAIDP and Landcare Projects. Thus the rapid growth of population had resulted in a process of intensification from long-fallow to continuous cultivation within a single generation, with the threat of serious land degradation and yield decline as a consequence.

This intensification of land use was in turn associated with a process of redistribution of land holdings (Cramb and Culasero 2003a). A survey of 313 farm households conducted in 2001 found that farm size averaged 3.2 ha (close to the DAR allocation) but ranged widely, from under 1 ha to over 10 ha, reflecting the degree to which informal land transactions had taken place. This was also seen in the tenure status of respondents: only 53 per cent were pure owner-operators, 28 per cent were non-owners, and 19 per cent were mixed. Of those parcels not owned by the farmer, most (56 per cent) were used under a share-cropping arrangement (gipauhra). In addition, around 22 per cent were mortgaged (giprenda). Under this arrangement the mortgagee transfers a sum of money to the mortgagor (typically 10,000 pesos or USD 200 for a 3 ha plot) in exchange for the right to use the latter’s land, usually for a period of years. The harvest from the land is regarded as interest on the loan. Thus the one using the land (the mortgagee) is typically in a stronger position financially and may eventually come to acquire the land outright. Reasons cited for mortgaging or sale of land
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included a lack of farm capital, work animals, implements, and other farm inputs; a shortage of food and other household needs; an urgent need for cash, as in cases of the hospitalisation or death of family members; and out-migration (Garcia et al. 1997). While these land transactions were generally accepted in the community, the cumulative effect was the emergence of an impoverished, landless class. In particular, there were indications that T’boli landholders were more likely than Ilonggo and other settlers to lose their land through mortgaging and distress sales.

While the rapidly emerging inequalities in Ned undermined the notion of a homogeneous ‘agrarian reform community’ or the prospects for ‘community-based resource management’ (Cramb et al. 2000; Li 2002a), the Ned Landcare Program provided a more limited but effective basis for practical cooperation within and between local communities. Through a committed landcare facilitator, assisted by several part-time farmer-facilitators, the Program focused on the formation of community landcare groups, linked in the Ned Landcare Association, which served as a basis for introducing conservation farming practices and new livelihood opportunities in the form of vegetable and tree crops. Many of these new practices were as applicable to small tenant farmers as to owner-operators with larger holdings. In an evaluation conducted in 2002 (Cramb and Culasero 2003a) it was found that over a third of farmers in Barangay Ned (38 per cent) had adopted conservation measures such as vegetative barriers and tree planting, affecting about 16 per cent of the total cultivated area. In most cases the adopted measures were considered effective in controlling erosion and had been maintained or expanded. The Landcare Program was widely known and about 25 per cent of the farmers surveyed were members of a landcare group.

Three broad impacts or benefits of the Landcare Program were identified (Cramb and Culasero 2003a). Farmers acquired knowledge of conservation farming and were assisted to implement these measures on their farms. They learned nursery techniques and were provided with planting materials for fruit and other tree species, which they saw as a valuable new source of livelihood. Landcare groups were formed, making for easier organisation of the local community to achieve collective benefits. In most cases this entailed group work to develop members’ farms and establish tree nurseries, but the more active and successful groups emphasised the wider benefits of promoting closer working relations in the community, including a new ability to express issues and needs and to identify and implement projects that went beyond farm development, such as improving

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the village precinct and establishing a cooperative to supply members and others with cheaper farm inputs and medicines.

The Ned Landcare Association, formed in 1999, comprised the leader of each landcare group as well as the Landcare Facilitator and field staff of DAR and a local NGO (Cramb and Culasero 2003a). It was an active association that met quarterly to exchange information, planned and organised barangay-wide landcare activities, and took initiatives on behalf of the landcare groups, securing grants and loans for nursery materials and seeds. A notable feature of the Association was that it brought together farmers from different economic strata, geographical zones, and ethnic groups, including T’boli who travelled on foot from remote sitio to participate in landcare events. While there was initially little support from local government, this did not appear to have hindered landcare activities and may in fact have encouraged the Association leaders to organise, including the mobilisation of political support to further their aims. Thus, by focusing on practical livelihood needs and encouraging grassroots involvement, the Landcare Program was assisting this loosely structured, recently established upland community to develop new institutional arrangements for collective action at the local level, thus helping to counterbalance both the relative lack of government support services in this remote environment and the internal processes leading to agrarian differentiation and decline.

CONCLUDING REMARKS

These three case studies highlight the complexity and diversity of the process of agrarian transformation in the Southeast Asian uplands. The relevance of the Saribas Iban experience to achieving balanced upland development thus depends on an array of historical and contextual factors that need to be investigated case by case and subjected to careful comparative analysis. It may be helpful to highlight some reasons for the relative success of the Saribas Iban over the past century and a half in balancing livelihood strategies, differing community goals, and the interests of the community as a whole relative to market and state actors.

A fundamental reason for this historical success was the resilience and cohesiveness of the longhouse community during the process of agrarian transformation. The distinctive social and cultural norms and attitudes that were forged in the context of migration, warfare, and pioneering agriculture persisted well after that context had changed and continued to confer a competitive advantage on the community and its institutions even as agrarian practices were radically altered in response to new constraints and
opportunities. The future of the longhouse community may be uncertain given the current extent of rural-urban migration, suggesting the poignant image of the longhouse structure itself persisting as the physical expression of deeply rooted values regarding land and community, even as more and more of the family rooms within are left locked and empty for much of the time. Nevertheless, the overwhelming historical importance of the longhouse as an agrarian institution cannot be denied.

In addition, the cultural shift in the Saribas following defeat by the Brooke regime meant that, from an early stage, agricultural, commercial and political pursuits that were sanctioned by the state came to be the major avenues for prestige and achievement, rather than headhunting, raiding, and warfare. This timely redirection of energies, combined with a favourable geographic location, gave them an edge over other groups, enabling them successfully to pursue economic development while maintaining a culturally viable regional society. Indeed their newfound wealth helped to underwrite the elaboration of their culture. Their willingness to engage with both markets and government, and the Brooke state’s reliance on ‘indirect rule’, gave them the opportunity to participate in the processes of government at the local level to a greater extent than in other regions.

There were also other location-specific factors that affected the path of agrarian change. Though the Saribas District is one of the longest settled and most densely populated Iban regions, population density remained low by Southeast Asian standards and has been stable or declining for a decade or more. Hence, although serious land pressure emerged in the 1950s and 1960s, there was still enough land for every household to maintain subsistence cultivation and no landless class emerged. Moreover, there was no disruptive in-migration of other, more competitive groups looking for land, whether spontaneous or government-sponsored, as has occurred in more densely populated parts of Southeast Asia. When Chinese and Malay rubber tappers flocked to Saribas Iban longhouses during the rubber booms of the twentieth century, they were there as contracted labourers on Iban terms and left when employment dried up. The demand for land from Chinese smallholders was never great in this district and in any case was restricted by law. Nor was there significant pressure from commercial logging or (until quite recently) plantation interests, as the Saribas uplands had been largely converted to secondary forest before the recent growth in these sectors occurred. Moreover, the early growth and entrenchment of SALCRA’s in situ approach to the development of group smallholdings for oil palm in the Saribas and adjacent districts largely precluded the intrusion
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of less balanced institutional arrangements for land development, such as joint ventures or private estates, until quite recently.

The particular historical choices and circumstances of the Saribas Iban thus enabled them to balance the goals of economic development and cultural survival to a degree not widely observed among upland societies in Southeast Asia. Though these circumstances may not be fully replicated in other upland regions, and though the future for the Saribas Iban themselves remains uncertain, their experience highlights both the possibility and desirability of a more balanced approach to development in the uplands, in which local actors and communities are given greater scope to manage their own social and economic transformation. Echoing Davidson (2001) on the Highland Clearances, though the political and economic elites of Southeast Asian nations are in a powerful position to enclose and exploit upland resources and thereby further marginalise upland societies, they are not predestined to succeed. With adequate protection and support for community institutions, whether customary or newly developed, ‘individuals can effectively shape their own destiny and help each other’ and should not be viewed merely as ‘passive recipients of the benefits of cunning development programs’ (Sen 1999: 11).

NOTES


2. In a related but somewhat neglected contribution, Denis Goulet (1986) writes of the three ‘rationalities’ of development – the technological, political, and ethical or humane modes of thinking. He argues that each tends to dominate the others but when allowed to do so the result is dysfunctional and anti-development.

3. Bromley (1985) explores the need of any community to find a balance between order and change, efficiency and equity, and individual and collective interests.

4. Dechert (n.d.) studied the conversion of forest to maize farms, then cocoa-coffee farms in Central Sulawesi. He found that this process was not because of soil nutrient exhaustion under maize or cocoa but was simply due to the profitability of the tree crops, encouraging further expansion of the planted area.

5. This was in contrast to the development of small cocoa estates by urban-based Chinese entrepreneurs on Bidayuh lands in Kuching Division. It is significant that the Bidayuh have a customary system of tenure similar to that of the Lauje hill farmers, with use rights rotated among an extended group of kin. However,
the process did not lead to the widespread emergence of landlessness within Bidayuh communities.

6. The ‘discovery’ in 1971 of the Tasaday, supposedly a primitive, stone-age band of hunter-gatherers living in caves in the eastern part of Ned, resulted in a Presidential Decree in 1972 to set aside a reserve of 19,000 ha in Ned for the 26 Tasaday (Hyndman and Duhaylungsod 1992; Headland 1993). This action dispossessed many of the estimated 1,500 T’boli who lived within Ned and opened the way for PANAMIN (the presidential agency dealing with national minorities, headed by Marcos crony, Manuel Elizalde) to control access to the reserve and its resources. From 1974 until the fall of Marcos in 1986 all outside contact with the Tasaday was forbidden. The subsequent revelation that the Tasaday were not an isolated group but in fact T’boli, and that their story was part of an elaborate hoax perpetrated by Elizalde, did not lead to reversal of the 1972 decree establishing the reserve. Hyndman and Duhaylungsod (1992) maintain that the hoax was part of a well-established pattern whereby PANAMIN, with military support, used ‘forced primitivism, reservations and hamletting to ensure its exclusive control of indigenous people’s resources. The tactic was to let agribusiness, prospecting, mining and logging interests exploit their land and resources’ (1992: 256). Even in the post-PANAMIN era the Tasaday Reservation is protected, ‘not because it is a homeland to the Tasaday but because of its valuable potential for further advances in resource exploitation’ (Hyndman and Duhaylungsod 1992: 264).
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