

Institutions and Rules on Forest Use and Management by the Iban of Sarawak

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Introduction

Sustainable forest use by natives in the tropics, who have been using forest resources for a long time, has been recently gained attention from the viewpoint of biodiversity conservation. Regarding the Iban, a native people of Sarawak, Freeman characterized their forest use by shifting cultivation as being destructive (Freeman 1955). Researchers after him, such as Padoch (1982), Sather (1990) and Ichikawa (2004), clarified that the Iban's land use was rather sustainable, supported by their social institutions and rules on forest use and management. This paper deals with 2 types of rules on forest use and management. One is rules on the tenure of natural resources, such as land, fallow forest, and fruit trees. The other is rules on the inheritance of land and forest.

Regarding the former rules, I point out that there are significant differences between the rules reported by this research and those reported by previous studies (Cramb 1986; Wadley 1997; Sather 1990), and I describe how the differences are caused. I examine how forest use and management by the Iban are affected by the changes of the rules. Regarding the inheritance rules, there have been few studies so far. I describe a case of application of the rules and examine how Iban inheritance rules are related to their forest use and management.

Rules on tenure of natural resources according to previous studies

It has been known that in the native people's institution, their adat, land ownership cannot be permanently held. For example, in cases in Borneo, a holder of a fallow forest has a right to make a rice field there, and then before the harvest he/she can exclusively manage the land and also the plants growing on it. In contrast, in the fallow period, the fallow forest is recognized as common property and natural growing plants in the forest may be taken by any longhouse members (Cramb 1986).

If a member of a longhouse moves to another longhouse, he/she loses his/her rights to lands in the former longhouse (Wadley 1997; Cramb 1986), and those lands sometimes become common properties of the longhouse (Cramb 1986). That means that lands belong to not only individuals but also to the longhouse community.

For fruit trees, in a case of the Iban, the holder is not necessarily the holder of the land on which the fruit trees grow, but is the person who planted the trees (Sather 1990). Since that holder right is evenly inherited to all children of the planter, the holder is not necessary single person (ibid.). This rule makes difficult for a land holder to make drastic changes to land use on it by only his/her independent decision, because the holder of the land and the holder of the fruit trees are different, and because there may be more than one holder (ibid.). The characteristic of land as property of the longhouse community, as mentioned above, is also thought to be effective in preventing disposal and development of lands by the decision of only a

single individual.

Methods

For the study on natural resource tenure, I conducted interviews with persons knowledgeable on the adat in several longhouses in the study areas shown in Figure 1. In total, I visited 15 longhouses and interviewed 16 persons. I asked the questions listed below. For the inheritance study also, although I conducted interviews in the 15 longhouses, the description in this paper is mainly a result of interviews of a person living in the Bakong Basin. The interviews were conducted in March and April, 2005.

Questions I asked on rules of natural resource tenure are as follows:

1. Regarding holding of lands and fruit trees:

- (i) Can fruit trees be planted in an area held by other household members?
- (ii) Two brothers planted fruit trees in lands of their parents when the brothers were still single and lived together as member of their parents' household. Later, the younger brother married and became independent from the parent's household. The parents handed over him a piece of land. There were fruit trees planted by the elder brother on the land. Who holds the right to those fruit trees?
- (iii) In the harvest season for fruits, can persons other than those with holding rights for the fruit trees harvest them?

2. Regarding natural useful plants:

- (i) Can natural useful plants, such as rattans, palms, ferns, mushrooms, etc., grown in fallow forests, rubber gardens and fruit groves be collected by those who do not hold those lands?

3. Regarding land rights and dealing in lands of persons who move to another longhouse

- (i) In a case where all members of a household move to another longhouse located in a different territory, how are their lands dealt with?

Results

I describe only an outline of the results here because of space limitations.

1. Changes of rules on natural resource tenure

- (i) Changing of tenure rules as a result of commercialization of natural resources

Table 1 is a summary of the results of interviews on natural resource tenure. There are several significant differences observed between descriptions of tenure rules in previous studies, and the results of this paper. According to previous studies, the fruit tree holder is the planter of the tree, so the holders of the tree and of the land where the tree grows are not necessarily the same. On the contrary, in this research some 60% of the interviewees answered that today the fruit trees belong to the holder of the land, regardless of who planted them. This means that the holder of the land and the holder of the fruit trees are coincident. Most of them said that the rule changed during the last 2 or 3 decades, although some said the rule was always the same from a long time ago. In short, the planter used to be the holder, but now the rule has been changing so that the fruit trees belong to the land holder.

Similar changes are observed for usufruct of natural useful plants. According to the previous studies, natural useful plants growing in fallow forests can be freely taken by anybody from the longhouse community. On the contrary, in this research, many interviewees answered that the usufruct belongs to the holder of the land on which the plants grow. That is to say, the rights of the land holder have become strong regarding using and holding fruit trees and natural useful plants.

Concerning lands, if one moves from a longhouse to a longhouse of another territory, his/her land rights used to be lost. However, according to this research, some signs of changes are observed. Today, the person moving may be able to continuously hold the rights to the land.

The changes, such as the coincidence of holder of land and fruit trees and natural useful plants, and the continuous holding of land rights by persons moving out from the longhouse, could be said to be due to the Iban's institution assimilating to a modern tenure system. A commonly-observed background to the changes is commercialization of the natural resources.

According to the interviews, the commercialization started in the latter half of the 1960s. In Sarawak, trunk roads passed in the middle and lower parts of major river basins where the Iban mainly live, and road networks were developed based on the trunk roads. The roads provided connections to urban areas such as Kuching, Sibul, Bintulu and Miri, and those towns also started developing in that period. The urbanization accelerated particularly after the 1980s. Under those conditions, the value of lands located near roads increased in urban areas, and growing demand for fruits and natural useful plants were observed in urban areas. As a result, problems such as land disputes and stealing of fruits and natural useful plants started happening.

(ii) Differences of recognition of the rules according to the longhouse and to individual people
Although we say the "Iban" institution or rule, details varied from longhouse to longhouse. Even between persons who before lived in a same longhouse, and even between persons living in the same longhouse who are also recognized as people with a good knowledge of their adat, the answers were different.

In order to examine why those differences occur, we need to know the learning process for the rules. Although that point was not examined in detail in this research, on the basis of interviews, I made inferences regarding the reasons why the differences happen, as explained below.

In Sarawak, where fundamentally the population density is low, access to the fruits, natural useful plants, and lands was more open before commercialization than it is today, according to some interviewees. They said that rules on use and belongings were also less stringent.

However, as the value of those commodities increased, disputes and conflicts on holdings and on their use began to occur. The disputes and conflicts have been resolved by building consensus through discussion at the individual level, in meetings of a longhouse, and sometimes through meetings between longhouses. In case the problems were not resolved at those levels, the Iban go to the *Punghule* and to the native court in the sub-division, which are the higher levels for settling problems. In the interviews, interviewees sometimes explained their rules, referring to how problems that had occurred in and near their longhouses had been resolved. That is to say, the Iban's rules are changing and reconstructing; and there are actual cases of introducing new consensus made in various levels of groups as a result of the process of resolving problems. In particular, rules on natural resources tenure, which is the topic handled by this paper, have been

undergoing drastic changes, affected by recent commercialization. Therefore, different recognitions are heard according to the longhouse or the individual.

2. Land inheritance

(i) Principles of land distribution

Figure 2 shows a case of an Iban household and how they share their lands. The lands are divided into “old lands” (1 in Fig.2) and “new lands” (*tanah baru*) (2). The “new lands” are lands acquired by the “husband” and “wife” themselves after they married. Figure 2 shows a case where the “husband” inherited his parents’ household and the “wife” came into husband’s household from the same village. Therefore, the “wife” has land(s) as *pemai* (minor inheritances) (3) from her parents. In Figure 2, although lands (1), (2) and (3) are shown as blocks, they actually represent actually several pieces of land dispersed over the village territory. The size of each piece would be 1 to 3 hectares. Almost all of the lands are covered by natural secondary forest, while a part is agricultural land such as para-rubber garden, fruit grove or pepper garden.

In the case of the household shown in Figure 2, the lands are principally shared as explained next. In the “new lands”, 6 shares were recognized: 2 for husband and wife, 1 for each of the 3 children, and 1 for the household. For example, if there are 12 pieces of land in the “new lands” and each of them have almost the same size, 1 share is equivalent to 2 pieces of land. Supposing that Child 1 will succeed to the household, Child 2 and Child 3 will each be able to receive 1 share of land when they become independent from their parents’ household. Here, after Child 2 and Child 3 of Figure 2 move to independent households, in principle they do not have any rights to use and inherit any lands acquired by this household of Figure 2 after they move. This is because the rights apply only to lands acquired while they are still members of the household. Child 1 remains in the parent’s household and takes care of his/her parents, and manages funeral ceremonies after they die. Child 1 receives 4 shares of land: 1 share for himself/herself, 2 shares for the parents, and 1 for the household, from the “new lands”.

(ii) Inheritance of “old lands” and heritage lands

Concerning “old lands”, *pemai* lands (3) will be normally received by only Child 1 who takes care of the “wife” until she died. “Old lands” (1) from the “husband” side are desirably not divided and are all inherited by Child 1, because the lands are evidence for continuity of the household from ancestors. If “old lands” are abundant and/or “new lands” are few, the “old lands” may be divided to Child 2 and Child 3. However, heritage lands (*tanah pesaka*) in “old lands” are never divided, and must be taken over by Child 1. Land type and recognition regarding the heritage lands differed from village to village. In the study village, the heritage lands consist of fruit groves (*pulau buah*) and rubber-gardens (*getah ekar*) registered by government in the 1960s. The villagers recognized the registered rubber-gardens as high value lands because of their official registration. The fruit groves are lands like islands (*pulau*) with various kinds of fruit trees which were planted by ancestors and grown from seeds dropped from the fruit trees. Although Child 1 inherits the heritage lands, the villagers consider that he does not possess them only by himself, but only manages them. For example, Child 2 and Child 3 hold almost same rights as Child 1 for tapping rubber and collection of fruits in the heritage lands. If Child 1 wishes to sell the heritage lands, he must first consult Child 2 and Child 3 and get agreement from them.

(iii) Strong rights held by children

In the Iban society, sons and daughter have stronger rights for lands. An example of that situation is observed in divorce cases. In case a couple divorces through fault of the husband, their children usually follow their mother. The couple's "new lands" are handed over to the wife and the children. In this case, the Iban sometimes explained that the children, even they are still small, have rather stronger rights for the lands than their mother's, because the children are related to both the husband and wife by blood, and they are those who will inherit household properties.

In the above case, according to a custom of another Iban village, sometimes even "old lands" of the husband must also be handed over to his children. All rights on these lands belong only to the children. The wife has no rights on lands that originated from her husband's ancestors, because she has no blood relations with them.

Conclusion

Regarding the rules on natural resource tenure, their rules observed in this paper have been changing, especially in these recent decades, and the content has been assimilating to that of modern institutions. For example, many interviewees answered that the right of using plants growing on a land is held exclusively by the land holder. Also, although there were not so many cases, some explained that even after one moved to another longhouse, he/she can continue to retain his his/her holding right for the lands of his/her original longhouse. The background to those changes includes the fact that lands, natural useful plants and fruits have become more valuable as commodities than before as urbanization and construction of roads which connect Iban longhouses and the urban areas have progressed. In the future, the value of those commodities would increase under progressing urbanization and under development of the road network in Sarawak. Such changes observed in this paper would work negatively for maintaining land use that serves for biodiversity conservation.

However, I still consider that the way changes occur to the Iban's rules retains positive factors for maintaining their land use. As described above, in the process of changing rules, conflicts of tenure problem occur between people who have different recognitions of tenure rules. In that case, they look for resolutions not by majority rule, but by making consensus between them, principally by discussion. Hence, consensus building takes a long time. As this kind of process happens in various Iban areas, their institution as a whole will gradually change, being reconstructed in a form that is more applicable for their daily lives. That change does not happen drastically in the whole of Iban society at once. Therefore, although the functioning of the Iban's rules of natural resource tenure for biodiversity conservation has been decreasing, it still continues having power to prevent drastic land-use changes in whole Iban areas on a large scale all at once. The changes in the Iban's land-use will be slow and small-scale, contrasting with the change by mono-crop plantation development.

For the Iban, lands are important for rice production, not only for its material value but also for its spiritual value. The reason why *pemai* lands are given to newly independent couples is in order for them to be able to produce rice. Their parents hand over *pemai* lands to their children from the "new lands" which they acquired by themselves. The Iban are proud of "old lands" as proof of long continuity of their

household. They consider it is better that “old lands” be handed over to decedents as a property without dividing them. Heritage lands, in particular, are never divided. The Iban’s way of thinking on land inheritance differs partly from the modern concept of land tenure. The Iban consider a land is not only for a person by himself/herself. The land should be managed well by him/her and then handed over to his/her descendants. Decision of ways of land use would not be done considering not only short-term benefit, but longer-time benefit, also considering the holder’s descendants. It is therefore considered important to secure sustainable uses of their lands. In the Iban society, lands are seen as a common resource among generations.

Today in Sarawak, development of large mono-crop plantations is rapidly progressing. Iban land use that sustains the forest based mosaic landscape and that is supported by the Iban institution and rules will become increasingly important for biodiversity conservation.

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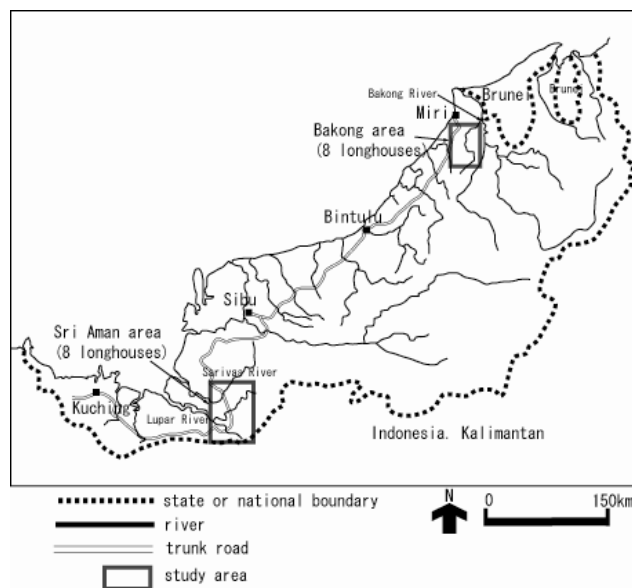
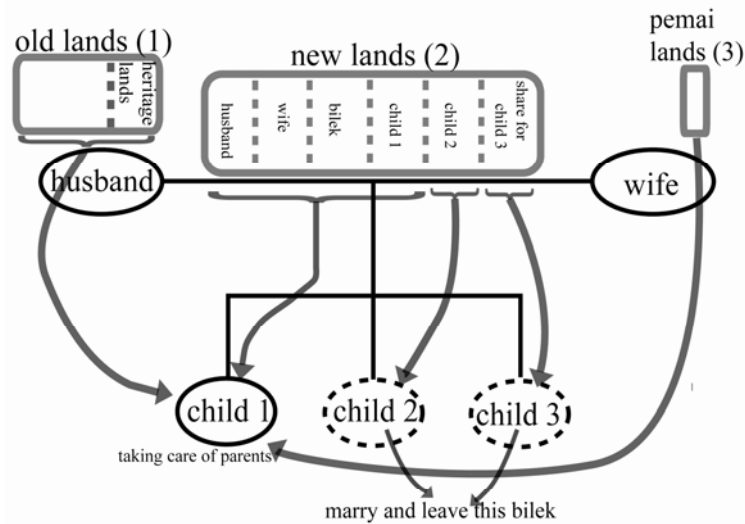


Figure 1 The study area



source: Interviews in fieldwork by the author

Figure 2 Inheritance and sharing of lands according to the Iban custom

Table 1 Summary of the interviews (unit: persons)

Source: Ichikawa 2007

Questions	Answers	Bakong area	Sri Aman area	Total
1. Fruit trees and fruit	Impossible now. But in the past, yes.	4	3	7
(i) Can you plant in another <i>bilek</i> 's land?	Planter was the holder. Impossible now and even in the past	4	5	9
(ii) Who do fruit trees planted by elder brother in his younger brother's land belong to?	Elder brother In the past, elder brother. Now, younger. Younger brother, both now and in the past Other answers	2 3 3 0	2 0 4 2	4 3 7 2
2. Natural useful plants	Possible even now	3	3	6
(i) Can you freely take them from fallow forests of another <i>bilek</i> ?	In the past, possible. Now impossible. Impossible both now and in the past	5 0	2 3	7 3
(ii) Can you freely take them from rubber gardens and fruit trees groves of another <i>bilek</i> ?	In the past, possible. Now impossible. Impossible both now and in the past	4 4	2 6	6 10
	Give them to any relatives.	5	6	11
3. Lands of those who move from one longhouse to another	Give them to only parents and brother, sister. If newly-pioneered lands, the longhouse chief manages them.	2 1	1 1	3 2