

## Maps and Counter-Maps: Globalised Imaginings and Local Realities of Sarawak's Plantation Agriculture

Fadzilah Majid Cooke

*This article examines differences and overlaps in imagined spatial ideas of rural Sarawak which underpin official and community mapping. It looks at the ways in which 'counter-mapping' is used by indigenous communities to support their claims to traditional land rights when these are contested by other parties.*

Mr. Tan had gone to great length to criticise the other evidence adduced on behalf of the Plaintiffs some of which I have already mentioned and some I will not mention specifically but have considered them, and I am of the view that all of them do not affect the accuracy of the ground survey done by Samy with the help of the Plaintiffs and the folks of the longhouse and the map that Samy produced.... I find on a balance of probabilities that the disputed area (as shown in the map ...) was the area where the Plaintiffs and their ancestors had cleared for cultivation, accessed for fishing, hunting and to gather forest produce....<sup>1</sup>

The power of maps to include and exclude peoples and territories has long been the subject of social science enquiry. Such work has taken account mostly of relations between nation-states or between metropolitan states and their colonies. There is, however, an emergent interest in the implications of mapping for relations within countries or regions.<sup>2</sup> Such interest derives from counter-hegemonic practices on the

Fadzilah Majid Cooke is a Visiting Fellow with the Resource Management in Asia and the Pacific Program, Research School of Pacific and Asian Studies, Australian National University. Her e-mail contact is [fadzilah.cooke@anu.edu.au](mailto:fadzilah.cooke@anu.edu.au). Different sections of this article were presented at the Second International Conference of Asian Scholars, Freie University, Berlin (9-12 August 2001) and the Seventh Borneo Research Council Conference, University Malaysia Sabah, Kota Kinabalu (15-18 July 2002). Over a two-year period between late 1999 and 2001, I spent about eight months conducting fieldwork in Sarawak, mainly in the Baram and (in 2002) the Bintulu/Tatau districts. Fieldwork has benefited from travel grants from the Resource Management in Asia and the Pacific Program, Australian National University, Canberra. The bulk of interviews were open-ended; conversations with farmers were held in their homes or during mapping exercises. I attended important community forums including those held almost annually to celebrate *Bujang Berani*, commemorating the arrest of forty-two Kayan for blockading logging roads in 1987. In addition, open-ended interviews were held with individuals in local administration at small centres, and at the district and provincial (state) levels.

1 Judicial opinion of Justice Datuk Ian H.C. Chin, presiding in the High Court of Sabah and Sarawak at Kuching, on the Rumah Nor case (12 May 2001).

2 Thongchai Winichakul, *Siam mapped: A history of the geo-body of a nation* (Honolulu: University of Hawai'i Press, 1994); Denis Wood, *The power of maps* (London: Routledge, 1993); Benjamin S. Orlove, 'Mapping reeds and reading maps: The politics of representation in Lake Titicaca', *American Ethnologist*,

ground of community mapping, also referred to in some instances as counter-mapping. This article examines differences and overlaps in imagined spatial ideas of rural Sarawak which underpin official and community mapping. These variations provide a beginning for the process for staking a claim to territory – though they do not ensure it – and counter-maps are increasingly being used in defence of, or in making claims to, customary rights to land.<sup>3</sup> Using technologies employed by dominant groups, maps drawn by communities utilise memory (oral history) and markers (fruit trees, sites of old settlements) as tools for claiming territory and customary rights.

In Sarawak, where beginning in the 1990s development planning has aimed at transforming varied rural landscapes into homogenous plantations, community mapping of land claimed by native communities under customary rights has the potential to slow down the conversion process because of its tendency to emphasise local ‘difference’. For disputes over borders between neighbours, community maps not only may help define boundaries more clearly but also bring the hope of control over disputed territory. However, in instances where assertions of control over borders and firm access to land, trees or fruit are disputed, counter-mapping may force communities to make claims over issues where flexibility has proved more advantageous in the past.<sup>4</sup>

In recognition that maps are not neutral instruments, the point has been made that community maps do not resolve inter-community disputes over borders or intra-community conflict over access.<sup>5</sup> It is argued here, however, that such concerns may underestimate agency. Choice is exercised at the community level in such decisions as whether or not to engage in mapping, since by rural standards maps are costly productions. At the individual level, a decision has to be made as to whether or not one ought to be involved in mapping, either directly (by participating in drawing up community boundaries) or indirectly (by providing moral and material support). In addition, new meaning found through participation in the mapping process is a factor that should not be underestimated.<sup>6</sup> Since in Sarawak community maps are often utilised in relation to court cases mounted against powerful corporations, the choice to use the court system itself is a calculated one in the context of restricted options available to communities within the existing political opportunity structure. This article teases out the ways in which the manoeuvring room presently achieved via the courts is itself constrained by a need to frame claims in a language that is understandable to the judiciary; this language comes to fruition in claims made based on ‘tradition’ or *adat*.

A study of maps is therefore useful for unravelling dynamics of power, both political and economic, but it is also helpful in understanding the non-material ‘interests’

18, 1 (1991): 3-38; Nancy Lee Peluso, ‘Whose woods are these? Counter-mapping forest territories in Kalimantan, Indonesia’, *Antipode*, 27, 4 (1995): 383-406.

3 The term ‘countermapping’ is from *ibid.*, pp. 383-4; see also Cristina Eghenter, *Mapping peoples’ forests: The role of mapping in planning community-based management of conservation areas in Indonesia* (Washington, DC: Biodiversity Support Program, 2000).

4 Peluso, ‘Whose woods’, p. 384; Tania Murray Li, ‘Articulating indigenous identity in Indonesia: Resource politics and the tribal slot’, *Comparative Studies in Society and History* [henceforth *CSSH*], 42, 1 (2000): 149-72.

5 Eghenter, *Mapping peoples’ forests*, p. 3.

6 Fadzilah Majid Cooke, ‘Non-governmental organizations in Sarawak’, in *Social movements in Malaysia: From moral protest to NGOs*, ed. Meredith Weiss and Saliha Hassan (London: Routledge/Curzon, 2002), pp. 165-80.

involved in political action to include the issue of meaning or imagination in politics.<sup>7</sup> By analysing two major court cases – one involving the Kayan of Uma Bawang in the Baram hinterland (the Jok Jau Evong case), the second initiated by the Iban of Rumah Nor in Bintulu District – the article draws attention to the struggle over meaning in strategies used by Dayak to uphold customary rights.<sup>8</sup>

### Maps, ideology and interests

Following Denis Wood, mapping is to be distinguished from the specific act of map-making. Mapping refers to a process involving selection and power, whereby maps have both cadastral and political contexts. In Sarawak, as in other parts of Southeast Asia, forestry and land-use maps tend to overlook the complexities of land use and access arrangements that guide social and economic life at the local level, where rights to territory are recognised and enforced through acknowledgement of accepted boundaries marked by trees, rocks, rivers and so on. Local use rights are often tied to specific trees, fruit or tree products and wildlife, and the rules of access vary according to ecology, value of products and local social relationships.<sup>9</sup> However, instances of overlapping rights are common because use rights are often separate from the land on which the products are found. For example, in Sarawak, the *pulau* (forest left uncultivated within the land boundary held by a longhouse) belonging to an Iban group may be used by neighbouring longhouses in a prescribed way. Such usage may include hunting; collecting wild vegetables and food; and cutting bamboo, cane and creepers, but may not include rights to extract timber or fruit trees.<sup>10</sup> Nancy Peluso's work in Kalimantan reminds us that such rules may change over time depending on changing political economies, but they are remembered by locals through long-term practice.<sup>11</sup>

By contrast, when the administration of rights to land and resources is taken over by state bureaucracies, rights that are based upon the memory of users (whether agreed upon or contested) are viewed as unreliable and insufficiently transparent to be comprehensible to any and all administrators. Memory and existing local practices are replaced by a different means of communicating rights – the written form, including the modern map. The latter tool, however, tends to represent complex social realities as

7 Orlove, 'Mapping reeds.'

8 Since identity is not the focus of this article, for the sake of convenience 'Dayak' is used as an umbrella term for the Iban, Bidayuh and Orang Ulu peoples; the Kayan have been officially grouped under the latter category. I have written elsewhere about the complexities of identity formation in Sarawak; Fadzilah Majid Cooke, 'Forests, protest movement and the struggle over meaning and identity in Sarawak', *Akademika*, 55 (1999): 101-33. Identities may become fluid when small groups living close to larger ones emulate linguistic and cultural traits of the latter; even so, these identities may be slow to change, given that the process of self-ascription and of developing a sense of distinctiveness takes time, even if markers such as dress or housing styles may be more easily transformed.

9 Nancy Lee Peluso, 'Fruit trees and family trees in an anthropogenic forest: Ethics of access, property zones and environmental change in Indonesia', *CSSH*, 38, 2 (1996): 524-32 and 538-41; see also Peter Vandergeest, 'Property rights in protected areas: Obstacles to community involvement as a solution in Thailand', *Environmental Conservation*, 23, 3 (1996): 260. Wood's discussion of mapping is in his *Power of maps*, p. 46; see also James Scott, *Seeing like a state: How certain schemes to improve the human condition have failed* (New Haven: Yale University Press, 1998).

10 Tan Sri Datuk Gerunsin Lembang, 'Native customary land and the adat', paper presented at the Seminar on NCR Land Development, Kuching, Sarawak, 29 Sept. –3 Oct. 1994, p. 5. *Pulau* may be individually or communally owned.

11 Peluso, 'Fruit trees', pp. 510-48; Vandergeest, 'Property rights', pp. 259-68.

homogenous areas defined broadly according to such features as forest types, soil classification, topography and other categories. Moreover, modern states usually define land that is not appropriated by private individuals or households and might in earlier times have been left ambiguous as 'nature' to be mapped, appropriated, and declared off-limits. Some of the effects of mapping technology that accompany territorialisation of space include enforcement practices in the form of declaring places off-limits, moulding behaviour by controlling access to resources and allocating a hierarchy of land-use practices.<sup>12</sup> These effects are reflected in different ways in different countries.

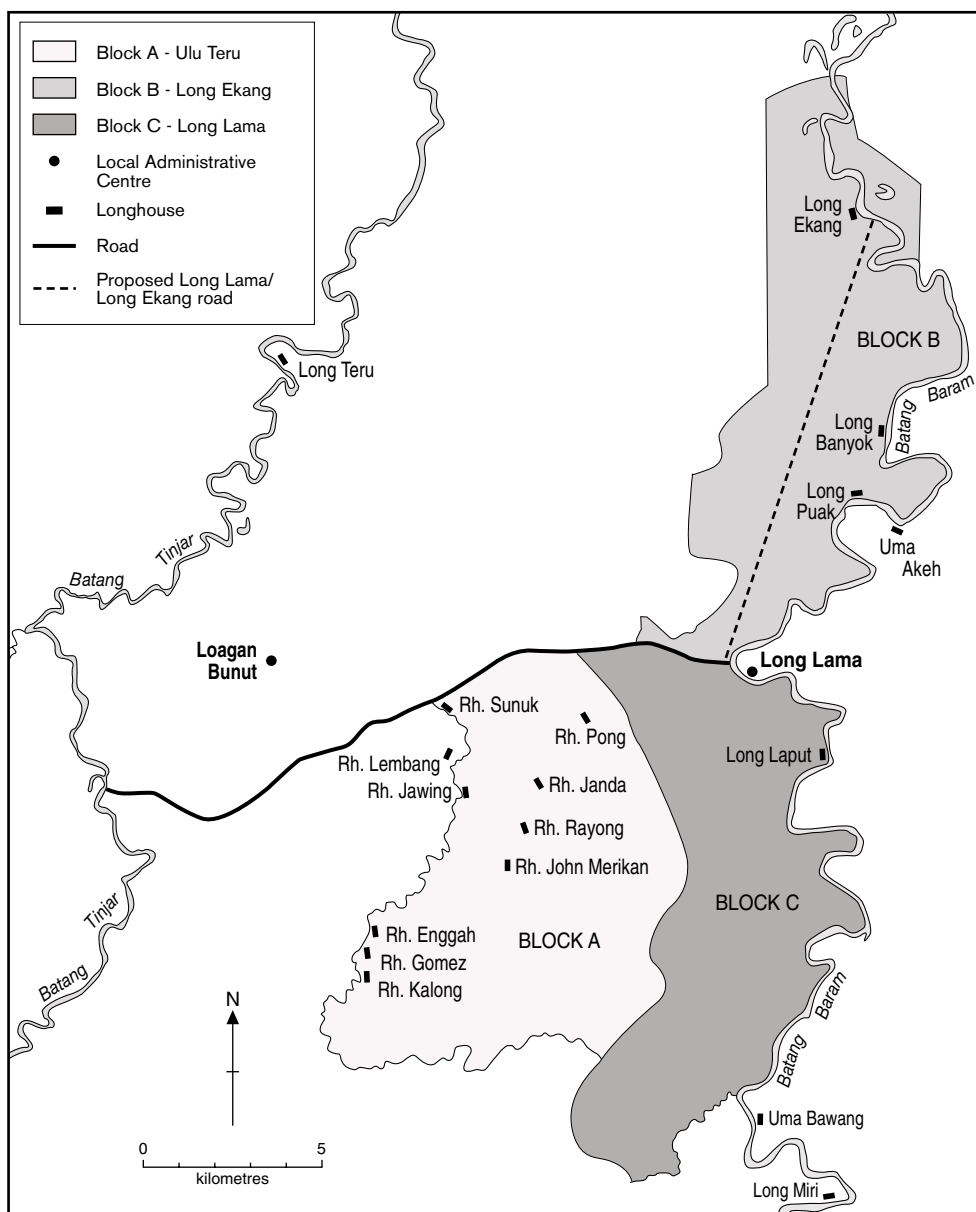
In Sarawak, mapping and land-use policy under the successive Brooke rulers (c. 1841-1941) meant that power was exercised via species control and territory, and during the subsequent colonial period an attempt was made to exert control over types of land-use; land management via swiddening, considered destructive, was given the lowest priority.<sup>13</sup> At present, the mapping of rural Sarawak into development zones is informed by a developmentalist view of local landscapes as having a particular niche in a globalised economy. Although this niche is a complex one, official imaginations are focussed on Sarawak as a supplier of commodities. In the post-logging era, commodities that are allocated priority include palm oil, timber, pulp and paper, rubber and pepper produced for world markets. According to this perspective, and in view of the need for large-scale export production, Sarawak is envisioned as hectare after hectare of oil palm – and to a smaller extent, pulp and paper – plantations. Except for pepper, grown mainly by smallholders, state planning imagines alleviation of rural poverty via a landscape of neat rows of oil palm and industrial tree plantations. Such an imagination finds expression in a new planning approach to land development called *Konsep Baru* (New Concept), whereby localities such as those in the Baram region, inland from Miri and upriver from Marudi, have been zoned for conversion into agricultural blocks for growing oil palm. Map 1 shows how this vision is translated on paper, with the lower and middle Baram divided into agricultural blocks targeted for oil palm plantation under *Konsep Baru*. Important features on the map are the division of land into oil palm blocks (A, B, C), proposed infrastructure projects (roads) and the inclusion of some longhouses whose land is affected. In brief, *Konsep Baru* encourages oil palm plantations on native customary land through joint venture production (JVC). Under JVC, native land will form 30 per cent of equity for private corporations, while a state government instrumentality acting as trustee will provide 10 per cent; the remaining 60 per cent comes from the corporation involved in the joint venture.<sup>14</sup>

Map 2 (the area of lower and middle Baram adjoining the administrative town of Long Lama) shows another aspect of this vision, the Rural Growth Centre (RGC) model, whereby oil palm is interspersed with other kinds of cash crop production and livestock. The RGC concept takes into account a range of physical characteristics including soil and topography, as well as the marketing and infrastructural needs of the area. In contrast to *Konsep Baru*, landscapes planned for RGC development are less monotonous; oil palm is

12 See the discussion in *ibid.*; Scott, *Seeing like a state*; and Robert David Sack, *Human territoriality: Its theory and history* (Cambridge: Cambridge University Press, 1986), p. 19.

13 Fadzilah Majid Cooke, 'Vulnerability, control and oil palm in Sarawak: Globalization and a new era?', *Development and Change*, 33, 2 (2002): 189-211.

14 For a review of community responses to *Konsep Baru* see *ibid.* and Dimbab Ngidang, 'Contradictions in land development schemes: The case of joint ventures in Sarawak, Malaysia', *Asia Pacific Viewpoint*, 43, 2 (2002): 157-80.



**Map 1: Lower and middle Baram divided into oil palm plantation blocks – A, B, C**

*Source: Adapted from various Sarawak planning maps, 1996*

interspersed with rubber, wet *padi* and other miscellaneous crops. RGC has room for smallholder cash crop and livestock development, backed by planned infrastructural growth, especially roads and the marketing of products. It also includes assistance to smallholders in agricultural extension work. However, as noted earlier, RGC planning does not exclude oil palm development, but stipulates that it is to be introduced with the involvement of local, government-organised farmer associations, with the land tied up for only one growth cycle (20 to 30 years), as opposed to 60 years for *Konsep Baru*. In addition, because of the emphasis in the Eighth Malaysia Plan on enhanced private-sector involvement and the development of sectors such as industrial crops and food production (moving away from development in terms of specific localities as emphasised by the RGC concept), state government budgetary allocation for RGCs has not been forthcoming to the extent that planners had expected it to be.<sup>15</sup>

Map 2 describes planning for the RGC at Long Lama, a local administrative centre located in the middle Baram. Other than physical features, the distribution of planned agricultural and livestock activities understandably would take into consideration geographical distance from the administrative centre and the ease with which agricultural extension workers could visit these sites. It provides a partial explanation for locating development projects in the villages close to Long Lama, namely those upriver (Long Laput, Sungei Dua, Uma Bawang and Long Miri) and downriver (Uma Akeh and Long Puak). The Long Lama RGC is one of many planned for the whole of Sarawak (Map 3).

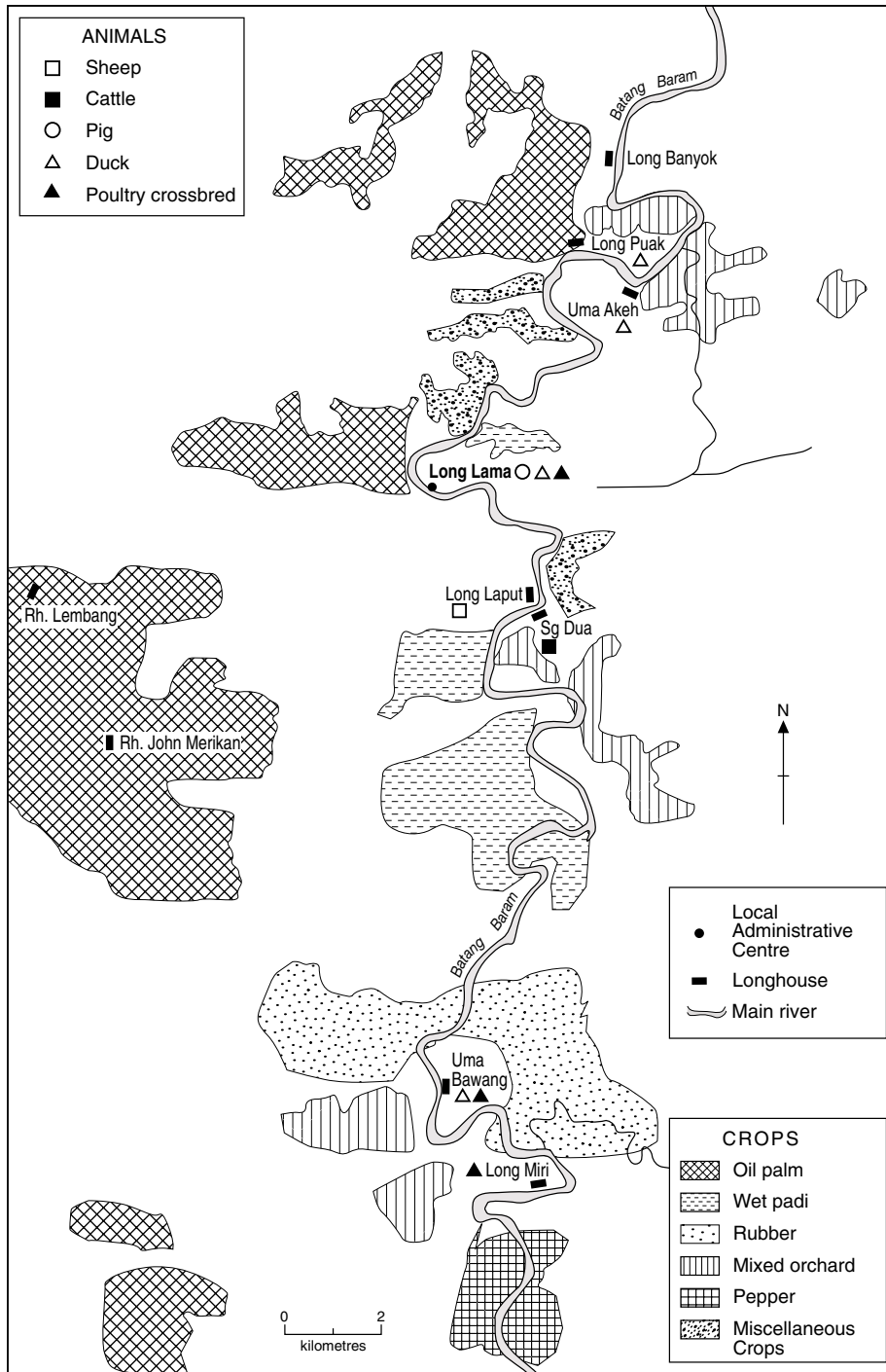
Since according to James Scott land maps in general are designed for the purpose of making the 'local situation legible to an outsider', being excluded from state maps may be useful to rural farmers. This is because in some instances exclusion might imply avoidance of the state's gaze, useful for exercising the potential for local control.<sup>16</sup> Following this line of argument, if the state lacked the capacity to enforce its claims, then it might be advantageous for some longhouse communities not to appear on the RGC maps. However, not appearing on RGC maps – but appearing on plantation maps under *Konsep Baru* – may not be altogether advantageous to communities. This is because community entitlements under RGC according to the plans are bound to be substantially greater than for *Konsep Baru*, although in actual implementation they have not been as good as expected, as noted above. Projects associated with the RGC imply distribution of goods from agricultural experimentation and associated extension work, catered to the needs of individual or groups of individual farmers and local communities, and entail greater costs to the state than *Konsep Baru*. Budgetary considerations may be another reason for the smaller geographical focus of the RGC 'vision', which is confined to the areas located in close vicinity of Long Lama. Moreover, although RGC does have an interest in plantation agriculture (as noted), its overall approach is relatively more localised, linking local ecological and social complexities to larger regional or national dynamics.

The few longhouses that do not appear in Map 2 are those located in Block A of Map 1, namely Rumah Rayong, Rumah Janda and Rumah Pong.<sup>17</sup> Without access to the inner

15 Interviews, Miri and Kuching, September 2001.

16 Scott, *Seeing like a state*, p. 45; Peluso, 'Whose trees', p. 388.

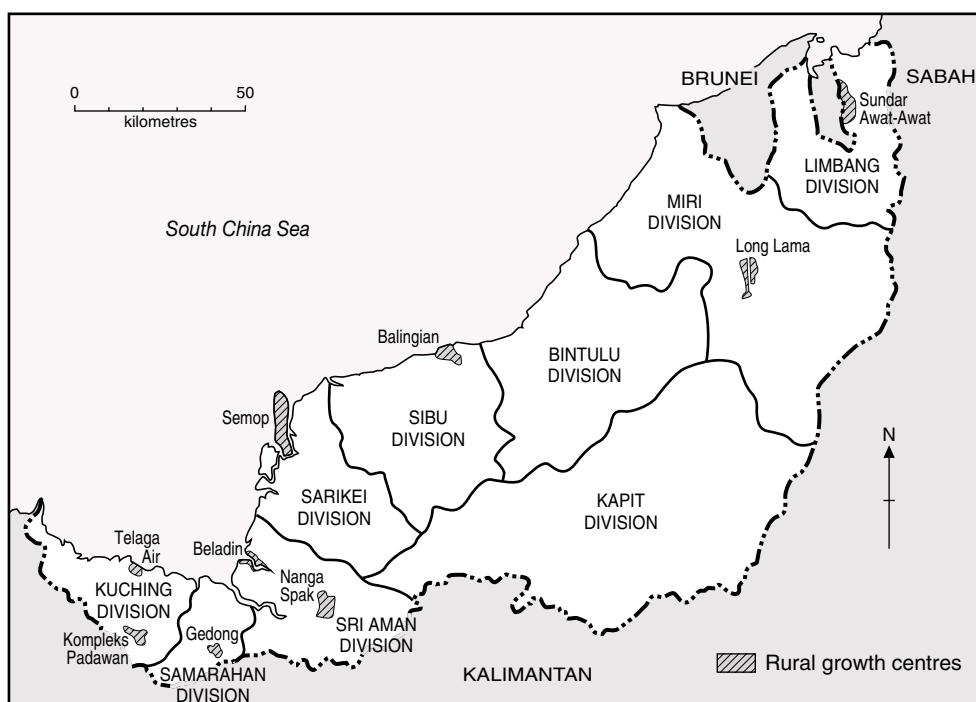
17 The three longhouses at the extreme left of Block A in Map 1 are located too far away from Long Lama to be included in the Long Lama RGC and are in any case administratively under the jurisdiction of a different local administrative centre – Loagan Bunut.



Map 2: Long Lama rural growth centre, Baram

Source: Adapted from various maps, Sarawak Department of Agriculture, 2000.

sanctum of state planning, it is difficult to establish the reasons why these three are excluded and a fourth (Rumah John Merikan) is included, given that all of them are located in close proximity to one another. The four longhouses share a similar migration history, but are differently positioned in terms of current social and political orientations. It is known locally that some of these longhouses are using the court system to challenge oil palm companies whom they accuse of encroaching on their native customary land. Rumah John Merikan does not have a pending court case and is known locally as being amenable to plantations, but does not 'own' much land. Moreover, although sharing similar ancestral and migration history with its neighbours, it has a boundary dispute with Rumah Rayong.<sup>18</sup>



**Map 3: Rural growth centres in Sarawak**

Source: Adapted from *New Reality* magazine (Jan.–Feb. 2000 issue)

Administrators at the local (Miri and Long Lama) and regional (Kuching) levels are well informed as to the political disposition of communities in their jurisdiction. They are aware that the greater the support that communities provide to state development policy, the greater the potential for enjoying state largesse. Enjoying such largesse means

18 Interviews, Baram, June 2000 and September 2001. Native customary land (NCL) transcends the land-use zonation system adopted by the Sarawak land administration machinery, which puts land into different planning categories. The Sarawak Land Classification Ordinance categorises land into zones, including 'mixed zone', 'reserved land', 'native area land' and 'interior area land'. In this article, NCL refers to land over which native communities have customary rights claims by way of occupation and/or use, regardless of location or zonation. In some instances, the term 'Native Customary Rights Land' (NCR) is used interchangeably with NCL in official discourse.



a channelling of resources for distribution to their administrative units which, by extension, means a greater likelihood for implementation of the administrators' own programmes in the area.<sup>19</sup>

Communities have learnt from past experience that being included in official maps can prove as disadvantageous as being excluded from them, depending on the kinds of maps and the purposes for which they are drawn. One lesson is that in the past appearing on forestry maps brought the arrival of logging companies to log one's land, often without the community's knowledge, since the maps designated it as uninhabited 'state land'. Once that happened, those resisting logging found that they had to negotiate for recognition of their customary rights to land, usually via demands for compensation and largely without state backing.<sup>20</sup> On the other hand, being included in official conservation maps can be a double-edged sword. The effects of such inclusion can be gauged from the creation of the Lemiting Protected Forest in the Baram in 1951: local people found that while access to the land was not denied, decisions about its use no longer belonged to the community.<sup>21</sup>

#### **The present-day implications of inclusion in Brooke maps**

Maps are not new to many communities; in the 1930s the Brooke regime's Secretariat Circular no. 12/1939 encouraged the mapping of community boundaries by District Offices in many parts of Sarawak. However, the mapping process was slowed down by a lack of administrative capacity and by an underlying fear that if the Circular was implemented too efficiently, much of Sarawak's land could be claimed under customary rights, leaving very little to be alienated.<sup>22</sup> At the present time, maps drawn by the Brooke regime can be useful for a community confronting plantation companies (whether in or out of court) since they are like identity cards testifying to its right to exist within known – though roughly sketched – boundaries. The maps are particularly useful when they show that communities existed in a particular area before 1958, the year in which the Sarawak Land Code was passed, as Section 5(2) of the Code provides for legal claims of customary land rights by communities settled prior to that year. According to

19 Interviews, Miri and Kuching, June 2000 and September 2001.

20 Forestry maps in southeast Asia often regard forests as empty. For Indonesia, see Peluso, 'Whose trees'; and for Malaysia, see Fadzilah Majid Cooke, *The challenge of sustainable forests: Forest resource policy in Malaysia 1970-1995* (Sydney: Allen & Unwin and Honolulu: University of Hawai'i Press, 1999), pp. 37-50.

21 In the Jok Jau Evong case in 1987, the Kayan community of Uma Bawang claimed that part of their customary land was included in the formation of the Lemiting Protected Forest in 1951, without their knowledge. In the 1980s part of Lemiting was opened up to make way for logging into forests of the interior. Kayan blockaded the logging roads; forty-two individuals were arrested, but many years later were compensated for illegal arrests (interviews, Baram May 2000). In a separate case in the late 1990s, the Iban longhouse of Rumah Riggie, Sungei Nat, Ulu Tinjar, part of whose land was also inadvertently included in the Lemiting Protected Forest, similarly claimed that they were not consulted at the time it was established, and were therefore unaware that their land was included in its jurisdiction. According to Raymond Abin, in the late 1990s, several households in Rumah Riggie questioned the validity of a provisional lease (issued to a plantation company) which incorporated part of the land to which they had native customary rights claims but which the state had categorised as 'state land', it being part of the Limiting Protected Forest; Raymond Abin, 'Plantations: Pillage development threatens the survival of indigenous Dayak communities in Sarawak', *Indigenous Affairs*, 4 (1998): 15-23. From an official planning perspective, one purpose for the creation of the Lemiting Protected Forest was to prevent the encroachment of Iban into Kayan land in the first half of the twentieth century (interviews, Baram, October, 1999).

22 A. J. N. Richards, *Sarawak land law and adat: A report* (Kuching: Government Printer, 1961), p. 11.

this provision, customary rights can be established through various means, largely via occupation, cultivation or certain stipulated kinds of traditional use, namely 'burial purposes' and 'shrines'. Communities which managed to appear within the range of vision of Brooke administrators have their legal entitlements to customary rights in the present 'developmentalist' era relatively assured, except when these rights are specifically extinguished or there is an overlap with government maps.<sup>23</sup> This is because boundary maps drawn during the Brooke period provided local administrators with a type of document that was comprehensible to them. Present-day communities in possession of Brooke maps can escape the risk of being considered 'newcomers' and, by implication, 'illegal settlers'.

By contrast, those communities which occupied land prior to 1958 but were not mapped during the Brooke era or which migrated 'late' (after 1958) are officially viewed as 'illegal squatters' on state land. According to Sarawak's Attorney General, Dayak who do not have legitimate proof of their customary rights claims are 'legally bare licensees in occupation of State land without title'.<sup>24</sup> This implies that such natives can enjoy the 'fruits of the land' by foraging, hunting, fishing and even cultivation, but without any absolute or statutory rights. This position privileges the entitlement of access rights via written documents (titles, certificates of occupation and other mechanisms) and has been contested in various ways, partly because customary rights have continued to be advanced by communities even on land settled after 1958.<sup>25</sup> As for inclusion in the latest type of maps (plantation maps, such as Map 1 above), the range of effects are still unfolding – some familiar, others new.

#### **Plantations and local political ecologies**

The vision underpinning plantation agriculture in general and *Konsep Baru* in particular is one which views existing rural land-use and inheritance institutions, with their flexible access and use rights, at best as unproductive and at worst as stumbling blocks to development. Instead, a mental shift known as the 'New Paradigm' is advocated whereby land is to be treated as a commodity to be handled through registration and the formation of a land bank. Registration does not necessarily make people into rich landowners overnight, however. According to the State Attorney General, the registration process calls for a 'registration of ... rights, not ... of any estate or proprietary interests

<sup>23</sup> Extinguishment of customary rights is allowed under Section 5(3) of the Sarawak Land Code if required for development purposes; *New Reality* magazine, Jan.–Feb. 2000, p. 22. The latest Land Code Amendment Bill (2000) further strengthened extinguishment. Under this Amendment extinguishment of customary rights was allowable if undertaken for 'public purposes'. Even during the Brooke era, in times of disputes, the land tenure concept of the period worked in favour of a legalised land procedure; see Daniel Chew, *Chinese pioneers on the Sarawak frontier, 1841-1941* (Singapore: Oxford University Press, 1990), p. 178, footnote 25. The procedure involved according priority to land titles, in conformity with the Torrens system of property entitlement that influenced Brooke land policies of the 1930s; A. F. Porter, *Land administration in Sarawak: An account of the development of land administration in Sarawak from the rule of Rajah James Brooke to the present time (1840-1967)* (Kuching: Government Printing Office, 1967), p. 51.

<sup>24</sup> J. C. Fong, 'Recent legislative changes on the law affecting native customary land', paper presented at the Seminar/Workshop on the Land Code (Amendment) Ordinance, 2000 (organised by the Sarawak Land and Survey Department, Kuching, 6 September 2000), p. 19.

<sup>25</sup> Ramy Bulan, 'Native customary land: The trust as a device for land development in Sarawak', paper presented at the Conference on Resource Tenure, Forest Management and Conflict Resolution, Perspectives from Borneo and Papua/Papua New Guinea, Australian National University, Canberra, 9-11 April 2001.

in land'.<sup>26</sup>

There is room in this vision for a tacit recognition of the existence of native customary rights, but the latter are acknowledged as being present only in the obverse; that is to say, they are discussed as 'real' only so that they can be changed or amended, not as entitlements to be honoured. An example can be gleaned from the way in which the *Konsep Baru* was conceptualised. Under this plan, the Sarawak Ministry of Land Development recognised some 1.5 million hectares of land as NCL. However, in this instance, the complex bundle of rights and arrangements that underpin customary rights are to be made 'legible to the outsider', simplified through 'modern forms' of land titling for the purpose of forming a land bank in order to enable the conversion of rural landscapes into oil palm plantation blocks.<sup>27</sup>

Given the uncertainties in the status of, and ambivalence towards, native customary land, many individuals and communities support the idea of titling and registration. However, there exists a rich range of responses to plantation agriculture and land titling, adding complexity to James Scott's discussion of local opposition to centralised control through land registration and surveying. Scott describes how in feudal Denmark and Norway, as well as Russia in the period immediately prior to the October Revolution, official attempts to make customary tenure transparent were often thwarted through quiet resistance via local practices that continued to uphold well-established local tenurial arrangements. In Russia, in retaliation for the continued use of local practices, the Czarist government introduced harsh procurement policies for agricultural land during World War One which were repeated by the new regime after the October Revolution. In Sarawak, though, the range of responses is more complex and includes acquiescence and accommodation.<sup>28</sup>

Some communities in the Baram view registration as a way of getting their access to land officially recognised. Far from resisting plantations, many local leaders such as *penghulu* (village headmen) – whose leadership is, with a few exceptions, legitimised by their own communities – support plantation development via *Konsep Baru* (and by implication the land registration process that comes with it) as a means of garnering state moral and financial support to maintain their power. Accommodation refers to those who appear to accept plantation development in their area, but may in fact be attempting to cushion the impact of the encroachment of plantations by engaging in strategic agriculture.<sup>29</sup> They plant their own oil palms on their land, ahead of the bulldozers owned by plantation companies working in the neighbourhood.

Finally, there is also resistance, which emanates from a fear common to most communities of vulnerability derived from the potential loss of local autonomy over access to land needed to meet the subsistence needs of current and future generations.

26 Fong, 'Recent legislative changes', p. 24; on the New Paradigm, see Sarawak Ministry of Land Development, *Handbook on new concept of development on Native Customary Rights Land* (Kuching: Government Printers, no date). A discussion of the way in which Dayak identity/ies are deemed 'vulnerable' in a globalising era is in Majid Cooke, 'Vulnerability control and oil palm'.

27 Sarawak Ministry of Land Development, *Handbook on New Concept* and Majid Cooke, 'Vulnerability, control and oil palm'; the idea of 'legibility to the outsider' is from Scott, *Seeing like a state*, p. 45.

28 Majid Cooke, 'Vulnerability, control and oil palm'; Scott's discussion of Europe is in *Seeing like a state*, pp. 38-52.

29 Majid Cooke, 'Vulnerability, control and oil palm', pp. 204-5; interviews, Baram, June 2000.

They say that when the plantations come, there will be big shops and shopping centres. I think, no matter how big they are, they belong to other people (*orang lain*). They give us money to hold [referring to shares in joint venture companies] but it is not our money. When oil palm is developed, other people get jobs, not us. The jobs are not for us.

The fear is coloured by past experiences in the 1980s of 'development' by logging companies, whom some farmers regarded as able to bend rules at every turn in any negotiation about compensation, so that 'black could be called white' (*hitam boleh jadi putih*).<sup>30</sup>

Wanting local autonomy can be expressed in different ways. 'We should stop waiting for others to help us. If we do not plan for our own future now, nobody else will.' 'Employment of ... [Dayak people] in urban areas is dependent on Chinese business. I always tell them that we ought to be independent. Start our own business as much as we can.'<sup>31</sup> However, the usual avenues for voicing expressions of local autonomy may not be available in the present context of local political development. Far from resisting centralisation through large plantations, the creation of land banks or registration, local elites in the Baram case are largely in favour of it. Local leaders who support *Konsep Baru* are expected to embrace the land development programme without question; any kind of questioning would risk official displeasure and being labelled 'anti-development', which in Malaysia bears a range of practical consequences. In the Baram it could mean being deprived of government largesse for an unspecified period, while in the Kanowit and Ulu Teru areas it could result in being cut off from the flow of information emanating from the administration regarding *Konsep Baru*, information crucial to informed decision-making among programme participants.<sup>32</sup> Strategies such as blockades of company roads continue to be employed as they were in the 1980s. As in the past, such actions have resulted in arrests of community members by law enforcement agents of the state.<sup>33</sup> Viewing themselves alone in defence of their livelihood and overcome by despair, some communities have even committed violence against company personnel.<sup>34</sup>

30 Quotations from interviews, Baram, May 2000.

31 Interviews, Baram, May 2000; the latter remarks are from a farmer turned community development worker.

32 Discussion of these scenarios is in Dimbab, 'Contradictions in land development', pp. 168-70, and Majid Cooke, 'Vulnerability, control and oil palm'; the latter mentions exceptional cases as well.

33 Several villages in the Baram area persistently put up resistance in the late 1990s. In 1997 Iban villagers in the Bakong area tried to prevent their land from being encroached upon by logging companies and met with police retaliation; one longhouse resident was killed and two were wounded; Abin, 'Plantations', pp. 21-2. Their grievances are currently going through the courts. Also in June 1997 at Sungei Bong, forty-two Iban villagers (including nine women) were arrested for putting up a blockade in their attempt to stop land surveying groups from entering their area (*ibid.*, p. 20). The Sungei Bong case was filed against the Land Consolidation and Development Authority, a parastatal organisation which has prime responsibility for plantation agriculture under *Konsep Baru*.

34 In 1999 newspapers in Sarawak were full of coverage of violence at Ulu Niah, where villagers killed four people and wounded three others. Villagers claimed that those killed or wounded were gangsters who had harassed them into submitting their land for oil palm plantations, whereas the plantation companies claimed that some of them were bona fide contractors. Newspaper accounts include 'Jangan belakang undang-undang: Mahmuddin', *Utusan Borneo*, 23 Sept. 1999; 'Refrain from escalating tensions: Dato Tiong', 'Niah slayings: Post mortem completed', and '18 suspects surrender peacefully', *Borneo Post*, 4 Sept. 1999; 'The aftermath of a bloody spree' and 'Adhere to law: Chin', *Borneo Post*, 3 Sept. 1999; 'Four killed, 2 injured in Niah clash', *Borneo Post*, 2 Sept. 1999.

### Counter-mapping, context and implications

Such violence, although well publicised, is actually rare. Less publicised is negotiation through the courts as a viable option to settle grievances and make claims to territory, and counter-maps have been used to provide legitimacy to the process. A key case that many longhouse residents talk about in deferential terms is that of Jok Jau Evong in 1987; a second is the Rumah Nor case of 2001.<sup>35</sup> This and the following sections will deal with arguments presented by native communities in the two court cases, looking at how maps are used and for what purpose, as well as what community maps mean to those involved in producing them.

Given the history of resistance in many parts of Sarawak, many lessons have been learnt by some communities about the usefulness or otherwise of 'story-lines', which are narratives of social reality that have different origins but when combined provide a common understanding about a phenomenon.<sup>36</sup> During the logging decades of the 1970s and 1980s, arguments about loss of livelihood provided a causal story that gave new meaning to the separate experiences of environmental degradation among native groups. This story-line did not work very well in the courts, though, because of the dominant view that selective logging was not expected to cause long-term destruction since forests regenerate while animals return to the forest patches and fish to rivers. Arguments about stewardship of the environment as advanced by or on behalf of the Penan in the 1980s might have found support with national and international NGOs, but worked only in so far as they enabled the Penan to enjoy special treatment, such as the declaration for the creation of a Penan Biosphere Reserve.<sup>37</sup> In practice, however, such arguments contributed little towards the recognition of prior access rights to land and forests.

Similarly, in the present 'developmentalist' era where an elite vision of globalisation points to the main form of Dayak livelihood (swiddening) as precarious, out-of-date, and out-of-sync with 'modern' Sarawak, thus making them vulnerable to being left behind, arguments about loss of livelihood as a result of customary land being converted to plantations may not work.<sup>38</sup> Given the fact that the perceived avenue for redress is shrinking in the public sphere, the courts are viewed as a viable way of correcting a wrong, even though the avenue they provide is very limited. As one Baram farmer

35 'Rumah' in Iban and Malay means 'house'. An Iban longhouse often carries the name of the headman, so that 'Rumah Nor' indicates a longhouse headed by *Tuai Rumah* (headman) Nor.

36 I borrow the term from Maarten Hajer's use of 'story-line' to describe the process by which a causal story accords new meanings to 'previously singular and unrelated events'; Maarten Hajer, *The politics of environmental discourse: Ecological modernization and the policy process* (Oxford: Clarendon Press, 1995), p. 64. Once accepted, story-lines allow different actors to expand their own understanding about a phenomena beyond the understanding normally accorded by their own expertise or experience (p. 63). Thus the story-line of pollution, for example, provides hunting and gathering communities such as the Penan with a new and (to them) acceptable way of viewing changes in their forest environments. Pollution also provides a new way of understanding reduced fish catches among those fishermen in sedentary Kayan and Iban communities. On resistance in Sarawak see Peter Brosius, 'Prior transcripts, divergent paths: Resistance and acquiescence to logging in Sarawak, East Malaysia', *CSSH*, 39, 3 (1997): 468-509; and Majid Cooke, *Challenge of sustainable forests*.

37 Peter Brosius, 'Green dots, pink hearts: Displacing politics from the Malaysian rain forest', *American Anthropologist*, 101, 1 (1999): 35-6; also see Majid Cooke, *Challenge of sustainable forests*.

38 Chief Minister Taib Mahmud said, 'We have to transform the rights to our land into much more tangible assets that can increase in value, that can be transferable, and that can fit into our system of trade and business. Otherwise we will be left out' (*Borneo Post*, 19 May 1999).

commented, 'it is true that government laws are generally good laws, but when they are applied wrongly we must correct it (*bikin betul*)'.<sup>39</sup>

### The Jok Jau Evong case

The intent to correct a wrong is clearly evident in many legal suits which have made their way through the court systems; a representative case is that of Jok Jau Evong, considered a landmark by communities of the Baram region in northern Sarawak since it marked the beginnings of a process of questioning of the government's forest management policy. In the 1987 case, the Kayan community of Uma Bawang questioned the validity of a government conservation map indicating the boundaries of the Lemiting Protected Forest, gazetted in 1951. They presented their own map showing that the forest contained some land over which they had established customary rights. They objected to being arrested for blockading logging roads that they claimed to be theirs by right of occupation. In the words of one of the plaintiffs, '*Bukan perintah yang duduk sini, kami orang yang duduk sini*' [It is we who live here, not the government]. In addition, they argued that the Protected Forest was formed without prior consultation.<sup>40</sup> In court, they objected to their land being logged and used as a link for access to forests located further in the interior.

The case was dismissed by the court on a technicality, namely that the communities had voiced their objections too late – more than thirty years after the formation of the Lemiting Protected Forest – rather than lodging them within the short timeframe stipulated in the Land Code (sixty days). However, many years after the court's decision was made, the protesting Kayan were compensated for illegal arrest, an action which they interpreted as a moral victory. More importantly, the Kayan 'brothers' have become a symbol of hope for many communities (including non-Kayan) who are now similarly engaged in defence of their livelihood and territory.

The annual *Bujang Berani* (Warriors' Day) celebration is one way for Dayak people to get together and gain strength from one another. The arrest of the forty-two Kayan men from Uma Bawang in October 1987 is now celebrated almost annually on this day. The ceremony is rotated among different districts in different longhouses to promote community spirit through participation in an event that is presented as a landmark. At these celebrations, the fact that after more than ten years of struggle the Kayan were awarded compensation for illegal arrests is always highlighted: 'We hope we can be as strong as our Kayan brothers.' Given the existence of strong ethnic boundaries, the fact that Iban or Bidayuh could look to a Kayan group for strength suggests the possibility of cooperative effort through an awareness of shared experience. Aside from Warriors' Day, at numerous small longhouse gatherings in northern Sarawak – numerous by reason of their many legal problems – communities often encourage each other by talking about their experiences. The themes vary but a commonality is often found as they talk about a defence of '*menoa*' (meaning something like 'boundary') (*mempertahankan hak kita, tanah atuk nenek kita* [to defend our rights and the land of our ancestors]).<sup>41</sup> An awareness of shared experience also means that what may previously have been regarded

39 Interview, June 2000.

40 Interviews, Baram, May 2000.

41 Field notes, October 1999. The quotation is from a remark made by an Iban at the 1999 *Bujang Berani* celebration.

as an individual problem experienced by individual longhouses can now be seen as a common social problem.

Although regarded as a moral victory, the case in fact did not achieve what Kayan plaintiffs were aiming at, namely an expansion of the meaning of 'occupation' under Section 5(2)(c) of the Sarawak Land Code.<sup>42</sup> This is a long process involving many voices and the process is ongoing, picked up by other communities and in different forums. Since the Jok Jau Evong case many more suits have been filed in court by native communities against plantation companies and state instrumentalities. Using the courts to settle disputes may no longer be a novel process, but the meanings attached to specific cases will be unique, given historical and economic factors.

### **The Rumah Nor case**

The Rumah Nor case has been regarded as a landmark in that for the first time, customary rights were upheld as a prior right based on common law and were not considered as dependent on land registration or titles for their recognition, nor could they be extinguished except by legislation. What has been less appreciated, however, is the way in which via maps *adat* was used to defend territory and confirm aspects of a way of life that are both considered 'traditional'. Such insight can only emerge through a close scrutiny of the 60-page judicial opinion made by the presiding judge, Justice Ian Chin, on 12 May 2001.<sup>43</sup>

The four plaintiffs in the case were residents of a longhouse headed by Tuai Rumah Nor, an Iban from the Sekabai River in Bintulu, Sarawak's Fourth Administrative Division. The Iban were suing the Borneo Pulp Plantation Sendirian Berhad, the Borneo Pulp & Paper Sendirian Berhad (hereinafter, both are referred for as BPP) and the Superintendent of Lands and Survey in Bintulu. The BPP had been issued titles to two parcels of land by the Land and Survey Department; the territory in question was claimed by BPP as state land (in line with maps produced by the Land and Survey Department) and by the Iban as their own land.

The corporations were sued because of alleged encroachment on land which the Iban claimed to be theirs based on customary rights; the disputed area measured 672 hectares. BPP was operating within a discourse that confined customary rights only to land under cultivation (*temuda*) and, moreover, only to land which had been cultivated prior to 1958. In the BPP's view, claims via customary rights have to be supported by proof of occupation and the burden of proof lies with the claimants themselves.

### **Tradition and authenticity**

In the Rumah Nor case the BPP's strategy was to dispute Iban claims by questioning the authenticity of their *adat* and even their very identity/ies. Part of this strategy was to question the validity of Iban claims to territory based on the activities of past ancestors, since Iban identities are now considered by BPP as tarnished because of alleged non-

42 The 1958 Sarawak Land Code Section 5(2) provides for six different ways of establishing customary rights: (a) the felling of virgin jungle and the occupation of the land thereby created; (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 shrines; (e) the use of land of any class for rights of way or (f) any other lawful method.

43 The Rumah Nor case (suit no. 22-28-99-1) was heard in the High Court of Sabah and Sarawak at Kuching by the presiding judge, Justice Ian Chin, on 12 May 2001. The judicial opinion was close to 60 pages in length, and different sections of the judgment are used liberally for this section of the article.

observance of certain 'traditional practices' by these same ancestors. Questioning of 'authenticity' is commonplace in identity politics everywhere as an exercise in essentialism, and has been observed as a mechanism for silencing 'the Other'. Dianne Fuss notes that exercises in cultural essentialism attributing authenticity to purely cultural traits can serve a dual purpose. If undertaken by dominant groups, essentialism serves as a powerful tool for ideological domination, while in the hands of subalterns it can represent a powerful tool for problematising normative arguments that provided the justification for their exploitation in the first place.<sup>44</sup> The language of *adat* used by BPP was turned by the Iban into an advantage, not a burden.

However, when maps are used as a tool for making claims based on *adat*, and given that *adat* itself undergoes processes of transformation, concern arises as to which of its elements are being presented in Court as uniquely local and unchanged. By extension, what kinds of rights are being claimed on these territories? Apart from inter-community effects, what implications do counter-maps have for intra-community relations such as gender? These questions have arisen in conjunction with the active involvement of non-government organisations (NGOs) in community mapping.<sup>45</sup> These are legitimate questions, but for various reasons, when the mapping process is taken in its larger context, they may carry less serious implications than initially appear on the surface.

In the Sarawak context being examined here, the legal narrowing of the 'rights' issue to authenticity of identity and lifestyle meant first of all that Iban avenues for response were severely curtailed in that arguments were confined to proving rights of citizenship via authenticity of *adat*, as will be discussed below. Moreover, while it is true that NGOs enable the production of community maps by making map-making technology available and accessible, in the Sarawak context local NGOs operate on shoestring budgets and generally maintain low profiles because of sanctions. This means that communities share a significant proportion of the cost of map-making, as is also the case if they decide to mount Court proceedings. By extension, communities themselves have to decide about the usefulness or otherwise of maps in terms of their costs and benefits to suit their specific needs at any given point in time. Clearly, community agency should not be underestimated in this instance. Finally, unlike other areas such as Kalimantan, community mapping in Sarawak has not gained favour in official circles.<sup>46</sup> If, despite sanctions and relatively heavy costs, map-making still persists, then this speaks of community agency rather than NGO efficiency. Moreover, the meanings attached to community maps are subject to individual creativity over which neither state nor non-state actors have full control.

In court, in line with specific provisions of the 1958 Land Code, communities engaged the judiciary in expanding the meaning of certain categories of rights. In particular, they focused on two recognised methods for claiming customary rights to land, namely categories (f) (through 'other lawful methods') and (c) (via 'occupation') of Section 5(2) of the Code. Both categories have been useful because of their vagueness, but there is room to deal with only one method here – 'occupation'. Although Rumah Nor was in possession of a boundary map drawn during the Brooke period to show that

44 See Dianne Fuss, *Essentially speaking* (New York: Routledge, 1989).

45 Eghenter, *Mapping peoples' forests* and Peluso, 'Whose woods'.

46 Majid Cooke, 'Non-governmental organizations'; on Kalimantan, see Eghenter, *Mapping peoples' forests*.



they had customary rights to the area, it did not seem to have been taken into account in official land-use planning in this instance. Community maps were therefore crucial for two reasons: establishing community boundaries (*garis menoa*) and proving that occupation of the territory claimed by the longhouse as theirs (their *pemakai menoa*) had taken place prior to 1958. The plaintiffs from Rumah Nor described how they used the services of a surveyor and walked with him to enable him to map their boundaries. Testimony from the surveyor in Court confirmed the use of procedures that have been used in community mapping elsewhere.<sup>47</sup> Using oral history and modern technology (Global Positioning System and Geographic Information System), community maps show local boundaries.

The Rumah Nor community map was drawn to provide evidence that the disputed area was well inside their longhouse territory (*pemakai menoa*). With the help of an 'unqualified surveyor', the Court was informed that the disputed area and the *pemakai menoa* had been traversed on foot by the surveyor and local residents, who recounted a history of events and activities as they walked. As a result, the Rumah Nor map incorporated landscapes and history that described the full array of livelihood activities engaged in by the present community and by their ancestors, over and above swidennning. In the minds of Iban plaintiffs testifying in the Rumah Nor case, their *pemakai menoa* contained not only cultivated land (*temuda*) but also land previously cultivated and then left fallow as part of the agricultural cycle, as well as preserved land (*pulau*) which could be communally or individually owned, normally used as a storehouse for collecting essential items, including timber for house and boat construction, and jungle products such as rattan and edibles. *Tembawai* – the sites of old longhouses prior to the communities settling in the current sites – were located and mapped as well. In sum, memory and use claims based on locally understood markers (fruit trees, *pulau*, *tembawai*, rivers and ridges) were translated into a sketch map, geocoded using GPS and presented in a cartographic form understood by map-makers.<sup>48</sup> These markers restored features that were left out of the map produced by the Land and Survey Department, whose work legitimised BPP's claims to the area.

The immediate task from the community's perspective was to demonstrate to the Court that contrary to BPP's view, their territory was not confined to *temuda* alone. They made strategic use of oral history to establish the issue of use rights prior to 1958, reviving memories of dead ancestors. The language of *adat* used by BPP was turned into an advantage rather than a burden, and maps provided a means for supporting *adat*-based territorial claims. If such claims were accepted in court, then territory labelled as 'state land' on official maps could be shown to be inaccurate and, by implication, as encroaching on land claimed under customary rights.

BPP challenged the legitimacy of these claims in court, beginning with the accuracy of the community maps. According to BPP, based on the map produced by the Land and Survey Department, the community were 'newcomers', having settled after 1958. Using

47 Peter Poole, *Indigenous peoples, mapping and biodiversity conservation* (Washington, DC: United States Agency for International Development/World Wildlife Fund/World Resources Institute, Peoples and Forests Program Discussion Paper, 1995). For experiences of community mapping in Indonesia see Frank Momberg *et al.*, *Drawing on local knowledge: A community mapping training manual, case studies from Indonesia* (Jakarta: Ford Foundation WWF Program, 1996).

48 For a clear description of the range of technologies that could be used for community mapping, including GPS, see Poole, *Indigenous peoples*.

aerial photography taken in 1951 and 1963, the Land and Survey maps showed the area first as covered by 'virgin' jungle and later (in 1963) as one small clearing in a largely forested area. The 'traditional' basis of the community's claims to disputed territory was also called into question. Since these claims were based on rights established by ancestral or 'traditional' practices, communities were asked to prove that the forms of 'traditional' usage were still being implemented by present-day occupants, failing which they would not be considered as 'authentic' Iban. In addition, in order to claim customary rights, and since the disputed area was situated many hours' walk away from the site of the present longhouse, they were asked to prove that the area in question had actually been used (occupied) by Iban ancestors.

The Court accepted the community map, however, declaring that a map produced by actual ground survey was bound to be more accurate than those produced through aerial photography more than thirty years ago. BPP's reservations about the accuracy of Rumah Nor's map were dismissed and the community's assertions about current and past practices were accepted without having to provide evidence that Iban were still living a 'traditional' lifestyle. Claims about current and past practices were accepted based on the presiding judge's understanding of a lifestyle that was centred along rivers, on constructions of landscapes where customary rights were established not only from clearing land for cultivation, but also from growing fruit trees, hunting and collecting forest products. In his words:

Sapit [a witness] ... gave evidence that the rivers Tajem and Anyie are two tributaries of the Sekabai River that fall within the *pemakai menoa* but he said there is no *temuda* at the upper reaches .... Those upper reaches are in the disputed area. He agreed that his ancestors fished on those rivers and hunted for animals and collected forest produce from the jungles there ... furthermore, the proximity of the present longhouse and of all the said *tembawai* to the disputed area definitely lend[s] support to those tributaries ... and the surrounding jungles having been accessed before for farming, for fishing, for hunting and for gathering of forest produce. There is also evidence that ... fruit trees [have been planted].

Based on such an understanding, the judge ruled that there was no need to prove that the lifestyles of the community's ancestors were still being practised by the present generation or that their ancestors had occupied the area under dispute:

All these support the Plaintiffs' assertion that they have farmed, fished and hunted in the disputed area ... If they have, I can see no reason why their ancestors could not have. After all, *there is no Sunday market in the jungle* ... where you can simply drop by to buy your meat, fish, vegetable and building materials. ... They live off the jungles.<sup>49</sup>

It is not appropriate here to assess the accuracy of this description of present-day Iban life. The important point to note is that the judge's pronouncement was one of those rare occasions when 'occupied' land was deemed to include land not presently inhabited or used for agriculture, reserved land (*pulau*) and land held in memory of past (ancestral) use. Such an acknowledgement constituted recognition of a valid system of subsistence and 'imagined' lifestyle. Beyond Rumah Nor and for Dayak communities

49 Justice Ian Chin, Judgment on the Rumah Nor case, p. 12; emphasis added.

generally, it was the culmination of years of working of the court system and other avenues and discourses.<sup>50</sup> The precedent carries far-ranging implications. Precisely in anticipation of these implications, official disapproval of community mapping reached its peak in September 2001 with the passing of the Land Surveyors Bill, which declared mapping an offence unless conducted by certified surveyors.<sup>51</sup>

### Counter-maps and their meaning

Until May 2001, when decisions surrounding the Rumah Nor case were made, victories gained in court were small and mainly involved illegal arrests rather than the recognition of prior rights. Actions by communities have continued even so, motivated by the view of the state as something impersonal and at times incomprehensible but whose recognition is important for the affirmation of rights. In this context, any small win in the courts is interpreted as a sign that the state affirms one's customary rights. 'Before, we could not argue against the company ... The company said we did not have rights (*hak*). After ten years the government (*perintah*) acknowledged that we have rights. This recognition [the compensation for illegal arrest awarded in the Jok Jau Evong case] means we have rights.' In another person's words:

Those from Uma Bawang who went to jail can look on the compensation as a victory. Perhaps the government has realised there is a wrong here somewhere .... That's why they gave us the incentive [the compensation].... This is why they deliberated (*mempertimbangkan*) on this case for a long time. After ten years the government acknowledged that we have rights.<sup>52</sup>

Maps, then, are being interpreted as signs of proof that Dayak are well-established citizens with rights recognised by the state:

When we stopped the company from working on our land, the District Officer came and asked for our map. We said, 'What's wrong, we are guarding our own land'. We produced our map. They produced a government map [*map perintah*, referring to the Brooke boundary map] and said to each other in English, 'They have the legal right to stay here, they are not new people [*bukan orang baru*].' They thought we did not understand English.<sup>53</sup>

For communities who do not have Brooke-era maps, community maps may be the one crucial piece of evidence they can muster to prove their rights of citizenship and for validation of those rights by the state. In such instances, these maps are being equated with a defence of territory. During a survey trip for community mapping in Sungei Bawang in Bintulu in October 1999, women commented to the author that 'we support the men's idea to map our land, because we don't want to lose it'.

For the residents of Rumah Nor, mapping is part of a larger process for the exercise of creative power. In using the court system, they affirmed that 'we did not want to go the

50 Attempts by Dayak communities to use international fora such as the International Tropical Timber Organisation are discussed in Majid Cooke, *Challenge of sustainable forests*; for an insight into international initiatives in human rights issues surrounding the Penan, see Brosius, 'Prior transcripts'.

51 *Borneo Wire* newsletter, Winter 2001, p. 6.

52 Interviews, Baram, May 2000.

53 Interview, Baram, October 1999.

violent route like what happened at Ulu Niah.<sup>54</sup> As testimony that the global is present in the local, women claimed that had they resorted to violence, their case would have been suppressed and known only within Malaysia, whereas winning a court case as Rumah Nor gave them an opportunity to create a precedent that could be known worldwide. 'We want the world to know, via the Internet [and] newspapers.' What would they have done had they lost the case? 'We had planned for that, too.'<sup>55</sup> Rumah Nor residents are now being inundated with requests from other troubled longhouses for help or opinions about how to proceed.

### Conclusion

Community mapping has emerged out of a realisation among native peoples in many parts of the world of the need to adopt a language using markers understood by planners. Such a realisation has found support in generalised interest in searching for alternative development approaches, and in rethinking the theory and practice of development.<sup>56</sup> Community mapping has different effects in different countries. In Sarawak, it has been used with some success in court, in conjunction with advancing claims to territory and expanding the meaning of 'occupation' in the legal context. By exploring the process of community mapping, this article has outlined the agency involved in local attempts at claiming rights to land and particular lifestyle(s), showing how such agency is built on manoeuvring room. The latter, however, is itself constrained by local political alignments and interests as well as by the intricacies of the legal system. The use of *adat* by communities is propelled by a need to respond to legal complexities in a language that may be easily understood by the parties involved. It could be that, as Tania Li has argued, the room to manoeuvre provides the space for only one voice to be heard.<sup>57</sup> By recognising manoeuvrability and constraints, the article has avoided valorising or condemning those who dare negotiate the system via a language that is comprehensible to 'outsiders' for staking a claim to territory and rights as citizens.

That the claims to customary and citizenship rights have found a hearing in the judicial system may prove the communities right in making a headway by exploring a 'peaceful' rather than a violent means of making their claims heard. The question is whether Dayak attempts at being heard have found affinity in institutions of Sarawak life than the courts, such as the educational system, planning bodies and think-tanks. How creativity might be or is being exercised in these institutions is an invitation for future research.

54 Interviews with women farmers, Bintulu, August 2002; the Ulu Niah case is mentioned in an earlier footnote.

55 Interviews with women farmers, Bintulu, August 2002; the case is now being appealed to a higher court, and is causing the community some anxiety.

56 John Brohman, *Popular development, rethinking the theory and practice of development* (Oxford: Blackwell Publishers, 1996); Fadzilah Majid Cooke, 'Whither social sustainability? development in East Malaysia in the post-logging era' (manuscript in preparation).

57 Li, 'Articulating indigenous identity', pp. 149-79.